

## Popular Sovereignty, Populism, and Stories of Peoplehood

Rogers M. Smith

### INTRODUCTION

As right-wing authoritarian movements labeled populist have gained prominence in many lands, analysts have debated what the term “populism” means, what are the causes of populism, and how best to respond to them. Most writers recognize that populist movements champion popular sovereignty, even if they are not truly committed to competitive democratic processes. Yet, even though much scholarship affirms that conceptions of “the people” are political creations, “popular fictions,” few scholars have focused on populist “stories of peoplehood,” their accounts of who “the people” are and why they should rule.<sup>1</sup> Nor have many addressed whether it makes sense to devise competing narratives of national identities and popular sovereignty, or the tasks required to do so. Here and elsewhere, I argue that it does make sense to counter right-wing populist narratives with better national stories, along with other responses explored in this volume.<sup>2</sup> I lay out some guidelines for doing so and for assessing the results, using the example of the United States.

### DEFINITIONS AND DIAGNOSES

Contributors to *The Oxford Handbook of Populism* see populism as “a thin-centered ideology that posits a struggle between the will of the common

<sup>1</sup> Seminal works on the processes of creating conceptions of “the people” include Anderson, *Imagined Community*; Morgan, *Inventing the People*; Colley, *Britons*. The analysis here extends these works by advancing general criteria for better and worse stories of peoplehood, focusing on how the best stories respond effectively to current conditions, confer legitimacy, and express contextually appropriate themes.

<sup>2</sup> These include Carol Nackenoff’s reflections on the role of constitutional courts in checking authoritarianism, Andrew Perrin and Nicole Mellow’s explorations of modes of democratic civic education, and Adam Davis’ analysis of the potential of grassroots community engagement to foster democratic skills and norms that may check populist excesses.

people and a conspiring elite.”<sup>3</sup> Though like most in this volume I largely embrace this definition, I modify its “thinness” with one addition below. I build on the answers scholars commonly give to explain the recent surge of populist movements. Most agree the major drivers include both economic anxieties linked to globalization and new technologies, and cultural anxieties stirred by heightened immigration, secularization, and other social transformations. While concurring, I focus here on the content of populist ideas. For even though globalizing forces fostering job displacements, economic inequalities, demographic diversity, urbanization, and often senses of disempowerment provide conditions conducive to populist revolts against economic and cultural elites, those revolts are neither inevitable nor wholly self-actualizing. Elements of contingent political agency are always at work.

I have long contended that would-be political leaders – a capacious category that includes all those that Antonio Gramsci called “intellectuals” – must advance stories of peoplehood that persuade people to interpret their experiences in certain ways.<sup>4</sup> They can offer many different narratives to do so, some better and some worse, in terms of both their practical efficacy and their normative desirability. Failure to attend to the content of populist stories of peoplehood, their themes identifying who “the people” are, how they are aggrieved, and what they should do, can lead scholars to overlook both significant causes and possible cures for authoritarian forms of populism today. I have therefore proposed adding to the *Oxford Handbook*’s definition the observation that every populist ideology *has* some story, or often stories, explaining who the people are and why they are more deserving than elites.<sup>5</sup> We must grasp the appeal of these stories and meet them with better ones if we hope to build political communities that are more fully democratic and respectful of the rights and dignity of all.

#### TURNING TO STORIES

Doing so is necessary because people have always created and sustained political communities not just through coercive force, but also through persuasive stories. In Israeli historian Yuval Harari’s words, one cannot “organize an army solely by coercion.” There must be “some true believers” who provide uncoerced loyalty, even when it is risky to do so.<sup>6</sup> Persuasive stories of peoplehood win such loyalty by inspiring *trust* among fellow members of a community, and between the members and their leaders, as well as senses of the *worth* of their community membership.<sup>7</sup> When they gain acceptance, stories

<sup>3</sup> Hawkins, Read, and Pauwels, “Populism and Its Causes.” See Kaltwasser et al., *Oxford Handbook of Populism*.

<sup>4</sup> Smith, *Stories of Peoplehood*, 38–42.

<sup>5</sup> Smith, *That Is Not Who We Are!*, 19.

<sup>6</sup> Harari, *Sapiens*, 111–12. Cf. Smith, *Stories of Peoplehood*, 43–44.

<sup>7</sup> Smith, *Stories of Peoplehood*, 56–60.

help to constitute “political peoples,” defined as “any and all human associations, groups, and communities that are commonly understood to assert that their members owe them a measure of allegiance against the demands of other associations, communities, and groups ... the more demanding the claims, the more political the group.”<sup>8</sup>

For any story of political peoplehood to sustain senses of collective identity and cooperative endeavors over time, it must convincingly advance three basic themes, though it can do so with different emphases. It must have an economic theme promising both personal and collective material well-being. It must have a political power theme promising both personal safety and community power sufficient for collective self-defense, as well as, perhaps, a measure of political voice. For many, feelings of wealth and/or power are ends in themselves. Yet, many find such goals avaricious and discreditable. Successful stories must therefore also have constitutive themes presenting “membership in a particular people as intrinsic to who the members really are, because of traits deemed to be normatively good.”<sup>9</sup>

Even though no political society can long endure if it does not have credible economic and political power stories – with confirming results – it is also true that no political society can sustain itself through economic and political power benefits alone. In addition to moral doubts about those goals, there are inevitably economic and political down times. So political communities’ longevity depends also on senses of allegiance rooted in beliefs that belonging to that community is part of its members’ core identities, and a part that gives their lives meaning and worth. Constitutive themes may feature religion, ancestry, ethnicity, race, gender roles, language, culture, class, customs, and more. However, they always present the traits they feature as of high value, and as integral to “who we are.”

#### TOWARD GOOD STORIES OF PEOPLEHOOD

Today many liberal democratic writers are worried that claims of “popular sovereignty” are bolstering intolerant forms of populism.<sup>10</sup> They tend to respond with three basic claims.

First, many argue that desirable national identities must be fundamentally “civic” and liberal democratic in nature, resting on an ideology championing universalistic commitments to democracy and human rights, rather than “blood and soil” conceptions of nationalism or of a democracy’s people.

Second, many suggest that desirable liberal democratic national identities must somehow simultaneously reflect the distinctive cultural traditions

<sup>8</sup> Smith, *Political Peoplehood*, 2; cf. Smith, *Stories of Peoplehood*, 19–20.

<sup>9</sup> Smith, *Political Peoplehood*, 50–53.

<sup>10</sup> For examples, see Mounk, *The People v. Democracy*, 197, 207–10; Galston, *Anti-Pluralism*, 4, 66–71, 96, 117–19; Fukuyama, *Identity*, 7–11, 142, 162, 166, 170–74, 178.

prevalent in particular societies. This second response is in tension with the first. How distinctive can national identities be, if all the desirable ones rest on commitments to the same universal principles of liberal democracy? Most writers display some awareness of this problem, but few address it very fully.

Third, most critics of populism instead elaborate the economic and cultural grievances that they see as driving populist movements, and they offer economic and social policies to ameliorate those grievances. The economic policies seek to promote greater employment, wages, and benefits, while the social policies focus on finding compromises with the opponents of demographic diversity and, especially, heightening immigration. Most writers do not articulate specific “stories of peoplehood” for particular modern nations, precisely because they do not wish to favor any “ethnocultural” conceptions of nationality more than “civic” ones.

I also favor strengthening commitments to democracy and to human rights, and adopting economic and social policies that address the hardships and grievances many now feel. To do so, however, political and intellectual leaders need to elaborate good stories of peoplehood that can motivate allegiance to desirable popular movements by articulating appropriate senses of shared identity, helping to restrain illiberal, authoritarian impulses while delineating and defending needed policies.

What makes some stories of peoplehood better than others? Two things are key. Stories must do a good job empirically of engaging and inspiring people. Stories must also convey substantive messages that their adherents can credibly present as normatively commendable – in part because they support democracy and human rights, in part because they help fulfill a people’s distinctive aspirations in other ways.

Insisting that stories must be good according to norms of democracy and human rights risks, however, reproducing the formula for countering problems of populism just summarized, instead of improving it. It can seem like good stories of peoplehood must all be variants of the same abstract liberal democratic creed. This criticism assumes a view I do not take: that principles of democracy and human rights are universal moral conclusions reached through detached philosophic reasoning. My argument instead builds on Michael Walzer’s conception of normative prescription as, at its most truthful, connected social criticism – the fruits of efforts to interpret the experiences, identities, and moral values people find in their social worlds, and to reason from them.<sup>11</sup> That reasoning may or may not eventually take the form of claims for universal principles of reason, or perhaps divine revelation. Rational principles or revelations are not the starting point, however, for treating the values in particular social realms as concerns political actors should take seriously. The starting points are the beliefs of the people whose identities a story of peoplehood seeks to express and shape. In today’s world,

<sup>11</sup> See, e.g., Walzer, *Interpretation and Social Criticism*.

even these points of origin will prompt many, though not all, reflective persons to elaborate stories in which concerns for democracy, human dignity, and human rights have prominent places.

#### THE THREE R'S OF STORIES OF PEOPLEHOOD

The logic of seeking through connected critical engagement to develop good stories of peoplehood points to three interrelated criteria to guide these endeavors – the “three R’s” of writing good peoplehood stories. Stories must be *resonant*, *respectful*, and *reticulated*. Just as in the case of “reading, ‘riting, and ‘rithmetic,” it is a reach to get to that third R! Winning acceptance of this novel criterion of reticulation is, however, the most important task for resisting repressive stories today.

First, *resonant*. Stories of peoplehood must speak to and from the identities and interests that the audiences whom the stories address already possess, even when political narrators seek to convince people to reconceive those identities and interests in some ways, as they always do. The stories must find a persuasive place for the economic and cultural anxieties people are experiencing. They must articulate community policies and goals in which people can see many of their values advanced. As Alinsky-style organizers have long preached, would-be leaders must take people where they are.

Consequently, composing good stories of peoplehood requires a rich knowledge of particular political contexts, the traditions, values, preexisting identities, and practices that the inhabitants of certain areas possess, as well as the challenges they face. This criterion assures that stories of peoplehood will differ significantly for populations in different places. They will always have varying preexisting identities, histories, and problems. Thus, it is not exceptional, it is inevitable, that successful stories will present their people as in some ways exceptional. Resonance is, moreover, not just necessary for stories of peoplehood to gain acceptance. Resonance is needed if stories of peoplehood are to be good normatively – for stories must also conform to the second R, which requires that stories be *respectful*.

Who must stories of peoplehood respect, how, and why? The answers are always contested. Yet today, these contests take place on material and moral planes with different horizons than in the past. Most people today have far more access to more news than they did through most of human history. Few persons can escape awareness of the challenges facing people in remote regions. Most know that many religious, philosophical, moral, legal, and political traditions insist on the value and dignity of every human being. Most now identify with at least some of those traditions. Frequently their governments are signatories to international treaties that promise respect for human rights and democracy. Journalists, religious leaders, advocacy groups, and sometimes states bring pressure to live up to those commitments. As a result, in virtually every context today, many “local” values give strong reasons for insisting that

states should act with respect for all human beings – especially those over whom states are exerting power.

Most moral traditions agree that respect requires, first, giving some minimal hearing to people's voices, to their concerns, hopes, and fears. As elites so often need to recognize, it is impossible to claim to respect those to whom one refuses to listen. Respect means, second, engaging with people in a spirit of accommodation whenever possible. It means accepting that others are entitled to pursue their ways of life, unless their ways damage the legitimate pursuits of others.

Of course, that “unless” is a huge qualification. Some societies deem repugnant practices that other societies valorize, such as cross-ethnic or same-sex marriages. Virtually every society displays intense internal disagreements over some members' preferred pursuits. Yet, even in the most restrictive societies, there are values and traditions holding that all persons initially deserve to receive respect, even if their conduct ultimately warrants contempt. Consequently, those narrating stories of peoplehood in most societies can still urge basic consideration for all, in ways that resonate with moral commitments their audiences can see as their own.

The second criterion leads logically to the third. Good stories must be *reticulated* stories, narratives that openly embrace a significant measure of pluralism. *Reticulated* is a term for networks that display legible patterns. Good stories of peoplehood portray, and so help people to weave, political networks of groups, institutions, and policies that display two kinds of patterns. One is internal to the political communities the stories depict. One is visible in those communities' external relationships with other societies.

Internally, out of respect for all, narratives should not urge total civic unity or uniformity. Instead, they should promote pluralistic solidarity, by authorizing institutions and policies that include accommodations for the society's subgroups, especially vulnerable ones such as minority religions, disadvantaged ethnic groups, impoverished regions, indigenous communities, and more, to the greatest degree possible, consistent with the stories' constitutive themes. These accommodations can take many forms, including federalism, targeted aid programs, special representation in legislatures, exemptions from generally binding laws, and others.

Externally, stories should support openness to accommodating, and often allying with, the policies and institutions of other societies, whenever they share a community's objectives. This openness should include receptivity to transnational regional and international institutions and associations. By urging cooperation in common endeavors and policies of accommodating diversity within and beyond existing borders, reticulated stories can promote broad and inclusive flourishing, in ways that will resonate with many and show respect for all.

Though general, these criteria are specific enough to aid assessments using empirical metrics. Modern polling and voting data provide evidence for how many in the audiences for particular stories of peoplehood actually embrace them.

Analysts can also measure the extent to which institutions and policies display respect by tabulating the rights granted to the diverse communities and individuals with whom a government deals. They can similarly add up the accommodations and partnerships a society offers to the subgroups within it and societies outside it. The results will be rough quantitative metrics for how reticulated societies and their stories of peoplehood are, like the measures scholars use to assess how democratic and free societies are.

## COMPETING STORIES OF AMERICAN PEOPLEHOOD

### America First!

To make this argument more concrete, consider the United States. In 2016, the United States elected a president who made a distinctive story of peoplehood the centerpiece of his Inaugural Address, promising: “From this day forward, a new vision will govern our land. From this day forward, it’s going to be only America first. America first.”<sup>12</sup> This narrative resonated powerfully with many millions of Americans, even as it repulsed millions of others. It scored poorly, however, on the other two criteria for good stories of peoplehood, respectfulness and reticulation.

Donald Trump’s Inaugural fit perfectly with the *Handbook*’s definition of populism as an “ideology that posits a struggle between the will of the common people and a conspiring elite” – and it told a potent story of peoplehood. Trump narrated America’s past as one in which “a small group in our nation’s Capital has reaped the rewards of government,” while “the people have borne the cost” of “American carnage.” He promised, “January 20, 2017 will be remembered as the day the people became the rulers of this nation again.” This was Trump’s main political power theme, though he also vowed protection against crime and greater military power. Trump’s economic theme was the promise that every “decision on trade, on taxes, on immigration, on foreign affairs, will be made to benefit American workers and American families.” New initiatives would “bring back our jobs ... bring back our wealth,” with “new roads, and highways, and bridges, and airports, and tunnels, and railways,” getting people “off welfare and back to work.” Above all, Trump emphasized his constitutive theme of making America “great again.”<sup>13</sup>

The new president explained that his America First vision rested on the principle that “it is the right of all nations to put their own nation first.” He maintained that Americans “do not seek to impose our way of life on anyone, but rather to let it shine as an example for everyone to follow.” He also pledged that his vision encompassed “all the citizens of America.” Americans, he said, form “one nation,” sharing “one heart, one home, and one glorious destiny,”

<sup>12</sup> In his oral presentation, Trump added, and emphasized, the “only” and the repetition of “America first” to his official written text. Compare Trump, “The Inaugural Address” with “Donald Trump’s Inauguration Speech – Full Speech,” [www.youtube.com/watch?v=FFH7QMZ5Nrk](http://www.youtube.com/watch?v=FFH7QMZ5Nrk).

<sup>13</sup> Trump, “Inauguration Speech.”

with “no room for prejudice,” but rather an awareness “that whether we are black or brown or white, we all bleed the same red blood of patriots.” So, Trump concluded, “the bedrock of our politics will be a total allegiance to the United States of America, and through our loyalty to our country, we will rediscover our loyalty to each other.”<sup>14</sup>

In terms of the three R’s of good stories of peoplehood, both polls and electoral results show that Trump’s America First narrative resonated with the concerns and identities of many millions of Americans. He also claimed to respect all American citizens, though his denunciations of the nation’s previous leaders made clear that this respect did not extend to all. His vision also had little room for reticulation, for recognition of the many diverse communities and commitments that characterize modern America. Instead, he demanded “total allegiance” and loyalty, as authoritarian populists do.<sup>15</sup>

Trump’s prior challenges to Barack Obama’s citizenship already suggested that he did not respect an African American president. During the campaign, he denied that an American-born judge of Mexican descent could be faithful to US law, and he disparaged black and brown Americans by grossly overstating criminal statistics for blacks and immigrants.<sup>16</sup> In office, Trump’s comments suggesting there were good people among the white supremacist protestors at Charlottesville, criticizing African American athletes and celebrities protesting against police violence toward people of color, and urging Congresswomen of color to “return” to their home countries, continued to express hostility toward a truly diverse America.<sup>17</sup>

Trump’s deeds matched these words. His Justice Department’s Civil Rights Division pursued lawsuits against universities’ affirmative action policies.<sup>18</sup> The Justice Department and the Department of Housing and Urban Development stopped filing disparate impact suits to advance the Fair Housing Act’s goal of fighting racial discrimination in housing.<sup>19</sup> Trump officials ended a federal grant to a group working to oppose white nationalist extremist organizations.<sup>20</sup> The president created a commission to investigate vote fraud led by one of the nation’s most extreme proponents of anti-immigrant and voter restriction laws.<sup>21</sup> Early on, Trump appointees praised the race-based National Origins Quota system of the 1920s.<sup>22</sup> Trump officials then curbed visitors from Muslim and African countries, while favoring immigration legislation that

<sup>14</sup> Trump, “Inauguration Speech.”

<sup>15</sup> Bender, “Trump Strikes Nationalistic.”

<sup>16</sup> Leonhardt and Philbrick, “Donald Trump’s Racism.”

<sup>17</sup> Leonhardt and Philbrick, “Donald Trump’s Racism”; Rogers and Fandos, “Fanning Flames, Trump Unleashes a Taunt.” See generally Sides, Tesler, and Vavreck, *Identity Crisis*, 201–20.

<sup>18</sup> Savage, “Affirmative Action in College Admissions,” *AT*.

<sup>19</sup> Arpey, “Business Implications of Disparate Impact’s Uncertain Future.”

<sup>20</sup> Raymond, “Trump Administration Eliminates Funding.”

<sup>21</sup> Ingraham, “Here Are the First 10 Members of Trump’s Voting Commission.”

<sup>22</sup> Bazelton, “Department of Justification.”



would replace family unification priorities with preferences for high-skilled immigrants, probably limiting both the diversity of newcomers and overall legal immigration.<sup>23</sup>

This record makes it impossible to see Trump's program as respectful toward all Americans, or even as clearly committed to democracy, human rights, and the rule of law. Despite his loss in 2020, Americans still need stories of peoplehood to check these features of the Trump movement's MAGA (Make America Great Again)/America First vision, while responding to the concerns in it that do express respect for all. Americans have long told many stories, from utopian religious narratives to radical socialist and anticolonial accounts; but four narratives have most normative and political power.

First, American politics as a *democratic* project, the view of John Dewey and others. Second, America as a specifically *consumers and producers* democracy, a vision advanced by Progressive Era and New Deal activists, and Franklin Roosevelt. Third, America as a *constitutional* endeavor to form a more perfect union, without effacing diversity, the "*e pluribus unum*" story told best by Barack Obama and extended by Joe Biden. And fourth, America defined by the *Declaration of Independence* project of extending rights to all, the vision propagated by Abraham Lincoln.

### Democratic Stories

Many of the constitution's framers like James Madison feared too much democracy. They preferred republics, with governance by elected representatives, to direct popular rule.<sup>24</sup> Yet with fits, starts, and major reversals, US history displays steps toward greater democracy. These include the expansion of the franchise to all white men, then all men, then all male and female citizens over twenty-one, and eventually eighteen-year-olds as well; the adoption of direct election of judges in many states and of US senators; and the democratization of candidate selection processes through primaries in the twentieth century.<sup>25</sup> Stories of America as a democratic project have done much to advance inclusive, egalitarian visions of American peoplehood in the past. They may be the best to do so today.

Indeed, democratic commitments suggest an alternative to the whole focus on national narratives proposed here. Perhaps egalitarian inclusion is most attainable through grassroots democratic engagement in self-governance, pursued without any larger account of who "the people" are. Organizing democratically around resistance to specific forms of oppression, exploitation and domination may be sufficient, and safer. Dewey often argued in this vein, focusing on needs to combat democracy-distorting economic inequalities and corporate

<sup>23</sup> Baker, "Trump Supports Plan," A1.

<sup>24</sup> See, e.g., Madison, "*Federalist No. 10*," 50–52.

<sup>25</sup> Bateman, *Disenfranchising Democracy*, 43–200; Keyssar, *The Right to Vote*.

power, rather than on any tale of American identity.<sup>26</sup> Today, in calling for a “left populism” to oppose neoliberal policies, European political theorist Chantal Mouffe has acknowledged the risk that “to bring together ... democratic demands in the creation of a ‘people’ will produce” or worse, presume, “a homogeneous subject, one that negates plurality.”<sup>27</sup>

However, Mouffe ultimately agrees that democratic projects must “be congruent with the values and identities” of those they seek to enlist.<sup>28</sup> They must start from where people “are and how they feel, offering them a vision of the future that gives them hope.”<sup>29</sup> At present, Mouffe contends, this often means beginning “at the national level” and mobilizing people “around a patriotic identification with the best and most egalitarian aspects of the national tradition.”<sup>30</sup> Mouffe stops short of calling for better national stories, however, because she wants notions of “the people” constructed with “democratic values in the leading role” in defining political identities everywhere.<sup>31</sup>

This is an endeavor worth pursuing, but there are reasons to doubt whether it can work on its own. History shows that if democracy means unqualified majoritarian rule, the rights of many minorities, especially ethnocultural minorities, will not be safe. Moreover, as Madison warned and as Rosenbluth and Shapiro have recently affirmed, the democratizing of institutions such as the selection of representatives can be done excessively or poorly.<sup>32</sup> Primaries often select polarized ideologues rather than candidates striving to meet widely felt needs. Furthermore, less than half of young Americans today take an active interest in politics; and many do not view democracy as the best form of government.<sup>33</sup> A democratically disengaged and disillusioned citizenry is not likely to respond to stories that feature democracy alone.

### Consumer and Producer Democracy

Contemporaneously with Dewey, economist Walter Weyl and reformers like Florence Kelley and the National Consumers League urged progressives to organize politically around a vision of America as a nation of consumers with common interests in restraining “plutocracy,” aiding workers, and achieving broadly shared economic prosperity.<sup>34</sup> In the New Deal era, Franklin Roosevelt called repeatedly for a new “economic declaration of rights, an economic constitutional order” ensuring that everyone had “a right to make a comfortable

<sup>26</sup> See, e.g., Dewey, *Reconstruction in Philosophy*, 186, 200–209.

<sup>27</sup> Mouffe, *For a Left Populism*, 62.

<sup>28</sup> Mouffe, *For a Left Populism*, 76.

<sup>29</sup> Mouffe, *For a Left Populism*, 76.

<sup>30</sup> Mouffe, *For a Left Populism*, 71.

<sup>31</sup> Mouffe, *For a Left Populism*, 6, 45.

<sup>32</sup> Rosenbluth and Shapiro, *Responsible Parties*; Madison, *Federalist No. 10*, 53.

<sup>33</sup> Foa and Mounk, “Are Americans Losing Faith in Democracy”; Diamond, “Are People Losing Faith in Democracy.”

<sup>34</sup> Weyl, *The New Democracy*, 249–54; Kelley, “Aims and Principles of the Consumers’ League.”

living” so that “purchasing power is well distributed throughout every group in the nation.”<sup>35</sup> He sought to achieve it through the Social Security Act, the National Labor Relations Act, and other major New Deal initiatives.

But as the Cold War abetted opposition to labor unions and egalitarian economic restructuring, this vision of American democracy increasingly narrowed to what historian Lizabeth Cohen has called a “Consumer’s Republic.”<sup>36</sup> Its focus became simply representing consumer interests in existing economic and political institutions. Today this consumerist narrative of American identity sounds more like recent neoliberal visions, from which many American feel left out, than a basis for civic renewal. Perhaps the left progressive resurgence spurred by Bernie Sanders can refashion it into a more inclusive, egalitarian, social welfare-centered story of American peoplehood; but how widely such social democratic visions can resonate is unclear.

### The *E Pluribus Unum* Story

The first goal stated in the constitution is “to form a more perfect Union.” In 1789, Congress adopted a Great Seal of the United States with the motto “*E Pluribus Unum*” – out of many, one. Consequently, it has always been possible to narrate the American people as devoted to forming a greater unity out of their manifold diversity. No leader ever told that story as powerfully as Barack Obama, beginning at the 2004 Democratic Convention. There Obama expressed gratitude “for the diversity of my heritage.” He maintained that his story was “part of the larger American story” and that “in no other country on earth” could his life be “even possible.”<sup>37</sup> Obama traced that possibility back to America’s founding commitment to the proposition that all “are created equal.” But he stressed, using biblical and familial language, that “alongside our famous individualism, there’s another ingredient in the American saga, a belief that we’re all connected as one people ... I am my brother’s keeper, I am my sister’s keeper ... It’s what allows us to pursue our individual dreams and yet still come together as one American family. *E pluribus unum*: ‘Out of many, one.’”<sup>38</sup>

Obama thereby summoned the nation’s religious traditions of moral obligation and republican conceptions of civic duty in service of the constitutional endeavor of achieving a “more perfect union” – the phrase favored by his heir, Joe Biden. Obama’s subsequent election as the nation’s first African American president, and a two-term president, along with the popular vote victories of his secretary of state in 2016 and his vice president in 2020, all prove that his story has undeniable resonance. It promises respect for all, and unprecedented recognition for many forms of diversity as well. It thus complies with all three

<sup>35</sup> Roosevelt, “Commonwealth Club Address,” 510.

<sup>36</sup> Cohen, *A Consumers’ Republic*.

<sup>37</sup> Obama, “Obama 2004 Democratic National Convention Keynote Address.”

<sup>38</sup> Obama, “Obama 2004 Democratic National Convention Keynote Address.”

R's of good stories of peoplehood. It also blends its *e pluribus unum* constitutive theme with calls for economic policies to expand opportunities for all, and with political power themes of protecting voting rights and promoting civic-minded decision-making.

Yet, while that combination had great strengths, Obama's presidential record raises concerns. Obama's emphasis on pragmatic deliberative democratic processes aiming at unity, rather than on substantive policies, meant that his vision of union could appear hollow. When Republicans in Congress refused to engage in good faith negotiations, Obama's *e pluribus unum* narrative also gave little guidance on how to respond. His best hope was to defeat his opponents at the polls; but he failed to sustain the broad support he built in 2008. He then struggled to find a better story to tell than the one that had brought him to the White House. The quest for *e pluribus unum*, while valuable, proved not potent enough. Though Joe Biden has tried to bet less on bipartisanship, he may still prove to have been too wedded to it to succeed.

### The Declaration of Independence Story

By proclaiming, "Four score and seven years ago, our fathers brought forth upon this continent a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal," Lincoln's Gettysburg address traced the nation's origin to 1776 and the Declaration of Independence.<sup>39</sup> Lincoln spoke in a broad tradition of invoking the Declaration in order to claim that more people should have their basic rights better secured. That tradition already included Jacksonian workers' advocates and the antebellum women's rights movement, and it has gone on to include champions of property rights, human rights, civil rights, LGBTQ rights, disability rights, and other rights.<sup>40</sup>

Lincoln also spoke in the spirit of, though not in full agreement with, the advocates of antislavery constitutionalism, including the Massachusetts abolitionist Lysander Spooner and the formerly enslaved Frederick Douglass.<sup>41</sup> In 1845, Spooner published *The Unconstitutionality of Slavery*, arguing that the "people of this country" first "announced their independent political existence" in a document that amounted to "constitutional law" and that took as a "self-evident truth" the principle that all men had a natural right to liberty – a position Spooner insisted the 1787 constitution did not disavow.<sup>42</sup> Douglass argued, citing the Supreme Court, that when reading legal documents, "the language of the law must be construed strictly in favour

<sup>39</sup> Cosgrove, "The Declaration of Independence in Constitutional Interpretation"; Wills, *Lincoln at Gettysburg*, 261.

<sup>40</sup> For a brief overview, see Smith, *Political Peoplehood*, 133–44.

<sup>41</sup> See, e.g., Wiecek, *The Sources of Antislavery Constitutionalism*; Tushnet, *Taking the Constitution Away from the Courts*, 182–93.

<sup>42</sup> Spooner, *The Unconstitutionality of Slavery*.

of justice and liberty.”<sup>43</sup> Since the constitution did not use the word slavery and promised to secure “the blessings of liberty,” Douglass maintained Americans should read it as an antislavery document.

Lincoln did not agree that the constitution banned enslavement. Still, he and the new Republican Party came to adopt a moderate version of anti-slavery constitutionalism. They contended, with real if mixed historical evidence, that the intent of the constitution was to fulfill the principles of the Declaration by putting slavery on the path to gradual extinction.<sup>44</sup> Lincoln often called the Declaration’s proclamation of human equality and inalienable rights a “maxim” set up for “future use.” It should be “constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated,” and so “constantly spreading and deepening its influence,” thereby “augmenting the happiness and value of life to all people, of all colors, everywhere.”<sup>45</sup>

Lincoln’s embrace of the Declaration as the foundation of his story of America also shaped his economic and political power themes, which called for national measures to promote broad economic opportunities while protecting property rights, and for republican self-governance. His dedication to the Declaration’s goals also eventually led him to conclude that if African Americans were to gain secure possession of basic rights, many would need the franchise. This evolution highlights a major difference between his story of American peoplehood and Obama’s and perhaps Biden’s. For Obama, the goal was simply fostering unity through processes of deliberative democracy. For Lincoln, the goal was more specific. It was the extension of basic rights to all, a project that could justify overriding, sometimes by force, the preferences of those who would deny rights to others.<sup>46</sup>

Lincoln’s view stands in far more striking contrast to Trump’s America First vision. To be sure, Lincoln also sought to make America an example to the world. Yet, when Lincoln said the nation should spread the influence of the Declaration of Independence to benefit *all* people, everywhere, there is little doubt that he meant it. At the height of the anti-immigration Know-Nothing movement in the 1850s, Lincoln wrote, “I am not a Know-Nothing. That is certain ... As a nation, we began by declaring that ‘all men are created equal.’ We now practically read it ‘all men are created equal, except negroes.’ When the Know-Nothings get control, it will read ‘all men are created equal, except negroes, and foreigners, and catholics.’”<sup>47</sup> Lincoln clearly thought that if US policies worked against the

<sup>43</sup> Douglass, “The Constitution of the United States.”

<sup>44</sup> Cosgrove, “The Declaration of Independence in Constitutional Interpretation,” 107, 112–13, 117–26.

<sup>45</sup> E.g., Johannsen, ed., op cit., 304; cf. Smith, *Political Peoplehood*, 137–38, 160–62.

<sup>46</sup> For discussion of Lincoln’s thought in comparison to Obama’s, see Smith, “Lincoln and Obama,” 17–51.

<sup>47</sup> Lincoln, “Letter to Joshua Speed.”

goal of securing basic rights for all people everywhere, those policies violated the values to which Americans should be dedicated.

#### THE DECLARATION OF INDEPENDENCE STORY TODAY

Whether or not the Lincoln Republicans were right to see the original constitution as dedicated to this Declaration of Independence project, they wrote their vision into the constitution in the form of the three great Civil War Amendments. Even before then as well as since, the Declaration has proven a great asset for inclusive, egalitarian reforms worldwide, though the wealthy have also used it to buttress their privileges.<sup>48</sup>

Does this Declaration of Independence story, which presents the end of *all* legitimate governments as securing inalienable rights, reduce the tension between upholding a civic identity grounded on universalistic liberal democratic tenets, and celebrating a more particular conception of nationality? It does permit Americans to see their peoplehood as distinctive, though no more “exceptional” than other nations. Not only can Americans say theirs was the first nation “so conceived, and so dedicated.” Partly in pursuit of the Declaration’s vision, Americans went on to adopt new political and social institutions that in many ways remain unique, for good and ill, even as they have had global influence. Americans have also struggled mightily over their most massive violation of the Declaration, chattel slavery, making issues of race and region more central to the nation’s experience than is true in many other countries. All this enables Americans to see themselves as a people with a special historical project, achievements, and challenges as they seek to advance the Declaration’s goals. Many therefore can and do find meaning not only in being dedicated to rights and democracy, but also in being the heirs and the authors of the distinctive American story.

Though this Declaration of Independence narrative has strengths in combating MAGA views, it also has serious limitations. It can lead Americans to be obsessed with claiming individual rights instead of pursuing common goods. Americans may also rest satisfied with a formal equality of rights that leaves many living in conditions of crippling inequalities. Worst of all, privileged Americans may use claims to be protecting rights to impose their own conceptions of how others should live on diverse communities at home and abroad.

These concerns suggest that Americans who favor this Declaration story must expand upon the Civil War Republicans’ views of what securing rights for all entails. Policies and practices must help people acquire the economic, educational, and political resources and capabilities they need to exercise their rights. Today it is especially vital to address the needs and concerns of both the deeply disadvantaged, and those more traditionalist Americans who feel endangered by globalizing trends, even if the desires of neither group can be met fully.

<sup>48</sup> See, e.g., Armitage, *The Declaration of Independence*.

What policies can do so? Economic measures should include national aid to communities and workers that lose jobs due to economic globalization or necessary environmental regulations. Since the benefits of immigration are often national while the costs may be locally concentrated, aid programs for regions facing demands for expanded social services to recent immigrants are equally appropriate. Trade agreements with better pay for workers in immigrant-sending regions can address both the economic and cultural concerns of older-stock Americans. As Biden has recognized, a still greater opportunity is massive public infrastructure spending on transportation, communications, climate-conserving energy production, water supply, and educational facilities, with environmental protections. These investments could generate profitable employment for displaced native workers *and* for immigrants, while spurring economic growth for decades.

In regards to political power, the goals of the Declaration call on Americans to continue to improve their democratic institutions, by removing instead of imposing barriers to participation, and by altering candidate selection processes to reduce the influence of wealth and of extremists. It is also vital to restructure Congress to help restore it to its past role as the centerpiece of representative governance, before heightened electoral preoccupations, polarization, and the decline of responsible parties led it to abandon authority to the other branches.<sup>49</sup>

Moreover, powerful groups have in fact often prompted American governments to impose those groups' preferred forms of life on minorities at home and on other societies abroad. These practices violate the Declaration of Independence project, for its rights include the pursuit of happiness, and people's notions of happiness legitimately vary, as do the social, economic, and political barriers they face. To be effective, policies seeking to enable all to enjoy basic rights must be reticulated policies that do not treat differently situated persons in strictly uniform fashion. Americans must engage in continuing contextual judgments about what special accommodations will augment "the happiness and value of life" for all concerned – and what forms of differential treatment will instead foster divisions, inequalities, and injustices.

Americans can best make these policy judgments by adopting a new civic ethos.<sup>50</sup> It should encourage all to pursue, among the many forms of happiness they might seek individually and as communities, those that are most valuable to others as well as to themselves – in part because those choices can permit and assist others to pursue *their* distinctive forms of happiness. Today most people recognize themselves as complex beings with many affiliations, identities, and aspirations. That awareness can be disturbing, but it also can help people see that they can seek self-realization in many different but equally satisfying

<sup>49</sup> For valuable analysis and recommendations, see Chafetz, *Congress's Constitution*.

<sup>50</sup> For elaboration, see Smith, *Political Peoplehood*, 197–99, 202–205.

ways – ways that might have better or worse consequences for others. To show respect for those others, all must take those consequences seriously.

I have suggested that people might do so by adopting a modification of John Stuart Mill's "harm principle" as both a personal and a civic ethos. This modified maxim is, "the *best* uses of their powers by communities and individuals are those that aid others, without doing harm to themselves." Though governments must still combat harms, citizens can strive more consciously to exercise their rights, individually and as a nation, in ways that benefit others, *not* just themselves. Doing so means they should sometimes favor accommodations and exemptions in public policies for unconventional minorities, because doing so will enable those groups to pursue their forms of happiness in ways more equal to the majority. Instead of simply "live and let live," Americans need a civic ethos of "live and help live."

This ethos can guide reflections on appropriately reticulated policies and practices. Legislators and executives devising public policies, and courts adjudicating them, should apply it when responding to all claims for assistance, exemptions, and accommodations, including those of religious groups, linguistic, cultural, ethnic and racial minorities, the poor, the disabled, women, LGBTQ persons and groups, children, the elderly, and more. Rather than regarding all special treatment as suspect, lawmakers and courts should reverse the burden of proof. They should only reject claims to accommodations when those denials are necessary to achieve compelling governmental purposes – purposes that must involve more than hostility to the groups in question, or demands that they give the nation "total allegiance."

Will this call for extensive accommodations only heighten fragmentation and inequality? One great safeguard should be borne in mind. If policies pursue equal, but not always uniform reticulated rights – if they aim at providing each group and individual with rights that have comparable value, but not greater value, than those granted to other groups and individuals – then frequent denials of demands for special rights and accommodations *will* be justified by compelling state interests. Once governments provide accommodations to any one group, they must provide them to all groups who claim them. An ethos of accommodations for all is also an ethos that rejects special privileges for some.

This means that both legislators and courts must ask what the consequences will be of granting, for example, exemptions from Affordable Care Act requirements not only to conservative religious groups and to corporations owned by religious believers, but also to *all* entities who make similar demands – a position the Trump administration endorsed.<sup>51</sup> If there are many other such bodies, then the accommodations will be too costly, both in dollars and in terms of their impacts on other public goals, to be acceptable. Similarly, if Congress ever repeals the 1954 Johnson Amendment to the tax code and

<sup>51</sup> Internal Revenue Service et al., "Moral Exemptions and Accommodations."



permits religious groups to endorse political candidates, as Trump urged, it must allow *all* tax-exempt advocacy groups to endorse candidates. Tax exemptions and full political speech rights cannot be bestowed on religious traditionalists while one or the other are denied to environmental and animal rights advocacy groups.

If, however, requests for accommodations arise from only a few groups, while the interests of those adversely affected by those accommodations can be met through relatively costless alternative policies, then it is wise to support those accommodations. They may well contribute to civic peace and heighten the prospects for many to pursue happiness. Paradoxically but beneficially, America's rich diversity makes it likely that many requests for special privileges will be advanced by so few groups that they can be granted. Through these policies, a wide range of communities – Midwestern farmers, public sector labor organizers, immigrant groups, fundamentalist Christians, deaf culture communities, persons of mixed race descent, families with transgender members, and more – may come to share one vital form of solidarity. They may feel that they all truly belong to the larger American political project of making the pursuit of happiness a right of all.

#### CONCLUSION

Despite these strengths of the Declaration narrative, its limitations may lead many American to prefer another account of their identities and purposes. It is both unrealistic and undesirable for all Americans to embrace any single story of who they are, for doing so would efface valuable differences. So, all who oppose ethnocentric, authoritarian populisms should advocate for the alternative stories of peoplehood they find compelling – while also building coalitions around areas of overlap among these stories, finding common ground to resist injustices, and common paths for progress. Those who reject “America First” must look for stories that resonate, that are respectful, and that are reticulated, stories that provide secure places for as many diverse groups as possible in American society and in larger regional and global networks. By so doing, Americans may find they can bring to life better stories of peoplehood and popular sovereignty than ever before.