

Reconstructing Citizenship for the Twenty-first Century

An interview with Bruce Ackerman

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A world-famous legal scholar, Bruce Ackerman wants to reinvigorate citizenship in today's democracies. Here, he reexamines the intellectual foundations of his work, and some of the pragmatic applications he designed with others. His principle is to always consider how the state intervenes in the autobiography of every man.

The Enlightenment for Today

Books and Ideas: You are a scholar who has done major work on the U.S. constitution, also on the French constitutions. What do these traditions have to tell us on how we could renew citizenship today?

Bruce Ackerman: My view of the American constitution is that we've had three constitutions, not one. We've had what I call the constitution of the First Republic, from 1789 to the Civil War. The First Republic ends in failure and the worst conflict in the West between 1815 and 1914. The Second Republic begins with fundamental constitutional amendments. For the first time America is a nation. And this is a republic very similar to the Third Republic in France, one based on liberal nationalism (by liberal I don't mean 20th-century liberal, I mean 19th-century liberal). Both republics end at about the same time. We have the New Deal Republic of Franklin Delano Roosevelt, with the legitimation of the activist welfare state. And we have the Fourth Republic after the war. We can't just look at constitutions as pieces of paper. We have to look at them as institutional regimes with animating principles—or at least, that's my approach. The French and American revolutionary republics that begin at the same time in the late 18th century are very similar in their basic aspirations—and quite different

from the constitutions of England and Germany, for example.¹ The Franco-American tradition of liberal republicanism begins with a commitment to equal citizenship. The question before us is whether we can create, for our time, institutions which will invite ordinary people to sustain this liberal republican project by engaging in the practice of equal citizenship in a meaningful way. This has been a central motif of a number of projects of mine.

The problem is that the left today makes no effort to speak in a language that ordinary citizens understand. Let's take an idea, a good idea: the Tobin tax. Nobody is going to understand it. We have plenty of technocratic ideas unintelligible to 99% of the population. This is not going to inspire the next generation to take seriously the central inheritance of the Enlightenment and the French and American revolutions, which is the idea of equal citizenship. People don't think of themselves as citizens, except when they want to get back into the EU or France, and show their passport to the customs agent. Citizenship is just a valuable commodity, that's all it is.

Books and Ideas: You have developed these ideas in several books written in collaboration with other scholars. What's the common thread between them?

Bruce Ackerman: I'm a lucky fellow. I was a poor kid from the Bronx, my father was a tailor. My great ability was that I did well on tests. I graduated from Harvard College and Yale Law School, which I left at 24 with a second bachelor's degree. I worked for a couple of judges, one at the Supreme Court of the United States. At 26, I got a job at the University of Pennsylvania. At 28, my wife (now also a professor at Yale) and I came to New Haven as visitors and Yale Law School offered me a professorship—those were the days when American law schools followed British practice of dispensing with the requirement of a doctorate, and hiring people just because the faculty thought that they were clever. I thought it was a good idea at the time! So we settled down. Over my lifetime, I've had three or four projects. One is related to constitutionalism; another develops a liberal philosophy of justice for the modern state,² and a third seeks to revive the liberal republican ideal of equal citizenship. I'm an unembarrassed member of the Enlightenment and I want to redeem these

¹ See Bruce Ackerman, *Au Nom du Peuple*, Paris: Calman-Levy, 1998; Bruce Ackerman, *The Decline and Fall of the American Republic*, Cambridge, Mass.: Belknap Press of Harvard University Press, 2010.

² Bruce Ackerman, *Social Justice in the Liberal State*, New Haven: Yale University Press, 1980.

ideas: constitutionalism, liberal justice and real-world citizenship. Frankly, this is simply the retrospective musings of an old guy, trying to impose order on his intellectual life. The fact is that I had a few ideas, I worked on them, and nobody stopped me!

Citizenship for People Who Have their Own Lives to Live

Books and Ideas: Let's take *Deliberation Day*,³ one of the books in which you advocate for a more deliberative democracy. What is it about?

Bruce Ackerman: What is active citizenship? A social relation. We talk to each other as friends, as workers. But do we talk to each other as citizens? Where? When do we identify one another as citizens? The answer is: not very often. We go to the polls. The French Socialists just had a primary, and people said: "Look at that! It's much more successful than we thought". What was the mark of its success? People actually paid a euro as a token of citizenship. Amazing! One of the things that run through this book is the effort to create institutions which invite people (not compel them) to engage with one another as citizens. I am not looking in this romantic way to have people put their togas on and become Athenian citizens. I'm not looking for Rousseau's ideas of the Spartan mother who says: "Either come back to me with a dead enemy or come back with your head on your armor." We are talking about liberal republicanism. People have their own lives to live. They get divorced, they make mistakes, they have to get money. But can they also be citizens? That's the idea behind *Deliberation Day*, which is based on thirty years of collaboration with my good friend and colleague who teaches at Stanford, James Fishkin.

What we do is deliberative polls. We have done this 75 times over the last 15 or 20 years in countries from Bulgaria to the U.S. to Australia, Britain, the EU, China; but not France—it would be great to have one in France. For example, we did two early ones in Britain, in 1994 and 1995, on whether Britain should be closer to Europe or away from it. We take a random sample of 300-400 people stratified by region, gender, income, and we send a professional interviewer to their homes: "Congratulations! You are invited to Manchester to participate in a day and a half of deliberation. We are going to give you an hour-and-a-half or two-hour interview to determine what you know and what your position is on this issue. Is England already too close to the EU? Should it get closer?" Then we send them a briefing book (now

³ Bruce Ackerman and James Fishkin, *Deliberation Day*, New Haven: Yale University Press, 2004.

it's a movie) where both sides of the debate have equal chances to put together material for them to read. The participants then come to Manchester. Fishkin is a great entrepreneur. He gets Channel 4, the newspapers to cover the proceedings. Tony Blair argues on the one side, and somebody else on the other side—big names. They present both sides for an hour, an hour and a half. Then people go from the plenary session into little groups of fifteen and ask themselves: “What questions did the speakers fail to consider adequately?” They list them and then go to another plenary session. An arbitrator announces the questions from each group, and the speakers respond. After the lunch break, the participants go and talk again. Then we give them the same questionnaire we gave them at their homes, and compare their responses. Scientific analysis of the “before and after” questionnaires establishes that deliberation really makes a difference.

In two-thirds to three-quarters of the replies, there is a statistically significant increase of the participants' knowledge of the issues, independent of education. Before the deliberative poll, there is almost a universal law: 10% of the population knows a lot; 30 to 40% knows nothing about anything; and then there's a curve. But after, there are big information gains! And education is not a statistically significant variable on the information gain—in part because the most educated know the most. The upper class, as you would expect, talk more, and authoritatively, but it's not as bad as you might imagine. Everybody talks, and learns a lot. When asked “On a scale of 1 to 5, are you now: strongly for Europe; against it; in the middle?” 40% of the population moves at least one unit. Not because of a radical transformation of their basic values but because they learned something and they have talked to other people about the options facing the country. The net change of course is less than the gross change, because people are cancelling each other out. But it's sometimes 15%, very frequently 5 to 10.

We now say, on the basis of this: let's have a national holiday, Deliberation Day, where everyone is invited to participate in this kind of process, in local centers throughout the nation. The only difference with the experimental deliberation days would be that at the end, citizens wouldn't be asked to state their opinions. Just a “thank you very much for a day of citizenship.” How would this change elections? It would make the issues more important. It would put elected officials on notice that they would be answerable to the citizenry on the next deliberation day. As people would leave deliberation days, all the media would have exit polls. People would think: “Sarkozy has gone down 7 points because people didn't think that

he had any good idea,” or “Hollande had nothing to say.” This would not be the only factor influencing the election results, but it would be the right one. This would also affect who would be nominated.

Books and Ideas: In your projects to reinvigorate citizenship, you have gone even further and recommended that the state pay its citizens to increase participation.

Bruce Ackerman: We recommended that everyone who shows up at Deliberation Day should get 150 dollars as a citizenship payment, as lay assessors get paid today. This is different but related to all of these Grenelle—I’m in favor of these experiments in citizenship participation—in that it’s related directly to the process of political will formulation. That is key if we want a more developed sense of citizenship where people can feel: “I can understand things and my opinions actually count when the time comes to select our governors.” This also the theme that animates a second book of mine.

Micro-contexts of Citizenship Sovereignty

Books and Ideas: In this second set of projects, you want to “use markets for citizenship sovereignty.” What does that mean?

Bruce Ackerman: It means not contenting ourselves with consumer sovereignty, as economists understand the term. I want to use the decentralizing features of market to enhance citizenship. Let’s take as an example the imminent destruction of the business model that has newspapers and magazines for the past two centuries (I know that *France-Soir* just went out of business). How do we support serious journalism, given the Internet, where you can copy everything for free? Use a market-like system. That’s the idea behind what I call The National Endowment for Journalism.⁴ It goes this way: any group of reporters can register at the National Endowment for Journalism so long as they have an insurance policy against defamation. You have to convince an insurance company that you have an editorial function. The Internet has every potential to be a post-modernist nightmare where bloggers can lie at will, or if someone says three dirty words on You-Tube, he’s killed. This is garbage. There are a lot of good things about the Internet, but serious journalism is not presently one of them.

⁴ See Bruce Ackerman, “Using the Internet to Save Journalism from the Internet,” in Axel Gosseries & Yonnick Vanderborght, *Arguing About Justice: Essays for Philippe Van Parijs*, Louvain-la-Neuve, Presses universitaires de Louvain, 2010; Bruce Ackerman, *The Decline and Fall of the American Republic*, supra n. 1.

But things would change under the Endowment. Once a group of reporters register, they start writing stories. Every story goes out to all the news aggregators on the internet. You read it. At the end of the article is a question: did this story improve your understanding of the issues as a citizens?

Here is where the new business model comes in, creating a new micro-context of citizenship. If you say yes, you need to waste 30 seconds, to convince the computer that you are not a computer, but a human. It's a waste of time of course—except if you are a citizen, and are willing to contribute your time for the public good. Your click goes to the National Endowment for Journalism which gives out money to the journalists based on the number of clicks. That's it. It means serious journalists will have to gather together, because some of the reporters will spend three months exploring something and find nothing. Others will find a thing that will generate 2 million clicks. This is a risk-pooling operation, which is what an old newspaper was.

This will be the professional journalism of the future, without censorship or state control. The BBC-kind of institution is fine, but only if it's one institution among many. If it monopolizes professional journalism, it's terrible. Think of Berlusconi's Italy—that's where we're headed if the old business model dies and the National Endowment doesn't take its place. Decentralization is key. In English *The New York Times* will survive, because there are so many English-language readers that the advertising model will work. But for France, or Germany, Poland, or Holland, there are simply not enough eyeballs. This is what's killing the business. *The New York Times* doesn't care about France—or only a little bit. But the French care about France, for good reasons. So we need a mechanism that will be liberal republican (without authoritarianism and manipulation of centralized media); and also a market-like system that gives people a sense that they are, if only 40 seconds a day, citizens. That's forty seconds more than we spend today.

Generating Millions of Conversations

A similar aspiration inspires *Voting With Dollars*,⁵ a book which I wrote with Ian Ayres. The proposal goes like this: when you get registered as a voter, you can use the

⁵ Bruce Ackerman and Ian Ayres, *Voting with Dollars: a New Paradigm for Campaign Finance*, New Haven: Yale University Press, 2002.

Internet to open a special account on your normal credit card. This will give you 50 “citizenship euros.” You can send them to any party or candidate that you want. That’s the only use you can make of these “patriot dollars,” as I call them in the book. The French system of party finance gives money to parties depending on how many votes their candidate received at the last election. With “citizenship euros,” political parties have to go out and convince the voters to support them *now*. Parties of course will go out and try to pick the pockets of the voters by having block parties and so on—this will generate millions of conversations in which ordinary people will take their citizenship seriously as they talk about which candidate or party should get their 50 euros. What if someone says, “Don’t give it to anybody, they are just crooks”? Fine, no one is forcing you to give the money—just like no one forces you to go to Deliberation Day or to send clicks to the National Endowment. Again, we are using the market, but to generate millions of conversations. None of these ideas are too heroic. In the “voting with dollars” scenario, you’ll spend an hour at a café talking about how to spend your citizenship euros while watching soccer on the television. I’m not suggesting we create the new Soviet Man or the Classical Athenian. But I *am* looking for inviting people to make citizenship a part of their ordinary lives, in a way that we don’t now. All of these mechanisms—Deliberation Day, the National Endowment for Journalism and Voting with Dollars—are relatively cheap, and quite practical. We interviewed the credit card companies: they would love to have “voting with dollars!” It’s just another profit opportunity for them.

We almost had a deliberation day in the UK in 2005—until the French let us down. Tony Blair was committed to have a referendum on the treaty constitution with the EU, although he didn’t want to do it. Deliberation Day in Britain was meant to counter the influence of the Murdoch press, which was trying to kill the European treaty. We had our data from 1994-1995, when Blair participated; he had seen the difference it had made: 45% for the EU before, 58% after. There’s a difference between 49 and 51% in referenda! But then the French rejected the treaty, making a British referendum unnecessary. Before the French rejection, we were getting down to serious planning. I met with people of the Planning office in the Prime minister’s office. We considered problems like those which would arise in assigning people to deliberative centers throughout the nation. Somebody had the bright idea of adapting British Airways software to solve the problem. After all, the airline’s computers use very sophisticated programs for providing flyers with reservations on particular flights. This is basically the same problem as permitting citizens to reserve a place at a particular center on Deliberation Day. It’s doable and the cost isn’t very big: in the U.S., if there were a

30-40% turnout, the entire operation would cost about 4 billion dollars— almost nothing, especially if you only do it every four or five years for presidential elections. But the new holiday would have a catalytic effect. Not only would citizens talk to one another on the issues, but they would go back to work the next morning and talk about it—involving many others in millions more citizenship-conversations. Similarly, if every American voter used his or her patriot dollars in the next presidential election, that would add up to 7 billion dollars, and it would overwhelm the plutocratic money that is such a problem in the U.S. In France, the cost of a similar program would be much less.

Books and Ideas: In *The Stakeholder Society*,⁶ the numbers are not so small. This is another project of yours that has attracted the attention of the Labour government under Tony Blair. Can you explain its central concept, citizenship inheritance?

Bruce Ackerman: I wrote this book with a friend of mine, Anne Alstott, who is a brilliant public finance professor at the Yale Law School. It proposes a citizenship inheritance: every American who passes a national high school exam—testing minimal competence, not capacity for admission to the *Grandes Écoles*—gets a citizenship inheritance as a young adult of 80,000 dollars (what year to do it is for you to decide). We published this book in 1998 and Ann has now recalculated the numbers for 2008. The Federal Reserve has great numbers on the distribution of wealth. Income distribution is very unequal in the United States, but wealth distribution is even more unequal. If we assess a 2% annual wealth tax on the top 3% of American households (two grown-ups with more than 1.6 millions dollars of real wealth) and we assume tax evasion of 25 to 30%, we have enough to fund an 80,000-dollar citizenship inheritance for every American, 3.7 million every year.

Tony Blair adopted this idea in 2002, after his second election, and called it the Child Trust Fund, baby bonds. Of course, he didn't propose an inheritance of 80,000 dollars. But the Labour government did provide every child with a "baby bond" at birth. If you were in the bottom third, the initial sum was 500 pounds; above, 250 pounds. There were also plans to add 500/250 pounds to each account when the child was seven, then when you were 12. It would accumulate with interest, at the end you would get maybe 8,000 dollars—not 80,000, but still, the idea was the same. Tony Blair arranged it brilliantly: he would get the vote of the

⁶ Bruce Ackerman, Anne Alstott, *The Stakeholder Society*, New Haven: Yale University Press, 1999.

grateful parents, and the first baby bond would be due in 18 years— to me it was too early: the money should be given in the early twenties, unless you go to university at an earlier age. But I leave the details of the proposal open for debate: you can play with it many, many ways. The big point is that Blair’s initiative was a big success. The intellectual leader here was Professor Julian Le Grand at the London School of Economics; a year after our book came out, he wrote a pamphlet, with David Nissan, for the Fabian Society called: “A Capital Idea”⁷—very British, and the idea took off. But unfortunately, the program has just been killed by the Cameron government, as a cost-cutting measure. So the British now are in a rather odd situation: if you are a British baby born between 2003 and 2011, you get to keep your citizenship inheritance—but you don’t get one if you were born after January 1 2011!

Really, the first person who had this idea was Thomas Paine who wrote it in a letter to the Directoire in 1796 or 1797. There also was a group of liberal republican French thinkers of the first 30-40 years of the 19th century who advocated the idea too. They were attacked by Marx, who thought property was the problem, and they said that citizenship inheritance was the solution! Bernard Berteloot wrote a book in French on this proposal,⁸ and it has deeper roots in France than anywhere else. As Paine explained to the Directoire, citizenship inheritance is a way of fulfilling the revolutionary ideal of equal citizenship by providing each citizen with a fair start in life.

The real beneficiaries of the stakeholder society are the ones we used to call the working class. You have to consider how the state intervenes in the autobiography of every man. Every man is born and the state intervenes through universal education. Then every man leaves school. If you do so at 16, you go into the workforce. If you do so at 32, after three *doctorats*, you go into the workforce. Of course, the state throws much more money at you if you get your third doctorate at the age of 32. Then you retire, and the state throws money at you by way of cash and health. I say we should have four phases in the biography of every man. First, he’s educated. Second, he’s a young adult. That’s when he should inherit from the next generation. I’m not against family inheritance, but citizen inheritance is also fundamental, and it should come at the moment that people are shaping their lives, as they begin work as a young adult.

⁷ David Nissan and Julian Le Grand, “A Capital Idea,” *Fabian Society Policy Report* 49, February 2000.

⁸ Bernard Berteloot, *Un capital: de l’État redistributeur à l’État prêteur*, Christian /Jas, 1996.

The Dignity of Working-Class Young Adults

Right now, youth proceeds in two stages—there is a period of hedonism at school that's followed by a period of desperation when people go into the workforce. If their boss is a jerk, they have to live with it. They can't say "I quit" without severe economic sacrifice, especially in this economy. But if you have 80,000 dollars, you can have a buffer. The fundamental notion is that there is a phase in life that is called young adulthood, and that those who are really going to be damaged in this crisis are the young uneducated. The young educated are having a hard time, but the uneducated have a terrible time, and they are going to have a worst time in a globalized competitive marketplace. This 80,000 dollars is not a panacea—I'm not in the panacea business. But there's a big difference between 80,000 dollars and zero.

Of course, there will be people who, upon getting their 80,000 dollars or their four annual payments of 20,000 dollars, will go to Nepal—especially with the first payment; is that a waste of money? I don't know. Some will buy drug or lose their \$80,000 at Monte Carlo. But consider that some young adults go to university today and waste huge amounts of taxpayer money doing nothing. It isn't as if this doesn't happen. It just happens to the upper classes, so nobody complains about it. The key beneficiaries of citizenship inheritance will be the working classes. Their stake will give them the capacity to walk around with a certain kind of dignity. Some will waste their inheritance. But most poor people know the value of money. It's the children of the upper classes who don't. The fact that some will waste their money in irresponsible activity should not be a reason to deny a stake to the vast majority who will use it in sensible ways. But obviously, the right-wing press will publicize the extreme cases of irresponsibility creating a political vulnerability. Interestingly, when the Labour government instituted its version of citizenship inheritance, there was a big debate regarding the amount of government control over the way young adults will spend their money—but at the end of the day, they choose to give each citizen full freedom. Under my proposal, each citizen has to pass a minimal educational exam to establish his competence. Every *lycée* will have a new course on how to manage your estate, and that stock-brokers cannot still your money from you. There will be a lot of adaptation, trial and error, as institutions try to educate the next generation in the responsible exercise of freedom. There's nothing wrong with that.

So the Left Speaks to Identity

If you put all of these proposals together, what's happening? We are creating a series of micro-contexts in which ordinary people gain a sense of efficacy as citizens. Citizens will be going to deliberation day, giving money to the candidate of their choice, supporting good journalism on the Internet by spending a few seconds clicking their approval to the new National Endowment. And of course, their citizenship inheritance will give them a new sense of self-determination as they start out their working lives—as well as a sense that citizenship is a core element of their identity. I am for markets, for property—the challenge is to link the market to the exercise of citizenship. Citizenship inheritance represents the universalization of private property—but to emphasize its relationship to justice, I would combine it symbolically with the wealth tax. The basic idea is that the big market winners in one generation should contribute to a fair starting point for all citizens of the next generation. But of course, citizenship in the twenty-first century is a good deal more complicated than citizenship in earlier eras. Frenchmen are no longer citizens of France, but citizens of Europe as well. The structure of each citizen's stake should reflect this new complexity. Part of his inheritance should be funded by a wealth tax on his fellow nationals; but part should be funded on a European level—perhaps by a Tobin tax. But enough details.⁹ Let's conclude with my basic claim: progressives must move beyond technocratic solutions to economic problems and reconstruct the social and political foundations for citizenship in the twenty-first century. Otherwise, only right-wing nationalist crazies will speak to ordinary people in a language they can understand. If the economic crisis goes on, which is likely, and the left has nothing but clever technocratic ideas like the Tobin tax, then we are going to lose the political struggle to the right-wing crazies.

Published in booksandideas.net 5 March 2012.

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⁹ For further discussion of the European dimension, see Bruce Ackerman, "Hope and Fear in Constitutional Law, in Erikson," in Fossum & Menendez eds., *A Constitution for Europe*, Routledge, 2004.

