



Education and Government for Liberty

By José Stelle

Three January 2007 Public Interest Institute *INSTITUTE BRIEFS* addressed education reform. They recommended that reform be guided by economic insights and argued for a private, competitive system of instruction, with educational vouchers making up the difference in income levels. They also suggested that education reformers would more likely achieve their aim if they regarded their effort as a moral struggle for liberty, rather than merely as a utilitarian attempt to obtain greater technical competence (“a good education”) for their children. But what about education for political life? Outside the realm of greater self-awareness, more effective communication, well-being, and professional success, where can education play a special role? And where do morals fit in?

As explained in the January 2008 *BRIEF* titled “The Constitution and the Rule of Law: Are They Equal in Value?” the liberal constitutionalism envisioned by Montesquieu and the framers of the American Constitution (Madison’s “republican” or “popular” government¹) can be guaranteed not so much by a Constitution as by the rule of law.² Constitutionalism, America’s unique contribution to political science, sought to establish the rule of law through a deliberate separation of powers spelled out in writing.³ However, the U.S. Constitution failed in that task, for the American government has obtained by constitutional means powers that the “law of the land” meant to (but did not expressly) deny it.⁴ Reform of the Constitution therefore looms as one of the difficult tasks ahead for the United States as it enters what may be one of the hardest epochs of its existence. Yet that reform — and the American renaissance expected from it — will fail unless it is buttressed by an improved education system founded on a commitment to morals.

The difference between the Constitution and the rule of law, as well as the latter’s relation to education and morals, can be understood if the rule of law is seen as a conception that defines the attributes that all laws should possess. Expressed or implied in those laws are severe limitations on the powers and behaviors of government officials. More so than a Constitution, the rule of law can therefore, by its steady application, considerably discipline the whole nation. The current charter, on the other hand, as Americans have found out, does not sufficiently restrain the powers of public officials, especially of the legislators. Thus, by not defining the rule of law and what attributes American legislation should have, the Constitution has inadvertently helped to weaken liberal constitutionalism and the rule of law in the United States. In order to solve this problem of American political life, an improved Constitution of liberty must be derived from the superior model of the rule of law. But, given the evolutionary nature of all things, this long effort would require a more intense and more abstract education than that offered by the current system, because the absorption of fundamental concepts and their psychological transformation into an expanded rational and moral sensibility in the people depends on deep and extended study of the fundamental concepts that sustain civilization. These concepts are now in fast retreat.

The republican theory of government underlying constitutional reform also includes the subsequent premise that the bent for politics is a gift; some citizens have it (or have an interest in it), some don’t.⁵ Therefore, given a political structure that guarantees the rule of law, the good government of the republic must be open to all who recognizably have talent for it or show an honest interest in it; conversely, it must

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be barred to those who wish to use the government to further personal or group interests. Such republican government nevertheless rejects unprincipled majority rule. It assumes that, by the very nature of the organizational process, popular government is and always will be representative and selective, though significantly different from the current model as to method of election, incentives, and conduct.⁶ It rests on the concept of duly constituted authority, the only form of authority that is likely to be just, bearable, and durable. It is from these premises that one can perceive the political-educational nexus.

Another question of definition exists: an interest in politics, even if honest and intense, must be real, not speculative or imagined, because interest or theoretical competence does not always translate into administrative skill. All this must be understood in light of the sources (in sum, the relative scarcity) of leadership and in the context of competition from the private sector. So republican government, especially of the limited but effective kind envisioned here, will require a supreme educational effort that will gradually and intensely train, by competitive means, a “deep bench” of human beings from an early age how to read, write, speak, think, calculate, organize, teach, plan, manage (especially their time), and lead. Because right action depends on right foundations, a good portion of this intensive education and training should rest primarily on the liberal arts and the social sciences, with sufficient time dedicated to a physical education that prepares the body and mind for endurance, courage, and grace. This would be followed by a long period of varied practice in the professions. Only then would the citizen be ready and able for training in public affairs and allowed to participate in a rightly understood political life. Instrumental professions (the arts, engineering, business, the trades, and so forth) are not within the province of politics, but this need not deter their members from submitting their résumés, at least for the instrumental functions, for the State and the law can be enriched by their experience.

In the new republic though, public service cannot be a career; most positions are temporary and must, except in some cases, start at the local level, with an intervening period of reasonable length before another position can be contemplated. The administration of the public thing is no easy task, but the survival and prosperity of the nation depend on its politics being carried out in ways compatible with justice. Education and politics are thus both shaped by the rule of law and the need to sustain it. This moral content is entirely absent from today’s “politics” and system of “education” (which are mostly instinctual, hence chaotic and anemic), and must be encouraged. No stable civilization can be built on a weak foundation, and no nation can survive it. Thus education reform and the future of America go hand in hand. The morality of the rule of law is their basis, for one of the main goals of education is the development of the rational and affective faculties of the citizen. The establishment of “liberty and justice for all” depends on it.

Endnotes:

¹The terms often used by James Madison to replace “democracy” in *The Federalist*.

²As stated by F. A. Hayek in a lecture attended by the author in São Paulo, Brazil, in 1981.

³F. A. Hayek, *The Constitution of Liberty*, University of Chicago Press, Chicago, 1959. pp.176-178.

⁴F. A. Hayek, *Rules and Order*, University of Chicago Press, Chicago, 1959, p. 1.

⁵See J. A. Schumpeter, “Democratic Elitism,” in *Modern Competing Ideologies*, L. E. Shaw (ed.), D.C. Heath and Co., Lexington, Mass., 1973, pp. 398-415; although Peter Drucker insists, with regard to entrepreneurship, that the skill can be taught or learned. But real talent for public affairs and true leadership will very likely remain a gift.

⁶For an idea of how the electoral system can be reformed, see “The Political Order of a Free People,” volume 3 of F. A. Hayek’s *Law, Legislation and Liberty*, University of Chicago Press, Chicago, 1973.

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