




# The Philosophers' Government


*The Declaration of Independence*


Concluding Notes

Jan. 31, 2013

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- (1) As if by prearrangement, President Obama supplied two excellent examples of claiming the authority of the D.I. for contemporary political positions. Both in his Second Inaugural Address and in his signing ceremony for his Executive Orders on gun control he quoted from the Declaration's second paragraph's opening lines. In the latter instance he asserted that excessively liberal access to firearms deprived children of their rights of "life, liberty and the pursuit of happiness."
  - (2) The belief that Jefferson did not mean to include persons of African descent in the class "men" is not new. That proposition served as a premise in Chief Justice Roger B. Taney's opinion in the Dred Scott case (1857). If memory serves me correctly, Taney argued that such persons could not have been meant to be included as men, and therefore were not included in "the people" in the Constitution's Preamble. Hence, they had no rights and must forever be slaves. Dred Scott had sued for his freedom on grounds that he had been taken into a state where slavery was forbidden.

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- (3) Jefferson's third right, "the pursuit of happiness," probably owes a large debt to Aristotle, with whose *Nicomachean Ethics* Jefferson was familiar. Aristotle argues there that "happiness" (the standard English translation of Aristotle's Greek term) is not contentment, but is achieved by being a good specimen of humanity.
  - (4) We owe to the position of the D.I. in our history and national lore our peculiar propensity to frame moral issues in terms of rights. There was no concept of rights in ancient thought, and the strong emphasis on rights in taking up moral issues is largely an American phenomenon today. Consider the question of abortion, for example.
  - (5) Liberty and equality are to some significant extent inharmonious. As one great contemporary philosopher and historian put it, "liberty for the pike is death to the minnows." Because people differ widely in the natural gifts which are fundamental to prospering, a large degree of freedom, such as prevailed in the *laissez faire* era in the U.S., results in great inequality of wealth. But, beyond a certain point measures to increase equality also tend to diminish liberty.

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- (6) We noted that the D.I.'s political theory draws on its moral theory, and that is a general characteristic of political theories. The hierarchy of theories is more extensive than that. It is depicted in the next slide.
    - We might also call this slide, “Why political theory is so hard to understand, so often misunderstood, misrepresented, and abused.”
    - The relationships among these types of theory are more complicated than represented in this diagram, but it gives us an adequate starting point for considering those relationships.

Pol.  
Theory


Moral Theory  
(Ethics)


Philosophical Anthropology-  
Psychology


Epistemology  
(A theory of the origin and nature of  
knowledge.)

Metaphysics  
(A theory of the basic structure of reality.)

Ontology  
(A theory of the nature of being.)

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- (7) The Principle of Popular Sovereignty, the political principle that asserts that political power resides with the people to be governed, necessarily assumes a degree of homogeneity in the populace governed that may be quite unrealistic.
    - The assumption is evident in the emergence of the concept of “the people,” an idea which plays a large role in Jefferson’s thought, and that of other political philosophers and politicians down to the present day.
    - Perhaps the clearest and strongest early exposition of the idea came in J.J. Rousseau’s *Social Contract*, 1762, a work with which Jefferson was no doubt familiar. Rousseau, whose thought greatly inspired the French revolutionaries, argues for the existence of “the general will,” the expression of sound, just policy by the populace, “the people.”
    - For the Romantics, Rousseau being one, “the people” are to be seen most surely in the simplest among them, whose simplicity of life bears a nobility.
    - This is generally the opposite of the view of the ancients on the matter.
      - For a modern demurrer see Jose Ortega y Gasset, *The Revolt of the Masses*.

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- (8) Remarks on the D.I.'s assertion of a right of revolution.
    - Such an assertion was essential to the document, since the Revolutionary War had been under way for at least a year.
    - The British government could not formally respond to the Declaration's argument without in some sense recognizing the Continental Congress as a duly authorized government. Hence, the Crown secretly commissioned "private" criticisms. One of the more pointed of those criticisms centered on this right of revolution.
    - In fact, not long after the conclusion of the War rebellion against the government of Massachusetts broke out—Shay's Rebellion.
    - Jefferson himself believed that regular revolutions were a good thing, a point he makes clear in two letters commenting on Shay's Rebellion.
      - "...I hold it that a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical."
      - "...And what country can preserve it's (sic) liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms. The remedy is to set them right as to fact, pardon and pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is it's (sic) natural manure."
    - The Columbia University students who took over one or more campus buildings, ransacked offices, etc. in 1968 argued in a suit seeking a court order to prevent the University from disciplining them that their actions were legitimate because they were based on the principles of the American Revolution. They lost the case—*Grossner v. Trustees of Columbia University*, 287 F.Supp. 535 (S.D.N.Y., 1968)

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- Remarks on the D.I.'s assertion of a right of revolution (cont.)
    - Finally, we note that certain U.S. Government computer systems are currently under a concerted attack by an organized group of hackers operating under the title "Anonymous." Their action was prompted by the suicide of a prominent programmer who had been charged with Federal crimes. They argue that the Justice Department's practice of piling charges upon charges to force a guilty plea to the basic charge represents the denial of justice. They say they will persist in their attacks until the practice is discontinued and the rule of law reinstated.
    - --<http://www.informationweek.com/security/attacks/anonymous-plays-games-with-us-sites/240147123>