

interpretation

a journal of political philosophy

volume 5/3

spring 1976

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martinus nijhoff, the hague

edited at

queens college of the city university
of new york

interpretation

a journal of political philosophy

volume 5

issue 3

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interpretation is a journal devoted to the study of political philosophy. it appears three times a year.

its editors welcome contributions from all those who take a serious interest in political philosophy regardless of their orientation.

all manuscripts and editorial correspondence should be addressed to the executive editor

interpretation

building g101 – queens college – flushing, n.y. 11367 – u.s.a.

subscription price

for institutions and libraries Guilders 42. for individuals Guilders 33.50.
forwarding expenses Guilders 9.— one guilder = \$ 0.385
subscription and correspondence in connection therewith should be sent to the publisher

martinus nijhoff

9–11 lange voorhout – p.o.b. 269 – the hague – netherlands.

POLITICAL PHILOSOPHY AND THE RIGHT TO REBELLION*

LAURENCE BERNIS

This sort of legislation therefore may be good to look at, and might seem to be humane: he who hears about it receives it joyously, believing that there will be some kind of marvelous friendship of everyone for everyone; especially whenever anyone charges that the evils existing in politics now have come about because property is not common. I mean lawsuits with each other about contracts and judgements for false witness and flattery of the rich. It is not because of the absence of communism that these come to be, but because of wickedness. . . . Furthermore, it is just not only to speak of how many evils they will be deprived of by sharing in common, but also of how many goods. . . .

—Aristotle, *Politics*, II

Political philosophy concerns itself with the political fundamentals, the roots of political life. It raises the most radical questions about political life, e.g., what is the purpose of government? Different philosophers answer the question in different ways—in fact, they also raise it in different ways—but all philosophers, no matter how they raise and answer it, find themselves in a certain political predicament, which can be seen as follows: he who speculates about principles justifying all government is in that very act speculating about principles which could justify the alteration or abolition of any government that does not measure up to those principles. Or, in other words, every attempt to determine what the principles of political life and of government are leads to something like a doctrine of a right to revolution, or better, a right to rebellion.¹

Let us take one of the clearest examples. Thomas Aquinas in his *Treatise on Law*² argues that since law is for the sake of justice, the common good, an unjust law seems to be no law at all. Every human

* Based on a talk at West Virginia Wesleyan College, November 21, 1969, prompted in part by questions raised in the St. John's College Student Forum meeting of October 15, 1969.

¹ Cf. John Locke, *An Essay Concerning Civil Government*, xix. In Locke's perhaps more cautious language rebel always means aggressor. Anyone in civil society who uses "force without Right" does "*Rebellare*", i.e., bring back a state of war, and is thereby a rebel, be he subject or ruler. Locke does speak both of the right to *resist* a government whose enforcements violate the fundamental ends of government and of the right to *erect* a government or form of government to secure those ends. The right to rebellion, as we use it, comprehends both these rights.

² *S.T.* I-II, Q. 95, A. 2. Cf. Alfarabi, Avicenna, Maimonides and Albo in *Medieval Political Philosophy: A Sourcebook*, eds. Ralph Lerner and Mushin Mahdi (Glencoe, Ill.: The Free Press of Glencoe, 1963), pp. 24-27, 39-57, 61, 104-10, 212-15, 221-25, 242-51. Cf. *Conversations of Goethe with Eckermann*, Nov. 24, 1824.

law, Thomas argues, is binding only in so far as it is derived from the natural law, the law of reason, the moral law. To the extent to which it deviates from the natural law it is a perversion of law. Confronted by a tyrannical government, he who understands that such government violates the fundamental purpose of government becomes aware of a right to rebel or, as the Declaration of Independence puts it, in some cases a duty to alter or to abolish the oppressive government, a duty to rebel. The right to rebellion is a dramatic reminder that no government of men is as important as are the moral principles of good government.

But the doctrine of the right to rebellion is easily abused. Demagogues of all ages have been carried away by their own ambition to denounce, as unjust, laws and governments that stand in the way of their accession to political power. Idealists of all ages—in righteous but intemperate indignation—have allowed themselves to become the dupes of demagoguery, demagoguery that originates both inside and outside of themselves. Laws and governments, because they do and must restrain, in some ways are bound to go against the grain of every man who has some passion in his soul that needs restraining, against the grain of every man who is not only rational, who is not an angel,—in sum against the grain of every man. The more reasonable man faces an additional irritation, though one which he might be expected to understand, namely, being forced to live in accordance with restrictions framed for those less reasonable than himself. Demagogues work on those abraded passions and, by wrongheaded appeals to the sense of justice, abuse the doctrine of the right to rebellion by leading men to rebel and to expect, as a matter of justice, what no man and no government can ever give them. Reasonable radicalism can be destroyed by unreasonable expectations. Reasonable radicalism must be accompanied by reasonable conservatism.

Hence, Thomas and the Declaration of Independence distinguish between the possession of a right, in this case the right to rebel, and the exercise of a right. Speaking generally, Americans have, in hundreds of ways, rights to behave foolishly, as long as they do not interfere with the rights of others, but whether they ought to exercise those rights is another matter. The possession of a right does not automatically license its possessor to exercise it. Whether it is wise or prudent to exercise a right, whether it ought to be exercised or not, depends upon circumstances. If it is likely that the evils attendant upon the exercise of a right would outweigh the evils justly complained of, a just man, for the sake of avoiding the greater evil, does not exercise his right. If action to overthrow a despotic government is likely to lead to the imposition of a more despotic government, rebellion is not called for.³

³ Cf. Shakespeare's *Julius Caesar*, and Plutarch's "Comparison of the Lives of Dion and Brutus."

If a certain exercise of the First Amendment right of peaceful assembly tends to undermine the very conditions of reasonable deliberation—tends to lead to situations that endanger the existence of the rule of law generally and the system of government that is the guarantor of the Bill of Rights as a whole, then that right at that time probably ought not to be exercised. As Aristotle notes in his *Politics*,⁴ it would be strange to call that action good which makes the thing it is exercised upon worse. In the exercise of his rights, as in everything else, man is responsible for the foreseeable consequences of his actions. In practice, the maintenance and extension of any right, of any freedom, depends upon the ability of the recipients to use it well.

The appeal from human law and from convention is made in the name of the natural or the reasonable.⁵ It would seem that now, in the beginning, and always, science and philosophy come into being with the awareness that a distinction can be made between nature and convention, between the reasonable and the conventional. Wherever there are philosophers (a class which can include erring philosophers) there seem to arise imitators of philosophers, sophists, or intellectuals, men who are aware of the distinction between nature and convention but who never sufficiently reflect on the reasons for conventions. The sophistic abuse of the fundamental distinctions of science and philosophy is a danger coeval with philosophy. Because of this danger one of the tasks of political philosophy is to defend decent convention, ordinary decency, against the attacks of sophistical scientism.

Why are conventions, human laws, governments, necessary? Why cannot man, the rational animal, govern himself by reason alone? Aristotle's *Metaphysics* begins with the assertion: "All men by nature desire to know." We might contrast this with the famous remark of Hobbes: "The Thoughts are to the Desires as Scouts and Spies to range abroad and find the way to the thing desired."⁶ Thought serves desire. The two remarks are not as far apart as they might seem. In the last chapter of Aristotle's *Nicomachean Ethics*, which is the preface to his *Politics*, he argues that while all men do desire to know, most men desire other things more. Hobbes, then, even according to Aristotle, would be right, not about all men but about most men. Those men, Aristotle suggests, for whom the desire to know dominates all the other desires are rather rare. The presence and power of those other desires make political laws, laws backed up by force and fear of punishment, necessary. As *The Federalist* puts it:

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the

⁴ 1261b 10, and 1281a 20.

⁵ The reasonable, as understood here, would contain as species both the "historical" and the progressive.

⁶ *Leviathan*, viii.

great difficulty lies in this: you must enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government, but experience has taught mankind the necessity of auxiliary precautions (No. 51).

Yet men hope for more than merely tolerable government. Behind the American Union and the Constitution Lincoln perceived "something . . . entwining itself more closely about the human heart," namely, the principle expressed in the Declaration of Independence that "all men are created equal." About that statement he also said:

I think the authors of that notable instrument intended to include *all* men, but they did not intend to declare all men equal *in all respects*. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness, in what respects they did consider all men created equal—equal in "certain inalienable rights, among which are life, liberty, and the pursuit of happiness."⁷

The basis of these natural rights, rights which all men share, is a difference in nature. It is the difference between rational and irrational animals, between men, animals capable of thoughtful speech, and beasts, animals incapable of thoughtful speech. This difference is fundamental both for Aristotle and for the Founding Fathers. Aristotle puts more emphasis on the different ways and degrees to which men possess this capacity; but the differences of ways and degrees can never be as significant as the difference between animals which possess the faculty naturally and those which do not.⁸

The distinctions emphasized by Aristotle appear to be present to Lincoln himself, when he suggests that there is a tendency in democratic society to confuse created equal "in certain inalienable rights" with the idea that all men are or ought to be equal in all respects. Such tendencies often provoke counter-tendencies or, as they say, reactions. Frustrated aspirations for some kind of genuine distinction, or authentic nobility, would seem to be behind much of the moral and political rebellion of our time, behind the outbreak of corrupt and perverted forms of heroism. If aspirations toward the heroic can only be fulfilled by

⁷ Speech at Springfield, Ill., June 26, 1857. Cf. John Locke, *op. cit.*, vi, section 54.

⁸ Evidence from recent studies of language-type skills in great apes would appear to support this argument. Although great apes have demonstrated very interesting capacities for being taught by humans how to utilize and form linguistic-type symbols: "Only man's intelligence is sufficient for agreements to be approximated regarding the meanings/symbolic-referents of the lexical units. It would appear that the necessary intelligence levels must be higher than those of the anthropoid apes; otherwise they would have developed a public, language-type of communication in the field, if it is true that, as generally held, such communication has significant survival value." "The Mastery of Language-type Skills by the Chimpanzee (*Pan*)" by Duane M. Rumbaugh and Timothy V. Gill, paper presented at the New York Academy of Sciences, September, 1975. Cf. "Animal Communication and Human Language" by Emile Benveniste, *Problems in General Linguistics*, (Coral Gables, Fla.: University of Miami Press, 1971), v; and Aristotle, *History of Animals*, VIII, i.

becoming a part of mass political movements, demagogic chaos and its natural culmination, dictatorship, or despotism, may be unavoidable. This moral and political rebellion can, in part, be understood as a reaction to the ignoble, petty and dehumanizing elements of our life which result from the development of large-scale technology. The pollution of the natural environment and the pollution of the spiritual environment by the mass media with its propaganda and advertising have begun to make increasingly evident the problematic character of the great project for the conquest of nature first set in motion by the philosopher-scientists of the sixteenth and seventeenth centuries. These developments are plausible targets for reasonable reform and rebellion, for a radicalism that is both reasonable and conservative. Yet to what extent have the ominous technological developments been aggravated by the extension of the principle of equal rights for all into spheres where it does not belong? To what extent are our troubles the result of the tendency to try to make "all men equal in all respects"?

The technological development and the leveling tendency seem to go hand in hand. For example, higher productivity depends on increasing and extending mass production; mass production requires mass markets; advertising has the task of producing and maintaining those markets; and advertising, like all propaganda, appeals to the lowest common denominator of human motivation. The commitment to any set of institutions, as a practical matter, will always depend upon the style of life fostered by those institutions. The "diversity in the faculties of men," the "different and unequal faculties" of men, call for protection not only in that sphere noted by Madison (*The Federalist*, No. 10) but in the sphere of the production and acquisition of spiritual or intellectual goods as well. The costs of neglect, especially under conditions of affluence, could become dangerously high. To what extent is student disaffection an effect of the introduction of mass production techniques and the principle of "all men equal in all respects" into education?

Education, rightly conceived, may be essentially aristocratic. (I speak of course, not of aristocracy of birth but of aristocracy of natural talents and experience.⁹) Education, rightly conceived, does gratify, but unlike salesmanship it never flatters. Education involves confronting oneself with minds or souls that are acknowledged to be superior in some decisive respect. It involves striving continually to raise one's own understanding to the level of one's teachers. When it is effective, one becomes aware of one's own defects; one is moved towards overcoming whatever is petty and ignoble about oneself. Salesmanship, on the other hand, caters to and thereby encourages the selfish and the petty. Education, liberating or liberal education, is not likely to win out on the open market.

⁹ Cf. correspondence of Thomas Jefferson with John Adams, Oct. 28, 1813.

Why should the communications media be dominated by commercial rather than by educational purposes? Its defenders usually assert that their success is based upon the democratic principle of giving the people what they want.¹⁰ Is there no proper place for aristocratic preserves within democratic society? If every society requires leaders, and if liberal education is education for good leadership, and if liberal education—the antidote to conceiving of human greatness in quantitative terms—is an essentially aristocratic enterprise, democratic society requires such preserves. Should not the media, which have so much power over the formation of taste, be compelled to serve, or at least to cease from undermining, our more serious purposes?¹¹ In general, to the extent that the advertisers succeed in forming the national character, will it not become increasingly difficult to insist that we be treated as men who deserve the rights and dignities that befit free men?¹²

Can men be free without self-respect, privacy, and confidence in their abilities to control themselves?¹³ Have those who shape and guide our intellectual lives encouraged the growth of these qualities? To what extent is the present situation a consequence of those literary and academic fashions which blur the line between the properly private and the properly public, which identify profundity with misery, which acclaim and preach the liberation of thoughtless, even brutal, and perverted passion?

Here, however, a private predicament, parallel to the political

¹⁰ *Vital Speeches of the Day*, Feb. 1, 1970, speech by Dr. Frank Stanton, president of the Columbia Broadcasting System; March 15, 1970, speech by Reuven Frank, President of National Broadcasting Company News; and June 1, 1971, speech by L. S. Matthews, president of Leo Burnett Co.

¹¹ Cf. George Anastaplo, "Self-Government and the Mass Media: A Practical Man's Guide"; and Walter Berns, "The Constitution and a Responsible Press," in *The Mass Media and Modern Democracy*, ed. Harry M. Clor (Chicago: Rand McNally, 1974).

¹² Perhaps the most telling comment on mass media advertising was made just after the assassination of President Kennedy, when its seemingly spontaneous banishment from the airways for three days made perfectly evident that it is simply incompatible with sustained seriousness and dignity. Periods of national mourning, however, are not the only times when serious people should be allowed to sustain a serious mood. Other free nations have separated advertising from programming altogether, and limit it to certain prescheduled times with one-half to one hour of nothing but advertising, where those who wish to be informed about advertisers' wares may tune in without imposition being made upon those with no interest in such information.

¹³ To the extent that ordinary citizens cease to police themselves and each other, the tendency is to rely on appointed officials. As a result we find the increase of crime in the United States joined with a not altogether proportional expansion of police forces. Once it could be reported that: "The criminal police of the United States . . . are not numerous; . . . Yet I believe that in no country does crime more rarely elude punishment. The reason is that everyone conceives himself to be interested in furnishing evidence of the crime and in seizing the delinquent" (Alexis de Tocqueville, *Democracy in America*, Phillips Bradley, [ed. [New York: Vintage Books, 1954], 1: v, p. 99]). There is, apparently, a direct connection between intellectually fashionable permissiveness and this new, but evidently necessary, internal militarization of American society.

predicament with which we began, comes to light. Is not a certain shamelessness both the precondition for and the natural effect of intellectual liberation, of enlightenment? Should literature and art generally respect the sense of shame in the way suggested above? Yet shame and tact, respect for another's sense of shame, would seem to be nature's ways of protecting the intimate, the vulnerable, the naturally exclusive in man. If self-respect depends upon such protection, and freedom depends upon self-respect, freedom also depends upon respect for the sense of shame. No simple identification of enlightenment with edification would seem to be possible, though one might reply that enlightenment in the full sense of the word is dependent not upon shamelessness, but rather on an awareness of the problem of shame.

In conclusion, however, let us return to the more directly political question: can political institutions predicated upon equality in certain unalienable rights survive if they and the liberty they provide are not used for that cultivation of human excellence which is the ultimate justification of any good government?