

## From Fog to Stage

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*"As our case is new, so we must think anew, and act anew."  
Abraham Lincoln*

### Fog Everywhere

When I was in my first year of law school, one of my favorite professors sent us off to winter break with an emotional reading from the opening chapter of Charles Dickens's *Bleak House*. The subject was fog—real fog and human fog.

London. Michaelmas Term lately over.... Implacable November weather.

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Fog everywhere. Fog up the river, where it flows among green aits and meadows; fog down the river, where it rolls defiled among the tiers of shipping and the waterside pollutions of a great (and dirty) city. Fog on the Essex marshes, fog on the Kentish heights. Fog creeping into the cabooses of collier-brigs; fog lying out on the yards, and hovering in the rigging of great ships; fog drooping on the gunwales of barges and small boats. Fog in the eyes and throats of ancient Greenwich pensioners, wheezing by the firesides of their wards; fog in the stem and bowl of the afternoon pipe of the wrathful skipper, down in his close cabin; fog cruelly pinching the toes and fingers of his shivering little 'prentice boy on deck. Chance people on the bridges peeping over the parapets into a nether sky of fog, with fog all round them, as if they were up in a balloon, and hanging in the misty clouds.

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The raw afternoon is rawest, and the dense fog is densest, and the muddy streets are muddiest near that leaden-headed old obstruction, appropriate ornament for the threshold of a leaden-headed old corporation, Temple Bar. And hard by Temple Bar, in Lincoln's Inn Hall, at the very heart of the fog, sits the Lord High Chancellor in his High Court of Chancery.

Never can there come fog too thick, never can there come mud and mire too deep, to assort with the groping and floundering condition which this High Court of Chancery, most pestilent of hoary sinners, holds this day in the sight of heaven and earth.

Fog describes Americans' thinking about what government should do. Almost all of us buy into the three broad aims of government: public safety and health; economic security and equal opportunity; and an effective market. But when we dig

deeper into Americans' thinking about the place of government by asking this website's central "D" questions—First: What specific functions should government *do*? How should the *dollars* be raised? How should government services be *delivered*?—our minds blur. Our feelings and thoughts wander into a mist of paradoxical impulses and fuzzy clichés. We quickly sink into a muddle.

Neither the American people nor their elected policymakers have a clear, comprehensive, and consistent blueprint for the functions, financing, and form of government. Neither of the two major ideological "positions" that the public recognizes and the press unceasingly labels—liberal and conservative—offers a coherent template for the role of government. Liberals supposedly favor "big" government; but they typically favor less military spending, and champion fewer governmental restrictions on personal freedom (except for gun ownership and use). Conservatives supposedly favor "small" government; but they often want to beef up military spending, and they frequently demand that the government limit individuals' freedom when it comes to religion-based customs, reproductive choices, or end-of-life decisions. Left, center, and right, Americans' thinking about government is narrow, confused, and contradictory.

The fog and the muddle have serious consequences. Because of our messy thinking about what we want government to do—a mess made messier by different premises and perspectives that arise from our different ideological, political, and religious values—the American people come nowhere close to embracing the kind of plan for government we need to meet the very real challenges of the 21<sup>st</sup> century.

The golden years of the 1950s and 1960s, when America dominated the world's economy, have given way to a "new normal" of economic and social stagnation that the current structure of American government is unequipped to handle. Now that the Great Recession that hit us in the first decade of the 21<sup>st</sup> century has itself receded, it should be clear to all that America's got troubles that its government is ill placed to solve.

Unemployment remains high. The poverty rate is stuck in double digits. Incomes are flat. Inequality is rising. Tens of millions of Americans still have no health insurance. Large numbers of children fail to graduate from high school, and too many who do graduate cannot read, write, or do basic math. Serious environmental problems, spreading drought, and rising sea levels continue to threaten the public's health and the nation's economy.

These problems do not crop up in isolation. They reflect in large measure the disordered way in which Americans think about the role of government. Muddled assumptions, fuzzy math, and foggy thinking in general is a primary cause of American governments' inability to adjust quickly and creatively to the "new normal" of the new century.

The problem is not simply a lack of neatness. Lacking a detailed plan for the place of government—lacking a generally accepted blueprint about what government in the United States should do, how it should be paid for, and the manner in which it should be administered—the public, press, and politicians have no standards to apply in holding American government accountable for its failures. We have no widely shared standards to use in identifying policy omissions, policy failures, and policy intrusions. We have no template for guiding reform of government policies. The instructions are missing for repairing the crumbling public stage on which Americans play out the nation’s great drama of individual freedom.

### All of Government’s a Stage

Many of us are familiar with the expression: “All the world’s a stage.” It comes from Shakespeare’s *As You Like It*.

Duke Senior, the usurped head of what might be called the government of Flanders, has announced: “This wide and universal theatre/Presents more woeful pageants than the scene/Wherein we play in.” The melancholy Jacques replies:

All the world's a stage,  
And all the men and women merely players:  
They have their exits and their entrances;  
And one man in his time plays many parts,  
His acts being seven ages. At first the infant,  
Mewling and puking in the nurse's arms.  
And then the whining school-boy, with his satchel  
And shining morning face, creeping like snail  
Unwillingly to school. And then the lover,  
Sighing like furnace, with a woeful ballad  
Made to his mistress' eyebrow. Then a soldier,  
Full of strange oaths and bearded like the pard,  
Jealous in honour, sudden and quick in quarrel,  
Seeking the bubble reputation  
Even in the cannon's mouth. And then the justice,  
In fair round belly with good capon lined,  
With eyes severe and beard of formal cut,  
Full of wise saws and modern instances;  
And so he plays his part. The sixth age shifts  
Into the lean and slipper'd pantaloon,  
With spectacles on nose and pouch on side,  
His youthful hose, well saved, a world too wide  
For his shrunk shank; and his big manly voice,  
Turning again toward childish treble, pipes  
And whistles in his sound. Last scene of all,  
That ends this strange eventful history,

Is second childishness and mere oblivion,  
Sans teeth, sans eyes, sans taste, sans everything.

A central premise of this website is that the best way to fill in the details of government's three fundamental purposes, in a manner that respects America's core belief in limiting government to those situations when we truly need it in order to protect our inalienable freedom, is to think of government as a stage. It is public stage, on which we can freely act out "as we like it" our private dramas, following our private scripts.

To stand firm, stages must be planned. They cannot simply be thrown together, or they will fall apart. They depend on clear blueprints. The essential features of any good stage can also be defined. Stages require strong foundations, solid materials, and skilled construction. They require lighting. They require, as Jacques put it, "their exits and their entrances."

But the purpose of a stage is to *be* the stage—to be the passive platform on which the play's action unfolds. The stage does not act. It offers no drama. Rather, the actors' performance—the spoken words, the sword fights, the dancing, and the singing—provide the drama.

And yet the stage and the actors are mutually dependent. Without a stage, there can be no actors and no drama. There is no reason for a stage except to provide a foundation for actors and their drama.

There are five reasons why the Stage-Actor model—the metaphor of government as the solid stage on which individuals, families, communities, nonprofit organizations, and for-profit businesses "act out" their self-selected roles—is an accurate representation of how government should relate to people and the institutions we create.

**First: *Endurance v. Brevity.*** Stages can last a very long time, but actors last (with rare exception) no more than four score and ten years. In Europe and Asia, theaters and amphitheaters that the Greeks or Romans built over 2,000 years ago continue to serve as stages for dramatic performance. Opera houses built in Europe, the Americas, and elsewhere in the 1800s still host operatic performances today. Just as stages can endure for centuries or even millennia, we should want government to be stable, to be dependable, and to change carefully only when needed. And just as sets, lighting, costumes, plays and actors come and go, we understand that life itself, families, communities, private organization, cultural life, and economic activity are in constant flux. As enduring stages sustain the parade of plays, steady government sustains the flow of human action.

**Second: *Simplicity v. Complexity.*** Stages are simple, but actors are complex. Stages are flat; it is the sets that add height, shape, and color). Stages do not walk, run, leap, or fight. Only rarely do they rotate, the simplest of motions. Nor do stages

speak or sing. But what happens *on* a stage is varied, busy, noisy, exciting, and stirring. We likewise should want government to be simple—to carry out a relatively small number of fairly simple functions, and to do so with thoroughness and competence. But *on* the stage of government, we should have no objection to individuals, families, communities, and businesses “doin’ what comes natur’lly” (as the song in the Broadway musical *Annie Get Your Gun* put it). And what comes naturally to human beings, alone or in groups, is to act creatively, which means acting in wildly diverse and complex ways.

**Third: *Inconspicuousness v. Prominence.*** Stages go unnoticed, while actors get the attention. If you read a review of a play, musical, or concert, you will almost never read about the stage. “The stage on which Benedict Cumberbatch played *Hamlet* was flat and wooden” sounds like a headline from the *Onion*. Whether it’s a performance of Shakespeare, a revival of *West Side Story*, or the Rolling Stones’ proving that you can still rock at 70, the audience will notice the set, the lighting, the costumes, and of course the words, songs, music, actors, singers, and dancers. We likewise should want the operation of government (if not the political and policymaking processes) to be low-key. Government is too important to be anonymous; but it should not be in the limelight, except in a crisis. The public stage should never be “center-stage” unless a war or other catastrophe has struck (in which case we want government to be front and center). Rather, standing securely on the stage that government provides, people and private organizations should take center stage as they pursue their myriad hopes and dreams, earn their livings in a thousand ways, fulfill their religious and other social impulses, invent and build products and services, organize businesses, buy and sell, and make profits.

**Fourth: *Background v. Foreground.*** This overlaps but differs from the distinction between inconspicuousness v. prominence. The latter refers to *what* one notices: we fail to notice things that are invisible no matter how essential (like oxygen), whereas we easily notice things that stand out even if trivial (like a presidential candidate’s hairpiece). The distinction between background v. foreground, by contrast, refers to *where* we notice the things we do notice. A baseball fan sitting in Yankee Stadium can hardly fail to notice Yankee Stadium, but it is simply the background—the setting—for the baseball game that the players literally play out during the interval between the umpire’s cry of “Play Ball” and the final out. What the players do is in the foreground. The physical stage may win some of our attention, but the game is the *center* of our attention. Similarly, government at its best is in the background. No matter how big or influential government may be, we think of it largely as a backdrop to the really important stuff that dominates our daily lives, like whether we’ll get a pay raise, what we’ll serve for dinner next weekend, or how soon the Green Bay Packers will win another Superbowl.

**Fifth: *Neutrality v. Direction.*** Stages are neutral. It is the actors—meaning, here, playwrights, set designers, lighting directors, costume directors, and what Shakespeare called the “players” themselves—who decide the play’s shape and

direction. It is true that different kinds of theaters and stages (proscenium v. thrust v. “in the round”) have some influence on how a play feels. But the size, the dimensions, and the materials of a stage have relatively little bearing on the performance compared to the controlling roles played by set, lighting, costume, script, and the actors themselves. Not only can a good stage host a wide variety of performances, but a stage is neutral as to which performance it hosts on any given night. It supports Greek tragedy *or* British comedy; a pair of forlorn men waiting for Godot or dozens of singers, dancers, and supernumeraries waiting for elephants in *Aida*; a Mozart concerto or a Grateful Dead concert. The actors (broadly defined) decide. Like a good stage, it should be the role of government to be neutral when it comes to the overwhelming majority of the decisions that individuals, families, communities, and businesses make. Government should neither favor nor disfavor the choices that safe, secure, healthy, educated, and “unharming” people and firms make in their individual capacity or business decisions. Government must regulate, as well as create incentives, in order to properly create and operate a strong public stage that guarantees the public’s safety and health; ensures economic security and equal opportunity in health and education; and protects the environment, workers, consumers, and investors from serious harm and undue risk. But once government has built such a strong public stage, it should not use regulation or incentives to try to write the scripts of our lives or the librettos of our economy. Rather, people—acting on their own, in informal groups, or through formal mechanisms like churches and corporations—should write the script; design the set, lighting, and costumes; and play all the parts.

The previous discussion addresses why the Stage-Actor model—the metaphor of government as the solid stage on which individuals, families, communities and the economy “act out” their self-selected roles— is a fairly complete summary of how government should relate to people, culture, and the economy. There are several additional reasons for using the Stage-Actor model that explain the model’s helpfulness—its practical value—in thinking clearly about the place of government. Six such utilitarian reasons include:

**One: *Familiarity*:** The model reflects what many Americans already sort-of, kind-of, already think, despite the foggy of much of our thinking, about the role of government. It is not a model from a distant galaxy. It feels familiar. Its familiarity makes it useful in opening the door to the more detailed (and often provocative) discussion about government’s place that will take place in this website.

**Two: *Consistency*:** The model is consistent with the three broad areas of government—public safety and health, economic security and equal opportunity, and creating an effective market—that, as noted earlier, the overwhelming majority of Americans accept and support. Defining government’s job as creating a public stage where the drama of freedom unfolds is entirely compatible with assigning government these three wide tasks. One way to visualize the public stage is to see it as a solid platform that sits firmly on three strong pillars: safety and health, security and opportunity, and an effective market.

**Third: Power:** The Stage-Actor model is also compatible with Americans view about who should exercise ultimate power—and, day-to-day, the most power—in a democracy: Government No, People Yes. Stages have no independent power. They do not create themselves. They cannot create actors. But stages can be created *by* actors. In the history of theater, actors set up stages on dusty town squares, busy city sidewalks, and traveling wagons. “Acting companies” like Shakespeare’s built the most famous stage in the English-speaking world, the Globe Theater’s “Wooden O” on the banks of the Thames. Just as stages lack power vis-à-vis powerful actors, the foundation of American political theory is that government lacks power vis-à-vis the people—or, rather, derives all of its power from the people. In Jefferson’s words: “Governments are instituted among Men, deriving their just powers from the consent of the governed.” As Lincoln even more famously put it, government is “of the people, by the people, and for the people.” The Stage-Actor metaphor is helpful because its allocation of power (stage, no; people, yes) parallels Americans’ fundamental view that governmental power flows from the people.

**Fourth: Freedom:** The model’s emphasis on the modesty and neutrality of government (it should be simple, inconspicuous, in the background, and neutral) fits squarely into Americans’ primary value of freedom. Government should only be big, visible, and in charge when we absolutely need it. Its primary feature should be its limited nature, because limited government promotes individual liberty and its next-of-kin economic freedom. In short, defining government as the stage and individuals as the actors positions government as an entity whose overall job is to stay out of the way as much as possible so that people (individually, or in combination as families, congregants, and organizations) can be freely in control.

**Fifth: Utility:** The model is easy to use in deciding whether a specific function of government (existing or proposed) should be function of government. Does the governmental function help to build or maintain the public stage, but leave the acting to the actors? Or does the function intrude upon the actors, telling them how to behave?

**Sixth: Productivity:** The final utilitarian argument for the Stage-Actor model shifts from its compatibility with public opinion, and its value in analysis, to the assistance it provides in promoting truly free, i.e., un-manipulated, markets. Independent economists (i.e., not paid by a special interest group) generally agree that un-manipulated markets promote greater economic productivity and growing national wealth. This is one of Adam Smith’s main arguments in *The Wealth of Nations*, and most economists agree with Smith on this point. The Stage-Actor model of government’s role vis-à-vis individuals and the economy is entirely compatible with Adam Smith’s approach. Indeed, the Stage-Actor model *is* Smith’s model. It incorporates Adam Smith’s argument that government—by performing a small number of essential tasks and *not* burdening the economy with monopolies, tariffs, and other interventions whose aim is to prop up particular sectors or firms—can maximize the efficiency of production and thus maximize the nation’s overall

wealth. The primary difference between the way Smith presented the Stage-Actor model in 1776 and the way the same model is presented here arise from lessons learned during 240 years of economic growth and turmoil. America's experience in coping with a Great Depression, a Great Recession, and a modern economy has taught us that democracies with sophisticated market economies need a rather comprehensive public stage. But the overall nature of the public stage, and the relationship between the public stage vis-à-vis private action, remain essentially the same as when Smith championed public funding of primary education and argued against government's granting monopolies to private corporations. The Stage-Actor model helps explain the enduring logic of Adam Smith's vision of what it takes to create "the wealth of nations."

We need not carry the Stage-Actor metaphor too far. It is not a perfect. It does not explain everything about the relationship between government and the private sphere.

For instance, in many theatrical performances there are walk-on parts, bit parts, and lead roles. Osric says only a few words in Hamlet, while Hamlet appears in almost every scene and has hundreds of lines. It is not the stage's duty to make sure all actors have a minimum number of lines.

We should want the solid public stage that government builds, however, to ensure that every actor receives the social equivalent of a fair number of lines in the form economic security and equal access to excellent health insurance and a solid education. Part of the place of government is to ensure that no individual has a walk-on part or a bit role. When it comes to earning enough to pay the rent and put food in the refrigerator; or seeing a doctor when you are sick; or enabling your child to learn to read; we should want every American to have roughly equal access to steady work that afford a decent income, medical care, and schooling. The functions of American government should include making sure that all adults who cannot work because of a serious disability have a satisfactory income, and that retired seniors have a comfortable pension.

What individuals then do with this social equivalent of a fair number of lines, however, should be left to them. No adult should be compelled to work, compelled to earn a wage or receive an earnings supplement, compelled to retire, or even compelled to use health care.

Moreover, while each individual should be assigned the social equivalent of a goodly number of lines, individuals must be given considerable choice as to which lines they want to speak. An unemployed adult who want to work in a wage-paying job should never ever be compelled to take a particular job. There should be a wide choice of employment opportunities. No individual should be compelled to rent any particular flat, or buy any particular food.

Similarly, no one who wants to take advantage of health insurance should be



compelled to select a particular insurance company, a particular doctor, or a particular hospital. Americans should have a wide choice of insurers and health care providers. The same rule of choice should apply for education. While it is appropriate to require children to get a good education, no parent should be compelled to send a child to a particular school.

Apart from this important departure, however, the Actor-Stage model holds. The public stage—government—should not decide what safe, secure, healthy, educated, and “unharming” people and firms do in their individual capacity or business decisions. It is appropriate for government to provide information, e.g., about the nutritional value of food. If the scientific evidence is strong, it is even appropriate for government to encourage particular choices, e.g., avoid smoking, and exercise frequently. But what safe, secure, healthy, educated, and “unharming” people and firms choose to do should be private.

Powerful interest groups and super-rich campaign contributors, whose donations (both visible and secret) to political campaigns give them such a disproportionate sway over the policy-making process, will not easily yield control to the Stage-Actor model’s emphasis on the supremacy of unsubsidized private choices. Their well-paid lobbyists, and the politicians and bureaucrats they influence so heavily, will fight to prevent ordinary Americans from truly controlling the shape and direction of the nation’s culture and economy.

It is central principle of this vision of the place of government, however, to put these manipulators in *their* place by wresting control from them, and limiting government to its core role of creating a solid public stage upon which we, the people (as individuals, families, communities, and businesses), exercise total freedom over the unfolding of the nation’s drama.