WHO IS *THE* GOOD CITIZEN?

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In the summer of 1790, when the leaders of the Jewish synagogue in Newport, Rhode Island, grew anxious about their future under the new American Constitution, the first president of the United States, George Washington, wrote to assure them that the new federal Constitution and the government it had created "gives to bigotry no sanction, to persecution no assistance," and "requires only that they who live under its protection should demean themselves as good citizens."[1] Easy enough in 1790; but what, we wonder, makes someone a *good citizen* today? It was the first concern of Washington's generation that schools at every level be the shapers of that *good citizen*, for in a democracy, all the authority for government lies in their hands. And so the new republic's earliest school textbooks, like Noah Webster's *Little Reader's Assistant* in 1798, were filled with a "number of stories, mostly taken from the history of America, and adorned with…a short and easy explanation of the Constitution of the United States" in which "the great principles of liberty, and of the federal government, are laid down and explained." Elhanan Winchester's *Plain Political Catechism* in 1796 took as the "marks" by which "a good government" can be "known and judged of" were its care and effort "to give instruction to all citizens, especially youth," in how to be "virtuous, useful and happy." And even a century later, a president of Yale scoffed at any attempt to measure college degrees "solely by their commercial value," and rebuked any form of higher education that "does not educate" the student "to be a fully developed citizen of a commonwealth."[2]

Yet, the link between education and citizenship is precisely the wheel which seems to have come off our public life. Little more than a year ago, I was sitting in a large-scale conference, hearing two governors extol the strengths and attractions of their state university systems. They were proud to point to the number of nurses, teachers, engineers, accountants, even landscape architects produced by their state systems of higher education. But, slumped in my chair, I thought, *are we not missing something? What about producing* CITIZENS? And the darker thought came to me, *that there is a pursuit of knowledge that falls short of wisdom, and a pursuit of information that falls short of knowledge*. And in that falling-short, can we expect anything like a *citizen* to emerge?

Americans of the republic's first generation – Washington, Winchester, Webster – understood that the gem of a democracy is the *citizen*, and they demonstrated that understanding in a way we do not often notice in our Constitution. I have occasionally asked my students, *what moment, as you read the Constitution, speaks in the most important way to you*? Sometimes, the answer is, the preamble: *We the People*

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[1] Washington to the Hebrew Congregation in Newport, Rhode Island (August 18, 1790), *The Papers of George Washington, Presidential Series*, ed. M. Mastromarino (Charlottesville: University Press of Virginia, 1996), 6:285.

[2] Noah Webster, *The Little Reader's Assistant* (Northampton, MA: William Butler, 1798), title-page; Elhanan Winchester, *A Plain Political Catechism, Intended For the Use of Schools, in the United States of America* (Greenfield, MA: T. Dickman, 1796), A2, 16-17; Arthur Twining Hadley, *The Education of the American Citizen* (New York: Scribner's, 1902), 166.

of the United States, in Order to form a more perfect Union; sometimes it is the cluster of rights gathered in the first amendment, where *no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press* is allowed. But when they turn the question back to me, I respond with an under-appreciated statement in Article 1, section 9: *No Title of Nobility shall be granted by the United States*. In the American experiment, there is no other title except *citizen*; everything else, from *president* on down, is temporary and instrumental. *Citizen* remains the first and permanent title of every American.

Today, the challenges of the fractured and violent politics of our times have forced us once again to consider the great question of the *citizen*, and with it the golden words that run through those old textbooks: *freedom, liberty, consent, choice, equality, rights, representation, law*. We hear this question of the *citizen* in place after place, in college after college, in university after university. And if those two governors are any indication, we need to hear it more.

Who, then, are the good citizens Washington had in mind in 1790? First, they are those who have learned to govern themselves, who have subordinated their impulses and their desires to the achievement of self-control. If, as the forty-ninth of the *Federalist Papers* said in 1788, "reason alone …ought to control, and regulate the government," then reason must act first to control and regulate the individual. "The pillars of the temple of liberty," said Abraham Lincoln in 1838, must be "hewn from the solid quarry of sober reason," and Alexis de Tocqueville was impressed by the American determination "to seek the reason for things by themselves and in themselves alone."[3]

Today, we have to convince ourselves that we even know what self-government is: we live in an age of so much cheap abundance, and so cheaply accessed and acquired, that reason seems unnecessary and it is hard to imagine why we should bother to control ourselves. The click of a keyboard, the ease of the apps, and the coy appeal of the screen all conspire to assure us that reason is *really* faint-heartedness, *really* a failure to live in the moment, *really* too much care for consequences.

But *consequences* is simply another word for *the future*, and people who have no care for consequences are those who throw their futures to the winds; and they are encouraged to do so, because people with no concern for the future are people who can be *managed*, and who will, in fact, beg to be managed. They become *subjects*, not citizens. Self-control, at its root, is an exercise of "intellectual privacy," and it is a sad measure of the degree to which we are lured into the uncontrolled life that government responds with ever-increasing amounts of unrestricted surveillance.[4]

The self-controlled citizen becomes – and here is a second characteristic identified by Lincoln in 1838 – a creator and respecter of *law*, for in a democracy, laws are boundaries that we apply equally to ourselves and to others because those laws satisfy the demands of reason. I do not mean by this merely the vast assembly of rules and regulations that govern sidewalk set-backs, or which side of the road we may drive on, or whether we may drive at all. I mean, rather, *law* as the self-control that a society *as a whole* imposes on itself, likewise guided by reason.

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[3] James Madison, "No. 49," *The Federalist*, eds. G. Carey & J. McClellan (Indianapolis: Liberty Fund, 2001), 264; Lincoln, "The Perpetuation of Our Political Institutions" (January 21, 1838), *The Political Writings of Abraham Lincoln*, ed. ACG (Cambridge University Press, 2026), 44. Alexis de Tocqueville thought that Americans were so "grave, serious, solemn" that it would not be difficult to think that the United States "had been created to become the domain of the intellect." Tocqueville, *Democracy in America*, eds. H. Mansfield & D. Winthrop (Chicago: University of Chicago Press, 2000), 22, 403.

[4] Neil M. Richards, "Intellectual Privacy," *Texas Law Review* 87 (March 2008), 387.

I don't think I have to offer much in the way of proof for the modern erosion of faith in law; a 2024 Gallup survey saw American confidence in laws and courts decline to just 35% of those polled.[5] Don't assume that this decline is fueled entirely by some sudden, disenchanting discovery that American laws are mere facades. (Andrew Jackson said something to *that* same effect when he vetoed the Congressional legislation to renew the charter of the Second Bank of the United States *in 1832*, so we may say that resistance of that sort in America has been around for quite a while).

Instead, more of the current collapse of confidence in law derives from the increasing withdrawal of citizens from making it. The Constitution, as it was ratified in 1788, is only 4400 words in length; yet, in a Marquette University Law School poll in October 2019, only 43% of those polled could claim to have "read the entire Constitution, either in school or on your own."[6] Whether from sheer cultural distraction, or from fear of the complexity of an over-regulated legal environment, Americans have come to see their own laws, and the making of laws, as something alien to their experience. And if *that* is not a failure of citizenship, and the citizens by their educators and the law-makers, then I am at a loss to say what else it could be.

Finally, it's worth remembering that Lincoln also appealed in 1838 to a "sound morality" as a requisite for citizens. Morality can have many sources, both as a general cultural assumption and as a code of individual behavior. But it is intimately linked to the need for self-control and the respect for law; for what else is morality except the systems of obligation by which we control our own behavior, and by which we agree to limit ourselves generally. "Happiness and usefulness," wrote Archibald Alexander, the third president of Hampden-Sydney College, "depend very much on the character of…habits," and "virtuous habits" (such as "industry, temperance, kindness, veracity, diligence, honesty") are formed by "the strength of moral principles." People do not get those principles merely by obeying authority, in the manner of Thomas Hobbes, or by seeking flattery, as they did in Bernard de Mandeville, but by understanding what reason will tell them about the best source of "happiness," and that, wrote Alexander, lies in whatever "does not infringe on the rights of others, has nothing evil in it, but is approved by every impartial mind.[7]

Who, then, is the "good citizen"? In a democracy, a citizen is someone who understands the laws, is guided by reason and self-restraint, and participates in governance itself. And that, in a democracy, must be *you*. Take as your lifelong tutors Aristotle and Cicero, Hamilton and Havel, Montesquieu and Locke, and yes, John Hampden and Algernon Sidney. Turn to the examples and the sacrifices of Washington and Lincoln, of Douglass and King, of Stanton and Anthony, of Mark Twain and Charles Ives as your guides to discovering those unalienable rights which are the gift of the Creator to every man, woman and child. Reach out with one hand to every American who wonders what they must know and do to be that *good citizen*, and with the other in shared mission with each other as graduates of this remarkable College; and stand as beacons of the American future, a future all Americans can share, where there will be but one title, and one aspiration, that of CITIZEN.

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[5] Benedict Vigers & Lydia Saad, "Americans Pass Judgment on Their Courts," *Gallup News* (December 17, 2024) -- https://news.gallup.com/poll/653897/americans-pass-judgment-courts.aspx.

[6] "Marquette Law School Supreme Court Survey" (2019), 3 -- https://law.marquette.edu/poll/wp-content/uploads/2019/10/MULawSC2019Toplines.pdf

[7] Alexander, *Outlines of Moral Science* (New York: Scribners, 1852), 156-8, 164-165.