Cahiers de Sciences politiques de l'ULg

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URL de cet article : http://popups.ulg.ac.be/csp/document.php?id=212

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Cahier n°11 - The Political Philosophy of Eight Major – Political – Thinkers. Aristotle, Locke, Publius, Kant, Strauss, MacIntyre, Oakeshott, and Arendt - Décembre 2007

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Introduction. Two Questions   1

"If men were angels, no government would be necessary,"   2 suggests Publius. Hence, it is in the human nature that the roots of government are found. The *raison d'être* of government is a central question of the field called political theory or political philosophy. Besides the investigation of the purpose of government, political philosophers, from the Ancients to the Moderns, have reflected on the function of political philosophy and, not surprisingly, on the relationship between political activity and philosophical activity. In the context of this essay, I shall transform this set of questions into a twofold question: the meta question and the political question.

The meta question investigates the notion of political philosophy and subsequently its function. The definition of political philosophy constitutes the starting point of the discussion. The inquiry of political philosophy entails the reflection on human nature, which is necessary since men are no angels. In this debate, the idea of natural right transcends the meta question. Whereas some philosophers believe that there is such a natural right, others refute this claim. The following point concerns the relationship between theory and practice. Should political philosophy be confined to the room of theory or enter the political arena? If so, how do philosophers influence political practice? The conclusion of the meta question considers the potential end of philosophy.

The political question studies the origins of government, the reasons for which men agree to unite into political organizations. The responses to the meta question laid the foundations for the explanations of such notions as social contract, civil state or constitution, and commonwealth. On the basis of these explorations, the question of the best regime can be answered. Eventually, the continuum between preservation (of the government) and revolution is given attention. This theme raises the question of what happens once a government has been established. Political philosophers have reflected on the manner how to preserve a political regime (especially by looking at the relationship between the ruled and the rulers) as well as, for some of them, on the age-old question is there a right to overthrow a government.

I shall attempt to answer these two fundamental questions by providing a forum of dialogue between eight major political philosophers: four Ancients – Aristotle, John Locke, Publius (Alexander Hamilton, James Madison, and John Jay), and Immanuel Kant – and four Moderns – Leo Strauss, Alasdair

MacIntyre, Michael Oakeshott, and Hannah Arendt.   3   The paper starts with the conversation between the eight thinkers on the meta question. And, on the basis of the answers to the meta question, the dialogue continues over the political question in the second part of the essay.

THE META QUESTION. WHAT IS POLITICAL PHILOSOPHY?

Since Man has mastered speech, the meta question has been asked: what is philosophy, in general, and political philosophy, in particular? The question of its function follows. Ancient and modern philosophers have devoted a substantial part of their life to an attempt to answer the meta question. Their theoretical framework, *i.e.* their approaches, have diverged widely. How can we answer the meta question?

In *The Nichomachean Ethics*, Aristotle sets out to discover the good life for man. The resolution of the question human life's purpose is a pre-requisite for organizing ourselves collectively since the latter consideration will depend on the answer to the former question. Aristotle sees man as a political animal, a speech animal.   4   Reason voiced by speech enables man to perceive – and by application talk about – what is just and unjust, right and wrong.   5   Aristotle's view refers to natural teleology (*i.e.* the idea of natural right): if we engage in logos and pursue it, we will be led to the discovery of our true nature: happiness or *eudaimonia*   6 , which is not a state of feeling but an activity.   7   One is fulfilled by the contemplation of such reflections as the rationale for politics, the whole and the political, one's relation to the whole. Aristotle's *Ethics* is designed to explain what is good   8   – and especially the highest good – and how we might set about building societies and institutions that offer the conditions of the contemplative life   9 , which is the activity in accordance with the excellence of the best part of us – that is, reason.   10   Therefore, not only is philosophy in service of politics, but also politics are in service of philosophy: statesmen must set out the conditions of the contemplative life.   11

Although reason is in the heart of Kant's philosophy, too, Kant differs considerably from Aristotle. Kant provides men "the" solution in a "pre-packaged" philosophy. Whereas Aristotle studies what is good, Kant tells us what to do. Above all, the categorical imperative guides us in our decision-making process.

According to John Locke, our choice must confirm our will to reason.   12   We have a duty as human beings to live freely, to commit ourselves to freedom. In contrast, Hobbes emphasizes the avoidance of death – the fear of sudden death from the hands of another human being – as the common denominator to unite in a society. Locke goes beyond this instrumental view. Men are obligated to figure out what way of life is conducive to both our preservation and to the use of reason.   13   Thus, the Lockean man has the potential to be reasonable   14 , but he needs to be enlightened – and that is the task of political philosophers. Moreover, philosophers' function is also to warn, or to illuminate, those in authority of men's rights.   15   These two roles of political philosophy apprehend a unique relationship: on the one hand, the citizens made conscious of their rights through reason, and, on the other hand, the rulers made aware of the citizens' rights. Locke wants to show that there is a natural connection between our self-concern and political society, the link between reasonableness and self-concern. Foremost, freedom is not license.   16   This is a normative dimension that implies that man is accountable for his own conduct.   17

For Leo Strauss, political philosophy pursues the goal to acquire knowledge of the good life and of the good society.   18   It deals with political matters "in a manner that is meant to be relevant for political life."   19   In contrast, political theory covers "the comprehensive reflections on the political situation which lead up to the suggestion of broad policy."   20   Political philosophy is vital to the study of political things because it asks the question of the purpose of political society (*i.e.* the so what question). The study of the great works – the Classics – is crucial since they articulate in the most effective way the fundamental problem of political life and present the most effective arguments for the solution. Therefore, before engaging in empirical studies, we should understand the end that we want to bring about. In contrast, positivism fails to raise the evaluative question and as a consequence, our society, built on the positivist framework, hides its own prejudices behind a *façade* of ethical neutrality.

Natural right

The concept of natural right transcends the field of political philosophy: some claim that there is such a natural right, while others contend that there is none.

The quest of the good is the crux of man's existence. Leo Strauss asserts that "man cannot live

without light, guidance, knowledge; only through knowledge of the good can he find the good that he needs." [21] The timeless truth can be apprehended through philosophical activity; the solution is available to us by way of dialectic – yet it demands effort. [22] Strauss encourages us to learn from, instead of to learn about; the latter manner would be mere stamp collecting. The "so what question" cannot not be asked. By virtue of being human we possess reason and are able to give, after a thorough examination or a fair hearing, a critical judgment. We can articulate that power (of reasoning) by way of language; therefore, a dialogue is possible between men. [23]

In opposition, McIntyre believes that our language is so historically informed that we cannot participate at this meeting of minds (dialogue). [24] In order to understand fully any conception of justice of a tradition, one must be a member of that particular tradition, for individuals are so embedded in their tradition that they cannot extract themselves from their own conception. [25]

Hannah Arendt, as a liberal herself, encounters the impasse of liberal thought, which wishes to create the conditions for freedom, but does not ask the purpose of freedom: the so what question is not asked. Strauss agrees that we need the conditions that the U.S. Constitution provides, a free society is invaluable, but then we need to reconnect freedom to virtue. If we fail to do so, the danger of totalitarianism lies before us. We need to anchor the conditions of freedom to the question of the noble life, of virtue. Hannah Arendt does not go as far. According to her, political action is an end in itself: one realizes his/her freedom through action.

MacIntyre observes the failure of the enlightenment. [26] Modern liberalism, as the product of enlightenment, does not ask the question of the best way of life, since it assumes there is no overriding good, but turns to the question of how to balance the different equivalent ways of life. MacIntyre criticizes the modern liberal thought for not recognizing the interconnectedness of all moral commitment. [27] In their critiques of modern liberalism – which assumes that there is no overriding good – Strauss and MacIntyre converge, yet their thoughts diverge when it comes to the question of the good life. Whereas for Strauss the question of the good life can be answered through dialogue, for MacIntyre one cannot understand somebody else's tradition since one's point of view is biased by its traditional legacy. [28]

Oakeshott diverges from Aristotle and Strauss; although the latter two believe that philosophy can apprehend natural thought that is timeless – and this activity is part of political philosophy – the former does not contend that philosophy is in any way metaphysical or should even posit the myth of natural right. Furthermore, the very idea of natural right transcends the politics of faith – of which he is very much afraid. [29]

Theory and Practice

Should political philosophy be confined in the room of theory or should it enter the political arena?

In establishing a new Constitution, the founding Fathers utilize the new science of politics. They make use of philosophy to promote their political action. [30] Their enterprise is very practical – therefore they need to reflect on experience and prudence [31]; it is an opportunity to test the ongoing theoretical debate. [32] For the Founders, politics can be studied; similarly Aristotle sees them as a body of knowledge, [33] and therefore they can be structured. So the new science of politics cannot displace politics: it must be designed to accommodate political life rather than solving "the" political question. Publius agrees with Aristotle: political conflicts are here to stay. Hence, the best political system should try to incorporate political conflicts and, above all, not be vulnerable to them. [34] In opposition, Kant maintains that politics equal conflicts. [35] Thus, if we go away from politics, we overcome political conflicts. [36] Eventually, inferring from Oakeshott's theoretical framework, the abolition of politics is a consequence of the enthusiastic politics of faith.

Kant's thought diverges not only on the views that politics entail conflicts but also, and especially, on the function of political philosophy which according to him should stay confined to the room of theory. Yet, he suggests that philosophers are "free teachers of right". Their role is to educate citizens in order to transform them from self-interested human beings to moral human beings. In addition, states are to embrace and cultivate moral rationalism via political philosophy.

The reading of Michael Oakeshott's essays shows a tension in his view of the function of political philosophy. On the one hand, political philosophy must be understood as "an explanatory, not a practical, activity." [37] Philosophy clarifies the world in which we live or the assumptions that people make when they undertake various activities. In other words, the activity of philosophy gives the key to understanding human activities in regard to their own pursuits. The philosopher cannot contribute to politics as such. Thus, strictly speaking, philosophy is not relevant for political practice: the philosopher ought to be disengaged and not engaged in the political round. On the other hand,

while examining Oakeshott's work it seems that he admits that the very activity of clarification does, at the end, shape our moral values. In *The Politics of Faith and The Politics of Scepticism*, Michael Oakeshott exhorts – and helps – us to undertake the enterprise of clarifying the poles of political activities. This enterprise can give us eventually some kind of illumination that can potentially guide us in the political arena.   38

Although Alasdair MacIntyre, Hannah Arendt, and Michael Oakeshott see political communities as very complex communities with their own history, they disagree on the task of the philosophers and politicians. For the first two, it is in and through a community that we become fully human, we are speeches being. Both argue that it belongs to the philosophers and not only the government to enable the communities to be more coherent within themselves, to improve the practice of any particular community. Conversely, Oakeshott is willing to live with some tension within a given community: the task of the philosopher is separate from the task of the government, which is to keep the ship afloat.

Finally, Strauss's insight is that we cannot talk about politics without evaluating them and consequently we should practically respond to that evaluation. This implication of the philosopher in the political practice contrasts with Oakeshott's denigration of the political activity. Michael Oakeshott does not see the latter activity as having a vast importance, contrarily to Aristotle for whom politics is an architectonic art.

The End of Philosophy

Aristotle and Strauss believe that philosophy can die out or that the absence of free inquiry may prevent philosophical activities. Yet, different remedies exist. Hannah Arendt suggests that self-participation in the political web would preserve freedom. Here appears Arendt's literally understanding of Aristotle's notion of man as a political animal. According to her, man is fulfilled by participation in the political realm. Indeed, this view restricts Aristotle's understanding of man as a political animal who, for he possesses reason voiced by speech, can apprehend the notions of just and unjust, right and wrong.   39

In order to preserve freedom, Leo Strauss urges us to go back to the Ancients' notions, ideas and arguments because they remind us of arguments that our own culture does not automatically bring to the debate. These ideas of the Ancients are important in preserving freedom.

Foremost, Aristotle and Strauss contend that as long as people discuss, the possibility of raising the question of the best life still exists and therefore, the actual way of life would be challenged. Reason compels to reason more.

THE POLITICAL QUESTION. WHAT (IS) GOVERNMENT?

Having discussed the function of political philosophy, it appears that the *raison d'être* of government constitutes a central theme of political philosophy. In this section, I both discuss the source of government – the reason why people decide to unite into an organized political society – and the form of that organization. Eventually, I turn to the life of governments: their preservation and their end.

The Raison d'Être of Government

At the end of *The Nichomachean Ethics*, having set out the good life for man, Aristotle introduces the role of the *polis* in providing man "the proper equipment"   40   to live the contemplative life: legislation is needed if the end is to be attained and thus it must create the conditions which would enable man to pursue a life of contemplation.   41   Ethics and politics are not separate in Aristotle's philosophy, whereas *The Ethics* urges man to pursue the highest good, *The Politics* applies this ideal to the city. By nature   42, men join in a city to form a partnership which "aims at the most authoritative good of all", happiness.   43   Aristotle's teleological account continues: the city develops in order to fulfill our true human nature; the city completes us a human being since it enables us to exercise speech through which we can address the moral questions of right and wrong, just and unjust. Therefore, the *polis* aims at fostering human excellence.

Similarly, the Founders support the idea that the government should create the conditions for freedom. Moreover, Aristotle and the Founding Fathers agree on the division, even though the line

might be very fine, between the public and private spheres. Government ought not to enter the latter sphere: it is not its business to make man happy but rather to set the stage where happiness can be pursued.

According to Locke, the purpose of government is to secure each citizen's life, liberty, and estate   44   since there is no security and safety for the property in the sate of nature.   45   Every individual is urged by one's natural impulse of self-preservation to unite into commonwealths.   46   Therefore, men agree   47   to form a society where all their forces are put together under a government whose form is chosen by the majority.   48   The legislative power,   49   established by the first and fundamental positive law of all commonwealths, is "not only the supreme power of the commonwealth, but sacred and unalterable in the hands where the community have once placed it."   50   The power of the government must be limited by the end for which it was formed – the preservation of the society.   51

The idea of contractualism filters through Kant's philosophy. His civil state, i.e. commonwealth, is founded on an original contract between men, which is of an exceptional nature.   52   The civil constitution has an end in itself that all individuals part of this union ought to share. The end is "the right of men under coercive public laws by which each can be given what is due to him and secured against attack from any others."   53   Thus, the civil constitution is a relationship among free men who are subject to coercive laws;   54   this is the requirement of reason, which legislates *a priori*, regardless of all empirical ends (*i.e.* the quest for individual happiness).   55   In a civil state, Kant claims that "no one can compel me to be happy in accordance with his conception of the welfare of others, for each may seek happiness in whatever way he sees fit" (which explains why governments should not seek to provide happiness, moreover they would go wrong in the definition of this very concept of happiness), "so long as he does not infringe upon the freedom of the others to pursue a similar end which can be reconciled with the freedom of everyone else within a workable general law"   56   – i.e. he must accord to others the same right as he enjoys himself.   57

Reflecting on the European politics, Michael Oakeshott apprehends the different views on government through a continuum linking two poles: the politics of faith and the politics of scepticiscm. European politics has moved and moves between these two poles for the last five hundred years. "In the politics of faith," explains Michael Oakeshott, "the activity of governing is understood to be in the service of human perfection; perfection itself is understood to be a mundane condition of human circumstances; and the achievement of perfection is understood to depend upon human effort."   58   Thus, an omnipotent government is needed in order to direct the activities of its subjects, "either so that they contribute to the improvements which in turn converge upon perfection, or (in another version) so that they conform to the pattern imposed."   59   This latter version bears the risk to transform into totalitarianism. Hence, Oakeshott seems to favor the politics of scepticism which does not promote a one-best-way and one-best-end; for the politics of skepticism "has its roots either in the radical belief that human perfection is an illusion, or in the less radical belief that we know too little about the conditions of human perfection for it too be wise to concentrate our energies in a single direction."   60   Therefore, the office of government is to maintain arrangements, the "superficial order,"   61   within which every citizen can safely pursue its own end.

Aristotle and Oakeshott share the – skeptic – view of the government to be an association (civil for Oakeshott) where political activities are balanced between each other. But in the same time, Aristotle provides an understanding of the human nature that is meant to have political influence. Aristotle, like Oakeshott, is very wary of the danger of trying to reach the perfection in a particular way of the political round. But Aristotle does not want to let go the notion of human excellence: the statesmen are to shape life as to foster human excellence, nobility. In contrast, Oakeshott is a libertarian: people should be left alone if they want to pursue perfection in a particular way. He does want to provide the political foundations to build an Aristotelian society.

Hannah Arendt, in *Human Condition*, sees the political realm as a web of political participation. Only by the way of such a participation can we become true human being.   62   Her view is contingent to the notion that all citizens are politically active.   63   Furthermore, she observes that theorists distinguish two kinds of social contract: between the people to make society or between the ruler and the ruled to legitimate the government.   64   Yet, she claims there are aspects of a single twofold contract.   65   Above all, the chief idea behind this single contract is that men can escape from the state of nature   66   by binding themselves into a community "which, even though it was composed of 'sinners', need not necessarily reflect this 'sinful' side of human nature."   67   Arendt's conception is inherited from the Founding Fathers whose realism (or even pessimism   68) with respect to human nature contrasted with enlightenment philosophers' proposition that man is good in some original state.   69   Publius believed that there is a possibility of checking human nature via common bonds and natural promises.   70   Meanwhile, the Founders mistrusted power and feared a too powerful government, which would be an enormous danger for the rights and liberties of the citizens.   71

On the basis of these different visions of government, we can now turn to the exploration of the question of the best regime.

The Best Regime

Before answering the question of the best regime, Aristotle classifies regimes.   72 His classification is based on two main features: on the on hand, whether the regime serves the ruler(s) or the ruled, and on the other hand, whether the government is concentrated in one person or shared by a few or by the many.   73 In book III and IV of *The Politics*, he presents three true forms of government – monarchy, aristocracy, and constitutional republic – and three perverted forms – tyranny, oligarchy, and democracy.   74

Theoretically, if someone is outstanding on the basis of virtue, according to Aristotle, he should be the sole ruler and therefore, "what remains – and it seems the natural course – is for everyone to obey such a person gladly, so that persons of this sort will be permanent kings in their cities."   75 Yet, the absence of such people renders monarchy out of consideration. Similarly, true aristocracy is hardly ever found in its uncorrupted form. Thus, ideal preferences set aside, the constitutional republic is regarded as the best attainable form of government, especially as it secures the predominance of the middling element.   76 Foremost, the best state will enable anyone to act in the best and live in the happiest manner. To serve this purpose, the state should be self-sufficient.   77

In the American constitutional debate,   78 the question of the best regime could not be avoided. Following, Rousseau and Montesquieu, the so-called anti-federalists argued that the republican government   79 is best to be established on a small territory since on a larger territory the government would be to remote from the people and the risk of becoming despotic would be high.   80 In contrast, although the federalists were very much aware of the risks of the tyranny of the majority and of factions, they maintained that the implementation of mechanisms would control these threats and therefore, render the republican government viable. Thus, the size of the territory   81 and the structure of the regime   82 address the diseases of tyranny and of factions.

Moreover, for the Founders, the roots of these diseases are in the nature of men. Men's nature is a latent cause of faction – therefore they are inevitable.   83 Hence, statesmen may be not able to enlighten the people because they are not enlightened themselves. Because of this skeptical view, it follows that any human being could not apprehend the common good, since it is too remote of a concept, and thus, building a political system should meet the two following requirements: on the one hand, the system should encourage virtuous men to govern, but on the other hand, the system should be structured as it would be successful even if the men in office are not virtuous. In that regard, the American Constitution reflects Oakeshott's politics of scepticism.

The study of the Founders would have complicated MacIntyre's argument against liberal societies.   84 Liberal society needs, according to the Founding Fathers, the concept of virtue and excellence. Toleration as itself as a good is important but liberal society is not established on toleration but on virtue and excellence. The political question is how to allow enough freedom in order to enable anyone to pursue its own happiness but without falling into disorder and chaos. Here, the Lockean "liberty is not license" is ever present.

The understanding of the relationship between the ruler and the ruled differentiates Kant's autocratic republican ruler and Publius' idea of representation. According to the Founders, the function of representation is to enlarge and refine the public view.   85 The politicians make more reasonable the view of their constituents, *i. e.* they make democracy more reasonable. Conversely, Kant argues that the autocratic republican ruler should rule as if those over him he is ruling would consent to his policies; the rulers do not have to listen to the ruled; they can disregard the opinions of the citizens.   86 Moreover, in Kant's vision, superior representatives, chosen through elections, are not needed since everyone is capable, for the categorical imperative guides anyone's decisions.

The existence of a best regime opposes MacIntyre's and Strauss' thoughts. Although the former acknowledges that within a tradition one best regime can raise, he denies the possibility that one best regime can exist across traditions since any regime reflects the thought of the tradition which breeds it.   87 In contrast, Strauss argues that dialogue between philosophers from various traditions can lead to the definition of the best regime. At least, this regime will set out the conditions to allow these meetings of minds to take place and thus, favor philosophical activity.

Michael Oakeshott distinguishes two types of government: the civil association and the enterprise association. Behind the idea of the civil association is the politics of faith, the politics of scepticism echoes in the enterprise association.   88 Both Oakeshott and Arendt are afraid of the

predominance of the politics of faith and see in the politics of skepticism the only way to live and therefore favor the idea of the civil association. However, whereas for Oakeshott a judicial activity that preserves the rule of law suffices, Arendt's vision of the political web needs such a judicial system but goes further by requiring a full political participation. For the latter, there is an urgency for political action. In contrast, Oakeshott is eloquently aware of the differences among individuals and the propensity of many individuals to be silent politically. These individuals desire to live in their own way and perspective, which explains the very importance of a judicial system which allows everyone to carry out their own life. Similarly, Locke anchors the system in checks and balances as well as in the rule of law. His system is not contingent by the participation of everyone, and protects all whether they are politically active or not.

Preservation and Revolution

To conclude the discussion of the political question, we need to investigate the question of how to preserve the life of government, and for some philosophers, the question of the right of revolution. However, since the concepts of rebellion and revolution rely on a modern premise, not all philosophers have examined the right of rebellion and revolution.

Aristotle addresses the question of the prevention of revolution (by the actions of the rulers themselves). What are the sources of preservation for regimes? How can regimes be preserved? Aristotle distinguishes factional conflicts – that result from inequality – and revolutions. Revolutions occur in two ways: either there is a change of regime or a shift of power in the same regime. [89] He highlights the concept of justice and sees inequality as the chief cause of revolution. People believe that they deserve more power than they are getting. Therefore, Aristotle urges [90] the rulers to avoid wanton behavior, to treat everyone well inside and outside the governing body, and above all, make sure that small things, especially transgressions of the laws, do not transform into conflicts or a revolution. [91]

Locke grounds the right of revolution in the rhetoric of pre-political inalienable rights. [92] If the government threatens the preservation of property by a long train of attacks to life, liberty, and estate, Locke argues that the natural response is collective self-defense. [93] Furthermore, Aristotle and Locke share the views that oppressive governments are what causes revolution. Therefore the "best fence against rebellion" is to encourage leaders to avoid engaging in tyrannical behavior and "act contrary to the end for which they were constituted" [94] – the preservation of property. Yet, the rulers tend to succumb to the temptations of power and, above all, power has a corrupting influence. [95] Thus, Locke's message emphasizes chiefly the danger of overreaching on the part of those in power. [96]

In opposition, Kant's view on the question of revolution seems clear; rebellion, as he posits, "is the greatest and most punishable crime in a commonwealth, for it destroys its very foundations." [97] And he continues: "this prohibition is absolute." [98] There is no right of revolution even though the head of state or the government has violated the original contract by acting tyrannically. [99] In that case, the subjects are not entitled to offer counter-resistance since the people, under an existing civil constitution, have no longer any right to judge how the constitution should be administered even though they conserve their other rights. [100] It follows that it exists no right to undo the new order either, once a revolution has taken place, "for it is men's duty to obey as citizens." [101] Therefore, Kant concludes that "freedom of the pen is the only safeguard of the rights of the people." [102]

Similarly, Leo Strauss maintains that the power of the pen is not negligible. In *Persecution and the Art of Writing*, he argues that in the context of persecution "*a peculiar technique of writing*" develops, "in which the truth about all crucial things is presented exclusively between the lines." [103] Moreover, only a few trustworthy and intelligent readers can comprehend the message. That illusive style of literature has numerous advantages among them being private and public communication in the same time and above all, avoiding the risk of capital punishment for the author.

MacIntyre sees the preservation of a tradition through epistemological crises. [104] Epistemological crises constitute key moments in the development of a tradition as they occur at times when their argument is not coherent anymore. Hence, the task of political philosophers is to reformulate the rationale in a more cogent manner. Although the crises take place at an epistemological level, the repercussions on the political life are essential since the tradition engenders the political thought which reigns in the polity. For instance, the division over the issue of slavery obliged the liberal tradition to resolve that internal conflict in order to bring peace in the society.

Hannah Arendt claims that revolution is generally misunderstood as it is confused with the concept of liberation. [105] Liberation is assumed to be a revolution but a true revolution established the

conditions for free political speech by way of speech itself.   106 She draws her theory from the study the American and the French revolutions. The outcomes of these two revolutions diverge because they responded to different circumstances. The French countered an absolute monarchy with another form of absolutism   107, it "absolutized" the power of the people in the form of the equal will. This "absolutization" brought about the coincidence of law and power. Post-revolutionary France was a nationalistic regime, ruled by the majority, or worse the tyranny of the majority.   108 Therefore, this new society was not a truly free society: not everyone was equal in participatory power.   109

In contrast, the American revolution although it was theoretically informed by the idea of natural right as embodied in the Declaration of Independence, was constituted in practice through political speech. The Constitution of the United States was a bottom-up achievement which found its origin in the people themselves. In Arendt's view, the fact that the U.S. Constitution was so constituted and not with a theoretical natural law is what saved the Americans from the consequences of the French Revolution.   110

To conclude, for Hannah Arendt, revolution brings about political freedom and renders everyone politically equal. Her definition, which focuses on political liberty, diverges from the Marxist idea of revolution which is to bring about socio-economic equality. Here, Oakeshott's framework illuminates Arendt's and Marx's view of the purpose of revolution. Whereas, revolution leads to the establishment of the politics of scepticism for the former, revolution is guided by the ideal of faith for the latter.

CONCLUSIONS. MEETING OF MINDS

The *raison d'être* of this paper was to provide a forum of dialogue to eight major philosophers. Although some twenty-three centuries separate them, it seems that they have never stopped conversing with one another on the crucial questions of philosophy, in general, and political philosophy, in particular. In this essay, a twofold question was raised: the meta question and the political question. What is political philosophy? And what is government?

Aristotle's philosophy starts with the premise that man is a political animal. A political animal who can, through speech, apprehend the notions of just and unjust, right and wrong. Aristotle's man aims at happiness, which is an activity and not a state. That activity is the contemplative life. His reflections will lead the Aristotleian man to discover what is the best way of life and therefore, because ethics and politics are not separate, what is the best regime and how to best preserve it once established.

Locke believes in the reasonableness of man. Reason compels the Lockeian man to unite into a commonwealth in order to ensure safety for his property (*i.e.* life, liberty, and estate). Thus the government is limited to the preservation of its subjects' property and conditional to that preservation. Should it fail, the subjects have the right to revolt.

Kant provides man with a "pre-packaged" philosophy. The categorical imperative guides the Kantian man through his private and public life. The public life is organized in a civil state built on an original contract – though fictional – which ensures every citizen's enjoyment of freedom as long he does not impinge on anyone's else freedom. The preservation of that order does not leave room for any right to revolt except by means of writing.

Publius faces the tremendous task to establish a new order. In his practical enterprise, he has the opportunity to test the theoretical debate: to use theory to shape practice. The result is a regime which allows freedom and therefore the pursuit of virtue and excellence since mechanisms of checks and balances as well as an enlarged territory control for factional conflicts.

Strauss' philosophy urges man to pursue the ideal of natural right. The Straussian man should learn from instead of learn about. The dialogue between philosophers leads to the perception of the good, which afterwards can be used in the political practice.

MacIntyre's reflections force him to acknowledge the failure of the enlightenment project since it offers man a set of moral injunctions without explaining the very end of man – because for the philosophers "*des lumières*" there is no overriding good. However, although the good can be defined within a particular tradition, the MacIntyreian man cannot apprehend the rationale of any tradition but his, for he cannot extract himself from his historically conditioned standpoint.

Oakeshott's framework for politics provides an understanding of the politics which evolves between two poles whose charges are the politics of faith – which leads a society towards perfection – and the politics of skepticism – which sets the conditions for freedom and thus enables anyone to pursue its own perfection.

Hannah Arendt's man has to engage in the political round to reach its end: being a political animal. To attain his goal, the Arendtian man needs freedom which only a true revolution can bring about.

The meeting of minds has nourished the philosophical debate since man has mastered speech. As long as man will be a speech animal, the dialogue will go on and reason shall prevail.

December 2005

Notes de base de page numériques:

1 Paper prepared for presentation in the seminar "Approaches to the Study of Political Theory (PO791)", Pr. Judith A. Swanson, Boston University, Fall 2005. The author was at the time a fellow of the Belgian American Educational Foundation (B.A.E.F.) and a Fellow of the Francqui Foundation.

2 HAMILTON A., JAY J., MADISON J., *The Federalist Papers*, New York, Mentor, 1999, at 290 (No. 51).

3 This paper is primarily based on the following works of the eight philosophers (others references – primary or secondary sources – are cited in the footnotes):

ARISTOTLE, *The Nichomachean Ethics*, translation D. ROSS, Oxford, Oxford University Press, 1998, first published 1925; ARISTOTLE, *The Politics*, translation C. LORD, Chicago, London, The University of Chicago Press, 1984.

LOCKE J., *Second Treatise of Government*, edited by C. B. MACPHERSON, Indianapolis, Cambridge, Hackett Publishing Company, 1980.

HAMILTON A., JAY J., MADISON J., *The Federalist Papers*, New York, Mentor, 1999.

KANT I., "On the Common Saying: 'This May Be True in Theory, but it Does not Apply in Practice'"; "Perpetual Peace: A Philosophical Sketch"; "The Contest of Faculties", in REIS H.S., *Kant Political Writings*, Cambridge, Cambridge University Press, 1991, first published 1970.

STRAUSS L., *Persecution and the Art of Writing*, Chicago, London, The University of Chicago Press, 1988, first published 1952; STRAUSS L., *Natural Right and History*, Chicago, London, The University of Chicago Press, 1971 (seventh edition), first published 1953; STRAUSS L., *What Is Political Philosophy? And Other Studies*, Chicago, London, The University of Chicago Press, 1988, first published 1959.

MACINTYRE A., *After Virtue*, Notre Dame, University of Notre Dame Press, 1984 (second edition), first published 1981; MACINTYRE A., *Whose Justice? Which Rationality?*, Notre Dame, University of Notre Dame Press, 1988.

OAKESHOTT M., *The Politics of Faith and The Politics of Scepticism*, edited by T. FULLER, New Haven, London, Yale University Press, 1996.

ARENDT H., *On Revolution*, New York, London, Penguin Books, 1963.

4 And not simply a social animal as the Marxists suggest.

5 See, *e.g.*, ARISTOTLE, *The Politics*, at 37 (book I.2). The Aristotleian notion of political animal has been understood in a large variety of ways. For instance, Hannah Arendt understands literally Aristotle's notion of man as a political animal: an animal who is fulfilled by participation in the political realm.

6 Aristotle defines it as an activity of soul in accordance with virtue.

7 ARISTOTLE, *The Nichomachean Ethics*, at 7 (Book I.5), at 16-18 ("happiness seems, however, even if it is not god-sent but comes as a result of virtue and some process of learning or training, to be among the most godlike things; for that which is the prize and end of virtue seems to be the best thing in the world, and something godlike and blessed," Book I.8-9), and at 261-269 (Book X.6-8).

8 The philosophical activity guides us to draw the conclusions about how to better ourselves. Hence, Aristotle's Ethics is designed to make people good by the means of the contemplative life.

9 According to Aristotle, there are three popular views about the nature of the most enviable life. One is that it is the life of pleasure (but if it aims at pleasure, regardless of the source from which it is derived, life of pleasure is worthy of beasts rather than men). The second and third way of life are the political life which aims at honor (but honor depends more on him who gives it than on him who gets it) and the life of money-making but which cannot be seen as an end in itself. The contemplative life is a fourth way of life.

10 ARISTOTLE, *The Nichomachean Ethics*, at 263 (Book X.7).

11 Following Aristotle's thought, liberal societies have established freedom but they diverged from Aristotle's legacy by elevating freedom above virtue. Aristotle called for freedom as to establish the conditions for contemplative life but he did not call for freedom in itself (freedom to do what?). This missing end in liberal societies can help explain the tension that they experience between a will to be tolerance and intolerance.

12 Locke's relation to natural law is subject to a controversy in the literature. Is he continuing the teaching of natural law or is he breaking from it? What does he understand by our own relationship to natural law. For some Locke is a follower of the traditional natural law. For others, as the philosophers of the enlightenment will believe, the political order should serve individuals. See, *e.g.*, YOLTON J. W. (ed.),

John Locke: Problems and Perspectives, Cambridge, Cambridge University Press, 1969.

13 Furthermore, the conclusions that we draw must conform to our experience of the world. Hence, in that regard Locke is an empiricist.

14 Locke J., *op. cit.*, at 12 (§ 12).

15 Especially the right of property which constitutes the reason of the union into a commonwealth. Locke's political teaching suggests that any government that want to have a chance to last must ensure first the preservation of its members and their property, See Locke J., *op. cit.*, at 9 (§ 6).

16 Locke J., *An Essay Concerning the True Original Extent and End of Civil Government*, Chapter II.6.

17 The question of human being's transformation has led to three different roads. First, the skeptical road, Locke and Publius believe that one cannot change human nature and therefore it is not the business of the government to rule the soul (but that could be done by the higher education system). However, their skepticism differ from Hobbes' skepticism. The Ancients, Aristotle and Plato, stand on the middle road. They believe that education can improve (not transform) human nature as to enable it to reach reason. Moreover, only a free society can potentially develop into a good/virtuous society. Finally, Marx and Rousseau ("forced to be free by the general will") claim that human nature can be transformed.

18 "Philosophy is essentially not possession of the truth, but quest for the truth" and political philosophy is a branch of philosophy, Strauss L., *What Is Political Philosophy? And Other Studies*, at. 11.

19 Strauss L., *op. cit.*, at. 10.

20 *Ibid.*, at 13.

21 Strauss L., *Natural Right and History*, at 74.

22 Leo Strauss recognizes the continuity amongst ancient, medieval, and modern political philosophers. The history of political philosophy can be understood as an ongoing conversation by which agreement is reached for both questions and solutions of the human condition.

23 The premise is that man is a reason being.

24 Historicists believe that the question of the best way of life can only be answered in the particular line and conditions of that time or situation.

25 See, *e.g.*, MacIntyre A., *Whose Justice? Which Rationality?*, at 348, and chapters XVIII, XIX, and XX.

26 MacIntyre A., *After Virtue*, at 51-61.

27 In liberal thought, individuals can pick up their values that suit them best from different traditions without acknowledging the connection between the values of one particular tradition.

28 The notion of beauty can illustrate this debate. Modern liberalism does not commit oneself to any beauty. In contrast, MacIntyre and Strauss argue that an evaluation of beauty is possible. However, for the latter there can be a universal aesthetic standard, for the former this aesthetic standard will vary across traditions.

29 Oakeshott M., *The Politics of Faith and The Politics of Scepticism*, at 82-83.

30 The Anti-Federalists, too, promoted, though maybe in a less cogent manner, their views of the Constitution.

31 There is an ongoing tension between perfection and imperfection. They aim at perfection – they acknowledge that they cannot make a mistake, yet meanwhile they argue that the Constitution should not be perfect – "it is sufficient that [the constitution] is more imperfect", see, *e.g.*, at 1 (No. 1), at 198 (No. 37), and 205 (No. 38).

32 Hamilton A., Jay J., Madison J., *The Federalist Papers*, at 1-5 (No. 1).

33 Unlike Hume who sees them as matter of chance.

34 According to the Founders if politics are contentious, they are also a manifestation of freedom. That is the reason why we should keep politics but manage the accompanying violence.

35 It follows that, for Kant, right cannot possibly prevail among men within a state if their freedom is threatened by the action of other states. Therefore war should be abolished by means of politics and peace should be established and safeguarded on earth according to the principles of right. "This is the ultimate problem of politics", see Reiss's introduction to *Kant Political Writings* (at 33) and KANT I., *Perpetual Peace: Philosophical Sketch*, at 93-130.

36 Karl Marx believes that politics rhyme with conflicts, too. Since politics are basically class conflicts, the revolution allows to get beyond politics by eliminating social classes.

37 Timothy Fuller quotes Michael Oakeshott from Political Education when he introduces *The Politics of Faith and The Politics of Scepticism* (Oakeshott M., *op. cit.*, at vii).

38 Indeed, according to Oakeshott, once we understand the character of the two poles, we will see the danger of pursuing one to the exclusion of the other. Therefore, in the contemporary world, since the politics of faith is dominant, it is our political role to emphasize the importance of the politics of scepticism.

39 See, *e.g.*, Aristotle, *The Politics*, at 37 (book I.2).

40 Already at the beginning of *The Ethics*, Aristotle suggested that "happiness needs the external goods; for it is impossible, or not easy, to do noble acts without the proper equipment", see ARISTOTLE, *The Nichomachean Ethics*, at 17 (Book I.9).

41 Aristotle, *The Nichomachean Ethics*, at 269 (Book X.8).

42 Is the city prior to nature? The city is a natural partnership, this natureness includes human nature and therefore logos. The city is divinely given but in the mean time the city results from a mutual contract between men (idea found almost two thousand years later in Locke's thought, see *The Politics* (book V.7) where there is a tension between political justice from nature and from men). Aristotle's view of the city mixes an ancient view emphasizing the role of gods (or nature, i.e. a teleological understanding of nature) with a modern view focusing on the consent of the people in the establishment of the city.

43 Aristotle, *The Politics*, at 35 (book I.1). In book III, Aristotle posits that "living well, […], is the end of the city," and the political partnership "must be regarded, therefore, as being for the sake of noble actions, not for the sake of living together" (Aristotle, *op. cit.*, at. 99 (book III.9). Moreover in chapter 12 of the same book, he suggests that the most authoritative good of all is political capacity and the political good is justice [*ibid*., at 103 (book III.12)].

44 Property is constituted by these three elements: life, liberty, and estate.

45 State of nature (§§ 4-15).

46 Locke J., *op. cit.*, at 66 (§ 124). If man would not unite into commonwealths, the enjoyment of his property would be very unsafe, very unsecure (§ 123).

47 Only consent can legitimize ruling authority.

48 Unlike Aristotle, Locke favors the unanimity – the consent of every individual – but because it is too difficult practically to reach it (see § 98: "such a consent is next to impossible ever to be had, […]"), he sees the majority rule as a practical solution.

49 According to Locke, the commonwealth is constituted by three powers: the legislative, the executive, and the federative. The legislative power is "that, which has a right to direct how the force of the commonwealth shall be employed for preserving the community and the members of it" (§ 143). Moreover, the laws passed by the legislative body are constantly to be executed and remain in force, that is the function of the executive power. The federative power deals with the international relations of the government. John Locke observes that the two latter powers should not be separated. Conversely the legislative and executive powers should not be placed in the hands of the same people, otherwise "they may exempt themselves form obedience to the laws they make, and suit the law, both in its making and execution, to their own private advantage" (§§ 143-148). Above all, John Locke tries to establish a principle of accountability: men are accountable to men, and not only to God. This accountability is made possible by the virtue of the capacity to reason.

50 Locke J., *op. cit.*, at 69-70 (§ 134).

51 In chapter XI of Book II ("Of Civil Government"), John Locke sums up his thought about the end of men: "the great end of men's entering into society, being the enjoyment of their properties in peace and safety, and the great instrument and means of that being the laws established in that society", See Locke J., *op. cit.*, at 69-70 (§ 134).

52 Yet this contract does not exist as a fact, see Kant, *op. cit.*, at 79. Hannah Arendt also maintains that social are fictions, see Arendt H., *op. cit.*, at 169.

53 Kant, "On the Common Saying: 'This May Be True in Theory, but it Does not Apply in Practice'", in Reis H.S., *Kant Political Writings*, Cambridge, Cambridge University Press, 1991, first published 1970, at 73.

54 According to Kant, right is "the restriction of each individual's freedom so that it harmonizes with the freedom of everyone else." Public right is "the distinctive quality of the external laws which make this constant harmony possible." "Every restriction of freedom through the arbitrary will of another party" is called coercion. See Kant, *op. cit.*, at 73.

55 Although Kant rejects "Hobbes' authoritarian view of sovereignty, his rationalism, his explication of society based on a psychological assumption, that of the fear of sudden death," Kant and Hobbes share the fundamental question, that is how to turn a state of war into a state of order and peace (see Reiss's introduction to Kant's *Political Writings*, at 10). Both thinkers propose a coherent argument based on a appeal to reason, yet their solution to the transition from a state of war to a state of peace and security differs.

56 Kant, *op. cit.*, at 73.

57 According to Kant, a constitution should "guarantee everyone his freedom within the law, so that each remains free to seek happiness in whatever way he thinks best, so long as he does not violate the lawful freedom and rights of his fellow subjects at large" (Kant, *op. cit.*, at 80).

58 Oakehott M., *op. cit.*, at 45.

59 *Ibid.*

60 *Ibid.*, at 31.

61 *Ibid.*, at 34-35. Timothy Fuller demystifies Oakehott's superficial order: it is "a formal arrangement overlaying a deeper, more comprehensive array of human relations which lives and moves and has its being apart from any governmental design, and which no government will ever fully comprehend and subdue. The principal task of the superficial order is to maintain the deeper order and to 'improve' it in the sense of adjusting its explicit arrangements as changing circumstances seem to require", Oakehott M., *op. cit.*, at xix-xx.

62 Dana Villa sees Arendt and Strauss to be anti-types, on a numerous of issues. For instance, whereas Arendt urges man to engage in political action, Strauss encourages man to first engage in philosophical activity. See Villa D. R., "The Philosopher versus the Citizen: Arendt, Strauss, and Socrates", in *Political Theory*, Vol. 26, No. 2, 1998, pp. 147-172.

63 Hence, in representative systems, there is not a full political participation.

64 Arendt H., *On Revolution*, at 169.

65 *Ibid.*, at 170.

66 For example, "the rupture between king and parliament […] threw the whole French nation into a 'state of nature'; it dissolved automatically the political structure of the country as well as the bonds among its inhabitants", *Ibid.*, at 180.

67 *Ibid.*, at 174.

68 See Arendt H., *op. cit.*, at 174

69 Rousseau's idea of the "*bon sauvage*". Yet, it does not mean that men are incapable of establishing good government from reflection and choice, i.e., Publius hopes that "they are not forever destined to depend for their political constitutions on accident and force", Hamilton A., Jay J., Madison J., *op. cit.*, at 1 (No. 1).

70 Arendt H., *op. cit.*, at 175.

71 *Ibid.*, at 147.

72 Aristotle defines the regime as "an arrangement of a city with respect to its offices, particularly the one that has authority over all [matters]. For what has authority in the city is everywhere the governing body, and the governing body is the regime", Aristotle, *The Politics*, at. 94 (book III.6).

73 *Ibid.*, at 95-96 (book III.7)

74 *Ibid.* Furthermore, in book IV, chapters 8 and 9, Aristotle introduces the regime called polity. Strictly speaking, it is a mixture of oligarchy and monarchy, see Aristotle, *The Politics*, at. 129-132 (book IV.8-9).

75 Aristotle, *op. cit.*, at. 108 (book III.13).

76 In book IV, chapter 11, when judging what regime is best, Aristotle emphasizes "the middling sort": "it is clear […] that the political partnership that depend on the middling sort is best […], and those cities are capable of being well governed in which the middling element is numerous […]", Aristotle, *op. cit.*, at. 134 (book III.11). In addition, Aristotle asserts that "judgment in all these matters [what is the best regime] rests on the same elements" (*Ibid.*, at 133); they rest on the definition of ethics. The political principals follow the ethical principles.

77 *Ibid.*, at 99 (book III.9).

78 Hamilton A., Jay J., Madison J., *The Federalist Papers*, New York, Mentor, 1999, at 39-52 (No. 9-10).

79 A republic is a government in which the authority is elected via a system of representation.

80 According to the anti-federalists, in a large territory, the people would not get involved and thus a few people would be in charge, probably guided by their own self-interests, leading the nation towards despotism or anarchy.

81 An extended size allows a greater variety of interests and parties as well as a fitter choice of representatives, which counter-effect the effects of factions, since there are more candidates to chose from. Plus, there is a larger diversity of inclinations, passions and interests.

82 The system of representation, which, especially on a large territory, filters out the factional impulses. In addition, the mechanisms of checks and balances play an important task in the distribution of power. Publius notices that the risk of the domination by the legislative branch – because of its closeness to the people and the assumption that the legislative branch "speaks for all", which is not necessarily true – calls for the fortification of the executive against this potential danger; the other branches must protect the rights of the minorities. Above all, the system must be designed to protect the liberties and rights. (Hamilton A., Jay J., Madison J., *op. cit.*, at 268-285 (No. 47-49).

83 In the tenth federalist paper, the Fathers write that "the causes of faction cannot be removed and that relief is only to be sought in the means of controlling its effects." To do so, it requires either destroying liberty or giving to the people the same passions and interests. Following Aristotle, one could suggest to reach that goal by way of education; however, Madison, arguably influenced by Hume who has a skeptical view on human nature, contends that education cannot attain that goal.

84 MacIntyre A., *After Virtue*, at 51-61, "Why the Enlightenment Project of Justifying Morality Had to Fail". According to MacIntyre, the enlightenment project was doomed to fail because it relies on two ancient premises (a certain view of untutored-human-nature-as-it-is and a set of moral injunctions) but has rejected the third premise (man-as-he-could-be-if-he-realized-his-*telos*) although it is needed to link the two first premises.

85 This enlarging and refining process is made possible through the elections, especially on a large territory (since more candidates compete for offices).

86 In his essay *On the Common Saying*, Kant describes the test of rightfulness (of every public law): "if the law is such that a whole people could not possibly agree to it, it is unjust; but if it is at least possible that a people could agree to it, it is our duty to consider the law as just, even if some people would refuse their consent if they were consulted", Kant, *On the Common Saying*, at 85.

87 And therefore, "we have to understand each philosophy in terms of the historical context of tradition, social order, and conflict out of which it emerged", MacIntyre A., *Whose Justice? Which Rationality?*, at 390.

88 In the editor's introduction Timothy Fuller refers to Oakeshott's essay *On Human Conduct* where Michael Oakeshott explores the civil association and the enterprise association. Whereas the latter "presupposes a single, unifying purpose", the former, as a colony of porcupines, is based "on civility and procedure rather than on a uniting purpose to which only some will ever willingly grant approval", FULLER T. in OAKESHOTT M., *op. cit.*, at xiii.

89 Aristotle, *op. cit.*, at. 147-149 (book V.1).

90 In this book of The Politics, Aristotle is very psychological. For instance, in chapter 3, he depicts with much detail seven beginning points of factional conflicts or in chapter 8, he gives the leaders ten recommendations to preserve the regime.

91 Aristotle, *op. cit.*, at. 162-181 (book V.8-12).

92 For Leslie Goldstein, "Locke is seeking an answer to the question whether reason, employed as a tool to serve the natural impulse to comfortable self-preservation, suggests that there must be limits on the power of government, and, if so, what mechanism can enforce those limits?" Goldstein L. F., "Aristotle's Theory of Revolution: Looking at the Lockean Side", *Political Research Quarterly*, Vol. 54, No. 2, June, 2001, pp. 311-331. In that article, Leslie Goldstein argues that there is a surprising degree of similarity between Aristotle's and Locke's theory of revolution.

93 Locke J., *op. cit.*, at 50-51 (§ 94), at 77-78 (§ 149) 87-88 (§ 168), at 104-106 (§§ 205-210), at 113-116 (§§ 224-230).

94 Locke J., *op. cit.*, at 114 (§ 226).

95 *Ibid.*, at 48-50 (§§ 91-93), at 72-73 (§ 137), at 114 (§ 226).

96 This idea can be found in a passage of the *American Declaration of Independence* (July 4, 1776): "But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security."

97 Kant I., *On the Common Saying: 'This May Be True in Theory, but it Does not Apply in Practice'*, at 81.
Kant's principle of publicness explains the non-existence of a right of revolution. According to the principle of publicness, "the people, before establishing the civil contract, asks itself whether it dares to make public the maxim of its intention to rebel on certain occasions." If the possibility to rebel is a condition of founding a political constitution and thus made public, there is a right to revolt but if this were so, "the ruler would not be the head of state; or if both parties were given authority as a prior condition establish the state; the establishment of the state would become impossible." Hence, Kant can conclude that "the injustice of rebellion is thus apparent from the fact that if the maxim upon which it would act were publicly acknowledged, it would defeat its own purpose. This maxim would therefore have to be kept secret," which contradicts the principle of publicness. See Kant I., *Perpetual Peace*, at 126-127.

98 Kant I., *On the Common Saying*, at 81.

99 This absolute prohibition generates a paradox between Kant's condemnation of revolution in general and his sympathy toward the French revolution. See, *e.g.*, Atwell J. E., "A Brief Commentary", in *Journal of the History of Ideas*, Vol. 32, No. 3, 1971, pp. 433-436; Beck L. W., "Kant and the Right of Revolution", in *Journal of the History of Ideas*, Vol. 32, No. 3, 1971, pp. 411-422; Nicholson P., "Kant on the Duty Never to Resist the Sovereign", in *Ethics*, Vol. 86, No. 3, 1976, pp. 214-230.
In *The Contest of Faculties* Kant refers to the French – and especially to their Revolution – as a "nation of gifted people" ("The revolution which we have seen taking place in our own times in a nation of gifted people may succeed, or it may fail", Kant, *The Contest of Faculties*, at 182. See also Kant's remarks about revolution – referring to the French revolution – in the foot note ate the bottom of page 83 in *On the Common Saying*). In addition to the acknowledgment of Kant's sympathy for the French revolution, I would suggest, following Beck, that he justifies the 1789 revolution by arguing that Louis XVI gave back the right of sovereignty to the people by convoking the States-General, on January 14, 1789 (May 5, 1789 is the date of the gathering of the States-General). Therefore, the seizure of power by the bourgeois, enlightened by *les lumières* of the French philosophers, was not in fact a proper revolution, since they did

not overthrow the head of state. See Bᴇᴄᴋ L. W., *op. cit.*, at 146 and note 32.

100 *Contra* Hobbes for whom the head of state has no contractual obligations towards the people.

101 See Reiss's introduction to Kant's *Political Writings*, at. 31.

102 Kᴀɴᴛ, *On the Common Saying*, at 85.

103 Sᴛʀᴀᴜss L., *Persecution and the Art of Writing*, at 25.

104 MᴀᴄIɴᴛʏʀᴇ A., *Whose Justice? Which Rationality?*, at 362-366.

105 Aʀᴇɴᴅᴛ H., *op. cit.*, at 21-58.

106 A war may lead to liberation and thus establishing negative liberties but not necessarily to a revolution because people might not be free in the truest sense, that is enjoying free political speech.

107 Therefore in that respect, the French revolution did not truly free the Frenchmen.

108 Hannah Arendt distinguishes the notions of majority decision from the notion of majority rule.

109 In the words of Tocqueville "*un ancient régime remplace un autre*".

110 Arendt ultimately raises the question that if natural law (as indicated in the Declaration of Independence) does not anchor the Constitution, what does save it from arbitrariness, what does secure the condition of freedom? She argues that there is a need for an absolute which she found in the way that the Constitution was established: from the bottom to the top.

Pour citer cet article
Min Reuchamps. «Cahier n°11 - The Political Philosophy of Eight Major – Political – Thinkers. Aristotle, Locke, Publius, Kant, Strauss, MacIntyre, Oakeshott, and Arendt - Décembre 2007». *Cahiers de Sciences politiques de l'ULg,*
http://popups.ulg.ac.be/csp/document.php?id=212

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