

An American Return to the Polis

by Geoffrey Clarfield

The Homeowners Association seems to be a sensible way for citizens to protect their rights.



Scholars have regularly argued that the Founding Fathers of the United States were well versed in the history and thinking of the ancient Roman and Greek world, as well as the thought and history of the Jewish people as expressed in the Old Testament and Christian scripture.

We must remember that the Founders were trying something new or, something that had died out in some cases more than two thousand years ago. That is to say a Republic, with near universal male voting rights, legislative, executive, and judicial divisions of government designed to provide balance and justice in the conflicts that comprise the daily fare of politics in a country without Kings.

And so in the thinking of the Founders, the Roman Republic, the Greek polis, and the political and legal practices of Biblical Israel all found a place in this new political dispensation.

The British born American patriot Tom Paine once wrote, "What Athens was in miniature, America will be in magnitude... The one was the wonder of the ancient world, the other is becoming the admiration and model of modernity."

The Founders opted for a Republic based on the model of early Rome, as opposed to the myriad pre-Alexandrian independent city states of the Greeks, as they knew that small city states (polis) or near independent colonies could easily be overwhelmed by whatever world power may rule the roost, be it Macedonian (Alexander), British, French, Spanish, Russian or even what then was thought of as just one "sleeping giant," China.

Nevertheless, the autonomy of the local was enshrined in the U.S. political and legal system which continued into the early 20th century when the forces of centralization began to overwhelm it. For until WWI most Americans felt loyal to their town and county, then to their state and finally to their own country, more often when it was or appeared to be threatened by an outside world power. A simple example of the primacy of the local is trial by jury which emphasizes that one must be judged by ones peers and equals, not state appointed judges.

And thus the great French aristocratic traveler, who travelled in the U.S. during the 1840s, Alexis de Tocqueville devoted a full chapter to local American government and how it schooled men in democracy. As Pascal Immanuel Gobry has [written](#), "Tocqueville is adamant ... looking at how local government works in America explains how all democracy works in America."

If this is and should remain the basis of American democratic greatness, then most Americans believe that since the Depression and [WWII](#) both the municipal and the state has been overtaken by the Federal to the detriment of all. Since the fall of the Berlin Wall the Federal Government and the presidency have grabbed more power, printed more money, increased inflation and gone a long way to beggar the middle

class in the interests of foreign countries.

And so, as a statistically aberrant, English-speaking Canadian, born and raised in Ontario, yet who is sympathetic to the American project I just may have accidentally discovered a way by which the average American can take back his and her local democracy through a unique new approach to property rights, community, and face to face participation.

It is called the HOA or the [Home Owner's Association](#). It works in the spirit of the Greek polis. As I belong to one, I have seen it in action. Let me describe it to you.

During my winter stay at our small house in Florida I joined the local public library. I got into the habit of finding a safe bike route from our home and spent most of my afternoons outside of the hot sun, reading and writing as is my wont.

There I came across a small black book, published in the State of Florida, by a lawyer who laid out the legal history of the homeowner's association movement in Florida (it started in the 1990s) and the many laws, by laws, and rules by which it functions. It was filled with legalese but as I scanned it, I began to understand some of its basic principles. This is what I took away.

A Homeowner's Association allows a group of contiguous homeowners to act as a legal corporate entity, run by elected volunteers. These volunteers then negotiate with an implementing company that provides the services which are paid for by the homeowners through quarterly fees.

In our case it means that the landscaping is contracted to a landscape and gardening company whose employees maintain a hybrid landscape of indigenous Florida flora and imports such as the beautiful Philippine palms which have become such a symbol of the good life to be had in Southern Florida.

Then there is the garbage company who comes on Tuesday

mornings to pick up garbage, recycling, and anything bigger for which there are also rules. Then there is the club house, which is kept clean and for which the company is responsible, maintaining the pool (with another sub-contractor), the gym, Yoga room, meeting room, library, cleaning the place, paying for the utilities, and monitoring use according to the rules laid out.

Then there is the wall that surrounds our community monitored by a gate house with a full-time attendant who monitors visitors and tradespeople. Those of us from the community have car stickers that allow us free entry and access to our community.

All of this is monitored by electors who are voted for in free, fair elections and who meet monthly and annually using Robert's rules to manage the meeting. As a full owner and member of the community I receive meeting minutes and announcements that I can read at my leisure.

Our community and our consulting implementation company manage two web sites (one for the residents and one for communication with the implementing consultants) where we can communicate with management and pay our quarterly maintenance fees. There is also an informal Facebook page which can be entertaining at times. There are fines for speeding on the roads of our community (which protect the elderly and the young) and fines for people who violate the architectural and gardening codes.

As this is a community there are many activities that you can join, and I remember going to an entertaining and quite remarkable magic show that ended with a patriotic reconstruction of an American flag from pieces of cloth of different colors. I was touched.

Yes, there are rules for everything including how far from the curb you can let your dog go onto someone else's property. And yes the faux Spanish architecture and red and green gabled

rooves gives one the illusion that you are living in some Mediterranean community with semi tropical vegetation and landscaping.

I can live with that as well as the fact that if we want to change the internal or external aspect of our homes we must plan, apply, and get those approved. So now that I have told you what this gives us, what does it protect us from?

First, foremost, and most politically incorrect, it protects the community from law breakers. For example, in order to be able to buy a property one must voluntarily submit to various registers that check any present or past criminal activity. That does not mean that anyone with a record cannot get in, but that the association can take that into account as long as it does not violate the basic laws of Florida and the U.S.

Second it prevents people from turning their homes and gardens into exhibits of their peculiar world view and it goes without saying that secondhand vehicles or old boats cannot rot in front or back yards.

All of this contributes to an either voluntary or obligatory civility, for if you have a disagreement with any other member of the community you can bring your grievance to the HOA before you call your lawyer or the local sheriff. (I noted with content a few sheriff cars parked in the driveways of some of the houses in our community that suggest it attracts law abiding law enforcers. One of our neighbors is a former police officer from Richmond Virginia.)

If you are a baby boomer who was born and raised in North America after WWII does any of this feel familiar? Yes, it echoes the suburban life of American cities after WWII where you minded your own business, acted like a good neighbor, and watched out for the weak, the elderly, and the underage of your community.

Those days are over as suburban homes are now fitted with

electric alarms, barred windows, and gated garages. However in a community like ours the "feel" of the place is eerily reminiscent of the fifties. Every evening you can see couples and singles walking, jogging, or riding their bikes on the streets of the community. You get used to their faces and they get used to you. And I did notice a small but growing number of middle-class Latino and African Americans who had bought homes in our community.

You get to know who is local, and I have had many pleasant conversations with American men and women of my age who work out in the gym and do not get upset by my ever so polite but pointed Canadian questions about U.S. politics. In my community, I even get to vote.

I prepared to do so by reading meeting notes and the agenda of the annual meeting which I attended. I chose my candidates, deposited my sealed ballot in the HOA office at the club house and watched the meeting unfold. It was much more colorful than I imagined it would be.

As Americans are famous for their individuality, it showed up clearly at this meeting. There were a number of members with well-articulated grievances. They got up and spoke to the assembled and then sat down. They were not put off by any authority, either volunteer or contracted. Some of the complaints seemed unreasonable, amusing perhaps. Others seemed reasonable but everyone had their say and a right to be heard. All comments were duly noted and recorded with volunteers from the governing council committed to following up.

American writers on the center and the left have rarely had good things to say about "gated communities." They have argued that these communities are populated by people who are running away from public spaces, who racially self-segregate, or do so according to class and prejudice, and are disengaged from the day-to-day public interaction that makes America exceptional. I beg to differ.

The reason that so many cities like New York, Chicago, LA, San Francisco, or Boston have become dangerous and hard to live in is that the legislators who run these cities are unwilling and unable to enforce the laws that keep drug dealers off the streets and criminals from robbing stores at gunpoint, all of whom know they will be charged and released. And then just add a dash of cultural Marxism and identity politics and you have the ingredients of social breakdown in public spaces.

The ancient Greek polis had a number of features which did not stop the various poli from uniting to defend Hellas (the greater Greek world) from tyrannical oppressors such as the more numerous Persians, who did not like democracy.

They included membership in a physically contiguous community governed by a constitution and laws which emerged from the people, were debated, and voted upon. Members of a polis believed in the same Gods. In our community I must assume that a majority believe in the U.S. Constitution whose deity seems most acceptable.

In the polis full citizens have rights as do dues paying owners of our community. We speak a common language (English), and we interact daily. I imagine that even the most cantankerous member of our community would prefer to be tried by twelve of his peers than some judge from the State Capital in Tallahassee.

As the HOA and our gated community are adjacent to many others like it – as well as to similar but more loosely organized “deeded communities” – there is nothing stopping these communities from banding together to lobby on substantial municipal and regional issues.

At the beginning of the 20th century sociologists and social thinkers worried that the gap between the citizen and the state would grow so wide that the state would dominate the citizen. If you look at the tragic history of the twentieth

century in western and eastern Europe, this indeed has been the case. Since the depression of the 1930s federal overreach in the U.S. has grown exponentially.

The Homeowners Association seems to be a spontaneous yet structured way for citizens to protect their property and other rights, such as those of the first and second amendment in what is still the greatest democracy on the face of the earth.

When I walk the streets of my adopted home in my [Florida](#) community I think about the Polis, and I am grateful that the Founding Fathers looked to the Greeks and Republican Romans for inspiration.

I am certain that their hope was not displaced.

First published in the [American Spectator](#)