



## CHAPTER I

---

---

### *INTRODUCTION*

IN 1814 ONE OF THE founding figures of European liberalism, Benjamin Constant, published what was to become his most influential book on politics, *De l'esprit de conquête et de l'usurpation*.<sup>1</sup> In it he distinguished sharply between the “private existence” of members of a modern society and their “public existence.” “Private existence” referred to the family and the intimate circle of personal friends, the spheres of individual work and the consumption of goods, and the realm of individual beliefs and preferences; “public existence”<sup>2</sup> designated action in the world of politics. For a variety of historical, economic, and social reasons, Constant thought, the “private” sphere had come in the modern world to be the source of especially vivid pleasures, and the locus for the instantiation of especially deep and important human values. In the small self-governing city-states of antiquity the sphere of private production was tedious and laborious—an endless backbreaking round of agricul-

tural activity—and that of consumption underdeveloped. On the other hand, the political power of ancient democratic assemblies was virtually unlimited; in principle, such an assembly could regulate anything. All private actions, including even such things as how the citizens chose their occupation or their marriage partner, how they educated their children, or what type of crockery they had on their tables, could in principle be, and often in fact were, subject to severe public scrutiny and control.<sup>3</sup> This power was also exercised by the citizens in assembly directly, and gave rise to a keen experience of pleasure (and pride) which surpassed any pleasure that could be found in private life. Under these circumstances it made some sense for individuals to be willing to “constitute themselves virtually the slaves of the nation”<sup>4</sup> if that was the price to be paid for having a “public existence,” that is, being fully active citizens. Being a citizen in an ancient democracy meant, after all, directly wielding a real executive power, and was a full-time occupation.<sup>5</sup> No modern population, Constant claims, is willing seriously and persistently to subordinate its private existence to the demands of politics in the way ancient democracy required; for such populations, private goods have, and ought to have, priority over the goods of the public realm. This is why the “fictive”<sup>6</sup> form of the exercise of

## INTRODUCTION

---

popular sovereignty, representative government with limited and conditional powers of intervention in citizens' private domains, is the appropriate one for modern conditions. Such a form of government is "fictive" compared with the direct and unmediated exercise of power in ancient politics, and it is desirable because it allows moderns to retain enough indirect supervision over the political sphere to prevent gross harm, while being sufficiently undemanding of time and energy to allow citizens to direct their main attention to what is really of value to them, the good private life. Understanding this split between private and public existence and the relative standing of the values associated with each of the two spheres was, Constant believed, a precondition for understanding politics in the modern world.

Two decades before the publication of Constant's book, one of the other theoretical founders of liberalism, the German theorist von Humboldt, had written his radically antipaternalist political tract *Ideen zu einem Versuch, die Gränzen der Wirksamkeit des Staats zu bestimmen*.<sup>7</sup> Because the highest human good, he claimed, is the self-activity and self-development of human individuals, and the state has no value in itself but is merely a necessary means to individual self-activity, *any* positive provision for individual welfare, whether spiritual,

moral, or material, on the part of the state is inappropriate and in fact actively harmful because it preempts individual action. The state therefore ought to limit its sphere of activity to maintaining security, and it should otherwise allow its members to get on with their own private lives in whatever way they choose.

Nowadays not everyone would accept the details of Constant's account of the necessities of modern politics or his normative assessments of its possibilities. Many moderns have also been tempted to try to replace Humboldt's naturalistic doctrine of the goal of human life with more deontological, especially Kantian, views, thinking these a firmer basis for antipaternalism; few would go as far in limiting the powers of the state as Humboldt suggested. Nevertheless much contemporary thinking about politics, especially self-consciously "liberal" forms of thinking, does seem to be following in the track of the tradition deriving from these two figures. The temptation to try to combine "private existence" (as the concept is understood in Constant's historical sociology) with "private life" (in the quasi-moral sense in which Humboldt uses this term) into the idea of a politically and socially distinct and protected sphere of life within which each individual is and ought to be fully sovereign,<sup>8</sup>

## INTRODUCTION

---

and to contrast this sphere with a public world of law, economics, and politics, is a strong one.

The idea that there is a clear distinction between “public” and “private,” and that this distinction is of great and continuing philosophical and political significance,<sup>9</sup> is not the preserve of a small number of philosophers but is well entrenched even in everyday political discussions. Around this general distinction a number of thoughts cluster. Thus some have thought that the evaluative conceptions that are appropriate for use in the public realm are different from those appropriate in the private realm. What is judged to be “good,” “right,” “valuable” (and, alternatively, “bad,” “wrong,” a “nuisance”) in the public sphere is to be evaluated by very different standards from what is “good” in the private sphere. The standards and procedures for justifying a particular course of action or choice, and the audience in whose eyes the justification must be convincing, are often thought to differ depending on whether what is at issue is a “private” act (e.g., individual purchase of food for one’s own consumption) or a public one (procurement of new trains for the municipal underground or new submarines for the navy). Finally there is often thought to be a series of characteristic differences between the kinds of methods and means that can

legitimately be employed: in certain kinds of action in the public realm, duly constituted political authorities may use direct physical coercion (restraint, incarceration, execution, etc.) or the threat of such coercion to implement compliance with a directive in ways that would be unacceptable if used by individuals in private contexts.

I wish to argue that there is no single clear distinction between public and private but rather a series of overlapping contrasts, and thus that the distinction between the public and the private should not be taken to have the significance often attributed to it. One result of this, I think, should be a change in the way we think about the good in various public and private contexts. Although my final interest is the good, the first immediate object of my attention will be conceptions of the public and the private.

In the contemporary world one might be pardoned for assuming that the distinction between “private” and “public” is relatively straightforward. It concerns the modes of access, control, and ownership of property or information, with special reference to the issue of whether this access, control, and ownership is restricted or limited in any way. Public property is property thought to be owned in common by the unrestricted set of all the people in some given society—or by the state as represen-

## INTRODUCTION

---

tative of all the people; private property is property owned by some restricted set of individuals or even by a single individual, not owned by all in common. Public information is information to which everyone has (or ought to have) access; private acts are those to which not everyone has or ought to have cognitive access. The shift in this formulation between a descriptive version (“information to which everyone has access”) and a normative version (“information to which everyone ought to have access”) adds a complication but is not in any sense deeply confusing or troubling. After all, many political concepts (e.g., democracy) exhibit this vacillation. To be sure, we know that some societies have not made the same kind of binary distinction to which we are accustomed. Thus the Romans at certain periods distinguished between public, private, and sacred law (*ius*) and public, private, and sacred property, but we are not terribly concerned with the gods’ property, and in any case this, too, seems a mere conservative extension of our normal usage which is made possible by the recognition of a different ontological type of agent (a god). Even in the modern world “private” is not the only opposite of “public.” Thus if one is thinking of information one can also contrast “public” with “secret,” which carries the connotation that the piece of knowledge in question ought to be

known and is being withheld by the conscious act of some agent.<sup>10</sup> “Private,” however, has the connotation of something that ought not to be common knowledge. One can also contrast “public” with “arcane.” The “arcane,” in contemporary usage, offers limited cognitive access because of its nature, not because anyone is keeping it secret or because access to it ought to be restricted.<sup>11</sup> A related distinction is that between “esoteric”—meant only for members of a select group—and “exoteric”—directed at those outside the group. The distinction between the public and the private, as usually understood, is not identical with that between social or collective and the individual: a meeting of friends is a social or collective phenomenon, but it can be a “private” occasion, and an individual can be a “public” figure. Similarly it is not identical with that between the altruistic and the egotistic: I can have altruistic or egotistical feelings in my relations with private friends or in the exercise of a public office. These last claims are familiar and do not, I assume, require elaboration here.

My title, *Public Goods, Private Goods*, is intentionally ambiguous. “Goods” can mean several things. First, it can designate concrete objects that have some use-value: a pen I own is a private good; a bridge built with governmental funds and usable

## INTRODUCTION

---

by all is a public good. Second, it can be taken abstractly as meaning “that which is, or is considered to be, good.” So the fact that the streets are secure and safe may be a public good; that I have spent an enjoyable evening in conversation with a friend might be an instance of a private good. In neither of these cases is the “good” in question an object. Third, “goods” can mean “conceptions of the good,” and the adjectives “public” and “private” can then be construed either as equivalent to what grammarians used to call “subjective” or to “objective” genitives, that is, as meaning “one conception (among a possible variety of conceptions) of the good held *by* the public” or “one conception (among a possible variety of conceptions) of that which is good *for* the public.”

Argumentation is an important part of politics, moral reflection, and social life in general, and the philosophical study of politics has understandably focused on technical analysis of the stringency and plausibility of the arguments presented by theorists. Politics, however, also contains other elements that one could call rhetorical, motivational, or ideological; because of their practical importance, these elements do not deserve to be completely ignored. Thus there are perfectly good arguments that do not convince; arguments that, although they carry a kind of conviction, fail to

motivate; finally there are considerations, arguments, and ways of seeing the world that *seem* irresistibly plausible (and perhaps also motivationally compelling) at a certain time to members of certain groups, although outsiders can see in them only tissues of delusion or theoretically ad hoc constructions.

The public/private distinction is such an ideological concretion. Disparate components—conceptual fragments, theories, folk reactions, crude distinctions that are useful in highly specific practical contexts, tacit value assumptions—from different sources and belonging to different spheres have come together historically in an unclear way and have accumulated around themselves a kind of capital of self-evidence, plausibility, and motivational force. The unreflective use of distinctions such as this one restricts our possibilities of perceiving and understanding our world. It also can have the effect of casting a vague glow of approbation on highly undeserving features of our world or possible courses of action (or, alternatively, of shining the blinding light of unwarranted suspicion on possibilities we would do well to consider sympathetically). Unraveling the connections between different senses of “private” and “public” can help break the hold the public/private distinction has on our minds and allow us to see that po-

## INTRODUCTION

---

litical and moral options are available to us that might have been more difficult to see, or to evaluate positively, before.

The various senses in which the terms *public* and *private* are and have been used are numerous, much more numerous and varied than I could coherently discuss in a brief essay. Rather than proceeding either by trying to sketch fully the history of the various ways the terms *public* and *private* have been used or trying to draw further abstract distinctions between these senses, I would like instead to begin by discussing three more or less concrete instances of human behavior. Each instance is an action performed by a known historical figure who lived in the Mediterranean basin during the period we call “Antiquity,” and each illustrates an aspect of our conception of the public and the private. Since my point is precisely the *lack* of a single unitary intuition informing these varying conceptions, I need not (and do not) claim either historical or conceptual completeness for my account.