

双国公园总匠叮问副

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There has been in the <u>Palaestra</u> and on this campus a tendency to avoid discussion of current political issues. It is tempting to believe that, as Plato said, "the business of the market-place will look after itself" and that particulars are not the concern of the true philosopher. However, the growing chaos in the last years should teach us precisely that things do not take care of themselves: the war, the riots, the assassinations and the demonstrations literally force upon us the problem of defining and establishing orderly justice in this country, for ourselves and our descendants. It is to this problem that Mr. Berns addresses himself in these pieces, and we feel that what he has to say is relevant at any time and especially so at this moment. We hope that these pieces will be the beginning of a dialogue to be continued by you in the pages of the <u>Palaestra</u>.

Steve Forman Masha Zager

THOUGHTS FOR A POLITICAL SEASON by Laurence Berns

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THE PALAESTRA

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LINCOLN'S SPEECH ON THE PERPETUATION OF OUR POLITICAL INSTITUTIONS

(This address was one of "Two Short Talks and a Discussion in Celebration of Lincoln's Birthday", February 11, 1968, St. John's College, Annapolis, Md.)

It is almost irreverent to ask: Why celebrate Abraham Lincoln? Why celebrate the birthday of the only other man deemed, almost universally, fit to share equal honors in the temple of liberty with the great Washington, the Father of our country? But we, we who have been made aware that a distinction may be drawn between the love of one's own and the love of the good, who are committed wholeheartedly to learning, who are dedicated to the proposition that the most important learning may come only through conversation, through dialectic, for whom a good discussion is a celebration, we are aware that sometimes the risk of irreverence must be hazarded for the sake of the fulfillment of our most solemn, and at the same time most pleasant, obligations.

We study Lincoln, of course, partly to understand ourselves, to understand and therefore, in some degree, to control the spiritual forces which have shaped our civic lives as Americans. But what I hope to show is that we celebrate and study Lincoln also simply as students, hoping to learn something about man, about logos, about reason, about reason and passion, about reason and religion, (I do not say reason and revelation); hoping to learn something about a problem close to all of us, the problem of the relation between intellectual development and moral goodness, in the precise language of the schools, about the relation between intellectual and moral virtue.

We, the American People, Lincoln's Perpetuation Speech (Jan. 27, 1838, Springfield, Illinois) begins, possess the fairest portion of the earth as regards extent of territory, fertility of soil and salubrity of climate. This may be a condition, but not the chief cause, for our finding ourselves under a government conducing more to the ends of civil and religious liberty than any other the world has known. Hamilton suggests what the cause is in the opening paragraph of The Federalist:

It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide that important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for the political constitutions on accident and force.

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The rational structure of our institutions relies upon

the indecorous, but never failing, springs of human selfishness, in the words of Federalist number fifty-one, the "policy of supplying, by opposite and rival interests, the defect of better motives", so arranging things that ambition counteracts ambition, "that the private interest of every individual may be a sentinel over the public rights." Lincoln believed in, and, by long and constant study, appreciated the wisdom of our system of checks and balances and separation of powers. But a rational structure of institutions, even with enlightened and intelligent men at the helm, is not enough.

The most important dangers to American freedom are not to be expected from the outside; they come from ourselves. The most deadly symptom is "the increasing disregard for law which pervades the country; the growing disposition to substitute the wild and furious passions, in lieu of the sober judgment of Courts"; the upsurge of a "mobocratic spirit." Lincoln did not stress the incident closest to his audience's conscience, the lynching of the abolitionist editor, Elijah Love joy, some twelve weeks earlier in near-by Alton. Neither shall we enter into the dreary details of recent attempts to substitute force, fury and intimidation for orderly legal procedures. What seemed most dangerous about mob action to Lincoln was its cumulative effect. He divided the general population into two classes, first the vicious portion of the population, those for whom the only effective restraint is dread of punishment. These, the lawless in spirit, by seeing violations of the law go unpunished, "are encouraged to become lawless in practice." They make a "jubilee" of the suspension of the operations of government. The other class is that of the ordinary good citizen, who 10 % tranquility, is patriotic, and desires to abide by the laws. The spirit of the first class is constant; what is required to deal with them is vigilance and firm government. The effect of mob rule on the spirit of the second class is in the long run more serious. When they see their property destroyed, their families insulted, their persons injured, their lives endangered and no prospect of improvement, they become tired and disgusted with a government that offers them no protection. The "strongest bulwark of any Government, and particularly of those constituted like ours, "is"the attachment of the Pwople", specifically of the better citizens. When the affections of the better citizens are alienated from the government, when the government has friends "too few, and those few too weak, to make their riendship effectual ... men of sufficient talent and ambition will not be wanting to seize the opportunity" and overturn that political edifice that is "the fondest hope of the lovers of freedom, throughout the world." With the entrance of this new class, the men of talent and ambition, a new dimension in Lincoln's discussion is opened. We approach that problem most pertinent to popular governments, the problem of democratic or demagogic despotism, the problem of Caesarism. We return to this subject shortly. The institutional and legal founding of the political

edifice of liberty, Lincoln's argument implies, was not sufficient. He evidently knew Federalist number forty-nine well. One of the subjects of that paper is political veneration:

... that veneration which time bestows on every thing, and without which perhaps the wisest and freest governments would not possess the requisite stability. If it be true that all governments rest on opinion, it is no less true that the strength of opinion in each individual, and its practical influence on his conduct, depend much on the number which he supposes to have entertained the same opinion. The reason of man, like man himself, is timid and cautious when left alone, and acquires firmness and confidence in proportion to the number with which it is associated. When the examples which fortify opinion are ancient as well as numerous, they are known to have a double effect. In a nation of philosophers, this consideration ought to be disregarded. A reverence for the laws would be sufficiently inculcated by the voice of an enlightened reason. But a nation of philosophers is as little to be expected as the philosophical race of kings wished for by Plato. And in every other nation, the most rational government will not find it a superfluous advantage to have the prejudices of the community on its side.

But the Founders, for all their appreciation of the problem in general, had not sufficiently acted on their knowledge, had not sufficiently founded their political edifice in the hearts and spirits of the people. "Let reverence for the laws...", Lincoln said, "Decome the political religion of the nation." Political religion, addressed primarily to that larger group of normally decent citizens, is to be the preventive medicine against those maladies that could lead to the disaffection of the people from their government. Lincoln goes on, "While ever a state of feeling, such as this, shall ... generally prevail ..." every effort to subvert our national freedom will be in vain.

By a contrast between the generation of the revolution with present and future generations, Lincoln specifies those passions of the people with which in normal times statesmanship must deal. Jealousy, envy and avarice, "the passions so common to a state of peace, prosperity and conscious strength," these and "the deep-rooted principles of hate, /resentment, indignation and anger/ and the powerful motive of revenge," were, during the revolution, directed against the British nation. "And thus, from the force of circumstances, the basest principles of our nature were

either made to be dormant, or to become the active agents in the advancement of the noblest of cause/s/..." We note how Lincoln mitigates the sting of this hardly flattering description of the people by emphatically including himself among them. He suggests that one should not expect these passions to be eliminated; they are rather to be mitigated by more general intelligence, and, if not used, to be overwhelmed by the feelings engendered and stimulated by political religion, feelings which include gratitude to our fathers, concern for our posterity, the love of justice, and affection for humanity.

We turn now from the people, from the many, to the few, to the men of talent and to their ruling passion, ambition, the love of glory, the craving for distinction. During the revolutionary period all who sought fame and distinction staked their all on the success of the revolution. "They succeeded ... This field of glory is harvested, and the crop is already appropriated. But new reapers will arise, and they, too, will seek a field." Lincoln draws a distinction within the men of talent between the "many great and good men sufficiently qualified for any task they should undertake" and the "towering genius". The danger comes from the latter, who will not fail to seize upon the opportunity presented by general disaffection due to mob rule.

Towering genius disdains a beaten path. It seeks regions hitherto unexplored. --It sees no distinction in adding story to story, upon the monuments of fame, erected to the memory of others. It denies that it is glory to serve under any chief. It scorns to tread in the footsteps of any predecessor, however illustrious. It thirsts and burns for distinction; and, if possible, it will have it, whether at the expense of emancipating slaves or enslaving freemen.

We note with Harry Jaffa and Edmund Wilson the fire of this language, which seems 'to derive as much from admiration as from apprehension.' (Harry V. Jaffa, Crisis of the House Divided, Doubleday, 1959, p. 183. Chapter nine is a comprehensive interpretation of Lincoln's "Perpetuation Speech".) In contrast to the paragraph on the people, the towering genius is referred to with the impersonal "it". Ambition, Lincoln wrote to General Hooker, "within reasonable bounds, does good rather than harm." (Letter, Jan. 26, 1863)

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How much of what is now called ideology functions so as to disguised from political men the enormity of their own personal ambition? How much demagoguery and political fanaticism might be prevented, if the politically aspiring or their educators were once again educated by those classical authors who made it their business to try to train political men to appreciate the sublety of their own ambition, to train them to master their master passion?

In a political announdement at the age of twentythree Lincoln took cognizance of his own ambition:

Every man is said to have his peculiar ambition. Whether it be true or not, I can say for one that I have no other so great as that of being truly esteemed of my fellow men, by rendering myself worthy of their esteem.

(March 9, 1932, "To the People of Sangamo County," New Salem, Ill.)

It is clear that Lincoln no more expects ambition to be rooted out of the hearts of the politically talented than he expected envy and avarice to be removed from the people. What reasonable bounds are large enough to encompass the ambitions of those Lincoln calls men "of the loftiest genius," potential Macbeths, potential Caesars? (Lincoln's "family of the lion, or the tribe of the eagle" probably comes from Macbeth, I, 2, 1.33, his favorite Shakespearian play. See Letter to J.H. Hackett, Aug. 17, 1863.) The clue, I think, may be found by watching more closely what Lincoln himself has done in this speech. In the third paragraph from the end of the speech Lincoln prepares for his finale by recounting how the generation of the revolution possessed living histories of those great events in the persons of their kinsmen:

The consequence was, that of those scenes, in the form of a husband, a father, a son or a brother, a living history was to be found in every family - a history bearing the indubitable testimonies of its own authenticity, in the limbs mangled, in the scars of wounds received, in the midst of the very scenes related -- a history too that could be read and understood alike by all, the wise and the ignorant, the learned and the unlearned.

--But those histories are gone. They can be read no more forever. They were a fortress of strength; but, what invading foeman could never do, the silent artillery of time has done; the levelling of its walls. They are gone. -- They were a forest of giant oaks; but the all-resistless hurricane has swept over them, and left only, here and there, a lonely trunk, despoiled of its verdure, shorn of its foliage; unshading and unshaded, to murmur in a few more gently breezes, and to combat with its mutilated limbs, a few more ruder storms, then to sink, and be no more.

They were the pillars of the temple of liberty; and now, that they have crumbled away, that temple must fall, unless we, their descendents, supply their places with other pil-

lars, hewn from the solid quarry of sober reason. Passion has helped us; but can do so no more. It will in future be our enemy. Reason, cold, calculating, unimpassioned reason, must furnish all the materials for our future support and defence. --Let those materials be moulded into general intelligence, sound morality, and, in particular, a reverence for the constitution and laws: and, that we improved to the last; that, during his long sleep, we permitted no hostile foot to pass over or desecrate his resting place; shall be that which to learn the last trump shall awaken our WASHINGTON.

Upon these let the proud fabric of freedom rest, as the rock of its basis; and as truly as has been said of the only greater institution. "the gates of hell shall not prevail against it."

The old pillars were of wood, they have crumbled away. The new pillars must be stronger. They are hewn from a quarry, they are the rock of the basis of the proud fabric of freedom. Under the direction of cold, sober reason men of the loftiest genius have the mission to use their political, rhetorical and poetic powers to mould the minds and affections of what is to be an improved people "into general intelligence, sound morality, and, in particular, a reverence for the constitution and laws." This refounding and transmission of the temple of liberty in the minds and hearts of men, for those who have eyes to see, is a task of almost messianic proportions, a task equal to, or greater than, the first founding, a task capable of attracting, and perhaps even purifying, the ambition of a Caesar.

By linking the spirit of the Bible to the spirit of

political liberty, the spirit of the Gospel According to Matthew to the Constitution of the United States, Lincoln showed us by example what he meant by political religion. It may be a little too much to link so intimately our political salvation with our personal salvation, to have us answer on the Day of Judgment to George Washington as well as to God Almighty. The young Lincoln, surely, is not in as full control of his materials here as he is in the great speeches of his later years, but, I believe, no speech reveals more clearly than this what he regarded as the mission of his life. We must turn to the Second Inaugural and the Gettysburg Addresses to appreciate that mission in all its sublimity.

endants, during their classes with chart

TERMINAL ADDRESS, ANNAPOLIS EDUCATIONAL ENHANCEMENT PROJECT AT ST. JOHN'S COLLEGE

(This speech was given at the closing ceremonies of the Educational Enhancement Project on August 9, 1968. The Project was of the Upward-Bound type and was run on a volunteer basis by members of the St. John's faculty.)

You have volunteered to devote six vacation weeks. to the improvement of your minds and, we hope, your hearts.
We congratulate you for having the good sense to choose to do so, and for having the good heart to stick it out to the

All animals need food, all animals need shelter and almost all animals need families. In this respect man is no different from the other animals. But man is the talking animal and the thinking animal. Man is the animal which by his power to talk and to think, which added together is the power to learn, -- man is the animal which through learning has the power to modify his feelings, to control his feelings, to improve his feelings, to improve his likes and dislikes.

This sounds very rosy. It is not so rosy. This great opportunity which Nature, or Nature's God, has opened up for man is a two-edged sword; it can cut one way and it can cut the other way. For man's thinking and his talking, his power to learn, makes its way to man's feelings through the force of habit, through the formation of habit, and habits can be good or bad. The sword of learning is a twoedged sword, a dangerous instrument, because it can lead to bad habits as well as good habits. Man is the learning animal, and because of this even when he does the things all the other animals do, eat, seek shelter and have families. he does it with a difference: man can't just do things the other animals do, he's got to do them with style. We always watch each others' style - to see whether it's good style or bad. A man or woman's style points to what they have learned. It's what he learns that counts: he can learn to spoil his feelings, to corrupt his feelings, to make his likes and dislikes worse as well as to make them better. In fact, it's probably easier to do that than to make them better. If you don't put your mind to work at forming good habits, it's likely that, whether you know it or not, it will be working to form bad ones. Forming good habits, I believe, is what the business of education is chiefly about.

We must continually search for those teachers and those books which can guide our learning power towards improving ourselves, which can teach us how to be strong and sensitive, courageous, tender and thoughtful all at the same The best teachers (and this refers to books too) are the ones that teach us and move us to become our own teachers, to become thoughtful critics of ourselves, that arouse in us the habit of constructive thoughtfulness. The best teachers and the best books make us aware of how much we lose when

we waste our time.

There are some who think that the most important thing about a man is the size of his bankroll, or the sharpness of his clothes, or the size of his muscles, or the color of his skin. No matter how many of them there are, and there are a lot of them, they are very superficial people. What counts is the quality of a man's mind and heart, what he does and has done with his power to learn.

I should like to end this talk with some words from Dr. Martin Luther King, Jr., from his book Strength to Love:

May I offer a special word to our young people...
Many of you are in college and many more in high school. I cannot overemphasize the importance of these years of study. You must realize that doors of opportunity are opening now that were not opened to your mothers and fathers. The great challenge you face is to be ready to enter these doors.

(The following is a letter sent to Cengressman Rogers C.B. Morton on April 8, 1968.)

Dear Congressman Morton:

First I should like to thank you for the memoranda you have sent me over the years. Those I found most memorable were the one where you admitted and analysed your initial error in the matter of Adam Clayton Powell and the one where you described how you resisted popular pressure for a hasty rat control bill in order to gain passage of a more reasonable

and effective measure a short while later.

Prompted by the events of the last few days, I should like to urge you to give your immediate attention to securing adequate gun-control legislation. I am open to being shown I am wrong, but it seems to me that given present circumstances no reasonable man can doubt that such legislation is urgently needed. I am aware that placing one more area of behavior under government control, considered in isolation from everything else, diminishes to some degree the liberty we enjoy as members of a free society. But when and where the dangers from the abuse of that small liberty can pose threats to the fundamental fabric of liberty itself, the lesser evil must be chosen, and as quickly as possible, that is, as quickly as is possible for sober, reasonable and effective action to be taken. (I am under no illusions about such legislation being able to remedy the deeper causes, the spirit of almost self-righteous lawlessness, at the root of

much of the peculiar criminality of our times.)

What is most urgent however is not always most profound. Evidence of large-scale frontal attack upon the miseries of life in the Negro ghetto is now also urgently required. I urge you to give your attention to securing prompt passage of a Civil Rights Act. Open housing legislation, the creation of some kind of Job Corps, equal opportunity in employment legislation and a massive effort to improve, or even reconstitute, the schools in these areas must not be delayed. These schools should be made not only as good but even better, as far as facilities and staff are concerned, than schools in more affluent areas. The training of young Negro leaders with reason to be grateful to the system that allows them to get ahead should, or must, be given special consideration. (If possible, local option as to the use and administration of the funds with federal auditing should be written into the Act.) It may be that the employment problem can be solved more adequately by plans based primarily on the utilization of private resources and enterprise, but I don't see how the problems of the schools can be met without direct and large expenditures by government. Consequently I urge you to consider and support whatever tax increases should be necessary. Fiscal irresponsibility, too, has become too dangerous. I am aware that urging you to support tax increases amounts to asking you to risk your

office. There is a possibility that your electorate will appreciate the gravity of the situation and the need for new taxes, but I would not presume to suggest that such measures are likely to be popular. However, these are times when there is no substitute for the courage to do what is right, even though it may be unpopular, and even though it may be at the cost of losing office. I am confident that you and the majority of your colleagues understand better than I what the true honor of high office entails, and therefore I overcome my reluctance at urging a man to assume risks which I cannot share.

I am not sanguine about the legislation I am urging you to support being able to accomplish all that its more vehement advocates claim for it. Our situation is aggravated by the well- and ill-intentioned arousal of unreasonable expectations. There is a pressing need to reach, especially the Negro poor, with messages warning them against those who create unreasonable expectations, and whose zeal in some cases masks, from themselves as well as their followers, political ambitions detrimental to those whose interests they claim to serve, as well as to civil liberty in general. It is very important for the large majority of well-intentioned reformers to begin to consider more carefully the dangers flowing from the arousal of unreasonable expectations. However, be that as it may, long-standing injustices and neglect have plagued these communities, and unreasonable expectations have been aroused. Extraordinary efforts must be made to right the injustices and to undo the neglect: firstly, because it is right to do, or to try to do, so; secondly, in order to win back the allegiance of those who have been straying from the paths of law and order; and thirdly, to enable the nation to impose criminal sanctions on those who incite to lawlessness, and to undertake whatever action may be required to compel lawabidingness with good conscience, with no question about where the weight of moral principle lies.

THE ELECTORAL SYSTEM AS UNIFIER

(The following letter to the Editor of the Washington Post was published by that newspaper after the Republican National Convention, on August 25, 1968.)

One important feature of the Party convention system seems not to have received enough explicit acknowledgment: the way it contributes to national unity. That so many and diverse areas can be formed into one Nation should not be taken for granted. It was possible to see, after viewing the recent convention for more than an hour or two, how Party leaders from all over the country are forced to become aware of and even familiar with the pressures and opinions governing their counterparts from all the different parts of the country, and how they learn to modify and to moderate their own preferences and objectives so as to arrive at candidates and policies that mmght provide effective national leadership. These lessons must, of course, be learned even more thoroughly by the candidates themselves.

It is insufficiently realized that our Electoral College system, as it has developed, with its "winner take all" system in each state tends to educate politicians and moderate politics, that is, direct it away from the extremes to the swing votes in the middle, within the states in a similar

way, thus contributing to statewide consensus.

Those who too thoughtlessly advocate national primaries and the abolition of the Electoral College seem to be unaware of the potentially divisive effects of their recommendations. Such advocates and advocates of proportional representation, it seems to me, make two mistakes, at least. They confuse the Declaration of Independence's "consent of the governed" with wisdom of the governed: that is, by overestimating the power of reason in most men's souls they tend to undervalue those institutions which protect us and unify us by balancing out and moderating the effects of human unreason. By their abhorrence of the doctrinal impurity of our politics of muddle, compromise and moderation they betray an illiberal failure to appreciate the classical distinction between theory and practice.

One final, not unrelated observation: it was comforting to see how successful most of these practicing politicians were at resisting the efforts of the news-media men (who are to be commended for their skill in ferreting out information) to overdramatize and whip up excitement in their endeavor to give their audiences a good show. It is more than a pity that most news-media men and their employers are not sufficiently concerned about, or not sufficiently aware of, the destructive effects of their efforts to present an exciting show, when those they are affecting lack the resistance of

professional politicians.

SOME REFLECTIONS PROMPTED BY THE EVENTS IN CHICAGO, AUGUST, 1968

These general reflections will come under three heads: the Convention itself, the demonstrators outside the Convention and the press. Only brief notice will be taken of the first and last topics.

There are those who regard what took place within the Convention as symptomatic of the bankruptcy of the convention system itself. One might perhaps argue just the other way: despite inept leadership and very difficult attendant circumstances, the Convention accomplished its two main tasks rather successfully. After an unusually free and open debate an intelligent platform was decided upon. The leadership leaned over backwards to provide dissenting minority groups with as much publicity and opportunity to be heard as anyone could reasonably demand. As a matter of fact one could question whether their treatment of dissenting minorities was not only fair, but perhaps even over-indulgent, that is, whether it served more to educate and to satisfy the dissenters about the virtues of the politics of reasonable compromise, or whether it served more to inflame the intolerant among them by leading them to indulge themselves with unreasonable estimates of their own power. For the sake of fairness the leadership risked, and it has proved a costly risk, exposing the extent of the Party's divisions to the nation's view. The other chief task of the Convention was, of course, the selection of presidential and vice-presidential candidates. If one was inclined to think that the leadership was overindulgent, one might argue, that since no institution or system of laws can function well without men willing and able to make them work, one elementary task of the leadership of any organization is to prevent those who are unwilling or unable to make it work, and who have nothing better to offer, from getting into positions where they can do much damage. Those who are more interested in what has come to be designated by that tautology, "symbolic speech", than they are in winning elections and in governing the country effectively do not belong at national political conventions. The institutions, of course, can be improved, but the failings which many claim to have observed, if they are failings, may stem more from a failure of leadership than from inherent defects of the institution itself.

The problem of the young demonstrators outside the Convention is probably, in the long run, the more serious problem. This problem, considered as part of the general problem of student revolts, can be analysed on many different levels. I can only allude to a few of the topics within this vast subject with which I will not be able to deal here: affluence and the attenuation of the fear, both disciplinary and narrowing, of not being able to make a living - the enormous increase in the student population and the absurdity of trying to deal with educational, i.e. personal, problems with mass-production techniques - the licentiousness and sense of indirection fostered by over-permissive child training - the roots of that

apparent debunking of authoritative "values" that follows from the teaching, or the popularization of the teachings, of scientistic social science.

Judging from the faces and the accents of many of the young demonstrators outside of the Convention, they certainly do not come from the lowest strata of our population.

How sad it is to see those who would, and should, to the best of their abilities, protest and oppose the ignoble, the petty, the dehumanizing elements of life in technological society, bending their efforts rather to the destruction of the very conditions that allow for the free pursuit of whatever might be positive in what they seek. By attacking the instruments of liberal change they strangthen the hands of those whose talents and inclinations are more for illiberal, or despotic, change.

In addition to this prodigal waste of spirit, however, there is another dimension to the problem: Plato's dialogues seem to suggest that where there is "corruption of the youth" sophists produce it, but both sophists and philosophers pay for it. Academic influence on our political life is almost bound to increase in coming years as educational opportunities are opened up to larger proportions of the population. It has now become urgent to change that influence for the better from the inside, before it gets changed from the outside. Republican liberty, the pre-condition for free inquiry, thrives only when its institutional base, the rule of law, is tended

by and directed by a responsible educated class.

Moderation, one might think, rather than revolution, would be the watchword of an educated man. Those who have become aware of how difficult it is to prepare even oneself for genuinely rational discourse, how much self-restraint, self-censorship and self-discipline is required, they, one might expect, should also be capable of understanding how much more difficult and complicated it is to prepare a way for reason to enter into that discourse among large groups and crowds that constitutespolitical life. One part of education should be dis-illusionment, learning how easy it is to go wrong in a good cause. (Should not, to take the most pressing example, any sound approach to the issue of the war in Vietnam consider the implications of the fact that there are substantial numbers of men who are both honest and intelligent on both sides of the issue?) Theory, as well as experience, however, points to why justice, the political virtue par excellence, cannot prevail apart from moderation: the cognitive element predominant in political and social life, in political practice, is opinion, not knowledge, and opinions are always disputable, not to say controversial. Because opinions are essentially disputable, it is frequently, if not usually, more important for political practice to maintain reasonable procedures for settling and dispensing with problems than it is to be certain that the solutions to

See Leo Strauss, Natural Right and History, Chicago, Introduction and chs. 1&2; What is Political Philosophy, Free Press, ch.1; and this writer's Speculations on Liberal and Illiberal Politics, 1968, St. John's College Library and bookstore.

the problems be correct solutions. Imperfect solutions can be tolerated in a free society; what cannot be tolerated is action that could destroy those procedures and institutions for compromise and debate which, by the discussion attendant upon them, open up the way for reason to make that limited but saving contribution that it can make to our political life.

It is a gross misunderstanding of the First Amendment to the Constitution of the United States to think that it can be invoked to justify action that would deprive constitutionally authorized governmental and party officials of that freedom from coercion, intimidation and pressure which is the condition that allows them to make maximum use of their own capacities for rational discourse and debate. The rights of free speech and peaceful assembly in the First Amendment, (as one of the deepest studies*I know suggests), were conceived of at first as guaranteeing all citizens certain privileges and immunities with regard to their political speech, which had before then been granted only to members of legislative bodies in their

respective legislatures: the entire citizen body as far as its political speech is concerned is conceived of in analogy to a deliberative assembly. In line with this perhaps too generous conception, it would be folly to allow what was meant to serve as an instrument of unintimidated rational deliberation to be used to destroy the pre-conditions for rational deliberation in those places where, not something analogous to unintimidated rational deliberation is needed, but unintimidated rational deliberation itself. There is a tension, I believe, between what many are now calling participatory democracy (if the phrase means more than transferring authority to local political institutions) and the meaning of the Declaration of Independence's statement that governments derive "their just powers from the consent of the governed". Representative government, accord-ing to what we understand to be the more adequate philosophical psychology of the Founding Fathers, derives its just powers not from the will of the governed but from the consent of the governed. The representative should represent not the "passions" nor the "inclinations" but the "interests" (The Federalist, nos. 49 and 71), the well-being, of the represented. The people are understood to be qualified to judge periodically by means of elections their leaders and the general effects of the policies formed by their leaders; thus they check and influence their leaders. However, they are not regarded as qualified to make policy, they are not regarded as some mystical repository of political wisdom or political virtue. The actual formation and execution of policy is to be carried out bythose best qualified to carry it out, a democratic leadership. A liberally educated leadership, in the classical view, fosters enlightened government and justly secures its own position by (1) controlling the over-ambitious, the demagogic and the autocratic, within its own ranks, (2) by dispensing justice, and (3) by providing moral examples, moral *of the subject

Amendment..., Doctoral Dissertation, University of Chicago, available in St. John's College libraries.

leadership for the great bulk of the population. One might wonder how long any polity could last - how long it could count on the respect of ordinary citizens - that would tolerate the kind of organized, well-publicized, large-scale shouting of obscenities about its chief executive that took place last August before Chicago's Conrad Hilton Hotel.

The power and the influence of the press in our political process has been greatly magnified by new communications technology, especially the development of television. Some review of our thinking about freedom of the press in the light of these developments seems to be required. The problem was brought to the nation's attention dramatically by some of the deplorable manhandling of newsmen on the streets

of Chicago.

Is it the duty of the press to publish everything they are able to learn? Can rights to privacy take precedence over the public's "right to know"? Should freedom of the press be restricted if it jeopardizes a man's right to a fair trial? - if it interferes with the efficient and orderly operation of essential political and governmental functions? How should peacekeeping officials view the press in situations where the presence of the press is the essential condition and stimulus moving others to embark upon unlawful civil disobedience? Should the press be restricted in riot situations where the presence of a television camera regularly attracts people on to the streets, impeding control and endangering lives? Should freedom of the press be restricted only to those areas, i.e. political areas, where citizens require information and opinion in order to fulfill citizen functions?

The problem is complicated by the fact that the press not only informs public opinion, but can mould it as well. Is it not the duty of every responsible newsman to consider the effects of what he says or writes upon his hearers, to consider whether what he says makes his audience better or worse citizens, better or worse human beings? Here again, to recur to the main theme of this paper, the winning, the survival, and the extension of freedom are seen to depend not only on sound laws and institutions, but upon the abilities of the recipients of freedom to use freedom well. More importantly, not only the survival but also the value of any freedom is dependent upon the same abilities, that is, upon the virtues of the citizens, and, primarily, upon the virtues of those who are befitted by nature, by training and by education to guide the rest.

⁴Cf. above, "Lincoln's Speech on the Perpetuation of Our Political Institutions", paragraph 5.

