

# Politics and Bureaucracy in the Modern State

Rachel Mackey

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Rachel Mackey

Advisor: Robert C. Bartlett, PhD

Government, today, encapsulates both politics and bureaucracy. Yet if politics and bureaucracy are understood within this context it is hard to conceptualize the nature of each or their effect on one another. In this paper I attempt to separate bureaucracy from politics in order to understand each before considering their effect upon one another.

I begin by considering bureaucracy according to its most famous commentator, Max Weber. Since bureaucracy must be understood in relation to the modern state, I include a treatment of the modern state that presumes a beneficial civil service, G.F.W. Hegel's *Philosophy of Right*. If Hegel shows us a politics dependent upon the bureaucracy and seamlessly reflected in that bureaucracy, we must examine politics anew in a context in which it is neither entangled with nor compromised by bureaucracy. Aristotle provides a definition of politics unencumbered with bureaucratic administration: a seeming alternative to the modern state. But is such activity possible today? Or in the American republic?

I conclude with a discussion of these questions using the work of Hannah Arendt and James Q. Wilson. Arendt discusses the worst effects of bureaucratic administration while Wilson suggests that the American constitutional order can withstand the addition of bureaucratic administration. The question that remains is whether politics as described by Aristotle—speech about justice and injustice on the public stage—can exist alongside

the American bureaucracy. My initial response to this question is yes and no: political speech in America is still possible, but its character has been altered. The productive form of political speech has become complaint—complaint against the actions of the government, complaint that makes its way to the floors of the House and Senate, and complaint that is registered in the voting box or the courthouse. Complaint, however, is not the whole of political speech, and therefore bureaucracy cannot be wholly compatible with political activity.

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## **Introduction: What Is Politics in the Modern Bureaucratic State?**

Max Weber asserted that “[i]f bureaucratic administration is, all other things being equal, always the most rational type from a technical point of view, the needs of mass administration make it today completely indispensable. The choice is only that between bureaucracy and dilettantism in the field of administration.”<sup>1</sup> Today this is even more obvious. Despite intermittent talk about limiting government and even of closing government agencies, modern states, especially those in Europe and America, depend upon bureaucratic institutions. The government must provide economic, legal, and personal benefits for citizens who regard these benefits as rights. It must have effective and organized administration that can work according to prescribed laws and rules, that can be counted on even in times of political transition, and that have specialized knowledge suited to a myriad of specific tasks.

The examples of the four most recent American presidents make clear the importance of bureaucratic administration in the United States. All expanded the American administrative state whether or not they wished to do so. Faced with the events of 9/11, President George W. Bush vastly expanded the American security apparatus through the Patriot Act. President Barack Obama’s support for health care reform and his concern for the environment required the expansion of those bureaucracies tasked with the administration and regulation in these arenas. Perhaps most interesting from an

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<sup>1</sup> Max Weber, *Economy and Society*, ed. Guenther Roth and Claus Wittich (Los Angeles: University of Berkeley Press, 2013), 223.

academic point of view, President Donald Trump's attempt to reduce the power of the American bureaucracy, without simply eliminating the goods and services it provides, led him to establish within the existing agencies additional small organizations whose mandate it is to study the work of these agencies and to suggest ways to sensibly reduce their size and power.<sup>2</sup> Although this did not have the results he might have wished for, it would take a comprehensive study to determine whether or not this was because the method employed was ineffectual. Today, President Joe Biden's administration is expanding the bureaucracy in order to deal with the Covid-19 pandemic and to address questions of inequality in American government.

The entrenched nature of bureaucracy is due to the requirements of the legal regime, the expectations of the modern citizen (and indeed modern governors and politicians), and the nature of bureaucracy itself. In the modern democratic state, government is expected to provide for the security, economic prosperity, health, and even happiness of its citizens equally. Given the size of the modern state, these expectations are impossible to realize without an extensive set of administrative agencies. Regimes based upon the idea that all citizens are equal under the law require administrative bodies, or agencies, that are able to execute specified laws continuously and universally.<sup>3</sup> In addition, bureaucracies are designed to perpetuate their missions independent of political elections and in spite of any political turmoil. Rather than dealing overtly in political

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<sup>2</sup> See Executive Order 13771 of January 20, 2017.

<https://www.federalregister.gov/documents/2017/02/03/2017-02451/reducing-regulation-and-controlling-regulatory-costs>.

<sup>3</sup> Weber, *Economy and Society*, 218.



decision-making, bureaucratic agencies separate the activities of the state from those who are said to rule—the electorate and their representatives—and perpetuate the projects for which they were created. However, the relationship between the state and its bureaucracy, and more fundamentally between bureaucracy and politics, is not clear. For this reason, it is necessary to study the modern state in order to understand modern bureaucratic systems.

Government, as we understand it today, encapsulates both politics and bureaucracy. Yet if politics and bureaucracy are understood within this context it is hard to conceptualize the nature of each or their effect on one another. We may consider politicians as politically minded while administrative agencies are bureaucratic. However, it is obvious that politicians are part of bureaucratically organized parties and must concern themselves with bureaucratic administration. And it is obvious that the bureaucratic agencies must make rules and regulations in response to circumstances that cannot always be covered by governing laws. Our use of the term “government” obfuscates the relationship between politics and bureaucracy rather than clarifying it and prevents us from answering fundamental questions about modern government. If bureaucratic administration is a part of government, do bureaucrats govern? If not, what is the appropriate relationship between those who do govern and those who administer their decisions? What, after all, is politics in the modern bureaucratic state? And what is a citizen? For a citizen can no longer be one who rules and is ruled in turn, as Aristotle described a citizen of a true polity. Are citizens therefore reduced to members of one group or another, parties that vote for representatives whose power over the bureaucracy is itself limited?

The question is whether bureaucratic administration is anti-political.

Bureaucracies have power only to administer in accord with the will of those who rule. Yet bureaucracies clearly alter politics at a minimum—they change the nature of ruling, they greatly expand the possible role of government, and they alter the manner in which citizens interact with their government. Moreover, bureaucrats must make judgments in administering rules—they must choose what to do when and in each circumstance. This means that they have great power over the execution of governmental decisions. The specialized knowledge of the professionals who make up the branch increases this power. Elected politicians, whose careers are dedicated not to specialized tasks but to electoral politics and big picture policymaking, often lean on the bureaucrats whose training and experience combine to make them more knowledgeable about particular policy questions. Moreover, bureaucracies are naturally hard to change or abolish because they are meant to guarantee effective governmental activity despite political transition.<sup>4</sup> This fact inherently limits the power of those who ostensibly govern.

Yet this does not mean that the relationship between bureaucracy and politics is necessarily antagonistic. Some modern scholars of bureaucracy have argued that bureaucracy brings to politics not only increased services, effectiveness, and stability but also a beneficial code of ethics: the professionalism, hierarchy, and strict rules of the bureaucratic state allow all citizens to be treated exactly alike and remove from political life the personality, class distinctions, and favoritism of rulers and ruled, allowing for true

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<sup>4</sup> Ibid, 987–94.

egalitarianism.<sup>5</sup> Others, by contrast, warn that bureaucracy eradicates both humanity and responsibility by eliminating emotional responses and making officials responsible only for small discrete tasks that seem unconnected from any goal or result. Bureaucracy, they argue, is therefore incompatible with self-government.<sup>6</sup>

Over the course of the following chapters I will attempt to separate bureaucracy from politics in order to understand each before considering their effect upon the other. It is my hope that this investigation will give new insight into how politics and bureaucracy interact in the modern state and what effect this interaction may have. I hope to discover whether politics and bureaucracy can in principle coexist or whether bureaucratization must coincide with the loss of political activity. I intend to consider this question with a focus on the United States and its particular brand of bureaucratic administration in mind.

This investigation of the relationship between bureaucracy and politics in the American republic has five parts. It will begin by considering the nature of bureaucracy according to its most famous observer, Max Weber. Weber's definitions of bureaucracy, legitimacy, and the modern state are still routinely used in contemporary scholarship. Indeed, his definition of bureaucracy remains that used by Encyclopedia Britannica

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<sup>5</sup> See Paul du Gay, *In Praise of Bureaucracy* (London: Sage Publications Ltd., 2000); Paul du Gay, *The Values of Bureaucracy* (Oxford: Oxford University Press, 2005); and Paul R. Verkuil, *Valuing Bureaucracy: The Case for Professional Government* (Cambridge: Cambridge University Press, 2017).

<sup>6</sup> See Hannah Arendt, *The Origins of Totalitarianism* (New York: Harvest Books, 1976); Hannah Arendt, *The Portable Hannah Arendt*, ed. Peter Baehr (New York: Penguin Books, 2000); and Wolfgang J. Mommsen, *The Age of Bureaucracy: Perspectives on the Political Sociology of Max Weber* (Oxford: Basil Blackwell, 1974).

today,<sup>7</sup> for example, and his understating of sociology as a scientific study colors much of contemporary political science.<sup>8</sup>

Weber was dedicated to understanding the facts of social and economic action unencumbered by value judgments. He understood the increasing role bureaucracy would play in modern politics and sought to explain its characteristics, origins, and effects. In his most famous work, *Economy and Society*, he described the fundamental characteristics of bureaucracy as an “ideal type” that is in its purest and most complete form. He explained the history of bureaucracy and its effects. For these reasons Weber is known as “the father of modern bureaucracy.”<sup>9</sup>

Yet Weber was deeply concerned by the effects of bureaucratization he saw in Europe, and especially in Germany, in his own time. In his non-academic writing he revealed his concern that increased bureaucratization of European states would destroy European political liberty. He believed the bureaucratic administration necessarily encroached on the political realm: “In the modern state,” he commented, “the actual ruler is necessarily and unavoidably the bureaucracy....”<sup>10</sup> A study of his academic work provides a clear picture of bureaucracy as well as its history and observable effects. His political and personal writings raise questions about the proper relationship of the state

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<sup>7</sup> Bert Rockman, “Bureaucracy,” *Encyclopedia Britannica*, <https://www.britannica.com/topic/bureaucracy>.

<sup>8</sup> Max Weber, *The Theory of Social and Economic Organization*, trans. A.M. Henderson and Talcott Parsons, ed. Talcott Parsons (Mansfield Centre: Martino Publishing, 2012), 10–11. Raymond Aron, *German Sociology*, trans. Mary and Thomas Bottomore (New York: Arno Press, 1979), 67.

<sup>9</sup> Weber, *Economy and Society*, XIX.

<sup>10</sup> *Ibid*, 1393.

and its administration. Bureaucracy, Weber's work implies, is the most effective administrative apparatus possible.<sup>11</sup> Yet, it can reduce human beings to parts of a machine, a machine that necessarily replaces government as the mainspring of political activity.<sup>12</sup>

Since bureaucracy must be understood in relation to the modern state, I will turn in my second chapter to a profound treatment of the modern state that presumes a beneficial civil service, G.F.W. Hegel's *Philosophy of Right*. Hegel asserts that the State is the "actualization of truth and freedom" in the world. The actualization of the State and of universal Right is, according to Hegel, inevitable and will come into being at the end of history. Yet its actualization requires the development of history and with it of political understanding and the institutions of the State, among them an advanced and educated civil service whose duty is to bring into coincidence the needs of the state and those of the individuals living under it.

As the "actuality of the ethical Idea," the Hegelian State is also the actualization of human freedom in the world. Citizens of the state will find, Hegel explains, through necessity and habitual patriotism, a unity between their own will and that of the state. The knowledge and understanding of this common interest are the true expressions of human freedom.<sup>13</sup> Within government this unity is administered by the members of the civil service or bureaucracy. The Hegelian civil service is contained in the executive branch,

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<sup>11</sup> Ibid, 973.

<sup>12</sup> Ibid, XIX.

<sup>13</sup> G.W.F. Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. by H. B. Nisbet (Cambridge: Cambridge University Press, 1991), §267–§268.

which moderates between sovereign needs and the interests expressed by civil society. The task of the civil service is to uphold, within the particular rights expressed by civil society, “*legality and the universal interest of the state*, and that of bringing these rights back to the universal.”<sup>14</sup> In other words the civil service works between the sovereign and civil society, fostering those of the people’s ideas which coincide with sovereign needs, helping to convince the people of their errors (when errors in judgment are made) and to administer that which is to the common advantage. Like a branch of government, it has, as its ultimate end, universal right, yet it must concern itself with specialized interests, particular laws, and individual programs. In the Hegelian state, civil servants fulfill a moral and politically beneficial role. They are not allowed to act on “discretionary or independent judgment,” but they are trusted to act in accord with the will of the sovereign and with concern for the interests of the people.<sup>15</sup>

The trust placed in the civil service to understand and correctly administer sovereign decisions and the common needs of the State is based (largely) on confidence in the education of civil servants. An education *in ethics and thought* accompanies the progress of world history, Hegel explains, toward the moment of the “*actualization of the universal spirit*.” This education is necessary for the correct functioning of the civil service (and of the State).<sup>16</sup> This ethical and theoretical education will allow those who undertake it to act in accord with the universal spirit—and with Right as actualized by the

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<sup>14</sup> Ibid, §289.

<sup>15</sup> Ibid, §290.

<sup>16</sup> Ibid, §296.

State.<sup>17</sup> By means of this education, civil servants will know the benefit of acting, not according to their own judgments, but in accord with the State. Yet Hegel does not spell out the details of this education—what it will be and how it will take hold. Similarly, he asserts the existence of this State by which freedom and right will come to be realized, but he gives little indication of how the State will come to be or when it will be fully realized in the world. The end of history may not be something we, as mortal beings, can hope for within the time horizon of our own lives, or even those of our grandchildren.

Hegel's description provides a helpful framework for considering a civil service that is simply beneficial to its state, completely in step with its regime, and perfectly aligned with Right and freedom. But if the end of history or a hard-to-imagine education is required for the civil service to be compatible with political Right, then his depiction cannot be a solution for our own time or our own place. What then is the alternative? If Hegel shows us a politics dependent upon the bureaucracy and seamlessly reflected in that bureaucracy—a phenomenon we can imagine but do not experience—we must examine politics anew in a context in which it is neither entangled with nor compromised by bureaucracy.

Aristotle provides in his *Politics* a definition of politics that is based upon human nature, not upon the existence of a particular State or dependent upon an education in Right. My third chapter will be devoted to understanding his notion of political activity for the individual and the political community in contradistinction to that outlined by Hegel. The *Politics* opens with Aristotle's assertion that all communities are "constituted for the sake of some good" and that the political community "aims at the most

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<sup>17</sup> Ibid, §342.

authoritative good of all”<sup>18</sup> A few pages later Aristotle declares that “man is by nature a political animal”<sup>19</sup>: “For as we assert, nature does nothing in vain, and man alone among animals has speech. ...[S]peech serves to reveal the advantageous and the harmful, and hence also the just and the unjust. For it is peculiar to man as compared to all other animals that he alone has perception of good and bad, just and unjust and the other things of this sort....”<sup>20</sup> Politics and the making of political communities are natural to man because of his ability to speak about the “advantageous and the harmful, the just and the unjust.” They are needed for human flourishing because they are connected to man’s nature. It is natural for humans to seek not only individual well-being or pleasure but also an arrangement of their affairs in which justice is sought. For Aristotle nature provides both the beginning and the end, or aim, of human things. If politics is at the heart of human nature, it cannot be given away to bureaucracy without some degree of dehumanization.

Politics, then, is fundamentally connected to speech and to conversations about justice and injustice. Throughout the *Politics* Aristotle shows us what this means, by explaining the claims to justice made by different peoples and different regimes and depicting political speech on the public stage. In book three Aristotle describes an argument between oligarchs and democrats in which they pit their different claims for political ascendancy and justice against one another. Aristotle allows them to speak in their own names, adding only explanations of their claims for the benefit of his readers.

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<sup>18</sup>Aristotle, *Politics*, trans. Carnes Lord (Chicago: The University of Chicago Press, 1984), 1252a2–6.

<sup>19</sup> Ibid, 1253a3-5.

<sup>20</sup> Ibid, 1253a1–20.



The democrats assert justice to be fairness and equity, decrying a political community in which the minority holds most of the wealth and power. The oligarchs respond, “If the poor by the fact of being the majority distribute among themselves the things of the wealthy is this not unjust?”<sup>21</sup> They contend that since they support most of the common needs of the community, they should be recompensed with a greater share of authority.

In describing this argument Aristotle makes clear first that both groups have legitimate and important claims for justice. Although they “proceed only to a certain point, and do not speak of the whole of justice in the authoritative sense, “they are not without legitimate claims.”<sup>22</sup> Second he makes clear the very real consequences to the political community of ignoring either group’s assertions. At one point the oligarchs declare, “[I]f the majority distributes among itself the things of the minority it is evident that it will destroy the city.”<sup>23</sup> The anger of the democrats is made evident in their use of oaths as their speech threatens to turn into mob violence.

Political activity involves speech, and public speech is necessary for human beings to sort through the various claims to justice made by different groups—as Aristotle himself does for his reader over the course of the book. Healthy political communities, therefore, must present their citizens with opportunities to make such speeches and to listen to each other. Political law, then, is not a bureaucratic rule. Embedded in law is the political notion that is the result of a process of discussion—a discussion that may cause the law to be altered. Political reason is not equivalent to

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<sup>21</sup> Ibid, 1281a15–16.

<sup>22</sup> Ibid., 1280a10–11.

<sup>23</sup> Ibid, 1281a19–20.

bureaucratic rationality. And the regime itself, if it is to stand, must show that it listens to the claims of each group and that their concerns and assertions are reflected in the fabric of their regime. The mob cannot be allowed to take and distribute the wealth of the few. Nor can the wealthy be allowed to ignore the claims of the many to political representation and recompense for their service to the city, especially if they are asked to fight for its security.

Aristotle expands on this theme in his discussion of regime types. Although he contends that aristocracy is the best type of regime, one in which the best rule, and the entire society can be directed toward justice (not just as each faction understands it, but as it truly is), he also introduces his readers to a more easily realized healthy regime, which he calls polity. Polity results from a mixture of oligarchy and democracy. In it some oligarchic laws and some democratic ones will be retained, customs of each are mixed, and even the mode of legislation retains elements from these two regimes.<sup>24</sup> For example, in oligarchies the rich are often fined for ignoring a call to the assembly, while in democracies the many are paid for their attendance. In this new regime both practices should be observed.<sup>25</sup> Polity is not the most virtuous regime. But it retains the possibility of political virtue, and the political life provides human beings with the opportunity to practice moral and intellectual virtue. Politics is worthwhile because it allows them to begin to realize their natural capacities, and these capacities are not only those of the best people. Polity allows a range of people to be (more) virtuous. It is a regime worth considering because it admits of virtue. For our purposes it is also an example of a

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<sup>24</sup> Ibid, 1294a36–37.

<sup>25</sup> Ibid, 1294a36–1294b2.

healthy and realizable regime that allows for political activity. In his description of polity and his depiction of the arguments between the oligarchs and the democrats Aristotle provides a definition of politics unencumbered with bureaucratic administration—a seeming alternative to the modern state. But is such activity possible today? Or in the American republic? Has the addition to politics of bureaucratic administration robbed it of the possibilities Aristotle describes?

In the wake of Nazi atrocities and in the darkness of the “iron curtain,” Hannah Arendt worried that even in the United States bureaucratic administration might be incompatible with true political action and even antagonistic to it. According to Arendt, political action in its full sense is based in human plurality. It demands that thought and action be connected and is the true and only realm in which freedom can flourish. Bureaucracy obscures the truth of politics, divides rather than connects individuals, removes responsibility from political action, and limits freedom. For Arendt it is one of the “elements of totalitarianism,” forerunners of this total tyranny that under certain circumstances “crystallize” into its monstrous reality.<sup>26</sup> In all times bureaucracy is a form of domination where the dominator is hidden from those dominated. It is “the latest and perhaps most formidable form of ... domination...the rule of an intricate system of bureaus in which no men, neither one nor the best, neither the few nor the many, can be held responsible, and which could be properly called rule by Nobody” because the bureaucrat thinks bureaucracy is the rule of rationality.<sup>27</sup>

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<sup>26</sup> Arendt, *The Origins of Totalitarianism*, XV.

<sup>27</sup> Hannah Arendt, *Crisis of the Republic* (London: Harcourt, Brace and Co, 1972), 139–40.

Bureaucracies, Arendt warns, are never simply administrative entities. They necessarily make political decisions, because even in strong legal regimes every circumstance cannot be accounted for in law. But because they are not rulers in name, they govern by edicts and from the political shadows—where citizens cannot reach them for redress. Moreover, bureaucracies promote action without thought. They demand obedience from those who work within them—obedience as duty, thoughtlessness as professionalism. This is the opposite of healthy political activity and, when brought into the realm of politics, it erodes healthy institutions and healthy political culture. Instead, it invites robotic, thoughtless action which in its thoughtlessness—its “banality”—can be monstrous and evil. Single bureaucrats can help to administer the death of thousands, as in the case of Jewish genocide at the hands of the Nazis, while a nation refuses to acknowledge the evil occurring within its borders.

My fourth chapter will examine the connection Arendt sees between bureaucratic administration and totalitarian tyranny in order to understand the possible effects bureaucracy can have on political activity. Arendt’s notion of politics, while not the same as Aristotle’s, takes its origin from ancient Greek political thought and preserves many of its assumptions. Although she asserts that political activity is based, not on man’s nature, but on the human condition (something that can be stripped away), she also contends that political action is most fully realized in speech on the public stage, that it requires individual judgment, and that humanity is lost without it. Although the distinctions between Aristotle and Arendt are important and must be elucidated, the similarities make it possible for us to consider whether bureaucracy’s dangers, as Arendt understands them,

make bureaucratic administration incompatible with the political activity Aristotle describes.

Unlike these other thinkers I have discussed, Arendt wrote directly about the American republic and its political possibilities. For Arendt, the story of the United States is full of political promise. The American story, she contends, started in its founding documents with an assertion of liberty and of the right to self-government—a right to both private and public happiness. These rights assumed the importance of political activity and institutionalized political speech and its connection to action. Yet this “revolutionary spirit” has waned. As American history progressed, its trajectory moved away from liberation and action, and towards civil rights and civil liberties, institutional supports, and government services—all of which have required the creation of a large central government and a vast bureaucracy.<sup>28</sup>

More troubling, for Arendt, is the fact that American citizens no longer understand the American founding as a decision, a revolutionary action that required thought and risk. The state of forgetfulness and disinterest in the United States during the 1960s caused Arendt to worry that the American Republic might descend into thoughtlessness and perhaps eventually into tyranny. But she was also hopeful. She believed that America’s unique identity provided its citizens with a foundation in both action and thought that could renew America’s political spirit and prevent the elements of totalitarianism already present in American government to “crystalize” into totalitarianism.

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<sup>28</sup> Ibid, 213.

The possibilities articulated by these four thinkers give a framework for understanding bureaucracy in relation to political activity. Weber's work provides a set of characteristics that to some degree are present in most bureaucracies, as well as a sense of the possibilities and problems inherent in bureaucratic administration. Hegel provides a sense of what a state might look like that contains an advanced bureaucracy, as well as an image of bureaucratic administration used to promote a version of political right and freedom. Aristotle's *Politics* provides an alternative picture: one of healthy political activity separate from bureaucratic administration. Finally, Arendt describes how such political activity can be destroyed and manipulated by the effects of bureaucracy and thoughtlessness. In the fifth and final chapter, I will turn to the American republic studied against the backdrop of these thinkers, with the aid of James Q. Wilson, whose substantial work on bureaucracy focuses on American bureaucratic agencies and their place within the American constitutional order.

Wilson, like Weber, is a social scientist, but he does not claim any overarching theory on bureaucracy (or indeed on anything else). Rather, he tells his readers that he will help them to understand "what government agencies do and why they do it" by looking first at the everyday activities of agency personnel before turning to organizational structure, executive goals, and political pressures. Wilson's work paints a picture of American bureaucracy as full of variety and somewhat different from Weber's definition with which I begin. The American system, Wilson's books make clear, does not provide its bureaucratic administration with the clear goals, autonomy, or financial stability necessary for it to have all the characteristics Weber describes. Trapped between the competing powers of Congress and the president, American bureaucratic agencies

must fight to maintain their organizational system and jurisdictional areas. Yet they also have a great deal of freedom because no one branch of government has full control over them. The result, according to Wilson, is that American bureaucracies are highly rule-bound while being highly participatory, dependent upon political favor while requiring independent judgment from officials and executives.<sup>29</sup> America has tried to integrate bureaucracy and politics. My study contributes to the examination of the question of whether the American hybrid is stable. Are Americans citizens in any real sense? Is American bureaucracy burdened by external restrictions to such an extent that it performs its functions in a manner so ineffectively that it threatens the legitimacy and therefore the continuation of the American political-bureaucratic order?

Wilson's work offers the possibility that this is not the case—that the American constitutional order contains bureaucracy, even the vast modern American bureaucracy, in such a way that it remains responsive to the citizenry, while being hierarchical and rule-bound. This he explains is a result of the strange place American bureaucracy has within the regime: lacking a formalized place in any branch of government, it exists in the intersection between the legislative and executive branches, gaining its power from Congressional delegation, while being, at least formally, part of the executive branch and therefore under the control of the president.<sup>30</sup> The result of this complicated relationship between America's republican government and its bureaucracy is that bureaucratic agencies must spend much of their time and resources responding to and placating their

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<sup>29</sup> James Q. Wilson, *Bureaucracy: What Government Agencies Do and Why They Do It* (New York: Basic Books, 1989), 377.

<sup>30</sup> James Q. Wilson, ed., *The Politics of Regulation* (New York: Basic Books: 1980), vi–ix.

many masters. This causes them to be responsive to citizen concerns (when these concerns become political causes or result in court rulings), yet it also makes them less effective than more traditional bureaucratic regimes, such as those described by Weber and Hegel. Yet, Wilson acknowledges, the embattled position of American bureaucratic agencies also makes them strive for turf, autonomy, financial recourses, and any independence they can achieve.<sup>31</sup> This means that they necessarily make political decisions and thus participate in the government of American citizens. Politics then is affected by bureaucracy even in the American context, but it cannot be the obviously beneficial relationship between the Hegelian state and its civil service. Nor must it lead to tyranny as it did in Germany between the two world wars.

The question that remains is whether politics as Aristotle describes it—speech or argument about justice and injustice on the public stage—can exist alongside the American bureaucracy. My response to this question is yes and no: political speech in America is still possible, but its character has been altered. The productive form of political speech has become complaint—complaint against the actions of the government, complaint that makes its way to the floors of the House and Senate, and complaint that is registered in the voting box or the courthouse. The bureaucracy is responsive to complaint, and people are still fluent in this form of speech. Much of Aristotle’s discussion of the conversation between the oligarchs and the democrats begins with complaints against the injustice of the opposing faction, but it is expressed in terms of the common good. It is coupled with discussions of justice, legitimacy, and virtue in a

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<sup>31</sup> Wilson, *Bureaucracy*, 181.



positive sense. In the contemporary United States, complaints are pursued without public debate of such issues; they are disengaged from the pursuit of a common good.

One is left to wonder what the effect of a politics of complaint might be and how long politics deserving of the name can exist without such explanations which explanations? among a body of citizens who think of the polity as a whole, if they ever do, only in the context of redressing their individual grievances. The complainer is not usually considered the good citizen. Has the American political bureaucratic hybrid transformed or eliminated the political virtues? Is the new public spiritedness the willingness and the courage to complain? If our bureaucracy has done this, can political virtue stand up to the tyrannical elements of modern bureaucratic administration?

## 1.0 Chapter One: Bureaucracy and Social Science

“It would be hardly possible to find a man who lived so much in his work. It is not enough to say he served zealously—no, he served with love. There, in that copying, he saw some varied pleasant world of his own. ... One director, being a kindly man ... ordered that he be given something more important than the usual copying—namely, he was told to change an already existing document into a letter for another institution. ... This was such a task for him that he got all into a sweat, rubbed his head, and finally said, ‘No, better let me copy something.’ After that he was left copying forever.”<sup>1</sup>

—Nikolai Gogol, “The Overcoat”

Bureaucracy came to social consciousness in the 19<sup>th</sup> century. Even at that time, the “rule of the office” was clearly seen as a supplement to or opponent of politics, and therefore, like the political rule of the people (from the Greek *κράτος*), the rule of the office was coined “bureaucracy.”

Bureaucracy literally means “office-authority” or “office-rule.” The English word, which became common in the first half of the 19<sup>th</sup> century, comes from the combination of two words: “bureau,” originally from the French meaning “office,” and *κράτος*, originally from ancient Greek meaning “rule,” “power,” or “authority.”<sup>2</sup> Common uses of the word “bureaucracy” follow its etymology, coupling office with either power, authority, or political rule. Having become popular along with the rise of modern commerce and the modern state, the word connotes both the particular authority of a set

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<sup>1</sup> Nikolai Gogol, *The Collected Tales of Nikolai Gogol*, trans. Richard Pevear and Larissa Volokhonsky (New York: Vintage Classics, 1999), 397.

<sup>2</sup> Oxford English Dictionary “bureaucracy, n.”. OED Online. September 2020. Oxford University Press. <https://www.oed.com/view/Entry/24905?redirectedFrom=bureaucracy&> (accessed November 24, 2020).

of offices and the rule by a series of officials who hold particular offices. These meanings, while very closely connected, are not the same: to the first politics is incidental; bureaucracy can be used to organize and administer political decisions just as it can be used to organize corporate enterprises and sporting events. To the latter sense, politics is central; bureaucracy is assumed to participate in the activity of politics—that is, in ruling—whether it rules in the context of a public or private entity.

The goal of this thesis is to understand the relationship between bureaucracy and politics. To do so it is necessary to gain a definition of bureaucratic activity. Dictionary definitions cannot provide an altogether adequate answer. They are silent about what bureaucracy actually does, defining the word in terms only of organizational structure, professional ethic, and specialization. But they do provide a place from which to begin. The *Encyclopedia Britannica* defines bureaucracy as:

[A] specific form of organization defined by complexity, division of labour, permanence, professional management, hierarchical coordination and control, strict chain of command, and legal authority. It is distinguished from informal and collegial organizations. In its ideal form, bureaucracy is impersonal and rational and based on rules rather than ties of kinship, friendship, or patrimonial or charismatic authority. Bureaucratic organization can be found in both public and private institutions.<sup>3</sup>

Bureaucracy, then, is a tool for any organization—public or private—yet it acknowledges the political role bureaucracy can have by mentioning “legal authority” and distinguishing bureaucracy from “patrimonial or charismatic authority.” The only

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<sup>3</sup> Bert Rockman, “Bureaucracy,” *Encyclopedia Britannica*, <https://www.britannica.com/topic/bureaucracy>.

explanation it gives about bureaucratic activity is that in “its ideal form” bureaucracy is “impersonal and rational.” The *Cambridge Dictionary* definition, while not as complete, is similar; according to it bureaucracy is “a system for controlling or managing a country, company, or organization that is operated by a large number of officials employed to follow rules carefully.”<sup>4</sup> The only hint these two references give about the effect of bureaucracy is to note that the word is often used pejoratively to describe red tape or impersonal treatment.

The origin of this definition (not including the pejorative use of the word) is the sociology of Max Weber. In fact, the definition provided by the *Encyclopedia Britannica* is a fairly accurate summary of chapter eleven, parts one and two, of Weber’s most famous work, *Economy and Society*. The *Encyclopedia* cites Weber as the “foremost theorist of bureaucracy,” and the rest of the entry includes further information about the history of bureaucracy and its relationship to the modern state, which are also derived from Weber’s sociological writings.<sup>5</sup>

Weber’s famous definition of bureaucracy covers three pages of his magnum opus and explains the six characteristics he asserts are central to bureaucracy in its pure or “ideal” form. Weber calls the most complete, rational, and pure version of his subjects “ideal types.” “Ideal” in this context means only that these versions are undiluted and complete. Weber’s definitions are meant as rubrics against which to consider particular examples. They are the product of the scientific study of historical examples, and they are

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<sup>4</sup> *Cambridge Dictionary*, s.v. “bureaucracy.”

<sup>5</sup> *Encyclopedia Britannica*, s.v. “bureaucracy.”

not meant to contain value judgements about whether any characteristic is beneficial or objectionable, any mode of government good or bad for human beings.

According to Weber bureaucracy can be understood as “modern officialdom” functioning according to the following six characteristics: first, bureaucracies must have “official *jurisdictional areas* ... generally ordered by rules, ... laws or administrative regulations.” This also includes methodical continuity, or permanence, independent of political (or corporate) transitions. Second, the bureaucracy must be organized according to strict “principles of *office hierarchy* and of channels of appeal.” Third, it must be professionally managed and record its actions in written files. Fourth, bureaucratic organization presumes specialization, something he says is “distinctly modern,” and demands thorough training of its officials in their areas of specialization.<sup>6</sup> The fifth characteristic of bureaucracy is that it requires the “full working capacity of the official.” In other words his official duties are not a “secondary activity” for him, but his vocation. The list ends with a sixth and final characteristic: “The reduction of the modern official management to rules is deeply embedded in its very nature.”<sup>7</sup> It “assumes that the authority to order certain matters by decree, which has been legally granted to an agency, does not entitle the agency to regulate the matter by individual commands given in each case, but only to regulate the matter abstractly.”<sup>8</sup> Bureaucracy is rule-bound and impersonal; bureaucrats have power inasmuch as they hold particular offices. Their

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<sup>6</sup> Max Weber, *Economy and Society*, ed. Guenther Roth and Claus Wittich (Los Angeles: University of Berkeley Press, 2013), 956–58.

<sup>7</sup> Ibid, 958.

<sup>8</sup> Ibid, 958.

activities are also impersonal; they must apply rules to all persons and cases without partiality or prejudice. In the pure form of bureaucracy, these rules are in accord with reason.

Weber's treatment of bureaucracy in *Economy and Society* traces its history, explores its efficiency, describes its complementarity to the modern legal state, and discusses its antithesis: charismatic leadership of an individual based not on reason and impersonal rules, but on a cult of personality, myth, or ideology. Weber's work is the natural place to begin any study of bureaucracy because his study is so exhaustive and has been so influential. But Weber's work must be understood on its own terms. Weber did not set out to answer the question I am investigating. He does not study bureaucracy to understand its effects on political life. He is not trying to understand whether it can be beneficial or pernicious, possible alongside political action or antagonistic to it. Weber wanted to explore social action on strictly scientific terms and without "value judgments." Although Weber is very critical of the effect bureaucracy has on political activity in his personal writings and speeches, this judgment is not a part of his fact-based sociology. Both Weber's academic and political works are helpful in understanding bureaucratic action, but they must be read differently: the first according to Weber's rigorous scientific method, the second as personal and political writings about his own time.

This chapter will examine the work of Max Weber on bureaucracy to serve as a foundation for further investigations into the relationship between bureaucracy and politics. I will first examine Weber's sociological method with a view to understanding how to read his academic work on bureaucracy. Next, I will turn to his academic work on

bureaucracy itself, and the relationship he describes between bureaucratic administration and political legitimacy. Third I will examine Weber's discussion of charismatic leadership, which he asserts is the form of authority most opposed to that of the bureaucracy. Having addressed Weber's sociological discussion on its own terms I will consider his personal opinions on bureaucracy, and the limits his principled commitment to fact-driven sociology placed upon his academic work. This study will explain bureaucracy's fundamental characteristics, and to understand more fully the effect Weber's work has had on our own understanding of the subject.

## 1.1 The Sociology of Max Weber

Modern political science is saturated with the ideas and hence the vocabulary of Max Weber. As Gunther Roth writes in his introduction to the fourth edition of Weber's *Economy and Society*, "Weber's image of 'economy and society' is so widely shared today among research-oriented students of society that in its *most general formulation* it no longer appears exceptional...."<sup>9</sup> The complacency with which it is tempting to view Weber's thought is due, in fact, to his success. Although Weber never claims to have a "universal scientific theory of political science," he "made possible the treatment of social material in a systematic, scientific manner rather than as an art."<sup>10</sup> In his book on

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<sup>9</sup> Ibid, 223, XVI.

<sup>10</sup> Max Weber, *The Theory of Social and Economic Organization*, trans. A.M. Henderson and Talcott Parsons, ed. Talcott Parsons (Mansfield Centre: Martino Publishing, 2012), 10–11.

German sociology, Raymond Aron asserts that “Max Weber is, without doubt, the greatest of German Sociologists.”<sup>11</sup> Even Leo Strauss, who sharply criticizes Weber’s methodological assumptions, acknowledges that “no one since Weber has devoted a comparable amount of intelligence, assiduity, and almost fanatical devotion to the basic problem of the social sciences.”<sup>12</sup>

Weber’s examination of economic and political life, which stresses the separation between understanding facts and making value-laden judgments, depends on a methodology. He acknowledges the inherent irrationality of human action but tries to understand it rationally and empirically. His studies begin with an examination of ancient and medieval political practices, but his attempt to understand these subjects in a scientific manner eventually led him to an extensive analysis of human economic, political, and religious history.

Weber’s project is historical, but it is not based on a belief in historical progress. He seeks both to separate himself from the “theories of universal sameness,” such as were formulated by Plato, Aristotle, and their students, and to distance himself from the historicism of Hegel and his followers.<sup>13</sup> Wolfgang Mommsen describes Weber as a pessimist. Whether because of his reading of Nietzsche, or because of his study of

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<sup>11</sup> Raymond Aron, *German Sociology*, trans. Mary and Thomas Bottomore (New York: Arno Press, 1979), 67.

<sup>12</sup> Leo Strauss, *Natural Right and History* (Chicago: The University of Chicago Press, 1965), 36.

<sup>13</sup> Weber, *Economy and Society*, XLVII.



history, Weber displays no confidence that man's future will be any better than his past.<sup>14</sup>

Yet Weber does believe in a form of historicism; that is, he assumes that the historical moment influences the value judgements of those who live in it. Rather than causing him to believe in progress, this brand of historicism leads him to doubt the validity of value judgements as anything more than the product of culture, tradition, imperfect morality, and irrational human emotion. As Leo Strauss puts it, Weber believes that "there are a variety of unchangeable principles of right or goodness which conflict with one another ... none of which can be proved to be superior to the others."<sup>15</sup> His pessimism not only manifests itself in a lack of belief in human progress, but also demonstrates a lack of belief that human beings can ever fully understand what progress might be, or by what principles and under what system human beings ought to live.

Although Weber personally took an active part in political life, he saw his academic work as purely scientific. In his famous lecture, "Science as a Vocation," Weber puts this separation into words:

For opinions on issues of practical politics and the academic analysis of political institutions and party policies are two very different things. If you speak about democracy at a public meeting, there is no need to make a secret of your personal

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<sup>14</sup> Wolfgang J. Mommsen, *The Age of Bureaucracy: Perspectives on the Political Sociology of Max Weber* (Oxford: Basil Blackwell, 1974), 4–10.

<sup>15</sup> Strauss, *Natural Right and History*, 36.

point of view.... In a lecture room it would be an outrage to make use of language in this way.<sup>16</sup>

Dismayed by his fellow scholars' willingness to mix their studies with their private judgements, Weber set up his own academic association. Even among these likeminded scholars, Weber's high standards were disappointed: "Will the gentlemen, none of whom can manage to hold back his subjective 'valuations' all infinitely uninteresting to me, please stay with their kind?"<sup>17</sup> In his own work he tried to interpret human action with "clarity and verifiable accuracy of insight and comprehension."<sup>18</sup> His most famous work, *Economy and Society*, was meant to be an introduction to social and economic scientific inquiry.

Weber begins *Economy and Society* by defining sociology for his reader as "a science concerning itself with the interpretive understanding of social action and thereby with a causal explanation of its course and consequences."<sup>19</sup> "Social action" is understood as only those activities to which the "acting individual attaches a subjective meaning" and the "subjective meaning [of social action] takes account of the behavior of others."<sup>20</sup> In other words sociology is the scientific interpretation of meaningful human actions taken singly and together.

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<sup>16</sup> Max Weber, *The Vocation Lectures*, ed. David Owen and Tracy B. Strong, trans. Rodney Livingstone (Indianapolis: Hackett Publishing Group, 2004), 20.

<sup>17</sup> Weber, *Economy and Society*, LXXI.

<sup>18</sup> Ibid, 5.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid, 4.

Certainty about the interpretation of meaning, Weber explains, can be attained in two ways: either rationally or by “an emotionally emphatic or artistically appreciative quality.”<sup>21</sup> The latter, while attractive in some ways, is ultimately flawed. It depends upon each sociologist’s own sense and experience of the world. While he may be able to feel the meaning of certain human actions, especially those with which he is familiar, the ability to understand diminishes as the action under review departs further from his own experiences, feelings, and views. Rationality is the most accurate tool left to those who wish to have certainty about the meaning of human action.<sup>22</sup> Science, Weber implies, cannot prove what is meaningful but only what meaning an action has been given. In his words, “A choice about ultimate commitments cannot be made with the tools of science.”<sup>23</sup>

The sociologist’s task, then, is to create a rational experiment that will allow him simultaneously to isolate his subject and to extrapolate from his results. To understand economic and political life by studying social action rationally poses a myriad of problems: the sociologist must isolate social action from all other types of human action, understand the various influences on the individual actor, and separate the actions of each individual from the web of interconnected human activity, while being able to extrapolate from this study a model of understanding that would help in analyzing other societies with other actors affected by their own web of circumstances.

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<sup>21</sup> Ibid, 5.

<sup>22</sup> Ibid, 4–6.

<sup>23</sup> Ibid, 1381.

In many ways the sociologist's project seems, if not impossible, then at least more difficult than the project of the biologist or the chemist, who can simply isolate the chemical reaction or biological process under review. Weber thought that he had found a way, however to make his scientific experiments even more successful than those of natural scientists, who consider the interaction between natural phenomena or biological cells. "In the case of social collectives ... we can go beyond merely demonstrating functional relationships and uniformities. We can accomplish ... the subjective understanding of the action of component individuals."<sup>24</sup> This requires not merely understanding the subjective meaning individuals give to their social actions but finding some way to study this action *en masse* without aggregating the action of individuals.

According to Weber there are two types of understanding: "the direct observational understanding of the subjective meaning of a given act as such" and "explanatory understanding." The first can be achieved only by the "direct rational understanding of ideas," such as the understanding of a written mathematical equation, or through the direct observation of a particular action—for example, the knowledge of an individual's emotional state from the expression on his face.<sup>25</sup> It is not possible to undertake a sociological study on these terms. However, explanatory understanding is based on the assessment of an actor's motives rather than on direct observation of his activities. By placing the action of an individual in "an intelligible and more inclusive context of meaning," the sociologist can study those actions which he cannot observe directly, and which he therefore cannot understand instinctively. The writing of a

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<sup>24</sup> Ibid, 14.

<sup>25</sup> Ibid, 8.

mathematical equation can be understood explanatorily if it becomes clear that the equation was written in order to deduce the cost of groceries. The man's anger can be understood without direct knowledge of his facial expression if we know that he reacted in answer to an insult. Similarly, social action can be understood explanatorily if the motive can be understood through analysis of the "motivational situation" in which the action took place.<sup>26</sup>

Explanatory understanding can be accomplished by means of three forms of analysis: by looking at "the actually intended meaning for concrete individual actions," by considering the average or statistical evidence of mass phenomena or by considering human action in contrast to the rubric of "a scientifically pure type or a common phenomenon."<sup>27</sup> This third form of analysis is the one Weber adopts and which leads him to provide his famous definitions of the modern state and of bureaucracy. He believes that analysis of pure, or "ideal" types best preserved the individuality of human action and allowed scientists to consider action rationally rather than experientially. Weber's definitions of pure social phenomena are not meant to be understood as correct types—they are not perfect forms which were in themselves good or valuable—but as accurate pictures of "conceptually pure type[s] of rational action."<sup>28</sup> They allow Weber to consider real social action as a doctor might look at the functioning of an ailing patient's body, considering the functions of the patient's lungs, heart, and nervous system against those of a perfectly healthy individual. But again, unlike the doctor's pictures of the healthy

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<sup>26</sup> Ibid, 9.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid, 6.

body, Weber's ideal types are not necessarily better, healthier, or to be desired more than the reality.

Weber uses ideal types to isolate aspects of social understanding in order to understand the motives behind it. Social action is not always rational, but the use of ideal types allows the sociologist to study rationally the irrational. He can "treat all irrational, effectually determined elements of behavior as factors of deviation" from the ideal type. In explaining this to his reader, Weber uses the example of a crisis in the stock exchange. First the sociologist simply analyzes the series of actions that would have taken place if all actors involved had acted rationally. He then analyzes the existing stock panic against the ideal type. This comparison allows him to isolate each deviation from rationality and to consider its origins.<sup>29</sup> The rational reaction to a dip in the stock market might be to remove money from some enterprises and not others. If instead support is removed from healthy and sick enterprises alike the sociologist can prove that the motive behind the actions of the stock owners was a sudden distrust in the system at large or in their own knowledge of it, rather than a loss of faith in particular businesses.

Weber's ideal types, as Gunther Roth and Talcott Parsons each explain in their separate introductions to Weber's works, are "both abstract and general."<sup>30</sup> They allow for explanatory understanding by "assuming certain ends and modes of normative orientation as binding on the actors" as they would be if a "normatively ideal course" were followed. These ends and modes are constructed from an almost exhaustive study of history from which Weber draws "historical rules of experience" which he uses as

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<sup>29</sup> Ibid, 6–7.

<sup>30</sup> Weber, *The Theory of Social and Economic Organization*, 13.

“heuristic propositions.”<sup>31</sup> From these studies Weber articulates a conceptual framework which essentially offers a “system of logically inter-related ideal types of social relationships.”<sup>32</sup> The bulk of *Economy and Society* is the practice of this kind of scientific explanation. In it, Weber articulates ideal types of action—individual actions and those of religious, economic, and political institutions—and tests these ideal types by using them to analyze historical and contemporary actions from around the world.

Weber’s sociology is based upon two assumptions: first, that history can provide general rules of experience which can be used to create “ideal types,” and second, that these “ideal types” are so complete that all other human action can be understood by its deviation from them. Weber treats the examples drawn from history as scientific experiment after experiment—their multitude and variety allowed him to control for different factors. He believes that there existed no ultimate truth or natural law but historical, experiential rules. He understands his experiments to produce only theorems, not laws. However, his analysis depends upon the belief that scientific testing could get him nearer and nearer to the creation of perfect ideal types.

Weber knows that the use of ideal types was not perfect. “That there ... is a danger of rationalistic interpretations where they are out of place cannot be denied.”<sup>33</sup> It is possible that the use of scientific methodology will force human action into a rubric that hides facts rather than illuminating them. However, Weber’s sociology is not meant to give answers to the meaning or end of human life. As Raymond Aron comments,

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<sup>31</sup> Weber, *Economy and Society*, XLIX.

<sup>32</sup> Weber, *The Theory of Social and Economic Organization*, 14.

<sup>33</sup> Weber, *Economy and Society*, 7.

according to Weber, “Idea and reality, the general and the ‘ought’ and ‘is’ are always distinct. What ‘is’ cannot be deduced from any law.”<sup>34</sup> Weber’s sociology and his creation of ideal types are meant to allow scientists to understand the assumptions or goals behind human action, not to give human beings an end at which to aim. If one believes that capitalism is the best economic system, for example, then one can consider deviations from the pure type of capitalism in one’s own society. If one desires to make his society more rational, he can consider what pure types value rationalism. Weber’s sociology is a study of what is already true and what has been true in the past. It can offer information about what might happen in the future if social action continues on its current path, but it cannot offer advice or wisdom about what *ought* to happen or what is simply best.

Some scholars of Weber, including Aron and Parsons, believe that Weber’s work is incomplete. Aron asserts that “perhaps we should distinguish between historical types (modern capitalism), general types (bureaucratic power), and types of rational behavior (economic theory).”<sup>35</sup> Parsons believes that the problem with Weber’s work is that he is not methodical enough. He classifies all human action as either rational or deviating from the rational. This causes him implicitly to treat all non-rational action as irrational and to “create a false theoretically unwarranted antithesis.”<sup>36</sup> Weber himself adopts this approach despite his concerns because he believes the use of ideal types to be superior to the imposition of private judgment on the analysis of social action. Weber’s own

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<sup>34</sup> Aron, 75.

<sup>35</sup> Aron, 75.

<sup>36</sup> Weber, *The Theory of Social and Economic Organization*, 16



concerns about the impossibility of finding truth may be justified. Aron and Parsons' criticism, that Weber too crudely divided human action into the rational and irrational, may also be just. One must also wonder whether it is possible to understand human action solely by assessing its adherence to a set of rules—whether political life can be understood by a purely scientific methodology.

## 1.2 Bureaucracy and Legitimacy in the Modern State

Bureaucracy, according to Weber, is “*the means of transforming social action into rationally organized action.*”<sup>37</sup> It allows principles of human activity to be administered understandably, effectively, and continuously. Exceptions, omissions, and lapses are removed, and human beings can begin to count on rules of action, equal treatment, and continuity. This is a major accomplishment, which utterly transforms the ordinary course of human action. It brings order, methodology, and logic to a type of action usually dependent upon emotion, interaction, and perception as well as logical reasoning and rational interpretation.

According to Weber himself, social action unmediated by bureaucracy is naturally a mix of rational and irrational action, the division between which is murky. “On the question of how far [the] predominance [of rational elements in human life] exists, nothing whatever can be said.”<sup>38</sup> Social action stems originally from individuals, whose

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<sup>37</sup> Weber, *Economy and Society*, 987.

<sup>38</sup> Ibid, 7.

experiences, dreams, angers, and loves orient much of their action. In the ordinary course of human life individuals do not separate their understandable or rational actions from those based upon sentiment or experience. They do not act continuously or without bias, and they are often unable to act in a way that other individuals can understand.

Action, in general, comes to pass when the “acting individual attaches a subjective meaning to his behavior.” Social action exists when this “subjective meaning takes account of the behavior of others and is thereby oriented in its course.”<sup>39</sup> Action that takes into account “the behavior of others,” however, is often action in response to emotions evoked by others: ambition or envy, jealousy or loyalty, anger or appetite. These actions can be considered rational only if the emotions themselves are understandable and if the actions taken are the logical conclusion of the emotions. Yet rationality, as Weber describes it, depends on the possibility that it can be understood logically by others. While emotion can be considered, explained, and sometimes understood, this understanding is accomplished by “recapturing an experience” or what might be called empathy. Empathy is not universal. The farther away one’s experience gets from that of another individual the harder it is to empathize with him, to see the reason for his action, and to understand the subjective meaning that he has given to it.

Any system that organizes social action according to rational principles, as bureaucracy does, must strip away actions with meanings that are entirely subjective. It must separate the understandable from the experiential, the emotional from the logical, and operate on a plane where all meaning can be understood or at least learned.

Bureaucracies within and without government can be defined by certain characteristics.

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<sup>39</sup> Ibid, 5.

They are governed by official “*jurisdictional areas*, which are generally ordered by ... laws or administrative regulations.” The utmost concern is placed upon the “regular and continuous” fulfillment of the bureaucracy’s duties, which are understood to constitute the mission of the institution, and the vocation of its administrators. They have a strict “office hierarchy” and “channels of appeal.” Management is done according to “written files.” And authority to command is prescribed in a way consistent with office hierarchy and “strictly delimited by rules” concerning enforcement.<sup>40</sup> Bureaucratic agencies assume that the jurisdictional area around which they have been created is rational and act logically to promote these preordained missions. The hierarchy exists to guarantee the continuous fulfillment of the bureaucracy’s duties and becomes the sole responsibility of a bureaucrat or group of bureaucrats, who are freed from any other professional concerns and whose work can be clearly judged and reviewed by their superiors.

Bureaucrats are chosen and required to act in a way that is consistent with the rule-abiding nature of the bureaucracy. Bureaucratic officials must recognize that their office requires them to complete necessary tasks whether this is possible during normal working hours or not.<sup>41</sup> They are experts with “thorough training in a field of specialization” who are organized according to general rules of professionalization that can be learned, and that separate personal opinions from professional duty. Not only are private property and professional equipment separated, but so is “official activity from the sphere of private life.” Just as bureaucratic administration seeks to rationalize social

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<sup>40</sup> Ibid, 956–59.

<sup>41</sup> Ibid.

action, so the official must make it his vocation to act rationally according to a prescribed set of rules.

Inside government the bureaucrat is neither a courtier nor an advisor. He cannot influence government according to his own convictions and neither does he have to obey the changing demands of his political superior. "Entrance into an office is considered an acceptance of a specific duty or fealty to the purpose of the office in return for the grant of a secure existence." Pure bureaucrats (as opposed to elected officials with bureaucratic duties) are appointed to their positions and must have credentials that clearly qualify them for the position. These credentials are usually gained by a particular form of degree-granting education as well as exams designed to test their expertise and experience in their chosen field. Bureaucratic officials are allowed to remain in the post only so long as their official duties are preformed efficiently and professionally. The position in no way entitles them to "ownership of a source of income," yet they also cannot be considered "the personal servant of the ruler."<sup>42</sup> Rather, in fully formed bureaucracies the official will gain "a distinctly elevated *social esteem* vis-a-vis the governed."<sup>43</sup> This esteem will be based upon the official's fulfillment of the need for specialized education, the emphasis placed in that society on expertise, and not on the official's capacity for independent action.<sup>44</sup> Professionalism, not prudence, is the virtue of the bureaucrat.

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<sup>42</sup> Ibid, 957–59.

<sup>43</sup> Ibid, 959.

<sup>44</sup> Ibid, 959–62.

To a degree the efficiency, speed, and objectivity of bureaucratic administration has been called for throughout human history for different reasons. Weber mentions that the Egyptians required bureaucratic administration to regulate the “water economy of the entire country.” The Catholic Church, which has employed bureaucracy throughout its history, uses it to maintain local authorities as “pure functionaries of the central authority.”<sup>45</sup> Today, private businesses use bureaucracy to maintain continuous, reliable, and efficient services for their clients. “The decisive reason for [its] advance ... has always been its purely *technical* superiority over any other form of organization.”<sup>46</sup> Bureaucracy is simply more precise, efficient, continuous, discreet, and, indeed, cheaper than any other form of organization. The alternative to bureaucracy requires personal loyalty to a ruler (or leader) or an arrangement based on personal honors by which political matters are administered. Neither of these organizational structures can be relied upon or maintained with so little trouble as can bureaucracy.

Yet, despite their usefulness, fully developed bureaucracies have existed only in the modern state and in advanced, capitalistic enterprises. Historical examples of bureaucracy have always been mixed with other forms of administration, and they have been impermanent. They were brought into being for a specific purpose, limited to that sphere, and dispensed with once their goals were accomplished. The Egyptian use of bureaucracy was limited to the maintenance of water rights. The officials whose duty it was to give and restrict access to the Nile’s waters were, in fact, servants of the emperor and therefore not simply bureaucrats. While they abided by many of the rules of

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<sup>45</sup> Ibid, 986.

<sup>46</sup> Ibid, 973.

bureaucratic administration, they also made obvious exceptions for the ruling class and were dependent upon the whims of the emperor as well as the reasoned rules of their agency. The Roman Empire administered its armies by bureaucratic means—yet this bureaucracy was clearly mixed with “patrimonial elements,” both in its ultimate subordination to the Roman emperor and in its direct governance of Roman provinces and colonies. “Permanent agencies with fixed jurisdiction,” Weber explains, “are not the historical rule but the exception.”<sup>47</sup> They are the product of the modern state and its emphasis on rationality, continuity, and equality.

The increase of bureaucratic administration in the modern state has political and economic origins. In politics it is a result largely of the “big state” and the “mass party,” in economics, the expansion of modern capitalist enterprises. Bureaucracy develops in answer to the “quantitative extension of administrative tasks” and depends on a stable if not a monetized economy for its maintenance. Societies that leave social action in the hands of individuals do not need bureaucratic institutions. Economies where funds for bureaucratic enterprise ultimately belong to the ruler or rulers are already one step away from “appropriation of the sources of taxation by the official” and the destruction of any division between public funds and private income. For these reasons full bureaucracy develops only in established civilizations with advanced public enterprises. The big state emphasizes social action undertaken by public institutions, mass democracy demands “equality before the law,” and capitalism requires that public administration be accomplished unambiguously and effectively. These demands make fully formed bureaucracy the logical administrative choice for the modern state.

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<sup>47</sup> Ibid, 956.

Political orders, according to Weber, are defined by domination and legitimacy. All spheres of social action are “profoundly influenced by domination.” In its most general terms domination entails “the possibility of imposing one’s will on the behavior of others.”<sup>48</sup> Political, economic, and social orders therefore originate in domination of one kind or another—of a father on his family, a leader on his people, or the magistrate over those he governs. Domination does not consist simply in the use of force (although, of course, force is a form of domination). It is also economic control, a monopoly on certain goods and services, or faith in the ruler or leader such as leads to complete obedience. Domination need not be political or legitimate.

Weber defines political domination as the situation in which “the manifested will of ... the ruler is meant to influence the actions of ... the ruled and is successful in doing so.”<sup>49</sup> The kind of political domination depends upon who rules, who is ruled, and what organizational structure is used to distribute command. But “the kind of justification of political domination’s legitimacy is much more than a matter of theoretical or philosophical speculation, it rather constitutes the basis of very real differences in the empirical structure of domination.”<sup>50</sup> There are three “ultimate principles” of legitimization: “a system of *rational* rules,” personal authority based upon norms or traditions, and authority resulting from charisma—that is, “surrender to the extraordinary.”<sup>51</sup> Historically the most common form of legitimate domination has been

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<sup>48</sup> Ibid, 924.

<sup>49</sup> Ibid, 946.

<sup>50</sup> Ibid, 953.

<sup>51</sup> Ibid, 954.

that of personal authority based on tradition and norms. This can either follow from patrimonial rule on the part of a familial leader turned tribal leader, military leader or monarch, or it can follow from the institutionalism of personal authority based upon “charisma” either after the charismatic leadership of an individual has been “routinized,” or after the death of a charismatic leader who is succeeded by one of his followers.<sup>52</sup> In contrast, the modern state bases its legitimacy on a legal regime or system of “rational rules.” It celebrates equality and rationality under a body of mutually agreed upon and consistent laws.<sup>53</sup>

Members of legal regimes agree that legal norms can be created “by agreement or by imposition on the grounds of expediency or value-rationality or both.” They must assume that bodies of law have been “intentionally established” and form a “consistent system of abstract rules.” Rulers in this system are expected to be bound by the same set of rules as are citizens, and citizens are expected to obey laws only in their “capacity as ‘member’ of the organization and what he obeys is only ‘the law.’”<sup>54</sup> This means that when a citizen obeys a ruler he does so only because he is obedient to the position that the ruler holds as defined by the law, not because he owes anything to the ruler as an individual. Defined in these terms legal regimes are themselves proto-bureaucratic. They try to organize political action according to predetermined rules. They separate the ruler as ruler from the ruler as an individual, and they create an official role for every member of the social community: that of citizen.

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<sup>52</sup> Ibid, 1116–17.

<sup>53</sup> Ibid, 217-20.

<sup>54</sup> Ibid, 217.



Weber argues that a *pure* legal regime is necessarily one that relies on bureaucratic administration. This means that a political regime cannot be entirely a legal regime—because it cannot be pure. In a legal regime the ruler’s authority exists “only in a sphere of legal ‘competence’” and the ruler alone holds a position of domination by reason of succession, election, or appropriation. All other members of the government are officials who are experts in a given field, hold their positions in order to complete fixed duties that are assigned to them contractually as a career and for which they are remunerated. They can be dismissed should they violate office hierarchy, act outside of their stated role, or violate a strict rule of conduct becoming to the office.<sup>55</sup> Bureaucracy’s very character is rational, “with rules, means-ends calculus and matter of factness predominating.”<sup>56</sup> Legal regimes assume that the laws upon which they are based are rational. Bureaucracy assumes this same thing, acting upon the presupposition that its legally defined mission is a rational and even beneficial goal.

Modern legal regimes also agree that equality under the law is a right that must be protected. The legitimacy of their domination rests on the administration of laws by individuals who are also subject to them. Bureaucratic administration “offers above all the optimum possibility for carrying through the principle of specialization according to purely objective considerations,” that is, without “regard to persons.”<sup>57</sup> In other words not only do experts administer bureaucratic agencies according to preordained rules, but they are also blind to the rank, status, and other characteristics of the individuals with

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<sup>55</sup> Weber, *The Theory of Social and Economic Organization*, 333.

<sup>56</sup> Weber, *Economy and Society*, 1002.

<sup>57</sup> *Ibid*, 217-20

whom they deal. Rank or status is replaced by expertise in the managerial class and by equality among the citizenry. Similarly bureaucratic administration removes personal prejudices and loyalties, developing “more perfectly, the more it is ‘dehumanized,’ the more completely it succeeds in eliminating all purely personal, irrational, and emotional elements which escape calculation.”<sup>58</sup> In essence the calculability of result that bureaucracy demands is the opposite of experiential, emotional, and empathetic understanding. Naturally there is an imbalance in the power relationships, talents, and virtues of human beings. Any regime that values equality must have a solution to the problem constituted by the natural inequality of its members. Legalism relies on bureaucracy to make social action calculable, so that it can make social action equal.

Capitalism has many of the same demands as the legal regime. It too requires calculable results and administration that is devoid of human irrationality. It must exist within an understandable environment, where governmental action is predictable. Violence, irregularity, and unequal treatment of persons or enterprises cause insecurity in the capitalist market economy. When people do not believe their money will be safe the market cannot function and will disintegrate. Therefore, modern capitalist societies rely on “absolute pacification for order and protection,”<sup>59</sup> a mandate that can only be met by both strong national security and a developed police force. Moreover capitalism demands that “the official business of public administration be discharged as precisely, unambiguously, continuously, and with as much speed as possible.”<sup>60</sup> This demand,

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<sup>58</sup> Ibid, 975.

<sup>59</sup> Ibid, 972-973.

<sup>60</sup> Ibid, 974.

Weber notes, is both accentuated and made possible by the “peculiar nature” of modern communication through which dissemination of news, public announcements, and legal decisions can be made with extraordinary speed.<sup>61</sup> (It may be noted that this is even more true in the age of the internet than it was in Weber’s own time.) Bureaucracy, unlike administration by notables or charismatic leadership, can promise security, continuity, and speed.

It is the combination of these principles and necessities that causes the modern state to rely so entirely on bureaucratic administration. Both its economy and source of legitimacy are based upon rationality, and these demand stability and equality. It has answered these demands by reducing irrationality in social action and by understanding equality in calculable terms. Both the reduction of irrationality and calculating equality are accomplished by agencies created not merely to solve particular administrative problems but to satisfy fundamental political requirements. Rather than being created to administer water rights or even to wage war, modern bureaucracies are created to administer equality and stability, goals that are as permanent as the states to which they belong. In mass democracies they seek to eradicate social differences by understanding human beings in calculable terms, and they seek to diminish the instability of political transitions by maintaining certain services and regulations despite political changes. This means that the modern form of bureaucracy is intended to be permanent and that it is involved more directly in the governing of modern citizens than it was in its previous manifestations.

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<sup>61</sup> Ibid, 974.

Bureaucracy escapes the usual instability of political orders. “Once fully established,” Weber writes, bureaucratic administration “is practically indestructible.”<sup>62</sup> The official cannot escape his role in the bureaucracy on which his economic security rests. Perhaps most importantly, the official is unlikely even to desire to extricate himself from his office and official duties. He has been “forged to the common interest of all the functionaries in the perpetuation of the apparatus and the persistence of its rationally organized domination.”<sup>63</sup> His social status, his understanding of his own value in society, is bound up in his ability to execute specialized tasks. In the bureaucratized society this opinion is shared by experts and non-experts alike. The specialized education and experience of the official are seen as real accomplishments that make him more suited to tasks of public administration than are others. In some obvious ways this opinion is correct—the laws of the legal regime and the regulations of the bureaucracy require specialized knowledge that must be learned.

However, there is no reason to believe that this kind of expertise is the same as expert governance or thoughtful political action. Often the specialization of bureaucratic experts becomes so thorough that the duties with which he has been tasked are minute and his action or inaction has little or no effect upon the ultimate product or activity of the agency. The professionalism of the expert and his adherence to preordained rules also separate him from responsibility for action: he neither designs his own tasks nor sees them as a completed whole. His duty is to accomplish his prescribed tasks, not to

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<sup>62</sup> Ibid, 988.

<sup>63</sup> Ibid.

consider the effects of the agency or the wisdom of the law which created it in the first place.

The ruler is almost as ineffectual against the bureaucracy as is the official. The whole economic and political functioning of his state now depends upon the working of the bureaucracy. In attempting to manipulate the existing system, the “political ‘master’ always finds himself *vis-a-vis* the trained official in the position of the dilettante facing the expert.”<sup>64</sup> Should the ruler or political representative have both the will and the power to alter or even destroy the bureaucracy, his actions will lead to bedlam. The destruction of the bureaucracy would not simply abolish particular tasks or goals; it would endanger the economy and discredit the government in the eyes of its citizens. Rulers’ ineffectuality and fear of the potential consequences of successful action against the bureaucratic machine causes them to content themselves either with adding to the bureaucracy, or with altering it around the edges while allowing the system to continue unimpeded. Like the official, the ruler need not take responsibility for the actions of the bureaucracy because he cannot alter or control them.

Bureaucracy accompanies mass democracy because it follows from the demand for “equality under the law.” It is usually established late in the development of the state when a leveling of “economic and social differences” has already taken place.<sup>65</sup> However, bureaucracy also *causes* a leveling of society. Rank, status, and other personal characteristics, talents and even values become unimportant. Every worker who sees himself as nothing more than a cog in the bureaucratic machine “will merely ask how to

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<sup>64</sup> Ibid, 991.

<sup>65</sup> Ibid, 983.

transform himself from a little into a somewhat bigger cog.”<sup>66</sup> Since the worth of the bureaucrat, both in his own eyes and according to his society, depends upon his office alone, he will never seek to become independent of the system nor will he seek to celebrate characteristics which make him antithetical to that system. Whereas historical examples of bureaucracy are mixed with examples of patriarchalism, or are not fully integrated into the working of the state, modern bureaucracies are the logical extension of modern government and modern economic enterprises. They are therefore created and maintained as permanent institutions, allowed not only to administer preconceived principles and decisions but to influence the government, culture, and economy of the modern state.

Not only is bureaucracy the “typical expression” of “rationally regulated association within a structure of domination”; it also works by stripping every social action with which it is concerned of all irrationality, thereby destroying all structures of domination that are not strictly rational.<sup>67</sup> This can be understood as a political good only if politics ought to be based on rationality alone and if rationality can be understood as calculability and administered according to prescribed rules by experts. It is a political good only if bureaucratic rationality is always political reason. The question is, can political reason be organized on purely rational grounds if social action—and therefore the interaction of ordinary human beings—is based only partially on reason.

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<sup>66</sup> Ibid, LXIX.

<sup>67</sup> Ibid, 954.

### 1.3 Charisma: Max Weber's Antidote to Bureaucratic Routinization

Weber was fully aware of the shortcomings of bureaucratic administration. In a meeting held in 1909, Weber and his brother Alfred both argued against the expansion of bureaucratic administration. They contended that German citizens would not be better off if state power were extended in areas of social reform by means of bureaucratic administration. "Rational calculation," Weber warned, "reduces every worker to a cog in this [bureaucratic machine]. ... The passion for bureaucratization at this meeting drives us to despair."<sup>68</sup> His own political activity often took the form of warning against the bad effects of further bureaucratization and of asserting the need for strong political leadership in Germany. He tried to identify solutions that might empower the individual against the bureaucratic machine, or as he famously called it, the "iron cage."<sup>69</sup> It was in part because of Weber's concern that bureaucracy would eradicate human individuality and creativity in social action that he began to advocate a value-neutral science: Weber believed that science was "absolutely superior to any other mode of thinking,"<sup>70</sup> but he was also dismayed that the value-laden teachings of his fellow sociologists and political scientists were advocating an increased role of bureaucracy in the modern state.<sup>71</sup> That said, Weber's solution, value-free social science according to a strict methodology,

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<sup>68</sup> Ibid, XIX.

<sup>69</sup> See Arthur Mitzman, *The Iron Cage: An Historical Interpretation of Max Weber* (New York: Grosset and Dunlap, 1969).

<sup>70</sup> Strauss, *Natural Right and History*, 38.

<sup>71</sup> Reinhard Bendix and Guenther Roth, *Scholarship and Partisanship: Essays on Max Weber* (Berkeley: University of Berkeley Press, 1980), 40.

contains many of the same elements of professionalism and rationalization that bureaucracy relies upon.

Weber witnessed the absence of real political leadership in Germany before the First World War. Otto von Bismarck, he believed, had created a bureaucratic system oriented toward his own (in Weber's mind, problematic) goals. Upon Bismarck's retirement this system had continued to function without any political leadership. Weber was an unapologetic nationalist who worked to improve his own nation. Although he never held high office he was involved in political committees and published articles on contemporary issues. He was even a member of the delegation sent to negotiate the Versailles Treaty. He was also a pessimist whose "goal was to help avoid disaster."<sup>72</sup> In his essay "Parliament and Government in Reconstructed Germany: A Contribution to the Political Critique of Officialdom and Party Politics," Weber asserts the impropriety of German allegiance to Bismarck, and he speaks of the routinizing effects of bureaucracy on the German state: "Nowhere else in the world has even the most unrestrained adulation of a politician made a proud nation sacrifice its convictions so completely."<sup>73</sup> The German reliance on Bismarck's legacy made the German parliament weak and obscured the need for political leadership. In its absence the bureaucracy was allowed to rule without direction or restraint. This was not, according to Weber, a situation restricted to Germany post-Bismarck, but a common development in the modern state which in the case of Germany had been exacerbated by bad or absent political leadership. "In a modern state the actual ruler is necessarily and unavoidably the bureaucracy, since power

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<sup>72</sup> Stanislaw Andreski, *Max Weber's Insights and Errors* (London: Routledge and Kegan Paul, 1984), 3.

<sup>73</sup> Weber, *Economy and Society*, 1385.



is exercised neither through parliamentary speeches nor monarchical enunciation but the routines of administration.”<sup>74</sup> But bureaucracy by its very nature is an improper ruler: the kind of “responsibility” required of a bureaucrat and that required of a politician are utterly different.

Bureaucracies, Weber tells us, are understood by “naïve literati” to be agencies that simply administer predetermined rules and regulations—not agencies that themselves make decisions. These literati are “naïve” for three reasons. First, bureaucracies are set up under particular laws or as the result of decisions by political leaders and designed to stay in place for often indeterminate periods of time. While a bureaucracy may originally have been a creation of a politician, no bureaucracy alters its procedures with each change in leadership. Second, bureaucracies are tasked with accomplishing certain goals, the fulfillment of which requires further decision-making, which they accomplish in the absence of the politician’s oversight. Finally, in a fully bureaucratized state few decisions of government remain reserved to the politician.

What differentiates bureaucratic governance from political governance, according to Weber, is not *what* they control, but *how* they do so. To illustrate his point, he provides the reader with a stark example:

An official who receives a directive which he considers wrong can and is supposed to object to it. If his superior insists on its execution, it is his duty and even his honor to carry it out as if it corresponded to his innermost conviction, and to demonstrate in this fashion that his sense of duty stands above his personal

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<sup>74</sup> Ibid, 1393.

preference. ... This is the ethos of the *office*. A political leader acting in this way would deserve contempt.<sup>75</sup>

That the bureaucrat does make many of the day-to-day decisions of the modern state, and that in this way he rules, is clear. However, bureaucrats are trained to obey and to act rather than to rule and can therefore never be counted upon to rule well, or indeed to consider *whether* they are ruling well.

Weber does not imagine that his demand for strong political leadership in Germany can solve all the problems of an ingrained bureaucracy. Rather, he comments in the same work, the progress of bureaucracy seems all but assured. Bureaucracy follows the path of modern capitalism and is related to it. Like capitalism it rests on “*calculation*” and “presupposes a legal and administrative system, whose functioning can be rationally predicted, at least in principle, by virtue of its fixed general norms, just like the expected performance of a machine.”<sup>76</sup> Yet the destruction of capitalism would not destroy the bureaucratic state. Rather it would mean that the entrenched bureaucracy would be allowed to act without any opposition. The capitalist bureaucracy is the main opponent of complete control by the administrative bureaucracy.

Weber’s belief that bureaucratic power, already extensive, will only increase over time leaves him with three overarching questions about the future of political organization. First, how can “one possibly save *any remnants* of ‘individualist’ freedom in any sense?” Second, “[How] can there be any guarantee that any powers will remain which can check and effectively control the tremendous influence of this stratum?” And

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<sup>75</sup> Ibid, 1404.

<sup>76</sup> Ibid, 1394.

finally, if the modern state has become nothing more than another enterprise, is the official “as useless at the helm of [this] enterprise as of a government?”<sup>77</sup> These troubling questions paint bureaucracy as *the* problem for modern political life.

Weber provides only one solution to these questions and to bureaucratic expansion more generally. He places what little hope he has on “charisma,” his full treatment of which can be found after his discussion of bureaucracy in *Economy and Society*. Yet these questions and the corresponding critique of bureaucratic administration can only be found in Weber’s political work introduced by the following disclaimer: “Th[is] essay ... does not claim the protective authority of any science. A choice among ultimate commitments cannot be made with the tools of science.”<sup>78</sup> *Economy and Society*, which provides the definitions of bureaucracy and charisma that we use today does not include any discussion of bureaucracy’s evils, or the possibilities Weber saw in charismatic rule. We must infer from Weber’s scientific explanations of these forces what they might mean for politics.

As I indicated earlier, *Economy and Society* traces the origins of bureaucratization to the rise of the legal regime, mass democracy, and capitalism. These all help to advance the need for rational specialized administration and are therefore proto-bureaucratic in nature. Pure democracy, wherein political decisions are made by all, and offices filled by lot, in contrast, is naturally opposed to bureaucracy. Although democracy values equality under the law, it demands that all political and governmental decision-making be accomplished by the citizens themselves. Therefore, almost nothing is delegated to

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<sup>77</sup> Ibid, 1404.

<sup>78</sup> Ibid, 1381.

administrators or created as a permanent structure that remains in the absence of continued support from the populace. Mass democracy is very different from pure democracy in this manner: there is no way for all decisions to remain in the hands of a large group of people, each of whom has a say and a vote. Decisions would then go unmade and the stability and legitimacy of the mass democracy would evaporate. Citizens of these large democracies prefer stability and effective administration to unpredictable self-government. What therefore remains of the democratic ethos is not liberty but equality—which naturally lends itself to bureaucratic administration.

Charismatic leadership on the other hand escapes the pressures of bureaucracy: it exists outside the system in a leader who “transforms all values and breaks all traditional and rational norms.”<sup>79</sup> Throughout history, Weber explains, “all *extraordinary* needs, i.e. those which *transcend* the sphere of everyday economic routines have been satisfied ... on a *charismatic* basis.”<sup>80</sup> In moments of crisis, when security was at risk, fundamental ethical questions had to be answered, extreme economic disasters occurred, or religious leadership was demanded, the leaders who answered these calls were not members of the established system, nor were they officials educated to accomplish specialized goals. Instead they were individuals who were the “bearers of specific gifts ... that were considered ‘supernatural’ (in the sense that not everybody could access them).”<sup>81</sup> Charisma is “radically opposed to bureaucracy.” It can have no supervisor, no system of advancement, no regular salary, or “purely technical jurisdiction.” Rather charisma is

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<sup>79</sup> Ibid, 1115.

<sup>80</sup> Ibid, 1111.

<sup>81</sup> Ibid, 1112.

“self-defined.” The charismatic leader “demands that others obey him and follow him by virtue of his mission.” If no one obeys, the power of the charismatic leader is utterly lost.<sup>82</sup>

The qualifications for charismatic power are simultaneously indeterminant and extraordinary. The leader must have a mission that the people believe in. He must be able to keep their trust if he is to fulfill his destiny. Charismatic leaders can be overtly political, religious, economic, or ethical, but their power must exist outside of the traditional system and be maintained by the continued support of dedicated followers rather than by traditional economic and administrative systems. “Charisma rejects as undignified all methodological rational acquisition, in fact, all rational economic conduct.”<sup>83</sup> It is not that charisma must disparage money-making—although many charismatic leaders do: think of Jesus or the Dali Lama—but acquisition of money by a charismatic leader must be irregular and anti-bureaucratic: think of Genghis Khan or even L. Ron Hubbard. Charismatic leadership does not depend upon a monied or consistent economy. It does not promise stability, continuity, or safety to its members. Instead, “the bearer of charisma enjoys loyalty and authority by virtue of a mission believed to be embodied in him: this mission has not necessarily and not always been revolutionary, but in its most charismatic form it has inverted all value hierarchies and overthrown custom, law and tradition.”<sup>84</sup> Therefore not only does charisma exist outside of the realm of

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<sup>82</sup> Ibid, 1112–13.

<sup>83</sup> Ibid, 1113.

<sup>84</sup> Ibid, 1117.

ingrained political and bureaucratic systems but it has the ability to overthrow those that exist. And it is this possibility in which Weber places his private hopes.

Charisma does have its own natural limitations. Perhaps most importantly and obviously, it exists only for as long as people believe in both the mission and the leadership of the charismatic man. But even if these requirements are fulfilled there are natural pressures for charismatic leadership to transition into leadership of a more traditional kind. There is always a desire to “transform charisma and charismatic blessings from a unique, transitory, gift of grace of extraordinary times and persons into a permanent possession of everyday life.”<sup>85</sup> The charismatic leader wants to maintain his authority, his disciples want to make sure that their elite position is maintained over time, and the charismatic subjects desire that the mission they support be made permanent. But none of these goals can be accomplished if charisma remains in its pure and unadulterated state. Rather, “[i]n this process the two basically antagonistic forces of charisma and tradition ... merge with one another.”<sup>86</sup> This can be accomplished during the life of the leader if he entrenches his power in a new political or administrative system with its own traditions, rules, and assurances, or it can take place once the leader has died or retired, when his successor bases his power on tradition and a guarantee of continued norms rather than on his own particular gifts or talents. In either case this merging of tradition and charisma can begin the transition from charismatic leadership to bureaucratic administration.

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<sup>85</sup> Ibid, 1121.

<sup>86</sup> Ibid, 1123.

By its very nature charisma is a problematic antidote to the bureaucratic state. For one thing charisma is an uncertain savior: it requires both circumstances outside the ordinary and a leader whose talents recommend him to solve this extraordinary crisis. Secondly, charismatic leadership can fail suddenly. A leader can lose his ability to move his subjects or can prove himself unable to solve a crisis or deliver on his promises. Leaders, disciples, and followers alike can tire of charisma's uncertainty or begin to long either for a return to past tradition or to transform the current charismatic leadership into something more permanent and stable. But more important than any of this, charismatic leadership is not necessarily the rule of a hero.

Introducing his description of charisma as an ideal type, Weber asserts, "The term 'charisma' in this context must be used in a completely value-free sense."<sup>87</sup> He invokes the example of the Mormon prophet who Weber believes his readers will consider to be nothing more than a "rank swindler," to explain the reason for this admonition. The Mormon prophet Joseph Smith is no less a charismatic leader than are more traditional or widely accepted prophets like Moses and Jesus. Smith "practiced [his] arts, and ... exercised [his] authority by virtue of this gift [of charisma]."<sup>88</sup> If he can be distinguished from Jesus at all it would be in the extent of his power and success, not in the kind of power he was able to exert. To the Protestant true believer Weber's example of the Mormon prophet as operating upon his followers in the same way that Jesus operated on his disciples may demand an extreme commitment to value neutrality. But to the modern reader other examples may be more unsettling. Writing about Weber, Leo Strauss

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<sup>87</sup> Ibid, 1112.

<sup>88</sup> Ibid.

comments, “In following this movement [of value-neutrality] toward its end we shall inevitably reach a point beyond which the scene is darkened by the shadow of Hitler. Unfortunately, it does not go without saying that in our examination we must avoid the fallacy that in the last decades has been used as a substitute for the *reductio ad absurdum*: the *reduction ad Hitlerum*.”<sup>89</sup> Strauss is certainly right that the fact of Hitler does not make Weber’s analysis of charisma incorrect, nor does it in itself mean that Weber’s fact value distinction is an incorrect methodology. However, the examples of Hitler, Osama bin Laden, Charles Manson and other charismatic leaders whose effects have been (to widely varying degrees) revolutionary and obviously depraved mean that, if understood in a value-free sense, charisma can be the solution to the routinization and stagnation of bureaucratic administration only if we believe bureaucracy to be the greatest possible political evil. However, by treating both bureaucracy and charisma as ideal types—explaining the best bureaucracy has to offer while leaving the image of Joseph Smith as a successful charismatic leader in the minds of his reader—Weber makes it hard to believe that charisma might be politically beneficial and bureaucracy a political evil. His attempt at value neutrality leads scholars to cite him in their praise of bureaucracy as well as in their critiques of its effects. Weber hoped his scientific treatment of political, economic, and societal factors would add to the scholarly understanding of these topics. It is questionable whether such topics can be treated in the absence of their effects—good and bad.

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<sup>89</sup> Strauss, *Natural Right and History*, 42.



## 1.4 The Limits of Weber's Sociology

Weber's value-free sociology is based on the belief that "whenever an academic introduces his own value judgement, a complete understanding of the facts *comes to an end*."<sup>90</sup> The role of the scientist is to attain clarity on the facts he studies. The role of the social scientist is to attain clarity on the facts of social action. But scientific study, and especially the value-free scientific study of social action according to Weber's strict methodological guidelines, has its own set of assumptions. Weber assumes that scientific study is the most effective means of attaining clarity with regard to facts—or in other words for understanding reality. He asserts that the meaning of social action originates in the subjective meaning that the individual gives to his own action. As he defines it, action exists only when it is given meaning by the actor. Therefore, the meaning of social action is a fact in the same way that the action itself is a fact and can be studied scientifically.

Weber accepts that the material and historical circumstances of that individual will influence the subjective meaning he gives to his own action. Just as bureaucracy is an institution devoted to finding the means to a given end, science can explain with accuracy means but not ends. The ultimate goal of a successful science, understood in these terms, is to provide a description of reality that can inform the value judgements of individuals. It assumes that value judgements made with the clarity of scientific proofs in mind will be better than those based on emotion or intuition, and yet it also assumes that no value judgments can be known or proved to have more validity—to be better—than any other. Science and reason must take the place of emotion and intuition, yet science

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<sup>90</sup> Weber, *The Vocation Lectures*, 21.

cannot tell us what action to take, or how to inform our lives. These oppositional assumptions mean that Weber's own analysis is, at best, limited.

In the first chapter of *Economy and Society*, Weber introduces his social science as follows: "Sociology (in the sense that this highly ambiguous word is used here) is a science concerning itself with the interpretive understanding of social action and thereby with a causal explanation of its course and consequences."<sup>91</sup> Here he does not defend the worth of scientific inquiry nor does he explain to what end one might wish to "interpret" social action. Instead he presents the information contained in the rest of this work as important in its own right. Weber assumes his reader will find it interesting and perhaps useful.

Weber does provide a picture of science and of "the scientist" in his famous lecture, "Science as a Vocation." "Ladies and Gentlemen," he announces, "in the realm of science, the only person to have 'personality' is the one who is *wholly devoted to his subject*...."<sup>92</sup> The scientist must passionately believe in science for its own sake. Indeed, "anyone who lacks the ability to don blinkers for once and to convince himself that the destiny of his soul depends upon whether he is right to make precisely this conjecture and no other at this point in his manuscript should keep well away from science."<sup>93</sup> Weber does not assert that science cannot be useful—indeed he implies that it can be the basis of rational calculation about what might be productive, profitable, or technically successful. But he does proclaim that the true scientist does not dedicate his life to science because it

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<sup>91</sup> Weber, *Economy and Society*, 4.

<sup>92</sup> Weber, *The Vocation Lectures*, 10.

<sup>93</sup> *Ibid*, 8.

is useful. Instead he must be a scientist because science is his “vocation,” his calling or *passion* in life. The passion for science has no special claim to reasonableness.

What then can produce a passion for science? Weber seems to answer this question by discussing “the meaning of science.” Science, as he describes it, is a part of the process of “intellectualization” or “rationalization” of human life and the world in which we live. This “does not imply a growing *understanding* of the conditions under which we live. ... It is the knowledge or the conviction that if *only we wished* to understand them we *would* be able to at any time.”<sup>94</sup> This conviction is both a part of and a driving force in the process of “disenchantment,” that is, in the aspect of modern life that “we consider progress.” For if human life, all striving, all learning, and even death are merely part of progress and of “infinity,” then no part of human life can have an “intrinsically meaningful end.”<sup>95</sup> If there is no God, no ultimate philosophic truth, then what is the use in striving for knowledge? What meaning can education have? This disenchantment can sap passion from human beings and leave the modern or “civilized” man “tired of life.” But some individuals will react differently: they will find enchantment in a life devoted to the knowledge of facts as they are. While no one will be able to know every fact that science can uncover, the man whose vocation is science will simultaneously “assume that the knowledge produced by any particular piece of scientific research should be *important*, in the sense that it is worth knowing,”<sup>96</sup> and he will be content to fulfill his passion in specialized research.

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<sup>94</sup> Ibid, 12.

<sup>95</sup> Ibid, 13.

<sup>96</sup> Ibid, 18.

Today, Weber explains, science has reached new heights of specialization. Indeed only “through rigorous specialization can the individual experience the certain satisfaction that he has achieved something perfect in the realm of learning.”<sup>97</sup> The progress to which science belongs and which it produces makes scientific discovery necessarily impermanent. All scientific work is intended to attain greater clarity with regard to a particular question or theorem. As soon as a discovery is made there is a need to supersede it—to attain greater clarity still. Therefore, the scientist must be content to know that his work will not last—that he can never discover the ultimate truth about his subject—much less about human life or the world more generally. Ultimate truth, even about facts, either does not exist or is not attainable by scientific inquiry. The scientist may still have the desire to produce something that will stand up against the very progress to which his work belongs, but this goal is both impossible and irrational. The scientist’s only hope, therefore, is to make his discoveries as specialized as possible so that they can attain the most clarity possible. This kind of clarity is as close to “truth” as the scientist can hope to get. It is also less likely that the specialized discovery will soon be superseded by other discoveries and made irrelevant by progress.

Science, understood as a product of progressive intellectualization and rationalization that expresses itself in increased specialization, is clearly dependent upon and influenced by its historical and cultural position. The scientist must make a discovery that supersedes those made in the past, and he must work against the contemporary dissatisfaction with human intellectual endeavors. Science, Weber explains, has been understood differently—given different meaning—by individuals living in other

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<sup>97</sup> Ibid, 7.

scientific epochs. Plato's "passionate enthusiasm in the *Republic*," he claims, "is ultimately to be explained by the fact that for the first time the meaning of *concept* has been consciously discovered."<sup>98</sup> Scientists working on the "threshold of modernity" considered science to be the "path of true *art*," that is, the path "to nature." Each of these opinions was determined by the place in time and in scientific progress in which these thinkers lived. In Weber's time, since so much "progress" has been achieved, there is a disinclination to believe that science can teach anything that has "meaning" for reality. Its objective is therefore limited to discoveries that can be proved, and which require less faith on the part of the scientist or his reader. Even with this emphasis on proof the scientist himself must have "chosen" science. He must believe in its power. For the worth of science cannot be proved by scientific methods, but like all other values it exists only in the "subjective understanding of the individual."<sup>99</sup>

The meaning of science as Weber articulates it is acted upon by the individual scientist as he has been conditioned by his cultural, historical, and intellectual background. The opening of "Science as a Vocation" is a treatment of the material circumstances in which the modern scientist finds himself. This topic, as David Owen and Tracy Strong explain in the introduction to their edition of Weber's "Vocation Lectures," is taken up despite the fact that Weber knows it is not the subject his audience has come to hear. Weber himself nods to this fact by commenting later, "But I believe you really want to hear about something else, and an *inner* vocation for science."<sup>100</sup> His

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<sup>98</sup> Ibid, 14.

<sup>99</sup> Ibid, 18.

<sup>100</sup> Ibid, 7.

decision to begin with material circumstances is therefore intentional and can be understood to inform the rest of his discussion of science as a vocation.

The modern scientist does not exist on his own, but as part of an established tradition and set of institutions. He is not usually free to pursue his “passion for science” with no regard for his economic circumstances, for example. Even when he does have “independent means” he is still concerned with publication of his work. His desire that his discoveries take their place in the human intellectual tradition, that they are a part of scientific progress, demands that he have an audience for his work, and that others accept him as a “scientist.” The world of science is, in modern times, bureaucratic. Scientists are understood to be capable of work in their area based on specific professional credentials usually related to where they studied, whom they studied with, and to what institutions they have belonged. They must participate in the hierarchy of scientific institutions—beginning in Germany as an often unpaid lecturer or researcher, and in America as an overworked teacher with little time to do his own work. Scientists can be considered successful only if they follow the rules of their profession, are accepted by their fellow scientists, *and* if they make a discovery of note—something which Weber says depends upon both “luck” and “inspiration.”

The fact that the meaning of science originates in the individual is not surprising given Weber’s definition of human action from *Economy and Society*. Why should the activity of science have meaning independent of the scientist if the rest of human action gains meaning only insofar as it is endowed with subjective meaning by the acting individual? If action is restrained by bureaucratic rationalism in most of modern life, it is no surprise that scientific discovery is similarly restrained. However, this account of

science raises questions about Weber's own scientific analysis: Can we simply give meaning to Weber's work by applying our own subjective meaning to it, or do we need to understand the meaning he gave to it in order to interpret it correctly? Taken on its own terms, can Weber's work have meaning beyond that which Weber, influenced by his own historical, cultural, and intellectual tradition, has given it? Is there any way for even scientific discovery to escape subjectivity and historicism?

Weber's "greatness and originality," according to Raymond Aron, "consists first of all in the fact that he was, and aimed at being, a politician and a thinker at the same time, or more precisely that he *separated and united* politics and science."<sup>101</sup> Weber discovered a way to free his scientific analysis from prejudices, opinions, and assumptions, and instead to "construct, out of many historical phenomena a multiplicity of ideal concepts, according to the direction of our interest and the needs of research."<sup>102</sup> Wolfgang Mommsen describes Weber as defining ideal types in order to solve the "tricky problem of how to abstain from value judgements while at the same time interpreting social and historical phenomena in light of 'ultimate values' which are introduced by the scholar as a matter of social conviction."<sup>103</sup> Weber's thought, as Mommsen describes it, matured over time by becoming more scientific. It began in an attempt to explicate the inherent problems Weber saw in the increasing routinization, bureaucratization, and rationalization of his age and developed into true scientific study directed at defining ideal types for "their own sake." There is no doubt that Weber's own "ultimate values"

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<sup>101</sup> Aron, 67. Emphasis added.

<sup>102</sup> Ibid, 73.

<sup>103</sup> Mommsen, 8.

center around a concern about the effects of bureaucratic administration. However, the separation he imposed between facts and values and science and politics largely obscured this fact. His scientific methodology has consequences both for the effectiveness over time of his political message and for the nature of his sociology itself.

Since his death Weber has become known for his value-free sociology and his analysis of pure types, not for his political acuity. Moreover, Weberian scholars can and do disagree over how to interpret his sociological work. They address it with their own scientific questions and ultimate values in mind. Scholars of bureaucracy in particular who write after Weber have attributed to him all three of the following: a desire for bureaucratic administration as an expression of rationality in human action, concern about the effects of bureaucracy (especially in Germany during his own lifetime), and a belief in a “bureaucratic ethos.” Mommsen argues that by describing bureaucracy in its ideal form Weber showed its incompatibility with human creativity and freedom. Robert Du Gay, a sociologist, argues in his book, *In Praise of Bureaucracy*, that critics of Weber (including Alasdair McIntyre and Zygmunt Bauman) not only misunderstand Weber’s scientific methodology but miss the ethical advantages of bureaucratic government. “Following Weber,” he states, “I argue that if the bureaucracy is seen ... as a distinctive life order with its own particular ethos of existence, ... then it cannot be open to problematization for its failure to realize ends it was not designed to meet.”<sup>104</sup> The ethos he describes is one of the objective professional expert, who can be counted on to be responsible only for his own activities and who never is preferential or prejudicial in his treatment of those over whom he has authority. Du Gay’s argument implies that political

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<sup>104</sup> See Paul Du Gay, *In Praise of Bureaucracy* (London: Sage Publications, 2000), 11.



life without bureaucratic administration is not only limited and ineffective but necessarily prejudiced. Bureaucracy makes fairness, if not justice, in political administration possible.<sup>105</sup>

Weber might not have considered these multiple interpretations of his sociology fundamentally problematic—even if he disagreed with them. After all he studied bureaucracy according to strict methodological principles. Having analyzed examples of bureaucratic action throughout history, from ancient Egypt to the Roman Empire, and from the Catholic Church to the officialdoms of modern states, he was able to devise an ideal bureaucratic type which followed the experiential rules history offered to him. Against this type examples of bureaucratic action could be tested. The articulation of a pure rational type of bureaucracy was facilitated by the fact that bureaucracy itself aims at rationalization of action. Weber's approach to the study of sociology mirrors the rational character of bureaucracy itself. Bureaucratic administration gives its controllers the means by which to rationally order social action—of any kind. Weber's treatment of sociology gives his readers the means by which to decide whether bureaucratic administration is beneficial or destructive to politics.

But if Weber would truly be content with the different opinions later scholars hold about the nature of bureaucracy based upon his scientific analysis, then we must look at Weber's work not as an attempt to explicate historical and political facts in a way that could inform ultimate political values, but rather as an attempt to analyze social action in a manner consistent with one ultimate value: that of neutrality which could be accomplished only by the rationalization of scientific interpretation. Weber felt so

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<sup>105</sup> See Ibid, Introduction, chs. 4–6.

strongly that no study or analysis could provide answers about what ought to be done or what constituted wise action that he was willing to present his scientific study in a manner that could lead later thinkers to believe bureaucracy, the greatest political problem of the modern state as Weber understood it, to be a beneficial political movement.

The professionalism so understood, with which Weber approached his scientific study, outweighed any other concern that he might have had—and made Weber's role as a sociologist similar to the bureaucrat who assumes the usefulness of his work and is proud of his ability to follow the rules of his trade. Weber is proud to maintain his professionalism as a scientist and his rationalism as a thinker even when these commitments force him to present his interpretations of human action in a way that can support the very movement that he found most disturbing. Weber saw the problematic nature of bureaucracy in politics, but in his own work he could not escape the influence of bureaucratic rationalization. He sought to understand rationally human action that he knew to be irrational and to present his findings according to strict rules of professionalism and specialization without taking responsibility for the ultimate effects his own activity might have or the assumptions upon which his work is based. Nowhere are the limits of Weber's sociology clearer than in his treatment of charisma—the only antidote he provides to the problem of bureaucracy.

As we have seen, Weber explicitly demands that his reader understand charisma as “value free,” asserting that no distinction can be made between a true prophet or a manipulative scoundrel, between the hero and the villain. He refuses to say anything with regard to whether some versions of charisma may be better or worse—or whether

charisma is to be preferred to bureaucratic government. The charismatic leader is simply the outsider whose power is independent of the bureaucracy or the traditional source of legitimate domination. He is the magician, the prophet, the hero, the pirate who can gain the support of the people. It is equally easy to interpret Weber's treatment of charisma as a polemic against irrational government and an argument in support of the increased rationalization of government, or to understand charisma as the ultimate solution to the biggest political problem of our time: stagnation and tyranny by the bureaucratic class. Even more worrisome, it is possible to understand any charismatic leader as a solution to political or bureaucratic failure.

In the second chapter of *Natural Right and History*, Leo Strauss explores Weber's attachment to a value-free social science. According to Strauss, as elucidated by Nasser Behnegar in *Leo Strauss, Max Weber and the Scientific Study of Politics*, Weber's belief in the individual subjective meaning of human action and his faith in scientific study are finally opposed to one another. If science is progressive, based upon a growing body of accepted knowledge, it must assume that what is real is not always individual. Activity can have meaning outside of that provided by individual subjective actors. Value cannot be proved scientifically and therefore can never be established as true. Weber contends that political and scientific activities merely have different ends, processes, and actors.<sup>106</sup> As Strauss puts it, "To understand a factual or possible evaluation is something entirely different from approving or forgiving that evaluation."<sup>107</sup> However, if science is simply a

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<sup>106</sup> Nasser Behnegar, *Leo Strauss, Max Weber and the Scientific Study of Politics*, (Chicago: University of Chicago Press, 2003), 100-111.

<sup>107</sup> Strauss, *Natural Right and History*, 40.

different undertaking than valuation, the knowledge discerned through scientific inquiry can inform one's assessment of values. However, if the scientific approach to any object of inquiry is antithetical to valuation, only individual choice—ultimately, passion—has any meaning. The specific contents of one's passion is irrelevant. Weber was committed to the scientific enterprise and thus promoted, whether or not he realized it, the relegation of “value judgments” to irrational preference. Facts and values become information relevant to political judgment on the one hand and mere preference on the other. There seems to be no room for the common good.

Yet, as Strauss explains, the social scientist cannot act upon the supposition that all values are unknowable—after all he must come up with the questions he will study, questions that presume the value of certain kinds of activity. Indeed, Weber himself asks several questions that presume the importance of certain kinds of human activity. He desires to uncover the basis of political legitimacy, considers the mode of modern administration, and provides an analysis of charismatic leadership that can overthrow the bureaucratic system. While it is not clear from his academic work whether he thinks bureaucracy is beneficial or problematic, it is obvious that he thinks an understanding of how bureaucracy functions, why it exists, and whether it can be altered is useful for those interested in the meaning of social or political activity. His value-neutral approach does not separate his sociology from his own ultimate values. Instead it illuminates the fact that while bureaucratic administration may have been problematic in Weber's eyes, the ultimate values that he was most concerned with were those values celebrated by scientific, value-neutral interpretation. Weber's ultimate passion was for sociology—for rational understanding of human activity. This passion prevented him from seeing the

problem with presenting the truth of human affairs as facts separate from valuation of these facts, and it is the reason that his definition of bureaucracy does not include a treatment of its problematic effects. Indeed, since rationalism is praised and bureaucracy attempts to rationalize political life a reader of Weber's sociological works might be excused for believing that Weber would be a partisan of bureaucratic administration.

## 1.5 CONCLUSION

Weber's methodological sociology is designed to reveal the truth by isolating facts and presenting them untarnished by private judgment. Facts are necessary to the discovery of truth. Without the ability to access facts, citizens and scientists alike are unable either to understand human action or to come up with their own opinions. The scientist and teacher, Weber contends, must be careful not to use his position to promote his own views, especially when this causes him to manipulate facts. Nothing, he asserts, is so "pernicious" as when private judgment is taught "in the guise of 'allowing the facts to speak for themselves.'"<sup>108</sup> Weber's admonitions, like much of his sociology, have been adopted by professional political scientists, used in analytical work, and taught as gospel to students of political science.

However, Weber's methodical assumptions mean that even the facts, as he describes them, may not be wholly true. His science demands that facts about social action must be understood according to strict rules and in accord with a classification that

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<sup>108</sup> Weber, *The Vocation Lectures*, 20.

celebrates rationality and implies that irrationality is a deviation to be avoided. Like the bureaucrat who considers it his duty to complete his own tasks according to rational rules, the sociologist who follows Weber's method sees it as his duty to consider only the "facts" he is studying, not to judge their effects. Weber believes that this objective sociology would provide its practitioners with the tools to make private judgements.

The success of Weber's work has meant that political scientists content themselves with the classification of facts and do not step away to make private judgements. Since most political scientists cannot practice sociology as strictly as Weber advised, their adherence to the rules of objective sociology also leads them to consider as facts the personal opinions from which they cannot extricate themselves. Weber himself might even be accused of this failing for he was convinced that there is neither historical progress nor universal truth. He might have been right, and he certainly thought that historical study supported his views, but these ideas cannot be proved without a doubt. They are hidden in his theories in much the way that the truth about the effects of an agency's activity are hidden from the bureaucrat.

According to several of his commentators, Weber believed that the spread of bureaucratic administration and the increase of bureaucratic power in the modern state were among the most pernicious aspects of modern politics.<sup>109</sup> However, Weber's methodology kept him from asserting this in any of his famous treatments of bureaucracy. He seems to have hoped that his readers would come to this conclusion on their own. Some of them have. But Weber's value-free description of bureaucracy has

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<sup>109</sup>Weber, *Economy and Society*, XIX. See Mitzman, *The Iron Cage: An Historical Interpretation of Max Weber*.

become so well known that he has been called “the father of modern bureaucracy.” This phrase conveys a fact of history, but in truth Weber was an ambivalent parent. This rarely-acknowledged truth shows that truth cannot easily be divorced from judgments concerning what is good, bad, and even intolerably evil.

There are many examples of bureaucratic administration past and present. Bureaucracies have been used to conquer kingdoms, to provide food for the needy, to care for the elderly, to commit mass murder, and to organize numerous other activities. Most students of bureaucracy agree that it can effectively carry out both beneficial and evil designs. Nikolai Gogol’s “The Overcoat,” published in 1842, provides a picture of the possible irrationality of bureaucratic administration. It tells the story of a clerk in an “unnamed office” who spends his days copying. He was the perfect bureaucratic professional:

Delight showed on his face [while he copied]. ... If his zeal had been rewarded correspondingly, he might, to his own amazement, have gone so far as state counselor. One director ... ordered that he be ... told to change an already existing document into a letter for another institution. ... This was such a task for him that he got all into a sweat, rubbed his head, and finally said, “No, better let me copy something.” After that he was left copying forever.<sup>110</sup>

This fictional account raises the question of whether the “rational organization” of “experts in specialized fields” can be a reasonable structure according to which social action can be organized, and according to which human beings can rationally be expected to live. Can it be reasonable to ask a human being to “copy forever,” to have “delight” in

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<sup>110</sup> Gogol, 397.

such tasks, even if the copying itself is necessary? Even if the human is content (perhaps insofar as he is content), does the arrangement destroy one's ability to be reasonable while it aims at rationalizing society?

Weber's scientific interpretation of ideal types does not give us an answer to this question, nor does his value-free treatment of charisma—a form of leadership defined only in its opposition to bureaucracy—give us a solution to the political problem bureaucracy poses. To answer these questions, it is necessary to consider bureaucracy from outside of sociology—to consider it rather from a political point of view. The political point of view strives to be reasonable; in Weber's terms it values prudence. Political life accommodates the fact that humans do not merely copy their activities day in and day out. They are not merely copies of yesterday's self, yesterday's problems and solutions. As we shall see, politics accommodates life; bureaucracy is lifeless.



## 2.0 Chapter Two: Education of the Spirit (Geist) in Living According to Right

“[T]he service of the state requires those who perform it to sacrifice the independent and discretionary satisfaction of their subjective ends, and thereby gives them the right to find their satisfaction in the performance of their duties, and in this alone. It is here, in the present context, that the link is to be found between universal and particular interests which constitutes the concept of the state and its internal stability.”<sup>1</sup>

—G.W.F. Hegel, *Elements of the Philosophy of Right*

Max Weber’s famous definition of bureaucracy gives his readers a rubric against which to measure modern bureaucratic systems and a description of bureaucracy in its purest form. It does not, however, necessarily help us understand the connection between bureaucracy and the best possible regime (should such a regime exist) or the relationship between bureaucratic principles and those of justice, morality, or truth. He does not show his readers bureaucracy used to its best effect in a benevolent and good modern state. In order to understand why Weber’s concerns about bureaucracy might be misplaced—in order to consider bureaucracy in its best possible form—I turn to another thinker: G.F.W. Hegel. Hegel’s model state requires, if not a full-fledged bureaucracy, then a developed civil service. He understands this civil service to be a necessary part of the regime that can actualize truth and freedom in the world.

Sometimes credited as “the philosopher of the modern state,”<sup>2</sup> Hegel promises in his *Elements of the Philosophy of Right* that “the state is the actualization of concrete freedom.”<sup>3</sup> It

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<sup>1</sup> G.W.F. Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood (Cambridge: Cambridge University Press, 1991), §294.

<sup>2</sup> Eric Weil, *Hegel and the State*, trans. Mark A. Cohen (London: The Johns Hopkins University Press, 1998), 76.

<sup>3</sup> Ibid, 282.

is the fulfillment of human destiny and the institution of universal right. Yet it does not stifle individual freedom, destroy the family, or extinguish civil society. Rather, “[t]he essence of the modern state is that the universal should be linked with the complete freedom of particularity and the well-being of the individual. ... The universality of the end cannot make further progress without the personal knowledge and volition of particular individuals who must retain their rights. Thus, the universal must be activated, but subjectivity on the other hand must be retained as a living whole.”<sup>4</sup> The Hegelian state (in its actualized form) promises what political philosophers from Plato to Weber have described as impossible: all-consuming commitment to the state on the part of each of its members combined with the flourishing of one’s free will and individual liberty. This promise permeates every aspect of the Hegelian state. Its implications seem especially clear in Hegel’s description of the executive branch and the civil service.

In the Hegelian state the executive branch staffed by the civil service and distinct from the sovereign has as its charge the application and execution of all institutional arrangements, sovereign decisions, and promulgated laws. Like all branches of government, it has, as its ultimate end, universal right, yet it must concern itself with specialized interests, particular laws, and individual programs. Therefore, it must be ordered in a manner that both reflects the necessity for specialization and emphasizes universal goals, and it must be staffed with dedicated personnel whose concern for their own field is superseded only by their care for the state. For “[t]he task of upholding, within [the particular rights with which they are concerned], *legality* and the *universal interest of the state*, and that of bringing these rights back to the universal” falls to the members of the executive civil service.<sup>5</sup> In other words it is the civil service or

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<sup>4</sup> Ibid, 283.

<sup>5</sup> Ibid, 329.

bureaucracy which must solve the day-to-day inconsistencies and opposition between the individual and the state to which he belongs in order that the common advantage and the needs of the state be served.

Hegel's description of the civil service bears striking resemblance to that of the hierarchically organized bureaucracy, the members of which see their office as their vocation and whose duty it is to administer and obey rather than to legislate and question, as described by Max Weber in *Economy and Society*.<sup>6</sup> Although Hegel puts great responsibility on the shoulders of civil servants, he is clear that they must not act upon their own individual judgments. Just as Weber's bureaucrats must act according to their official duty, Hegel's civil servants must act upon sovereign decisions and never on their own reconnaissance.<sup>7</sup> Yet there are obvious differences: Hegel does not deny that these civil servants may make mistakes or even purposely eschew their tasks, but he asserts that while doing their duty these civil servants will be servants of freedom and truth. Moreover, Hegel promises that when the state is fully actualized civil servants will understand the connection between their duty and their freedom so fully as never to chafe against the rules of their offices. They will instead be self-conscious servants of right.<sup>8</sup>

To understand these fundamental differences between Weber's understanding of bureaucracy, our own experience of it, and Hegel's promises, we must examine Hegel's state in the broader context of Hegelian philosophy. For Hegel, to comprehend any thought and any action is to understand it in the context of the whole. Political philosophy is merely an aspect of

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<sup>6</sup> Max Weber, *Economy and Society*, ed. Gunther Roth and Claus Wittich (Berkeley: University of California Press, 1978), 956–83.

<sup>7</sup> *Elements of the Philosophy of Right*, §294.

<sup>8</sup> Weil, 68–70.

philosophy generally, and the institutions of the modern state are aspects of the truth that manifests itself in the process of history.<sup>9</sup> The job of the civil servant is to translate between the particular and the universal, the individual and society, in accord with right and freedom; in order to understand his role, therefore, we must examine what Hegel means by truth, freedom, and “right,” and why he feels justified in asserting that they will be manifested in the state. A full treatment of these topics would, of course, constitute an inquiry of its own. However, a basic overview is necessary to investigate the specific question of whether bureaucracy can be understood as beneficial to political activity aimed at the good and the just.

Over the course of this chapter, I will explore bureaucracy according to Hegelian terms and therefore within not only the Hegelian state, but within his *Philosophy of Right*, his understanding of world history, and his “Science of Philosophy”—at least insofar as this is possible in survey form. The chapter will have five parts. In part one I explain the place of the State within Hegel’s Science of Philosophy, exploring what it means politically for reason to rule the world. In the second part I focus on Hegel’s understanding of world history and the development of the state, before turning in part three to the State itself. Against this backdrop part four examines the Hegelian civil service and its relationship to Weberian bureaucracy. The chapter concludes with an examination of education as described by Hegel in the *Philosophy of Right*, an education he claims is necessary for civil servants who will unify the individual and the State and help to actualize right and freedom in the world.

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<sup>9</sup> Leo Strauss, *On Hegel*, ed. Paul Franco (Chicago: Chicago University Press, 2019), 5–6.

## 2.1 The State and the Science of Philosophy

Truth, Hegel tells us, does not exist for the individual outside of society or for the philosopher who has left behind the cave. The individual simply does not and never has existed without political society. Even the greatest philosopher cannot leave behind the facts of human life—culture, society, government, and history—and still find truth. Truth must include these aspects of human existence. Explaining this in the introduction to the *Elements of the Philosophy of Right*, Hegel derides Plato’s *Republic* as a “proverbial example of an *empty ideal*.”<sup>10</sup> Later he is similarly critical of social contract theorists who posit a state of nature. Truth, he says, cannot be found in things that cannot, and have not, existed. In searching for what is moral or ethical, what is true and good, we must search also for what is reasonable and real. We must realize, as Hegel famously puts it, that “what is actual is rational and what is rational is actual.”<sup>11</sup>

Freedom can be understood in a similar manner. The individual cannot be free on his own. The *thought* of freedom cannot be equivalent to the whole *notion* of freedom, just as the mind does not constitute the whole of the human being. Since the human being can never really live outside of society, neither can freedom exist for the individual outside of his society. Instead, the idea of freedom is realized within what Hegel calls “ethical life,” which can also be understood as living according to truth and right. “Ethical life is the *Idea of freedom* as the living good which has its knowledge and volition in self-consciousness and its actuality through self-conscious action.”<sup>12</sup> Substantial freedom—that is, freedom realized in the world—can therefore

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<sup>10</sup> Hegel, *Elements of the Philosophy of Right*, preface.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid, §141.

be thought of as self-conscious duty understood not as a limitation, but as a deliverance from desire and from abstract thought. “The individual...finds his *liberation* in duty. On the one hand he is liberated from his dependence on mere natural drives and from the burden he labors under as a particular subject in his moral reflections on obligation and desire; and on the other hand he is liberated from the indeterminant subjectivity which does not attain existence or the objective determinacy of action, but remains *within itself* and has no actuality.”<sup>13</sup>

This understanding of freedom as self-conscious duty does not mean that the individual is stripped of his personality, individuality, or independent thought. Rather he has learned to understand these aspects of himself in relationship to the whole of his community and its ends and requirements. The needs of the community will always exist; if the individual cannot recognize this fact, he will spend his life chafing against his society. Existence outside of society is not natural to human beings, nor in most cases is it possible. Therefore, freedom can exist only as part of the realization of what is necessary and reasonable. Only when necessity and therefore duty are realized can freedom be turned from an impossible desire into a truth actualized in the world. Of course, this kind of freedom is not available to all individuals in every society. For freedom to be fully realized, the demands of the society must also be reasonable so that the individual can see his duty as both necessary and rational. This is not possible for subjects of a tyranny or for abject slaves dependent on the whims and desires of their masters. Degrees of freedom are available to different numbers of people under many regimes and in many ages, but

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<sup>13</sup> Ibid, §192.

only in the Hegelian state are freedom, truth, and reason fully realized for every member of the state.<sup>14</sup>

The state, Hegel explains, “is the actuality of the substantial *will*, an actuality which it possesses in the particular self-consciousness when this has been raised to its universality; as such, it is the *rational* in and for itself.” Here “freedom enters into its highest right just as this ultimate end possesses the highest right in relation to individuals, whose *highest duty* is to be members of the state.”<sup>15</sup> Thus the state is the “actuality of the ethical Idea.”<sup>16</sup> Not every manifestation of the modern state will be perfect. It is not “a work of art; it exists in the world, and hence in the sphere of arbitrariness, contingency, and error, and bad behavior may disfigure it in many respects.”<sup>17</sup> Yet it is always more reasonable, more moral and more free than any other regime, and in its perfected form it is the “actuality of concrete freedom.”<sup>18</sup> The perfected form of the state is not imaginary or theoretical but the necessary culmination of reason, freedom, and truth in the world, and comes to be as the culmination of human history.

At first glance the promise of the Hegelian state seems little different from the example of Plato’s philosopher-king or the problematic promise of Weber’s charismatic man. Yet taken within the context of Hegel’s *Phenomenology of Mind* and his *Philosophy of History*, the inevitability of Hegel’s state becomes more understandable and realistic. Both of these works are

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<sup>14</sup> G.W.F. Hegel, *Introduction to the Philosophy of History*, trans. Leo Rauch (Indianapolis: Hackett Publishing Company, 1988) 104–106.

<sup>15</sup> Hegel, *Elements of the Philosophy of Right*, 275.

<sup>16</sup> *Ibid.*, §257.

<sup>17</sup> *Ibid.*, §258.

<sup>18</sup> *Ibid.*, §260.

extraordinarily complex and cannot be adequately explained in a brief examination. However, Hegel's broader philosophical project provides a necessary context and makes his claims for the modern state much more understandable. For that reason, and at the risk of some inevitable oversimplification, I will summarize the fundamental ideas of these works as they relate to Hegel's idea of truth and freedom in the world, and therefore to his conception of the civil service within the Hegelian state.

In the preface to *The Phenomenology of Spirit*, Hegel explains that his goal is "[t]o help ... bring philosophy nearer to the form of science—that goal where it can lay aside the name of *love* of knowledge and be actual *knowledge*...." For "[t]he systematic development of truth in scientific form can alone be the true shape in which truth exists."<sup>19</sup> Hegel's commitment to a "scientific" version of philosophy, is, however, a commitment to a very different conception of science than that we have become familiar with from Max Weber.<sup>20</sup> As Charles Taylor, one of the most prominent contemporary commentators on Hegel, explains, Hegel's goal was to *unite* parts of human thought into one philosophic science that could explain truth, not to separate philosophy from natural science, facts from values, or the individual from his society. "[T]he major task of philosophy for Hegel can be expressed as that of overcoming opposition," Taylor explains.<sup>21</sup> If we consider Hegel's admonition that "what is actual is rational and what is rational is actual,"<sup>22</sup> then philosophy as a study that must overcome opposition makes sense.

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<sup>19</sup> G.W.F. Hegel, *The Phenomenology of Mind*, trans. J.B. Baillie (New York: Dover Publishing, 2003), 3.

<sup>20</sup> See Weber, *Economy and Society*, 4–22.

<sup>21</sup> Charles Taylor, *Hegel* (Cambridge: Cambridge University Press, 2005), 76.

<sup>22</sup> Hegel, *Elements of the Philosophy of Right*, preface.



Nature and convention, the individual and society, finitude and infinitude, freedom and duty are all aspects of human life and therefore have their part in truth. The mission of philosophy is to know the truth and therefore to know the unity of these seeming opposites. The thought that philosophy thinks for itself is that Reason rules the world, an assertion that Hegel claims is born of speculative philosophy.<sup>23</sup>

The unity of the world is not created by philosophy. “For philosophy to overcome [these oppositions],” Taylor explains, “is of course for it to discern how the oppositions are overcome of themselves.”<sup>24</sup> As Hegel puts it, “[t]he truth is the whole. The whole, however, is merely the essential nature reaching its completeness through the process of its own development.”<sup>25</sup> The truth or “the Absolute,” that is, the actualization of Reason in the world, comes about naturally through the mediation of these opposites, but it only comes about “essentially as a result.”<sup>26</sup> The opposition of opposites, according to Hegel, must be negated because it is incompatible with their coexistence in the world. Instead the mediation between them, or what Taylor calls their overcoming, is merely self-realization, that is, “self-identity working itself out through active self-directed process.”<sup>27</sup> Human beings are not always conscious of the self-realization of reason in the world, but it becomes clear when all the truths of the world are seen unified—when the advances of science, the truths of religion, beauty in art, the needs of the individual, and the common good, are all considered as parts of the whole. Hegel’s emphasis on a scientific

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<sup>23</sup> Hegel, *Introduction to the Philosophy of History*, 12.

<sup>24</sup> Taylor, 79.

<sup>25</sup> Hegel, *The Phenomenology of Mind*, 11.

<sup>26</sup> *Ibid*, 11.

<sup>27</sup> *Ibid*.

philosophy is emphatically not, therefore, an attempt to separate facts and values or political studies from moral and ethical philosophy, as is Weber's value-free sociology. Rather it is emblematic of his belief that natural science, philosophy, political science, and metaphysics are true only insofar as they can be combined and integrated with one another as they appear in the world.<sup>28</sup>

Hegel does not suggest that truth can be known with the aid of a methodology or indeed any outside system. This is because truth is not created by the philosopher, nor can it be dissected by him. Instead, as Stanley Rosen explains in *G.W.F. Hegel: An Introduction to the Science of Wisdom*, "Hegel defines the process by which we acquire wisdom as identical with the historical experience of Western man, that is, with the history of philosophy (understood to include the history of science or the explanation of the significance of science)."<sup>29</sup> The job of the philosopher then is to understand the progress of truth in the world and to see the unity of opposites. This does require a type of thinking particular to the philosopher. "[T]he important thing for the student of science," Hegel writes, "is to make himself undergo the strenuous toil of conceptual reflection, of thinking in the form of the notion."<sup>30</sup> In other words the would-be philosopher must train himself to think of things together as both universal and particular, to see theoretical concepts within the bounds of the actual world, and to look at the connection between the science of nature, the science of politics, history, religion, beauty and art as it comes together in human life through time.

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<sup>28</sup> Taylor, 76–80.

<sup>29</sup> Stanley Rosen, *G.W.F. Hegel: An Introduction to the Science of Wisdom* (South Bend: St. Augustine's Press, 1974), xvii.

<sup>30</sup> Hegel, *The Phenomenology of Mind*, 34.

But the success of the philosopher, according to Hegel, cannot be assured by the philosopher's genius or even by his ability to train his mind to think in accord with the true development of what Hegel calls the "notion." The actualization of truth in the world is a process that takes place in the course of world history and cannot be separated from it. Just as the concept of freedom does not exist without society, just as truth cannot be imaginary, so only in the last epoch of history can truth be understood fully. Plato, Aristotle, Aquinas and Kant (and all other great thinkers before Hegel) failed to comprehend the truth. They were limited by their own time in which mediation, self-realization, and history were all incomplete.<sup>31</sup>

The appearances that are part of the fulfillment of truth in the world, Hegel explains, "arise and pass away" throughout human history. The philosophers of the past could understand truth insofar as it was present in their own time, but they could not go beyond their own culture, politics, or history. Plato's *Republic* remains, according to Hegel, "essentially the embodiment of nothing other than the nature of Greek ethics; and Plato, aware that the ethics of his time were being penetrated by a deeper principle which, within this context, could appear immediately only as an unsatisfied longing and hence only as a destructive force, was obliged, in order to counteract it, to seek the help of that very longing itself."<sup>32</sup> In other words, Plato's genius allowed him to correctly conceptualize his own time, and even to understand that he lived at the end of an epoch—that the Greek ethos would soon be penetrated by another manifestation of truth and reason in the world. Plato longed and sought to understand this new truth but could not do so until it was realized and revealed in the world, a revelation for which he would not be present. Yet despite this progressive understanding of history, Hegel does not suggest that the

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<sup>31</sup> Ibid, 3–9.

<sup>32</sup> Hegel, *Elements of the Philosophy of Right*, preface.

work of Plato, Aristotle, and the philosophers who followed them should be forgotten or simply replaced. Hegel's conception of truth's progress in the world and of the science of philosophy gives more credit to the ancient philosophers and to those who came after them than a simply progressive notion of history might suggest.

Hegelian philosophy and world history are both characterized by dialectic, that is, the mediation of opposites through time toward the actualization of unity, truth, and freedom. Truth exists in the world from the very beginning, but only through the process of this dialectic is it revealed and fully realized.<sup>33</sup> Hegel likens this process to the formation of a fruit. Each epoch of truth supplants the one which came before it just as the blossom is replaced by the flower and the flower in turn by the fruit. Yet the fruit cannot exist without either the blossom or the flower. This, he says, is not often realized in the pursuit of philosophical truths. "The mind perceiving the contradiction does not commonly know how to relieve it or keep it from its one-sidedness, and to recognize in what seems conflicting and inherently antagonistic the presentation of mutually necessary moments."<sup>34</sup> Over the course of history philosophers have glimpsed blossoms and flowers. The ancients understood the need for philosophic inquiry and the importance of universal truths. Christianity comprehended the eternal and the infinite—an understanding that "led them to say that God is eternal."<sup>35</sup> The Enlightenment thinkers realized the importance of the individual and the subjective view of the world. Yet none of them was able to comprehend the truth, to understand how these things could be unified and actualized in the world. As another commentator on Hegel, George Armstrong Kelly, puts it, "Hegel's position is

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<sup>33</sup> Taylor 127–31.

<sup>34</sup> Hegel, *The Phenomenology of Mind*, 2.

<sup>35</sup> Ibid, 13.

the notion that philosophy is a collective enterprise, albeit one pursued in considerable loneliness by the philosopher.”<sup>36</sup> Truth, however, can only be known in the last epoch of history.

The difference between the philosophy of Plato and Hegel or between Kant and Hegel is that Hegel writes in an epoch in which the process of history and of the actualization of truth in the world culminates. “Although Hegel’s notion of philosophy gave impetus to certain forms of historicism,” Kelly asserts, “most of his own texts make a bolder assertion. They presuppose that his own philosophy is axiologically higher and richer than its precedents; they assert that his method for adequating reason and the course of the world had been developed for all times and they suggest that the conditions of freedom...have been achieved in this philosophical understanding.”<sup>37</sup> Hegel’s bold claims about his own philosophy, existing as it does at the absolute moment of history, correspond to his claims about the Hegelian state. The two are intrinsically connected and depend upon his view not only of philosophy but of world history.<sup>38</sup>

## 2.2 The Hegelian State and World History

Hegel begins his *Introduction to the Philosophy of History* with a statement directly opposed to those that Weber will later use as the basis for his scientific methodology. “[W]e do not aim,” he writes, “to draw from history any general reflections on it, nor to elucidate from its

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<sup>36</sup> George Armstrong Kelly, *Hegel’s Retreat from Eleusis: Studies in Political Thought* (Princeton: Princeton University Press, 1978), 13.

<sup>37</sup> *Ibid*, 12.

<sup>38</sup> Leo Strauss, *Natural Right and History* (Chicago: The University of Chicago Press, 1965), 29.

own content. Rather, our concern is with world history itself.”<sup>39</sup> Weber’s “ideal types” are precisely “general reflections” born of history and elucidated with examples.<sup>40</sup> Hegel has something more complete in mind. Just as his science of philosophy unifies competing claims about truth, so his philosophy of history must understand world history as a whole. What this means, Hegel goes on to explain, is that we must concern ourselves with philosophic history, that is “the application of philosophic thought through history.”<sup>41</sup>

In relationship to history, “the thought philosophy brings with it ... is the simple thought of Reason.”<sup>42</sup> The teaching of philosophy “has shown that Reason is for itself the *infinite material* of all natural and spiritual<sup>43</sup> life.... Thus Reason is the *substance* [of our historic world] in the sense that it is that whereby and wherein all reality has its being and substance.”<sup>44</sup> This means that philosophic history must reveal that world history “has been the rational, necessary course of the World Spirit, the Spirit whose nature is indeed always one and the same, but which reveals this one nature in the world’s reality.”<sup>45</sup> The revelation of Reason throughout world history gives us another picture of the process by which ancient and modern philosophers are able to glimpse a part of the truth, limited by their own time. It also gives us an understanding of the evolution of politics that culminates in the Hegelian state.

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<sup>39</sup> Hegel, *Introduction to the Philosophy of History*, 3.

<sup>40</sup> See Weber, *Economy and Society*, 2.

<sup>41</sup> Hegel, *Introduction to the Philosophy of History*, 10.

<sup>42</sup> *Ibid*, 12.

<sup>43</sup> “Spiritual” is a possible translation of the German word “Geist.” It can also be translated as “mind” and does not refer to religiosity (as “spirit” often does in English today).

<sup>44</sup> *Ibid*, 12.

<sup>45</sup> *Ibid*, 13.

To understand Reason in world history, Hegel writes, we must understand the “final goal” of the world. Spirit—that is, the means to freedom and actualization of truth and reason in the world—directs world history. “Spirit is autonomous and self-sufficient, a Being-by-itself.... Spirit knows itself: it is the judging of its own nature, and at the same time is the activity of coming to itself, of producing itself, making itself actually what it is in itself potentially.”<sup>46</sup> Men as reasonable thinking beings naturally have a part of Spirit and often unconsciously act to actualize Spirit’s existence in the world. “For actuality [of Spirit] there must be ... the activity of actualizing. The principle of this is the will, i.e., human activity in general.”<sup>47</sup> World history is driven forward by the actions of all human beings whose thoughts and activities share some part of Spirit and who are connected to the Spirit of their own time. However, the most important drivers of the World Spirit are those who bring on the next epoch of world history: great men whom Hegel calls “world historical individuals.” These men—Alexander, Caesar, Napoleon—have acted according to their passions and their ambitions and in accord with Spirit.<sup>48</sup> Their activities have destroyed the epochs to which they belonged and allowed new epochs to come into being. The wars and conflicts of human history are not simply struggles for power but “struggles for recognition related to specific cultural values,”<sup>49</sup> that is, specific articulations of the truth, morality, and freedom in the world. The individuals who cause these wars and conflicts are, in effect, the servants of world history.

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<sup>46</sup> Ibid, 20.

<sup>47</sup> Ibid, 25.

<sup>48</sup> Ibid, 35.

<sup>49</sup> Ibid, 102.

World history, according to Hegel, has roughly four epochs that correspond to regime types. The first epoch is defined by the Orient and by despotism, the second by the Greek world and democracy, the third the Roman era and aristocracy, and the final epoch that of the Germanic world in which Hegel lived and which saw the advent of monarchy. In the first epoch only one individual (the despot himself) was free. In the second and third only some (the citizens of Greece and Rome) were free. Only in the last epoch and in the monarchical state does the world recognize that all men are free.<sup>50</sup>

The Oriental world was one of “unmediated consciousness” in which “all the categories of rationality are present, but in such a way that human subjects remain merely incidental.”<sup>51</sup> Its regime, society, and ethical understanding of the world (that is, its culture) crumbled when “the first hint of the principle of individuality enter[ed].”<sup>52</sup> In the Greek world freedom comes into its existence and “individuals are formed.” It is the realm of what Hegel calls “Beautiful Freedom” in which “we have the union of ethical custom and subjective will.” However, this union is fleeting and not yet self-conscious. It has not yet “been rung out of the struggle of subjective freedom,” and it is available only to the very few citizens of the Greek world. Therefore this epoch too passes away and is replaced by the Roman world and the “epoch of abstract universality.” There individuals and their desires are sacrificed to the needs of the society as a whole, that is, to the “common good.”<sup>53</sup>

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<sup>50</sup> Hegel, *Elements of the Philosophy of Right*, §354–60.

<sup>51</sup> Hegel, *Introduction to the Philosophy of History*, 94.

<sup>52</sup> *Ibid*, 95.

<sup>53</sup> *Ibid*, 95–97.



The advent of Christianity begins the destruction of the Roman world by valuing both the finite and the infinite, the individual and the universal. But Christianity promises only an “*implicit*” and not an actualized reconciliation between the individual and the society, freedom and duty. Only in the Germanic world does Spirit “find itself in the secular world” where it can be fully realized and where individuals and society can come together such that the true Hegelian state can be born. Speaking of his own age, Hegel comments, “It is not difficult to see that our epoch is a birth-time, and a period of transition .... [T]he spirit of the time, growing slowly and quietly ripe for the new form it is to assume, disintegrates one fragment after another of the structure of its previous world. That it is tottering to its fall is indicated only by symptoms here and there. Frivolity, and again ennui... the undefined foreboding of something unknown—all these betoken that there is something else approaching.”<sup>54</sup>

While we might, from our position almost two hundred years after Hegel’s death, declare that his epoch is only one in a continuing series of changing times leading to no particular end or truth, it is hard to disprove Hegel’s assertion. Hegel himself acknowledges that the epoch that began in his own time is only in its infancy. “[T]his new world,” writes Hegel, “is perfectly realized just as little as the new-born child, and it is essential to keep this in mind .... Since, at its commencement, when yet it has reached neither detailed completeness nor perfection of form, it is exposed to blame on that account. But it would be unjust to suppose this blame to attach to its essential nature....”<sup>55</sup> Our own time, then, could simply be a later development of this last epoch, or even a pause in its progress.

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<sup>54</sup> Hegel, *The Phenomenology of Mind*, 6.

<sup>55</sup> *Ibid*, 8.

The difference between the Germanic era and those that preceded it, according to Hegel, is that the ideas of the universal, the individual, the finite, and the infinite have all been revealed and reconciled, just as the historical process exposes the inherent freedom of the individual and the importance of society in the political world. Hegel recognizes and articulates the unity of these opposites in his philosophy. The state is a similar unification of oppositional forces in the world. It is the political and actual version of Hegelian philosophy. However, even in this new epoch, philosophy is for the few while the state is for the many. The state provides truth even for those who will never be fully conscious of Reason in the world.<sup>56</sup> It does not depend upon the science of philosophy for its creation, but instead on truth acting through nature, reason, and necessity. Even in its actualized form it must have institutions that will unify the individual with the common, the subjective with the universal, and the finite with the infinite. Fundamentally this will be done by the institutions of the state, but on a day-to-day, minute-to-minute scale, it will be administered by the Hegelian civil service.<sup>57</sup>

### **2.3 The Actualization of the State**

According to Hegel the state is the institution without which individuals cannot live according to Right or even enjoy a truly ethical life. “The state is the actuality of the ethical Idea.... [It] is the actuality of the substantial *will*, an actuality which it possesses in the particular

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<sup>56</sup> Hegel, *Elements of the Philosophy of Right*, §300–302.

<sup>57</sup> Weil, 69–70.

*self-consciousness* when it has been raised to universality; as such, it is the *rational* in and for itself .... [I]t is only through being a member of the state that the individual himself has objectivity, truth, and ethical life.”<sup>58</sup> This membership is not dependent upon a human contract, grounded in the willingness to forgo liberties or give up rights for some other good. Rather it is the expression of true human freedom actualized in the world. For despite the subjectivity of individual interests, “the destiny of individuals is to lead a universal life.”<sup>59</sup>

Yet Hegel makes clear that, despite his emphasis on universality, his is a modern state which not only allows for human choice and individuality, but also depends upon their flourishing. His state is not the actualized form of Plato’s city in speech, nor is it a return to the city-states of the Greeks. It remains a state, not a larger version of the household in which human beings cannot understand themselves as individuals. “In the states of classical antiquity,” Hegel writes, “universality was indeed already present, but particularity had not yet been released and set at liberty....”<sup>60</sup> There “the subjective end was entirely identical with the will of the state; in modern times, however, we expect to have our own views, our own volition, and our own conscience.”<sup>61</sup> The actualization of the state requires people to understand their subjective ends and to be able to choose for themselves and will for themselves. If they cannot do this, then any concern for the state, any dedication to its goals, is counterfeit, merely a product of a “noble lie.”

The expectation to have “our own views, and our own volition” is certainly a hallmark of modern life, possibly to a greater degree today than Hegel ever imagined. Yet human beings,

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<sup>58</sup> Hegel, *Elements of the Philosophy of Right*, §258.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid, §260.

<sup>61</sup> Ibid, §261.

conditioned in part by the spirit of democracy, have not used their freedom to go beyond their concerns and become part of a universal whole, practitioners of a universal right, or stalwart supporters of the state. All modern states contain factions that disagree seriously about the proper use of state power. All liberal republics acknowledge and institutionalize this disagreement in the form of political parties—this institutionalism formalizes but does not remove disagreement or even serious doubt about the workings of government. Free “particularity” does not lead inexorably to the creation of the Hegelian state. Indeed, Hegel himself makes clear that not all freedoms are consistent with freedom actualized in the world. “The state,” he asserts, “is actualized freedom *not in accordance with subjective caprice*, but ... in accordance with its universality and divinity.”<sup>62</sup> What does this distinction mean? What is “subjectivity set at liberty” yet consistent with “universality and divinity”? Hegel provides answers to these questions in his discussion of necessity and nature.

Men in society, Hegel asserts, are dual beings. They are “the extreme of *individuality* which knows and wills *for itself*, and the extreme of *universality* which knows and wills the substantial.”<sup>63</sup> Each of these extremes must be allowed to will and to be “realized” if the human beings are to be free; they must have actuality both as private and as substantial persons.”<sup>64</sup> Private freedom is actualized within the private world—that is, in the realm of family and civil society. However, the substantial person cannot be actualized except through public activity in an occupation “directed towards a universal end through cooperation.”<sup>65</sup> Through cooperative

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<sup>62</sup> Ibid, §260 (italics added).

<sup>63</sup> Ibid, §264.

<sup>64</sup> Ibid, §264–65.

<sup>65</sup> Ibid, §264.

action human beings realize how much of their private interests are universal interests—and begin to see themselves as part of society and the state. Without this realization, human beings see themselves as permanently bound by the confines of their society, their government, and their state. True freedom requires everyone to discover that “*universal* aspect of their particular interests that has being in itself.”<sup>66</sup>

In fact, even this division between the public and the private, the individual and the substantial, is a false division. The family does not exist outside of the community, and civil society is not separate from political society.<sup>67</sup> It is easy enough to identify the needs of the family, which are answered by the state, and the implications of familial decisions on the community writ large. “What matters most,” Hegel explains, “is that the law of reason should merge with the law of freedom, and that my particular end should merge with that of the universal....”<sup>68</sup> If it does not, “the state will hang in the air.” This may certainly happen for some length of time. Indeed, it might be argued that the aim of Hegel’s writing is to make this length of time as short as possible. However, the state is not a thing of air and its actualization in the world is not merely theoretical. The state after all is the culmination of human history; it is both natural and necessary.

The very necessity of the state therefore brings with it a necessary realization on the part of the individual. He must conclude that his interests are the interests of the state, and that his particularity is not the antithesis of universality. In theory this seems hard, if not impossible. Indeed, it would be, if man did not find himself naturally disposed to live in society, and more

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<sup>66</sup> Ibid.

<sup>67</sup> Taylor, 432.

<sup>68</sup> Hegel, *Elements of the Philosophy of Right*, §265.

particularly to live as a part of the fully developed state. He must be true to his own nature, and this leads him to be suited for certain tasks, offices, or positions within the state, but it does not lead him to live outside the state. The establishment of the state and of its institutions is the culmination of reason in the world. The state, therefore, like the self-conscious self-becoming of reason and freedom in the world, is a natural product of ordinary human relationships to one another. The state is “the actuality of the Ethical Idea,” but ethical life is not limited to public life within the state.<sup>69</sup>

The citizens of the state, its legislators, and civil servants are individuals before they take their place in the organization of the state. If Hegel is right about freedom and truth, they do not cease to be individuals once they become legal persons. The natural course of human life must unify these two identities, according to Hegel; first, because human beings are members of the family, and second, because they are owners of private property. From the very beginning human beings know themselves as members of a larger unit: the family. The family “as the *immediate substantiality* of the spirit, has as its determination the spirit’s *feeling* of its own unity, which is *love*.”<sup>70</sup> Love, for Hegel, is the greatest contradiction because it causes the individual both to know himself as himself and to no longer wish to be an “independent person.” Love is therefore the opposition and, Hegel says, the resolution to the opposition it creates. It teaches individuals how to be members of something larger, to willingly weigh individual desires against those of the unit. The family is also a political unit and as such has a head (the father) who controls the unit and its property.<sup>71</sup> This natural unit begets individuals who know their individuality but

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<sup>69</sup> Ibid, §142–57.

<sup>70</sup> Ibid, §158.

<sup>71</sup> Ibid, §172.

willingly sacrifice it. Hegel's articulation of the power of love here is clear, but it does not address the natural problems that love creates in political life. After all, the power of love to transform the individual into a part of a whole encompassing parents and children, wives and husbands, is often imperfect. Moreover, while love unifies individuals as a family, it also divides; the love that binds together the family separates it from the community and from the state.

According to Hegel the family naturally develops into the society. Since families multiply as children define themselves apart from their parents, going on to form their own families, the family quickly becomes a "*plurality* of families," who relate to one another not through love but in "general terms." These general relationships are the foundation of civil society. Civil society, Hegel tells us, exists between the family and the state—but it might develop after the state, for it presupposes the security and universality of the state. In civil society individuals are able to "develop their own particularity," but at the same time "the principle of particularity passes over into *universality*."<sup>72</sup> As individuals find their own interests, they will also develop a need for the help and support of others including those not directly related to them. Therefore, the farmer will cooperate with other farmers, and the merchant with the tradesman in order to attain their mutual needs.

Willing participation and membership in civil society leads both to the creation of interest groups and corporate entities. Men see the continuity between their own particularity and universality first as necessity. If love is the beginning of family unity, then need is the beginning of civil society in the form of the protection of property. The right of property is present not only "abstractly" but "concretely" in "*the protection of property through the administration of*

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<sup>72</sup> Ibid, §186.

*justice.*”<sup>73</sup> The administration of justice requires the promulgation and enforcement of law. Law posits what is “a right in itself” as a universal. “Only when it becomes law does what is right take on both the *form* of its universality and its true determinacy.” Moreover, law makes the universal “applicable to the individual.” Laws, therefore, must be known both in their universal form and as they apply to individual and particular cases, thereby unifying the universal with the particular.<sup>74</sup> But in civil society, justice is merely necessity—right is understood through customs and traditions that shape behavior and voluntary activities. For example, in a secure and well-organized state, civil society will deal with desires and interests as well as needs; the sewing circle will be formed, the Sierra Club will find its members, and the business corporation will lobby for its rights. Out of natural desires, interests, and needs, individuals will willingly assign themselves to groups the existence of which may limit their individuality but increase their freedom. Civil society presupposes the state because only under the state can justice be actualized, laws enforced, and ethical life realized. As truth is actualized in the state the continuity between the individual and society becomes natural, and men find their rightful place within the institutions of that state. The realization on the part of the individual that he is indeed a universal being is born from his “political disposition” or what is usually called patriotism.<sup>75</sup>

Patriotism is not, as it is often described, a thing of passion or prejudice for Hegel, but has its origins in truth and in the very institutions of the state. The state is and ought to be a thing admired, loved, and cared for. It is “based on *truth*, and a volition which has become habitual.”<sup>76</sup>

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<sup>73</sup> Ibid, §208 (emphasis in original).

<sup>74</sup> Ibid, §211-§214.

<sup>75</sup> Ibid, §250–56.

<sup>76</sup> Ibid, §268.



This rational patriotism is necessary to the functioning of the state—that is, to the continuity between the subjective and the universal, but it can exist only in a state the institutions of which benefit the populace in such a way as to produce real patriotism, and among individuals whose rationality is well developed—in brief, among a well-educated populace.<sup>77</sup> After all, Hegel complains, the “uneducated delight in argument and fault-finding, for it is easy to find fault, but difficult to recognize the good and its inner necessity.”<sup>78</sup> The inhabitants of the Hegelian state must be taught to understand necessity and to trust that their state will, in fact, guard their own particular interests in accomplishing its universal goals. One might consider this lesson as one of loving rationally. If the individual knows that his love of family and his need for private property can be protected only by the state, and if the state is truly capable of protecting these goods, then the individual will love the state and support its interests.

Whether human beings can be taught to love according to reason is questionable, but perhaps it is more likely under a perfectly reasonable government. Despite Hegel’s assertion that reason rules the world, he was not blind to the fact that human beings are sometimes moved by things other than reason—in Hegel’s articulation, not all people can always be “trusted to know their own will.”<sup>79</sup> “The *possibility of sharing* in the universal resources ... is ... *conditional* upon one’s own immediate basic assets ... and upon one’s skill; the latter is in turn conditioned by the former, but also by contingent circumstances whose variety gives rise to the *differences* in the *development* of natural physical and mental aptitudes which are already unequal in

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<sup>77</sup> Weil, 58.

<sup>78</sup> Hegel, *Elements of the Philosophy of Right*, §268.

<sup>79</sup> Ibid, §301–303.

themselves.”<sup>80</sup> This bold statement may be shocking to citizens of a modern democracy, but for Hegel, it is a truth that requires government to be representative but not based on the principle of equality.

In civil society men begin to divide themselves into economic and social groups that Hegel defines as “estates,” of which there are three. The first is the “substantial” estate—that of the farmers, the second estate is that of “trade and industry,” and the last estate is the “universal” one that has as its business the “universal interests of the society.”<sup>81</sup> This last group must be wealthy enough that its members are free to concern themselves with politics and independent of ordinary financial concerns. As parts of the state, the estates retain their original “determination.” The involvement of each in the state is related to their fitness to decide upon universal goods—in other words the first estate is least involved in government and the last is most involved. Thus, as Taylor puts it, “the function of the total immersion of the public, which was that of the citizens among the ancients, develops in the universal estate in Hegel’s mature polity.” It is the civil service that makes up most of the universal estate.<sup>82</sup>

The state is made of three branches defined by their “internal constitution” and “differentiated by the nature of their activity.” They are the legislative branch, the executive branch, and the sovereign power. The legislative branch then “has to do with the laws as such, insofar as they are in need of new and further determination, and with those internal concerns of the state whose content is wholly universal.”<sup>83</sup> Thus the job of the legislature is to create

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<sup>80</sup> Ibid, §199.

<sup>81</sup> Ibid, §205.

<sup>82</sup> Taylor, 442.

<sup>83</sup> Hegel, *Elements of the Philosophy of Right*, §298.

universal laws out of the opinions of the estates (or to perfect what universal laws have already been created in civil society). The laws of the state connect the universal and the particular. They provide universal directives and are clear in their particular application.

The power of the sovereign acts to unify the “moments of totality within itself”; that is, it contains the moment of “*universality* of the constitution and the laws,” the moment of particularity with regard to “consultation in the reference of the particular to the universal,” and “the moment of ultimate *decision as self-determination* ....”<sup>84</sup> All individuals, groups, and interests can decide for themselves only insofar as their self-determination does not violate universality. But even in the moment of complete overlap between the subjective and the universal (which Hegel defines as the “*ideal*”) the sovereign alone has the power of self-determination. Hegel’s sovereign is a hereditary monarch. He has his legitimacy in his very identity: “his birth and inheritance.” Therefore, his innate individuality and personality are one and the same with his office and role in the state. He can bring judgments and pardon criminals and in so doing is a judge of particularity. Finally, his personality and office are based upon the universality of the constitution, which he therefore must and will desire to protect.<sup>85</sup> In this way his very identity brings together the universal and the particular, the state and the individual.<sup>86</sup> One imagines that the sovereign will be educated in such a way that he will never forget his dependence on the constitution or the importance of his duty. His powers, though real, are also limited so that the universal cannot be sacrificed to a mistaken understanding of the sovereign personality.

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<sup>84</sup> Ibid, §275.

<sup>85</sup> Ibid, §281–86.

<sup>86</sup> Weil, 63.

Trust in the unity of the subjective and the universal is, perhaps, most important in the executive branch of government, which is tasked with the “execution and application of all sovereign decisions.”<sup>87</sup> However, the members of the “executive civil service” do not have the advantage of the sovereign in unifying subjective and universal interests. Their personality and official duty do not perfectly coincide. “The particular functions and activities of the state *belong to it* as its own essential moments, and the *individuals* who perform and implement them are associated with them not by virtue of their own immediate personalities but only by their universal and objective qualities.”<sup>88</sup> For this reason offices ought not to be bought or sold. When they are, particularity is at odds with universality and the progress of the state is stalled. Instead, they must be staffed with educated men who can understand their duty to the universal, the interests of their fellow men, but whose official actions are not defined by their private opinions.<sup>89</sup> In *Hegel and the State*, Eric Weil writes, “The civil service is everything with regard to the organization of the State; it constitutes the second branch of government, the active branch of government. It is true that the prince decides; it is also true that the chambers vote on laws .... But of the three branches it is ultimately the administrative that enjoys a preponderance of power in relationship to the other two.”<sup>90</sup> In short, the members of the civil service must be individual manifestations of the unity provided by the state between the individual and society. They must, every day, actualize truth and freedom in the world.

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<sup>87</sup> Hegel, *Elements of the Philosophy of Right*, §287.

<sup>88</sup> Ibid, §277.

<sup>89</sup> Ibid.

<sup>90</sup> Weil, 68.

In the preceding three sections I have outlined the Hegelian project, the political reality of which is embodied in the state. I have tried to summarize the arguments on their own terms, but as we turn to the practical implications of Hegel's thought, the potential problems of his project become clearer. Hegel believes that the rational must be actual and that reason rules the world. Our experience of the world is therefore relevant to the truth of Hegel's vision. In analyzing his politics it therefore is appropriate to raise concerns about some of his claims which seem unsupported by the day-to-day experience of human life in modern society.

## 2.4 The Hegelian Civil Service

The purpose of the executive branch is to uphold "*legality and the universal interest of the state*" in action.<sup>91</sup> This duty is not a simple one: it requires understanding of the universal, the constant supervision of individual, group, and state interests, and the constant support of the overlap between the subjective and the universal. For the parts of the executive branch to have discharged their duty the universal must take precedence over the interests of the individual and of factions. But for the members of the branch to have completed this duty in the highest possible way there can be *no* divergence among the three interests. Individual or group interests must be separate from the state only in their emphasizing a part of the universal interest, rather than opposing it or any part of it. Only then can the functions of the state exist in their ideal form. In real terms this means that the executive branch must act in accord with the decisions of the state and for the universal good, that it must halt any subjective activity that is in opposition to the

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<sup>91</sup> Hegel, *Elements of the Philosophy of Right*, §289.

state, that it must foster individual and subjective interests that do not run contrary to the universal interest, and that it must help educate individuals and groups so that the subjective will approaches the will of state, ending in the ideal coincidence of the two.<sup>92</sup>

It is easy to understand how subjective interests can be tamed so that they cannot oppose the interests of the state. The executive branch, Hegel mentions in passing, contains the judiciary and the police.<sup>93</sup> But the judiciary is called to act when universal needs are unclear, or when subjective needs must be weighed in relation to universal needs. Courts and judges, as Aristotle mentions in his *Nicomachean Ethics*, are of use most in restoring equality or recreating a balance between the particular and common good, not in creating an ideal moment in which subjective ends do not strain against universal ends.<sup>94</sup> The police force is even more obviously a method of suppression. If the judiciary exists to restore equality, the police force is meant to prevent acts from taking place which endanger universality, and to punish those whose actions have already put the state in jeopardy.<sup>95</sup> One might imagine their duties being largely unnecessary at the culmination of the last historical epoch.

In order for the state to avoid tyranny, the executive branch must not be an arm of suppression; instead, it must help to actualize truth and freedom—not in theory, but in actuality. This falls to the members of the executive civil service who must uphold the self-determination of the sovereign while dealing with the interests of individuals and cooperative groups. They

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<sup>92</sup> Ibid.

<sup>93</sup> Ibid, §287.

<sup>94</sup> See Aristotle, *Aristotle's Nicomachean Ethics*, trans. Robert C. Bartlett and Susan D. Collins (Chicago: Chicago University Press, 2011), 1131b25–1132b10.

<sup>95</sup> Hegel, *Elements of the Philosophy of Right*, §231–39.

must make the coincidence of subjective and community interests necessary and mutually productive, thereby making patriotism pleasant as well as based upon truth, and the state beneficent rather than tyrannical. This duty, however, requires the members of the executive civil service to be themselves rational patriots, and to make others rational patriots as well.<sup>96</sup>

This process, as we have seen, begins without the intercession of the civil service, in the creation of civil society. There, individuals seeking their own interests come to agreements and compromises with others, each seeking their own particular interests. Certain desires fall by the wayside, being incompatible with the desires of others, while others become the basis of groups, clubs, partnerships, and parties. The interests of the individuals still strain against those of the groups to which they belong, but natural human collaboration, and the necessity of assistance from others, forces individuals to accept compromises and to see allegiance to their group interests as necessary and beneficial, not as a violation of their self-determination or their liberty. They elect people to speak for them, sign petitions, and enter genuinely into the spirit of cooperation.<sup>97</sup>

Cooperation is the beginning of patriotism, but not equivalent to it. Cooperative interests must have rights, for they are part of the state, but in gaining these rights they must be “brought back to the universal”:

Just as civil society is the field of conflict in which the private interest of each individual comes up against that of everyone else, so too we encounter here the conflict between private interests and particular concerns of the community, and between both of these

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<sup>96</sup> Steven B. Smith, *Hegel's Critique of Liberalism: Rights in Context* (Chicago: University of Chicago Press, 1991), 149–52.

<sup>97</sup> Hegel, *Elements of the Philosophy of Right*, §189–202.

together and the higher viewpoints and ordinances of the state. The spirit of cooperation ... is now inwardly transformed into the spirit of the state because it finds in the state the means of sustaining its particular ends.<sup>98</sup>

This process Hegel describes as “the secret of patriotism” inasmuch as it allows the people to understand themselves as parts of the state and their interests as parts of the universal interest.

But groups and the individuals that compose them are not, according to Hegel, capable of the task of self-determination, or indeed self-administration. The primary problem with group action is, of course, that it is still subjective action and therefore blind to the needs of the community as a whole and to the good of the state. The ineptitude of these groups goes beyond their necessary blindness: the leaders of these groups will not be true professionals. Instead, they will be constantly distracted by their own individual interests, and they will not have the capacity, or perhaps the desire, to educate themselves and accomplish what is good for the group as a whole. Moreover, informal groups will have no real hierarchy, order, or rules. Rather they will be partially organized equals who, in the end, do not understand themselves to be bound by the decisions of their leaders or the rules of the group. This kind of cooperation will, in Hegel’s words, “provide a kind of *formal freedom*” but it cannot provide for real freedom of action or real accomplishment. This is acceptable, in part, because these groups never deal with much more than trivialities.<sup>99</sup>

Hegel’s argument clearly describes some facets of modern life. American civil society is full of groups and organizations, many of which take themselves very seriously and work

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<sup>98</sup> Ibid, §289.

<sup>99</sup> Ibid.



tirelessly to accomplish their goals—conservation, animal rights, the protection of the right to bear arms, the playing of chess as a sport, to name a few. The potential good these groups do is also clear. They provide a forum for individuals to pursue their own concerns and to act with others to address these concerns. Many of them act in important ways that the state cannot. The lover of a particular wilderness can act together with the Sierra Club to protect it. The owner of a .38 Special can join the NRA. Moreover, these groups do share in the universal concerns of the populace who may care for freedom, security, and beauty, and perhaps they can provide for the expression of these overarching concerns. Yet these groups are limited. The Sierra Club cannot (and might not wish to) weigh its interests against those of developers, potential construction workers, tenants, and night watchmen. The NRA does not have the same concerns as the mother wishing to keep her children away from potential threats or the police officer trying to deter crime. It seems extreme to think of these groups as badly run cabals that deal with imaginings and trivialities, and perhaps in the absence of the true Hegelian state they are more important and more useful to the community as a whole. Yet, however beneficial one may consider civil society to be, it is also evident that it has limitations. The truth of Hegel's criticism is, therefore, compelling. The practicability of his solution, which focuses on a kind of rational professionalism and correct hierarchy, is open to doubt.

The most important function of the executive branch, Hegel asserts, is to correctly oversee the "*division of labor*." It must organize official bodies and administer them in such a way that "civil life shall be governed in a *concrete* manner from below, where it is concrete, but that the business in question shall be divided into *abstract* branches and dealt with by distinct bodies..."<sup>100</sup> In other words, the executive must allow the groups, organizations, and clubs that

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<sup>100</sup> Ibid, §290.

make up civil society to govern themselves insofar as they are able. However, their interests must, at the point of their incompetence, be taken over and administered by the members of the executive civil service. The duty of these professionals is to promote the particular interests of groups and parties to the best of their ability while remembering the universal interests of the state. This means that some groups will have more representation than others, and that all interests will be modified to fit the needs of the populace as whole. The representation of subjective interests in keeping with the universal interest is accomplished, in part, through the creation of a hierarchical and professional system in which the representatives of more particularized interests are bound by the representatives of more universal interests, in a ranked order at the top of which is the monarch (or head of the executive branch). He alone can fully represent the state and therefore must retain the ability to make the ultimate decisions about the importance and relevance of all subjective interests.

Hegel admits that the organization of the executive branch is not an easy task. “The executive,” he cautions, “is concerned with the transition from the universal to the particular and individual, and its functions must be divided in accordance with its different branches. The difficulty, however is [that of ensuring] that they also come together again at the upper and lower levels.”<sup>101</sup> In order to overcome this difficulty Hegel advocates a system of strict oversight, the complete elimination of any arbitrary or discretionary service, and the creation of a highly professionalized civil service. Individuals, he admits, cannot be trusted to do what is right without instruction and in the absence of accountability. However, if measures are taken to create and maintain such a system, the individuals that make it up will not only work to the benefit of the state, but also find happiness in doing so. They will “have the right to find satisfaction in the

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<sup>101</sup> Ibid, §290.

performance of their duties, and in this alone.”<sup>102</sup> Yet the civil service also has a great responsibility that Hegel implies will be made easier by their expertise. Hegel writes, “The highest civil servants necessarily have a deeper and more comprehensive insight into the natures of the State’s institutions and requirements and moreover, a greater skill in and habituation to the business of government...”<sup>103</sup> They can therefore achieve what is best whether or not the estates are in session.

In practice such a system can take many forms. It must have a formal head—an individual who is trusted to oversee the system and to put the needs of the state before the needs of any group, or indeed his own particular interests. This person, Hegel suggests, might hold the office of prime minister or state chancellor. His duty will be to administer the state from above, and he will have the ability to act quickly and effectively. However, to be successful this office cannot exist in the absence of an organized people. When it does the government will cease to represent the interests of the whole and slip into tyranny. France, Hegel comments, was governed in this manner in the age of Napoleon. Centralized it may have been, and effective it was for a time; however, Napoleon’s government had no legitimate power. It was organized around the ambition of one man (or at least a very few men) rather than being the actualization of universal will.

Not only Napoleonic France, but also contemporary American government provides examples of the institutions Hegel describes. Even in the United States, which some argue has a less developed civil service than that of Western European democracies,<sup>104</sup> interests are taken

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<sup>102</sup> Ibid, §294.

<sup>103</sup> Weil, 69.

<sup>104</sup> See Wilson, *Bureaucracy*, 295–312

over by bureaucratic agencies so that their rights will be protected by professionals and secured by law. The Sierra Club gives way to the Environmental Protection Agency (EPA). The workers' unions are represented by the Department of Labor and the Occupational Safety and Health Administration (OSHA). These agencies do not simply represent the interests of private groups that resemble them outside of government; they try to consider subjective concerns in conjunction with the good of the nation. The sovereign power (in this case the legislature) has determined that the health of the environment and the safety of workers is of universal concern and has therefore provided for the protection and administration of these interests. In the United States, as in the Hegelian state, these agencies are part of a hierarchical order that makes up the executive branch of government and has as its head an individual whose concern is necessarily national (or universal): the president.

Yet the American system is not as hierarchical or controlled as the one Hegel describes. Subjective action has not been eliminated. While career bureaucrats must work for presidents of both parties and change the programs of their agencies when laws change, they are often given vast oversight and maintain their own codes of behavior, opinions, and beliefs, which may run counter to those of the sovereign at any given time.<sup>105</sup> More importantly, or more problematically, most American citizens do not see bureaucracy as their protector or bureaucrats as the representatives of their interests. Americans may indeed be protected in some cases by their bureaucracy, and these agencies may indeed serve the good of the nation; however, they do not seem to promote a rational patriotism that causes Americans to understand their subjective interests to be those of the nation as a whole.

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<sup>105</sup> James Q. Wilson, *Bureaucracy: What Government Agencies Do and Why They Do It*, (New York: Basic Books, 1989), 96–98.

The organization of the people (and the representation of their interests) is accomplished, according to Hegel, by the creation of an executive bureaucracy. This bureaucracy does not decide matters of public policy, but administers decisions already made by the sovereign. The individual bureaucrats are not, as Hegel vividly explains, knights errant out to free damsels in distress and vanquish dragons as they roam independently around the globe. Knights are entrusted to wield their power as they see fit, and they are expected to seek out danger and to strive for glory. While their power comes ultimately from the state, they “reserve the right to [perform their duties] in accordance with their subjective views, or not to perform them at all....”<sup>106</sup> The story of Sir Lancelot and Queen Guinevere may be a moving romance, but it is also a story of the destruction of the state—a state that, if we are to believe the stories, was in fact beneficent and helpful to its citizens. The organization of Hegel’s civil service cannot allow for such destruction. It has no room for Sir Lancelot and is designed to suppress desires like his. All human desires must, instead, be reoriented so that they are not expressed at the expense of the state. To Hegel’s credit, the story of Lancelot and Guinevere is a tragedy, as are many stories of human passion uncontrolled by reason or concern for the common good. It does not end with the happiness of Lancelot and his love any more than it ends in the promotion of King Arthur’s state.

That Hegelian civil servants cannot have Sir Lancelot’s vices is obvious, but Hegel does not stop there; he goes on to assert that civil servants do not, indeed cannot, have Sir Lancelot’s virtues. The civil service is large, and there is a ready supply of its members, for “their objective qualification does not consist in genius ... and their relative merits cannot be determined with

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<sup>106</sup> Hegel, *Elements of the Philosophy of Right*, §294.

absolute certainty.”<sup>107</sup> They must simply be able to adopt their work as a *vocation* and find in its accomplishment all their happiness and satisfaction. The civil servant “is not employed, like an agent, to perform a single contingent task, but makes this relationship [to his work] the main interest of his spiritual and particular existence.”<sup>108</sup> Not only will the employment of civil servants be dependent upon their ability to complete whatever tasks they are given, but also should they act in a manner outside of or beyond their official duty they will be acting criminally—perhaps even treacherously. The state will protect them from the anger and disappointment of the people. However, “the wrong that is done by non-performance, or positive infringement ... is therefore an infringement of the universal content itself.”<sup>109</sup> A true public servant should not even be tempted to stray in such a way, and the hierarchical nature of the bureaucracy will ensure that anyone who does is punished by the loss of their position or in an even more severe manner. How this can be combined with a knowledge of the goals of the state and of its business that will allow civil servants to “achieve what is best” is hard to imagine.

Hegel’s provision for the protection of members of the civil service against the masses implies that the people will not always see the good their civil servants do them. Later he addresses this problem in detail. He defines “the people” as “that category of citizens *who do not know their own will*.”<sup>110</sup> This criticism does not mean that the people have no role in the state or that their needs and interests are to be forgotten. However, it does mean that they are not to be trusted to understand their own good—and that, from time to time, those who know their good

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<sup>107</sup> Ibid, §292.

<sup>108</sup> Ibid, §294.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid, §301.

better than they do, among them the members of the civil service—ought to be defended from them and their ignorance.

The people as a whole are responsible for “bringing the universal interest into existence.”<sup>111</sup> They are the origins of all interests—individual, subjective, and, when taken together, universal. The state—no matter how hierarchical, how organized, and how bureaucratic—is based ultimately on its citizens, and their interests are the interests of the state. When organized, as again Hegel insists all citizens, no matter their rank, must be if the state is to have legitimate power, these people make up the estates—the final element of the legislature. The monarch is “the power of ultimate decision,” the executive “the advisory moment that has concrete power,” and the estates must “bring into existence the moment of subjective *formal freedom*, the public consciousness as the *empirical universality* of the views and thoughts of the many.”<sup>112</sup> In this position the flaws of the individual citizens—that is their subjectivity—are not flaws at all. Instead, these subjective interests are the origins of the “moment of subjective *formal freedom*, the public consciousness as the *empirical universality* of the views and thoughts of the *many*.”<sup>113</sup>

While the people are the origin of the universal will and the interests of the state, they are not, in Hegel’s opinion, reasonable. The Estates are by nature flawed because “they have their origin in individuality... [and] they are inclined to direct their efforts towards those at the expense of the universal interest.” It is this fact that Hegel is commenting on when he asserts that the many “do not know their own will.” For Hegel, knowing one’s will is to “know how the will

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<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

which has being in and for itself—i.e., reason—wills, is the fruit of profound cognition and insight....”<sup>114</sup> To know one’s own will is to understand more than one’s own interests and desires: it is to understand the natural necessity of the state and with it the need to discard certain individual wants for the good of the whole and the support of the state. This is not a call for heroism but for an understanding that the sacrifice of some desires is necessary for the fulfillment of any. While the will of the state originates in the members of the estates, they are still unable to recognize the necessity of supporting the universal. It is for this reason that the other organs of the state must take over and care for the subjective interests of the people and why the members of the executive civil service must be entrusted to administer the interests of civil society.

Yet Hegel also mentions a more worrying fact in his discussion of the need civil servants might have for defense against the people. He adds that there must be a provision for the punishment of or, at the very least, termination of civil servants should they lose the ability to understand the general will, or should they act willfully to oppose it in favor of their own interests. This statement makes clear that civil servants will not inevitably be rational patriots who understand the sovereign will and freely pledge themselves to see it as their particular good. Hegel implies that the need for this kind of intercession will disappear as the state perfects itself and history progresses. Good organization, correct oversight, and action truly animated by the universal will on the part of both the executive branch and the state as a whole will do much to show civil servants and citizens generally that their good is the good of the state, and that the promotion of the universal good is beneficial for them as members of civil society and as individuals. To be truly effective the institutions of the state must be supported by an education

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<sup>114</sup> Ibid.



that makes rational patriotism in all its expressions customary. This education is central to Hegel's description of the civil service, and indeed to his resolution of the age-old opposition between the individual and the society, the family, and the state. It should also solve the problem of the civil servant who must both follow rules and administer sovereign decisions while achieving what is best for the state with or without the advice of the estates.

But what kind of education makes rationality common, the understanding of nature and necessity universal, and the population patriotic? Who is such education for? Who will teach it? And how will it allow people to remain individuals whose "subjectivity is set at liberty"?<sup>115</sup> Without such an education it is not hard to imagine the Hegelian civil service descending into the unreasoning bureaucracy described by Weber. The civil service demands that its members forget their individuality in the course of their duties—that they administer rather than judge. But without an education in right they may fail to reason at all. Similarly, the state must have citizens who are concerned with truth and right in the form of patriotism. If it lacks such people will it too disintegrate? If it does, could the civil service become, rather than servants of truth, servants of any unreasonable regime?

Karl Marx and Max Weber both offer criticisms of Hegel's civil service that imply a problem with the education he describes. Marx's criticism focuses on reality as opposed to theory and claims that what is actual is not always what is rational. Steven Smith summarizes it as follows: "[W]hatever liberal theory may say, liberal practice is something else.... To expect some to rule for the sake of others is to create utopian expectations."<sup>116</sup> Weber's critique focuses on rationality. As it develops, rationality will lead inevitably to centralization and efficiency.

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<sup>115</sup> Ibid, §260.

<sup>116</sup> Smith, 150–51.

Bureaucracy will not lead to freedom but become the “primary enslavement of modern man.”<sup>117</sup>

If Hegelian education is to prove these criticisms unfounded, it must be able to actualize truth and free individuals from the “rationalism” of unthinking bureaucracy. Therefore, education in truth and right is central to the functioning of the Hegelian state and indeed to the truth of Hegel’s political philosophy. Unfortunately, Hegel gives his readers only a skeletal account of the education that must accomplish so much.

## 2.5 A Spiritual Education According to Right

The education necessary to the correct functioning of the civil service (and of the state), Hegel explains, is not simply book learning but “*an education in ethics and in thought*.”<sup>118</sup> It is meant to be combined with an education in what Hegel terms the “so-called sciences” that are “required” and “appropriate” for conducting the business of administering the executive bureaucracy. However, unlike ordinary scientific learning, this ethical and theoretical education will be “*spiritual*,” that is, in accord with reason and the spirit or *Geist* that actualizes world history.<sup>119</sup> As Hegel asserts, “[S]ince spirit in and for itself is *reason*, and since the being-for-itself of reason in spirit is knowledge, world history is the necessary development, from the *concept* of the form of spirit alone, of the *moments* of reason and hence of the spirit’s self-

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<sup>117</sup> Ibid, 151.

<sup>118</sup> Hegel, *Elements of the Philosophy of Right*, §296.

<sup>119</sup> Ibid.

consciousness and freedom. It is the exposition and the *actualization of the universal spirit*.”<sup>120</sup>

Hegel implies but does not expressly say that this “spiritual education” will allow educated individuals to know their own mind and to live in accord with the universal spirit—the same spirit the actualization of which is world history.<sup>121</sup>

World history, Hegel asserts, is beyond “justice, virtue, wrongdoing, violence, vice, the small passions and the great. ... [I]n it, that necessary movement of the Idea of the world spirit which constitutes *its* current stage attains its *absolute right*, and the nation which lives at this point, and the deeds of that nation, achieve fulfillment, fortune, and fame.”<sup>122</sup> The universal interest or will becomes realized, actualized, through world history. This is not merely a possibility but an eventuality. For world history is a “court of judgement” which brings forth universality from subjectivity—just as the organization of the state allows the subjective interests of the people to become, through the mediation of the executive branch, the universal interest of the state. Like the creation of the state, world history is also a necessity—not of “blind fate” but of reason. We need not, therefore, wonder whether the state in its perfected form will come to be. We need not worry that the civil service will disintegrate into unreasoning bureaucracy. We need not be concerned that people will remain uneducated. That truth and freedom will be realized in the world through the development of the state is a certainty. When that will happen, at or after the end of history, is a different question.

Education *in ethics and thought* accompanies the progress of world history toward the moment of the “*actualization of the universal spirit*.” Hegel explains that those who will receive

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<sup>120</sup> Ibid, §342.

<sup>121</sup> Ibid, §342.

<sup>122</sup> Ibid, §345.

this education are the same people who might become members of the executive civil service and who may go on to fill the highest offices of the executive branch. These are the members of the middle class—a group that in a well-ordered state will be quite large. They “embod[y] the educated intelligence and legal consciousness of the mass of the people.” It is these people who will be trusted to administer the interests of the people as a whole and bend them towards the universal goals of the state. But just as civil servants help control the estates, they are similarly controlled from above by the sovereign and from below by civil society, and they are therefore able to do good rather than “adopting the isolated position of an aristocracy and ... using [their] education and skill as arbitrary means of domination.”<sup>123</sup>

Hegel’s checks and balances are necessary because, until the time when the universal spirit is actualized and world history reaches its conclusion, the state will not always be organized perfectly, people will not always behave professionally, and they will not have been given perfect spiritual/rational educations. In short, people will not always be reasonable, nor will they always understand their freedom to be compatible with the good of the state. Until the end of history, the state will not be fully realized and the age-old tension between the individual and society, the man and the city, will remain. A well-organized state will restrain errant desires, mistaken civil servants, and selfish groups, and redirect this energy toward the good of the state. Good education will prompt the middle class to act more reasonably—to understand the necessity and natural goodness of the state, and to be more in tune with the universal spirit. When the state is perfected, checks and balances will be unnecessary. People will come to know their own will and to understand their own freedom as being consistent with the promotion of the universal will.

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<sup>123</sup> Ibid, §297.

Education is the key to reducing the time it will take for the universal spirit to be actualized and for human history to reach the ideal moment in which reason will triumph. We may add that it is key for the fulfillment of Hegel's promises. Once the ideal moment is reached and this education is complete, then and only then can human beings be free and live according to right. But education of this kind must solve a persistent problem: the individual is not likely to be perfectly reconciled to a larger whole that gives one's life meaning if he experiences the universal concerns of the state as an imposition. Patriotic education must feel natural if it is to avoid seeming despotic, as the ministrations of the American bureaucracy sometimes do when their concerns overlap with those of private organizations.

Why, then, in a book entitled *Elements of the Philosophy of Right*, which details the correct organization and orientation of the state, which explains the natural necessity of that state, and which describes the happy moment when the universal spirit triumphs in the world, are there only a couple of sentences that explain this education? Why are we left with a mysterious comment about a spiritual education in "ethics and thought" that will be given to the middle class and help perfect the state? It seems that the answer to this question is the book as a whole. The education Hegel alludes to is the one his reader is undergoing or completing. It is an education in the "Philosophy of Right". In his famous *Introduction to the Reading of Hegel*, Alexandre Kojève writes, "[A]bsolute Knowledge' is nothing other than the complete System of Hegelian philosophy of 'Science'...."<sup>124</sup> As we have learned, only the philosopher at the end of history will have "absolute knowledge," but we might infer that an education in ethical thought would be a popularized version of this knowledge. According to Hegel, we have not reached the end of

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<sup>124</sup> Alexandre Kojève, *Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit*, ed. Allan Bloom, trans. James H. Nichols, Jr. (Ithaca: Cornell University Press, 1969), 31.

history. The ideal moment has not been accomplished. His project is to bring this moment closer to his own time, by educating his readers, by making us the people who can be members of the executive civil service—rational patriots who have at least some understanding of the universal will, some care for the state.

The question that remains, however, is: has Hegel's education worked? The obvious answer to this question is no. The world has not become substantially more reasonable since Hegel published his book. People have not become less selfish. The conflict between the individual's subjective interests and the universal interests of the state remains frequent and intense in every community in every country around the world. Perhaps Hegel's education has failed in part because Hegel's philosophy is very difficult to understand. This is obvious not only to any reader of Hegel but also in the philosophical tradition that has followed him. Almost immediately after his death his students began interpreting his thought in different ways, leading to new schools of "right" and "left" Hegelians, and arguments that continue today about the meaning of Hegel's philosophy, his politics, and his relationship to liberalism. In the beginning of *Understanding Hegelianism*, Robert Sinnerbrink comments, "Hegelian and anti-Hegelian currents of thought shaped some of the most significant movements in twentieth century European philosophy, from existentialism, Marxism and phenomenology, to critical theory and poststructuralism."<sup>125</sup> Today there has been a resurgence of interest in Hegel promoted perhaps most by the work of Alexander Kojève, Robert Pippen, and Charles Taylor, which can be digested more easily than Hegel himself. But this is an academic resurgence. It cannot be said that most of the modern middle class reads Pippen or Taylor, much less Hegel. It is impossible to imagine all civil servants being required to read these works. Moreover, if they were required to

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<sup>125</sup> Robert Sinnerbrink, *Understanding Hegelianism* (Trowbridge: Cromwell Press, 2007), vii.

do so it is hard to imagine that their reading would imbue them with knowledge of freedom and truth that would seem to all of them natural and right.

But this concern does not disprove Hegel's claim in the *Philosophy of Right*. In fact, it may be impossible to disprove his philosophy of right. For although he believed that his own state of Prussia contained elements of the rational state, nowhere does he say how long world history might take to progress. He does not give his readers a timeframe at the end of which they can rest satisfied. Since we cannot know how long world history would take in the absence of or even with Hegel's writing, we cannot judge whether his writing has had an effect.

World history might take centuries upon centuries to reach the ideal moment in which reason is actualized in the world. But even if Hegel is correct about the progress of history, his philosophic claims still seem problematic. He is writing for human beings, and human beings are mortal—their concerns are, for the most part, influenced by their own mortality. Human beings recognize that as individuals each is an imperfect kind of whole with its own end and whose life has therefore its own shape or character. They are at the same time members of larger wholes, including the state, but their mortality hinders them from seeing themselves as simply parts of the larger, historical unity. Human beings are equivocal beings—both parts and wholes. It seems difficult to ask individuals to govern for the common good, but it seems even more difficult to ask mortal beings to work for the fulfillment of truth and freedom in the far distant future after their own demise. Even if we accept Hegel's argument, we are still left with the problem of how *we* can be free? How can the state represent the universal interest *today*? How can reason triumph in *our* age? Hegel may be right about the limitations of Plato and of Aristotle, of Hobbes and of Locke, but he seems to ignore the subjectivity inherent in men because of their mortality.

## 2.6 Conclusion

Hegel's science of philosophy and his vision of the mature state provide an understanding of the bureaucratic civil service as a necessary part of the perfected state, a natural part of human life and a tool for the actualization of truth and freedom in the modern world. His work also asserts that bureaucratic administration is part of a necessary historical development. The truth of individuality and universality will be revealed and reconciled both in philosophy and in the institutions of the state. The state will bring together the individual and society, the particular and universal in one unified whole. The civil service will act to administer that unity in accord with the votes of the people (understood as the estates) and the decisions of the sovereign, and in order to achieve "what is best." These civil servants will be the product of an education that simultaneously teaches them to obey the rules of their office and to understand the needs of the state and the business of government. They will be patriotic individuals who understand the fulfillment of their own needs to be dependent on the correct functioning of the state and who can put aside merely private interests in the course of their own duties.<sup>126</sup>

But, as we have seen, Hegel's assertions depend on the validity of his understanding of reason and of history. Hegel, as Leo Strauss comments in *Natural Right and History*, teaches "that every philosophy is the conceptual expression of the spirit of its time, and yet he maintained the absolute truth of his own system of philosophy by ascribing absolute character to his own time."<sup>127</sup> Hegel asserts that his place in history has allowed him to articulate the truth in his philosophy. His work does not create truths but reveals them—actualizes them in the realm of

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<sup>126</sup> Hegel, *Elements of the Philosophy of Right*, §287–97.

<sup>127</sup> Strauss, 29.



philosophy, that is, the realm of knowledge.<sup>128</sup> But he also asserts that the truth is not merely theoretical, but practical.<sup>129</sup> And this assertion gives us grounds on which to question Hegel's political philosophy from the vantage of our own experience.

Hegelian philosophy is attractive and some parts of it have evident validity. For the student of philosophy, it would be encouraging to think that the great philosophers have each articulated a part of the ultimate truth—and indeed to know that this ultimate truth exists. Machiavelli's rejection of the “imaginary republic”<sup>130</sup> is strikingly at odds with Plato's elaboration of the “city in speech.”<sup>131</sup> Hobbes's denial that there is a *sumum bonum* is incompatible with the claim that the idea of the good gives intelligibility to what is.<sup>132</sup> And Descartes's rejection of final causes<sup>133</sup> contradicts Aristotle's approach to the study of natural beings.<sup>134</sup> Yet the idea that they each articulate something true is also reasonable. Full reconciliation between them is an exciting and intriguing thought. But it is not obviously possible, and even in Hegel's philosophy one would not obviously recognize Aristotle, Plato, Hobbes, or Decartes as they appear on their own terms. Instead one must accept that Hegel, because of his position in time, was able to see and retain what is true in each philosophical account while

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<sup>128</sup> Hegel, *The Phenomenology of Mind*, 3–9.

<sup>129</sup> Hegel, *Elements of the Philosophy of Right*, preface.

<sup>130</sup> See Niccolò Machiavelli, *The Prince: Second Edition*, trans. Harvey C. Mansfield (Chicago: University of Chicago Press, 1998), 61.

<sup>131</sup> See Plato, *The Republic of Plato*, trans. Allan Bloom (New York: Basic Books, 1968), especially 369c7.

<sup>132</sup> See Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge, Cambridge University Press, 1996), especially p.70.

<sup>133</sup> See Meditation 4 in Renè Descartes, *The Philosophical Writings of Descartes, Volume II*, eds. and trans. John Cottingham, Robert Stoothoof, and Dugald Murdoch (Cambridge: Cambridge, University Press, 1984), 39.

<sup>134</sup> See Aristotle, *Physics*, trans. Robin Westerfield (Oxford: Oxford University Press, 2008).

articulating his own philosophy. This is believable only if one accepts that Hegel's epoch (in conjunction with his ability to think philosophically) allowed him insight unavailable in the past. But this is hard to accept in its entirety because interpreters of Hegelian philosophy are unable to come to an agreement about what this would mean, and because the practical part of Hegel's thought has not yet been realized.

Hegel's political philosophy, which is but a part of his overall vision, is at once especially attractive and yet disappointing. It is attractive, perhaps particularly to those of us living in a modern democratic republic, to believe that the state can administer truth and freedom. For the people writ large it would be reassuring to know that history progresses toward the actualization of freedom and that reason rules world history. Moreover, the idea that seeming opposites must come together in truth affirms the way human beings live; most assume that science, religion, political justice, and personal loyalty are all truths of some kind—although it is not clear that many modern individuals believe there is one ultimate truth that can resolve the tensions between these sometimes incompatible claims. However, history since Hegel has also shown us that the modern state can be used for evil as well as good, and it remains unclear that progress toward freedom is the inevitable course of world history. After all, the two hundred years since Hegel's death have seen the rule of Hitler in Germany, the terror of the Stalinist regime, and the perpetuation of communist-ruled China. Monarchies are no longer common, but bureaucratic administration, while adopted widely, has been used for mass murder as well as to promote the well-being of societies.

Hegel's science of philosophy provides an articulation of scientific philosophy that denies the need for a fact-value distinction of the kind Weber will later promote. Instead, it supports the idea that truth is present to some degree in human opinions, feelings, faith, universal

theories, and scientific exploration. In this way Hegelian philosophy acknowledges what most humans implicitly believe—that “values” are not arbitrary but reflect, however dimly, the truth. It is also clear that some of Hegel’s descriptions of political life correspond to contemporary experience. In everyday activities modern citizens understand themselves to be members of the state and know that the state provides them with necessary security, law, and opportunity. They are therefore willing to give up certain liberties in order to take advantage of the state’s protection and benefits. Still, Hegel’s state does not seem to have been fully realized in the world. There remain obvious examples in which individuality and particularity are irreconcilable with the needs of the society and the good of the state. The family does not simply dissolve into civil society, and civil society does not always submit easily to the dictates of the state. The mother does not always find complete comfort in the idea that her son died for the protection of the state. The environmentalist is not always satisfied by the state’s protection of the earth combined with its concern for the economy. The civil servant is not always able to understand the relationship of his own duties in accord with the overall good of the state.

Hegel’s outline of a spiritual rational education in ethics and right is, perhaps, the most compelling of all of his suggestions. But it is also the most questionable and problematic. His description of this education is at best incomplete and leaves his readers to wonder about its nature as well as its pedagogy. Moreover, our own experience makes clear that this education has yet to be achieved by most people, and perhaps most obviously by those who need it most: the members of civil service and the officers of government. Without that education, Hegel’s promises seem to leave us with nothing more than Weberian bureaucracy: a set of civil servants who for the most part follow rules they do not understand, who are rational without using reason, and who administer directives without knowing (or even considering) whether they are true or

good. Perhaps these objections are merely manifestations of the adolescence of the last epoch and Hegel's state will still come to be. But if we cannot educate the members of the civil service as Hegel recommends in our own state and in our own time then, for us at least, Hegel has not solved the problem of retaining the human activity of politics under a bureaucratic administration.

Hegel's description of the civil service as part of the perfected state, or what might be called the best regime, as necessary to the actualization of truth and freedom in the world, seems unable to teach us mortal beings to behave politically. It does not explain to us the nature of politics independent of the state's actualization in the world. The state is evaluated by its citizens based on its public practices. Practical and reasonable humans are political; they are not technocrats. Reason is not merely a technique, a method, a set of rules that experts decree from a scientific island. Politics requires acting and interacting with other humans—ruling and being ruled. The modern state has obscured our understanding of politics, at least as it was understood originally in the ancient Greek *polis*. As Hannah Arendt notes in her essay “Introduction *Into* Politics” contemporary use of the word “political” is imprecise at best. Indeed, it is unclear whether human beings any longer engage in political activity at all.<sup>135</sup>

To rethink the nature of politics in its full sense we must return to political philosophy, which discusses not bureaucracy and the state, but politics unencumbered by these modern institutions. Hegel tells us that the epoch of ancient Greece was one of “Beautiful Freedom,” the “realm of true harmony—the world of the most charming but evanescent and quickly fading blossom; not yet a conscious morality, but a spontaneously ethical life in which the will of the individual stands firm upon the unmediated custom and habit that prescribes what is just and

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<sup>135</sup> Hannah Arendt, *The Promise of Politics*, ed. Jerome Kohn (New York: Schocken Books, 2005), 97.

lawful. The individual is thus in a naïve unity with the universal aim of society.”<sup>136</sup> This is a beautiful description of ancient political philosophy, but it is also an interpretation of the ancients within the context of Hegelian philosophy and world history. To understand the unity of the individual and the polis described here by Hegel, and indeed to see for ourselves whether such a unity existed or can exist, we must turn to the ancient Greeks themselves. Investigating politics through Aristotle’s political philosophy will allow us to gain insight into the nature of political life unmediated by the institutions of the state and another perspective on the just relationship between the individual and the political community.

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<sup>136</sup> Hegel, *Introduction to the Philosophy of History*, 95.

### 3.0 Chapter Three: Aristotle's Political Dialogue

“So it is clear that, with regard to the regime, it belongs to the same science to study what the best regime is, and what quality it should have to be what one would pray for above all, with external things providing no impediment; which regime is fitting for which cities—for it is perhaps impossible for many to obtain the best; so neither the one that is superior simply nor the one that is best that circumstances allow should be overlooked by the good legislator and the political ruler in the true sense.”<sup>1</sup>

—Aristotle, *Politics*

It may seem a strange choice to look to the writings of Aristotle for clarity about bureaucratic administration. It is hard to see what Aristotle can teach us about our own time and our contemporary political puzzles. As Marguerite Deslauriers and Pierre Destrée have written in their introduction to *The Cambridge Companion to Aristotle's Politics*, “[O]ne might suppose the *Politics* to be only of historical interest and its questions to have no bearing on our political lives.”<sup>2</sup> Aristotle wrote and lived over two thousand years ago, before the age of bureaucracy and indeed of the modern state. More importantly his political philosophy focuses explicitly on the *polis*, or Greek city-state, which bears little resemblance to the modern state.<sup>3</sup> He describes the city as “the complete community” in contradistinction to the nation (*ethnos*), which is merely the extension of the household, and to the large empires of the barbarians.<sup>4</sup> Finally, his treatment of

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<sup>1</sup> Aristotle, *Politics*, trans. Carnes Lord (Chicago: The University of Chicago Press, 1984), 1288b22–28.

<sup>2</sup> Marguerite Deslauriers and Pierre Destrée, eds., *The Cambridge Companion to Aristotle's Politics* (Cambridge: Cambridge University Press, 2013), 1.

<sup>3</sup> Aristotle, *Politics*, trans. Ernest Barker, rev. R. F. Staley (Oxford, Oxford University Press, 2009), X–XVI.

<sup>4</sup> Aristotle, *Politics*, trans. Lord, 1252b27, 1252a25–1253a40.

administration and hierarchy is limited to a short discussion of the offices and powers, which serves more to explain his treatment of regime types than to investigate types of administration.<sup>5</sup>

However, the questions Aristotle writes about are precisely those with which we should be concerned if we are to understand the effect of bureaucracy on politics: to understand what bureaucracy adds to or subtracts from politics we must have some conception of what political life is or is meant to be. Aristotle's political philosophy investigates who ought to rule and the nature of the best regime. He asks who ought to be a citizen and whether the serious citizen is the same as the good man. He is concerned with the nature of political justice and with the longevity of political communities. As Deslauriers and Destrée go on to assert, "Many of the political ideas that seemed important to him continue to hold interest for us: justice and the law; the status of the citizen; participation in the affairs of the political community as an obligation and privilege; human flourishing or happiness; and public education."<sup>6</sup> Without considering these fundamental topics and their implications for human life within a political community one would be hard pressed to understand the latest trends in ruling or governing and the relationship of the modern citizen to his or her state. Aristotle provides compelling answers to two questions at the foundation of any political examination: "What is political activity?" and "How can such activity be maintained?"

Aristotle's investigations are helpful to this study of bureaucratic government especially because they are unencumbered by discussions of the modern state or modern history. In offering us a discussion of politics that focuses on enduring political questions, Aristotle can help us to understand what might be missing from modern politics and political science. As Mary Nichols

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<sup>5</sup> See Ibid, 1289b27-1296b15.

<sup>6</sup> Deslauriers and Destrée, *The Cambridge Companion to Aristotle's Politics*, 3.

states, Aristotle “offers a view of citizenship missing from contemporary liberalism.” He provides “a theory of political life that speaks to us today—an alternative to liberal theories that leave little room for either community and the political participation of the people or for the political recognition of experience and distinction.”<sup>7</sup>

The difference between Aristotle’s writing and that of Hegel or Weber is clear from the way he opens his two most famous works of political philosophy: The *Nicomachean Ethics* and the *Politics*. Aristotle begins both works with the idea that all human activity aims at “some good”—an idea Aristotle states is supported by common opinion. “Every art and every inquiry, and similarly every action as well as choice,” Aristotle comments at the beginning of the *Ethics*, “is held to aim at some good.”<sup>8</sup> The *Politics* begins with a corresponding statement about political communities: “[I]t is clear that all communities aim at some good and that the community that is most authoritative of all and embraces all the others does so particularly, and aims at the most authoritative good of all.”<sup>9</sup> These opening claims are extraordinary when compared to the clinical science of Weber’s definitions or even Hegel’s description of political life in institutional and historical terms. Aristotle invites his readers to consider the nature of the good, to reflect on whether their own lives and their political communities live up to this commonly understood goal, and to begin their philosophical education from the perspective of their own and common opinion. His later treatment of political activity and the regimes that

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<sup>7</sup> Mary P. Nichols, *Citizens and Statesmen: A Study of Aristotle’s Politics*, (Maryland: Roman and Littlefield Publishers, 1992), 5.

<sup>8</sup> Aristotle, *Nicomachean Ethics*, trans. Robert C. Bartlett and Susan D. Collins (Chicago: The University of Chicago Press, 2011), 1094a1.

<sup>9</sup> Aristotle, *Politics*, trans. Lord, 1252a2–6.



support it builds upon this invitation. In book three of the *Politics* Aristotle invites his readers to bear witness to an argument between democrats and oligarchs in which each asserts the justice of their rule. The common opinions of these groups contain real claims to justice, which Aristotle reveals, and yet each reflects a limited view of justice. Common opinion then is a place to begin, but justice demands that it be amended through discussion.<sup>10</sup> The type of regime Aristotle later recommends as perhaps the best *realizable* political order, combines the claims of oligarchs and democrats in the institutions and functions of the polity, such that, not only are their different claims to justice treated as legitimate (though partial), but also they are forced to continue their discussion about justice as a part of the ordinary workings of their government.<sup>11</sup>

Aristotle's emphasis on ultimate ends combined with his later investigations into the best life and the best regime have led some scholars to criticize Aristotle, as Hegel criticized Plato, for being too theoretical<sup>12</sup>: Aristotle seems to be interested in the highest end of human life and of politics without being grounded in the real and the possible. But Aristotle does not claim that all that is "held to be good" is actually good; in fact, he denies that all political communities can be governed by the best regime, and similarly that all human beings can understand or participate in the best life. While Aristotle's political philosophy is full of judgments about what is virtuous or vicious, noble or ignoble, good or bad, he does not say that what is best is always possible.<sup>13</sup>

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<sup>10</sup> Ibid, 1280a6-1283a24.

<sup>11</sup> Ibid, 1293b24-1297a15.

<sup>12</sup> In the introduction to the *Elements of the Philosophy of Right*, Hegel derides Plato's *Republic* as a "proverbial example of an *empty ideal*." See G.W.F. Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood (Cambridge: Cambridge University Press, 1991), preface.

<sup>13</sup> See Robert C. Bartlett, "The 'Realism' of Classical Political Science," *American Journal of Political Science*, vol. 38, no. 2 (May 1994), 381–402, <https://www.jstor.org/stable/2111409>. See also Mary P. Nichols and Robert C.

What Aristotle does demand is that we consider what might be best with a view to coming closer to enacting it. Especially when combined with his openness to public opinion, this aim becomes, at least in degrees, attainable. Unlike the technical superiority promised by bureaucracy, or the rational perfection of the Hegelian state, Aristotle's descriptions of true political activity are oriented to the way that people actually think and act. The demand that opinionated individuals and groups recognize one another is realistic and recognizable. The hope that they can do this within the peace and security of a political order is something at which to aim. Bureaucratic rule, by contrast, does not begin from ordinary opinion or activity, nor does it acknowledge that common people may have a claim to govern. Because of these assumptions bureaucratic government can ignore genuine claims on the part of the citizenry and be culpable of misrule if not tyranny.

Unlike Hegel, Aristotle never intimates that a state can exist where freedom is fully actualized in the world, or that a community can exist in which the "free particularity of the individual" is allowed to flourish along with the "actualization of universal right."<sup>14</sup> Aristotle's political philosophy is as much about the limits of the political community as it is about its goals. The recognition of limitations is one of the essential constituents of politics or at least of political philosophy. Politics is precisely not theoretical but practical and actual. According to Aristotle, it belongs to political philosophy to "study what the best regime is, what quality it should have to be, what one would pray for above all ...[and] which regime is fitting for which cities—for it is

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Bartlett, "Aristotle's Science of the Best Regime," *The American Political Science Review*, vol. 89, no. 1 (March 1995), 152–160, <https://www.jstor.org/stable/2083082>.

<sup>14</sup> Hegel, *Elements of the Philosophy of Right*, §260.

perhaps impossible for many to obtain what is best.”<sup>15</sup> This goal informs political activity: politics is characterized by the deliberate pursuit of a human life that is superior to the merely natural life of pre-political human beings. I therefore turn to Aristotle in order to explore the possibilities and the limits of politics when separated from the modern state and its bureaucratic administration.

This chapter will describe politics as Aristotle presents it with its limitations as well as its aspirations. This study will have three parts. The first section will examine Aristotle’s treatment of the best regime and the “serious” citizen to understand his notion of citizenship and the citizen’s relationship to the best possible form of government. Second, I will examine Aristotle’s mode of discussing politics and the practical suggestions he offers through his treatment of democracy, oligarchy, and the regimes of “polity” and of the middle class. Thirdly, in light of these inquiries, I will explore the origins of political life as characterized by Aristotle in order to consider the nature of political life and the political community, especially with a view to what is central to politics. Together these investigations will provide an outline of the fundamental characteristics of political life as Aristotle presents it—both for the individual and for the community. I will do this with the intention of considering in subsequent chapters whether the classical notion of politics still exists, or indeed can exist, within the modern state, and especially alongside American institutions and bureaucratic administration.

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<sup>15</sup> Aristotle, *Politics*, trans. Lord, 1288b23–26.

### 3.1 Aristotle's Treatment of the Political Problems

Aristotle's method of writing does not rely on a scientific methodology as does Weber's, nor does he explicitly fit his arguments into a comprehensive "science of philosophy," as does Hegel. Instead, Aristotle's political philosophy begins from common opinion, breaking down problems into their fundamental parts. This does not mean that Aristotle lacks a teaching or an argument, but that his works illuminate commonly held opinions, including their problems and inconsistencies, while identifying what is best for human beings as well as what is possible. His work does not supplant ordinary dialogue with a contrived approach to the subject matter, but makes use of speech and dialogue—the same means by which peaceful resolution of differences is achieved in political life.

Joe Sachs characterizes Aristotle's work in the following way: "Aristotle's writing always undertakes the work of the learner, for whom the preliminaries have not been fully settled and the consequences are not yet fully determined. The totality of such inquiries is not like a map from which coordinates can be taken, but more like a living community, in which all the interactions of the part and whole are mutual."<sup>16</sup> Carnes Lord compares Aristotle's work to the dialogues of Plato, citing Aristotle's reliance on "dialectical argumentation—that is a quasi-conversational mode of inquiry that begins from premises embedded in common opinion..."<sup>17</sup> Thomas Pangle begins his commentary on the *Politics* with the assertion that "the political-philosophic *substance about which* Aristotle seeks to educate us cannot be disentwined from the

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<sup>16</sup> Aristotle, *Metaphysics*, trans. Joe Sachs (Santa Fe: Green Lion Press, 2019), 4.

<sup>17</sup> Leo Strauss and Joseph Cropsey, eds., *History of Political Philosophy, Third Edition* (Chicago: The University of Chicago Press, 1987) 120.

artfully educative *activity in which* Aristotle is engaged, and into which he seeks to draw us...”<sup>18</sup>

As these descriptions suggest, Aristotle’s own mode of investigating and presenting his arguments can be considered a part of his political philosophy—his teaching is not separable from the way he teaches. Reading Aristotle’s work is a very different experience from reading Weber’s *Economy and Society*. Weberian social science is a set of findings, the conclusion of scientific inquiry, not a class in which one learns how to practice sociology. It begins from Weber’s conclusions and ends with his evidence for them. It rejects the idea that social or political science should make judgments on how human beings ought to act. Even Hegel’s work, which is meant as an education in a way the Weber’s work is not, does not encourage readers to consider what might be true or just in their own opinions. Hegel’s work seeks to enlighten his readers; Aristotle converses with readers and takes seriously commonly held beliefs, even as he seeks to expand the understanding of his students. Aristotle’s work requires the active participation of the reader—it is an education in the active sense of the word. His style mirrors his teaching because for Aristotle politics is not a perfect state of being or a collection of historical examples. It too is an activity, supported no doubt by law, but which in all cases must be engaged in. Politics is an activity characterized by problems it cannot solve fully but must repeatedly address. Bureaucracy cannot treat these problems because, by assuming that bureaucrats can restrict their activity to administration, it presumes that these problems do not exist under bureaucratic conditions.

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<sup>18</sup> Thomas L. Pangle, *Aristotle’s Teaching in the Politics* (Chicago: The University of Chicago Press, 2014), 1.

Italics from the original.

### 3.1.1 The Problem of the City

*The Politics* opens with an assertion about the political community that simultaneously demands the reader's involvement and assumes common agreement:

Since we see that every city is some sort of community, and that every community is constituted for the sake of some good (for everyone does everything for the sake of what is held to be good), it is clear that all communities aim at some good, and that the community that is the most authoritative of all and embraces all the others does so particularly, and aims at the most authoritative good of all. This is what is called the city or the political community.<sup>19</sup>

Aristotle describes the political community as *the* human community, and the end at which it aims, even if it does not fully achieve, is the “most authoritative good of all.” This description relies on the reader's preconceptions about the ultimate aim of community and of politics.

Aristotle assumes that “everyone does everything for the sake of what is held to be good” but he leaves to the reader's opinion what ends one ought to seek. Simultaneously Aristotle warns his readers that what is “held to be good” may not always be good in reality, introducing the idea that our own opinions might need to be revised. This opening allows readers to assume certain things about the political community, while warning us that these assumptions might have limitations. Yet Aristotle's statements also have a clear positive argument: to be truly political communities must aim at the authoritative good. Cities that do not have this aim misunderstand their existence, and act in opposition to their very natures. As the *Politics* opens, we, as readers, are presented with a goal for politics—the authoritative good in accord with nature—and a

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<sup>19</sup> Aristotle, *Politics*, trans. Lord, 1252a–7.

potential problem—political communities do not always, and we might infer, rarely, achieve this end.

Book One focuses on politics from the point of view of nature: what human beings are and what they need from a political community. Only pages after his opening statement that all communities are “constituted for the sake of some good” and that the political community “aims at the most authoritative good of all,”<sup>20</sup> Aristotle begins a discussion of the city that leads him to conclude that:

[T]he city belongs among the things that exist by nature, and ... man is by nature a political animal.... For as we assert, nature does nothing in vain, and man alone among animals has speech. ...[S]peech serves to reveal the advantageous and the harmful, and hence also the just and the unjust. For it is peculiar to man as compared to all other animals that he alone has perception of good and bad, just and unjust and the other things of this sort; and community in these things is what makes a household and a city.”<sup>21</sup>

Human beings naturally have opinions about what is good and bad. In the political context these opinions can deepen into and include those about justice and injustice. Aristotle tells us that the household arose from the natural connection of men and women and that of master and slave: “The household is the community constituted by nature for the needs of daily life.”<sup>22</sup> Yet it is not the household or even the village (which Aristotle describes as an outgrowth of the household) that constitutes a “complete community.” The city is the community that reaches self-

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<sup>20</sup> Ibid, 1252a2–6.

<sup>21</sup> Ibid, 1253a1–20.

<sup>22</sup> Ibid, 12152b11–13.

sufficiency; more importantly, it allows for “living well.”<sup>23</sup> Aristotle goes on to assert that while the city is made up of villages, and therefore of households, it is also “prior by nature to the household and to each of us.” By nature, all human beings need the city—it provides for the needs of the body and allows for human beings to fulfill their natural capacity for political life. “Justice is a thing belonging to the city. For adjudication in an arrangement of the political community, and justice is judgment as to what is just.”<sup>24</sup> Justice and injustice can be communicated only within the city and in the public realm. To engage in politics—in any way—is to make “value” judgments.

The city is necessary for the fulfillment of human nature, but is also created by human beings. Aristotle tells his readers that “there is in everyone by nature an impulse toward this sort of community. And yet he who first founded one is responsible for the greatest of goods.”<sup>25</sup> In other words, discussions of justice and injustice are natural to human beings, yet they require certain preconditions: those offered by the political community and the founder or founders of it. The political community too is natural, yet it must be founded. In political community human beings find the expression of their nature, yet behaving according to nature is not inevitable. Human beings must learn how to act politically—how to engage most fully in questions of justice and injustice, how to listen to opinions beyond their own, and how to revise their opinions in light of other perceptions and even truths.

The tension between the possibilities of political life and its limitations is visible in Aristotle’s opening statements about the city and about human nature. The idea that man is by

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<sup>23</sup> Ibid, 1252b27–31.

<sup>24</sup> Ibid, 1253a38–39.

<sup>25</sup> Ibid, 1253a25–26.



nature political, coupled with the assertions that “the city is thus prior by nature to the household and to each of us...” and that all political communities aim “at the most authoritative good of all,” implies that politics, like procreation, is simply a natural part of human life. In response to these ideas, Thomas Pangle comments, “Aristotle is evidently determined to begin by viewing politics in the light of its highest and most comprehensive claims...”<sup>26</sup>. A complete and fulfilled life for a human being, it would seem, is political. When allowed, or perhaps taught, to engage in political activity the individual might seem to have no conflict with the political community that allows the fulfillment of human nature. According to this picture Hegel’s state is not necessary for the alliance of individual and community, or indeed for Right to rule the world. But this optimistic view of political life misses the hints Aristotle gives that all things understood or “held” to be good are not always good in reality, and it ignores Aristotle’s surrounding discussion of city formation, households, slavery, and women—a discussion which implies that that politics is constrained by necessities that introduce injustice.

In “Civic or Human Virtue in Aristotle’s *Politics*,” Robert Goldberg lays out clearly the implied warnings of Aristotle’s seeming praise of the political community. “The argument in support of the view that the city aims at the highest human good rests in part on the promise that everyone does everything for the sake of what *seems* good. Is the good the city aims at then a *genuine* good or only a *seeming* good?”<sup>27</sup> Not all political communities aim at the same good, and some of these seeming goods are, in reality, better than others. More tragically, is it not

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<sup>26</sup> Thomas L. Pangle, *Aristotle’s Teaching in the Politics*, 25.

<sup>27</sup> Timothy W. Burns, ed., *Recovering Reason: Essays in Honor of Thomas L. Pangle* (New York: Roman and Littlefield Publishers, 2010), 129.

possible at least in principle that no political community correctly intuitively the most authoritative good?

Goldberg offers another potential complication: “Aristotle calls the city the most authoritative community and the most comprehensive. But notice that he calls the good the city pursues only the most *authoritative*; he does not call it *comprehensive*.”<sup>28</sup> Does this good then require the sacrifice of other (important) goods? Might it require the sacrifice of the good of some individuals or households? In all political communities? Does being political animals mean that human beings fit perfectly into their political communities? And even if they do, Goldberg concludes, “Aristotle does not say that the city achieves the apparent good it pursues....”<sup>29</sup>

Political life might simply be a striving toward a never accomplished goal, and this goal may be very far from the lived reality of the members of all political communities. Indeed, what would it mean for a good to be “authoritative” is unclear. Is this good simply the greatest good, or is it that good which exerts authority over all others? The good of the whole or the common good is not necessarily the highest good for each individual or the highest possible human good. Yet, the political environment, the city, may be a necessary condition for the emergence as goals of the goods that exceed what the city achieves. The existence of slavery is a clear reminder that the city, or more specifically, its authoritative part can exert compulsion that inhibits the pursuit of the good of its individual members. Even without the institution of slavery, the enforcement of laws exhibits this tendency, and without law it this tendency is even worse.

Aristotle’s discussion of slavery and of women reinforces the problem of force in relation to political justice. He begins by examining slavery, starting with a discussion of possessions in

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<sup>28</sup> Ibid, 129.

<sup>29</sup> Ibid, 130.

general and then turning to the idea of a human being as a possession or “part.” “Whether it is better and just for anyone to be a slave or not, but rather all slavery is against nature, must be investigated next.”<sup>30</sup> Already Aristotle suggests that the relationship between master and slave might be more complicated than it seems in his first description of the joining together of master and slave as a natural part of the formation of the household. In considering these passages Mary Nichols asks, “Must human beings violate the nature of others in order to survive and to realize their natural potential?”<sup>31</sup> If the answer to her question is yes, then is political life an articulation of the injustice of human nature and of life in the political community? Does speech merely provide an outlet for the injustice that cannot be prevented?

Aristotle continues by exploring the one kind of slavery that he argues can be understood as just unequivocally. A natural slave, he explains, ought to have a master because he “by nature ... is capable of belonging to another ... and [he] participates in reason only to the extent of perceiving it but does not have it.”<sup>32</sup> It is, therefore, the ability to reason which fits an individual to rule himself and the lack of reason that makes it suitable and even necessary for him to “belong” to another. Aristotle does not give any examples of individuals who would fit this description, but in the next chapter he asserts that the word “slave” has two meanings: that of the natural slave and that of the “slave by convention” or law<sup>33</sup> The latter has become enslaved by contract or as the result of some kind of force—and here there is no reference to the power of reason on behalf of the slave or the master. Conventional slavery can be just only if

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<sup>30</sup> Aristotle, *Politics*, trans. Lord, 1254a18–20.

<sup>31</sup> Nichols, *Citizens and Statesmen: A Study of Aristotle's Politics*, 24.

<sup>32</sup> Aristotle, *Politics*, trans. Lord, 125420–22.

<sup>33</sup> *Ibid*, 1255a3–5.

communication about good and bad can take the form of a physical fight or military engagement. It is obvious that this is an absurdity that establishes the injustice of most slavery.

Aristotle ends this discussion by suddenly bringing in the concept of friendship, thereby implying a rejection of the idea that force and virtue are equivalent. “There is a certain advantage,” he concludes, “and even friendship of slave and master for one another—for those slaves who merit being such by nature; but for those who do not merit it in this way but who are slaves according to convention and by force, the opposite is the case.”<sup>34</sup> If slavery is entered into naturally for preservation, as Aristotle first asserts, then it must reflect either the friendship Aristotle mentions here, or be done for the simple reason that for the slave to resist would mean punishment or death. But obedience to his master does not prevent him from being the slave’s enemy.<sup>35</sup> Justice, according to Aristotle, is not determined by power and force. Yet the very origins of the political community which “aims” at an ultimate good and “continues to exist for living well” are troubled by a seemingly natural propensity in human beings for mastery. Aristotle readily points out that the typical defense of slavery is suspect: claims that a convention is just are self-serving.

Aristotle introduces his discussion of slavery in the context of refuting the argument of “others”<sup>36</sup> that ruling is merely an extension of household management—mastery over slaves, wives, and children. His description of the relationship between both the natural slave and his

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<sup>34</sup> Ibid, 1255b14–16.

<sup>35</sup> Pangle, *Aristotle’s Teaching in the Politics*, 30–31.

<sup>36</sup> Scholars including Nichols and Pangle consider this to refer to Plato’s suggestion in the *Republic* that the ideal city requires the communism of women and children and the unification of the family and the city. See Nichols, *Citizens and Statesmen*, 37–41, and Pangle, *A Study of Aristotle’s Politics*, 72–74.

master, and the conventional slave and his master, displays a picture of life that is in some tension with an activity directly focused on communication about the just and the unjust. His subsequent exploration of the relationship between men and women in the household deepens this division. He makes clear that mastery and political ruling are not the same. Mastery, if it is a science, Aristotle says, “has nothing great or dignified about it.” It is “expertise in using slaves” and fundamentally different from ruling over “free and equal persons”; mastery is not “political rule.”<sup>37</sup>

As the *Politics* progresses Aristotle builds upon the foundation he creates in this first book, redefining both the political community and the good in subsequent chapters and adding to the education of his readers as their understanding expands. Book Two of the *Politics* opens with a rearticulation of Aristotle’s political investigation and of the city. “Since it is our intention to study the sort of political community that is superior to all for those capable of living as far as possible in the manner one would pray for, we should examine other sorts of regimes...”<sup>38</sup> so that we may come to know what is “correct” in historical examples and current regimes, and “that to seek something apart from them might not be held wholly to belong to those wishing to act the sophist....”<sup>39</sup> The political community in its full sense, that is, the one which is superior to all other communities, is also one in which people are able to live “in the manner one would pray for.” Again this “manner” is not defined. Realized examples of the political community may fall short in some important way—but that does not make studying these political communities useless—they too can be subjects of inquiry about what is good and bad for the city, alongside

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<sup>37</sup> Aristotle, *Politics*, trans. Lord, 1255b30–34, 1255b19.

<sup>38</sup> Ibid, 1260b29–30.

<sup>39</sup> Ibid, 1260b30–35.

more theoretical, or perhaps philosophical, inquiries. Although Aristotle uses history to understand political life as Weber will do later to create his ideal types, Aristotle explicitly judges political communities according to an external understanding of good and bad—the very thing Weber is so adamant cannot be done in scholarly studies. Aristotle’s inquiry demands political judgement. It cannot allow for a fact-value distinction.

### 3.1.2 The Problem of the Citizen

Having spent Book Two analyzing both historical examples and theoretical images of the best city to understand what makes a political community excellent, Aristotle begins Book Three with the surprising idea that in order to understand the quality of a regime we must first examine “what the city actually is.”<sup>40</sup> Book Three, then, seems to be a new beginning, wherein the city and its activity will be redefined: “[S]ince the city belongs among composite things, and like other composite wholes is made up of many parts, it is clear that the first thing that must be sought is the citizen; for the city is a certain multitude of citizens.”<sup>41</sup> This definition is very different from the one Aristotle provides in Book One; there the city is simply a natural outgrowth of family and economic community. It is a development that is aided by nature or perhaps a development that aids nature; that is, both the family and the city are groups that aim at a communal good. Here the city is a community of citizens—that is, individuals—whose legal identity defines both them and their political community.<sup>42</sup> In Book Three, Aristotle reorients his

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<sup>40</sup> Ibid, 1274b34.

<sup>41</sup> Ibid, 1274b39–1275a2.

<sup>42</sup> Pangle, *Aristotle’s Teaching in the Politics*, 101.

discussion and defines the political community by law, rather than by nature. Political activity may be natural to human beings, but the best political communities, it would seem, require political life to be defined by good laws.

Aristotle's newest definition of the city makes clear two things: first, that whatever good is possible in a political community must be brought into being by the legal organization of the city, and second, that that legal organization can be understood, at least in part, by the qualifications the regime has for citizenship. Aristotle quickly makes clear that citizenship is not understood in the same way across regimes: "Someone who is a citizen in a democracy is often not in an oligarchy."<sup>43</sup> Rather, "[w]hoever is entitled to share in an office involving deliberation or decision is, we can now say, a citizen in this city."<sup>44</sup> A citizen, then, is someone who by law can contribute to the activity of the city—and moreover is someone who *does* contribute to that activity. Those whose only offices are those of "juror" or "assemblyman" might not be considered by some, Aristotle explains, to be full citizens since their offices are "indefinite" and, we may speculate, less important. Citizenship, here, is an activity.<sup>45</sup> Aristotle does acknowledge that there is a common usage definition: a citizen is an individual both of whose parents were also citizens. Thomas Pangle and Timothy Burns have noted that this comment serves to remind Aristotle's readers that "the accident" of birth can be all that defines an individual and his eligibility to participate in political life—or even to rule.<sup>46</sup> Chance of birth, time, and place can

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<sup>43</sup> Aristotle, *Politics*, trans. Lord, 1275a4–5.

<sup>44</sup> Ibid, 1275b18–20.

<sup>45</sup> Ibid, 1275a22–33.

<sup>46</sup> Thomas L. Pangle and Timothy W. Burns, *The Key Texts of Political Philosophy: An Introduction* (Cambridge: Cambridge University Press, 2015), 78.

bar the legal eligibility to participate in this activity, nature and ability notwithstanding. Yet birth alone cannot be enough for true citizenship since it is possible for even the eligible to be unable or unwilling to participate in the activity of the city. What distinguishes the citizen, that is, what makes one truly a citizen, is a basic problem of every political community. This problem can be partially clarified by law, but must also be answered in the habits and activity of the community.

Aristotle does not dwell on the importance of eligibility for citizenship. Instead, he focuses on decision-making and choice. Individuals become citizens through their legal right to participate in office-holding.<sup>47</sup> The most important choice for a political community is agreement on the regime itself, that is, on who can hold office, especially the most important offices. Susan Collins characterizes Aristotle's explanation of citizenship in the following way: "Aristotle confirms the crucial role of the regime in defining a citizen and therefore the necessity of agreement on who should rule. ... [A] citizen is defined as one born of citizen parents, but this emphasis on the natural principle of birth obscures the basic 'agreement' regarding rule required at every political community's founding." If political life is defined by decision-making, the most important decision, it would seem, comes during a time of founding or of revolution when the regime is chosen and those who will rule are agreed upon.<sup>48</sup> Aristotle's emphasis is on the actions of citizens—first in forming a regime and then in participating in the decision-making associated with it. Yet this decision-making must result in real power wherein certain individuals participate in the decision-making of the city and others do not.

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<sup>47</sup> Aristotle, *Politics*, trans. Lord, 1275a32–33.

<sup>48</sup> Susan D. Collins, *Aristotle and the Rediscovery of Citizenship* (Cambridge: Cambridge University Press, 2006),



If citizenship is an activity involving deliberation and decision-making defined by law, then it would seem reasonable to assume that the good citizen is simply the one who can deliberate wisely and choose well—that this, in fact, is the essence of politics. But Aristotle immediately disabuses his audience of this opinion. “[A]lthough citizens are dissimilar,” he explains, “preservation of the community is their task, and the regime is this community; hence the virtue of the citizen must necessarily be with a view to the regime. If then there are indeed several forms of regime, it is clear that it is not possible for the virtue of the excellent citizen to be single or complete virtue.”<sup>49</sup> The serious citizen is concerned not with what is simply best, but with what is best according to his own regime, not least or above all its preservation. He must be a patriot, must deliberate well about what will support and promote his regime and its interests, but he will not always measure the good of the regime against what is best simply. He may not as citizen be able to conceive of a best that does not conform to the good of his political community as it is currently defined.

Moreover, there are many kinds of citizens. A citizen concerned with the lowest tasks may still be a good citizen if he does these tasks well. The simply good man is not so limited. In Aristotle’s words, he is good “in accordance with ... complete virtue.”<sup>50</sup> Even in the best regime not all serious citizens will be good and virtuous men—if nothing else some will have tasks too insignificant and unconnected to virtue for them to be capable of true excellence.<sup>51</sup> Very few regimes, and even very few citizens within these regimes, will be able to live lives that truly aim at the most authoritative human good. The “authoritative good” of the political community is

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<sup>49</sup> Aristotle, *Politics*, trans. Lord, 1276b29–32.

<sup>50</sup> Ibid, 1276b34.

<sup>51</sup> Ibid, 1276b37–38, 1277a5–10.

therefore limited, and the city cannot actively seek to achieve a good that is incomprehensible to all the citizens. The best life and the simply best man, by contrast, may not be bound by the needs and limitations of even the best community.

This picture of citizenship differs from that given at the beginning of Book Three. There, citizenship and ruling appeared interchangeable. Citizens share in officeholding and deliberation about political matters—that is, they take part in ruling. Only in Aristotle’s apparently offhand observation about the limits of participation in a jury or assembly are we given a hint that ruling consists only or chiefly in making very great decisions.<sup>52</sup> The difference between citizens and rulers is implied: some citizens will hold higher offices than others; some will, in fact, be rulers while others are ruled. Aristotle returns overtly to this division in speaking of the difference between the good man and the serious citizen. Having described the limits of civic virtue, he asks: “But will there be some case ... in which the virtue of the excellent citizen and the excellent man is the same?” His next sentence appears to answer this question: “We assert that the excellent ruler is good and prudent, while the excellent citizen is not necessarily prudent.”<sup>53</sup> Aristotle does not actually assert that the excellent ruler is the same as the good man, let alone the citizen. Indeed in the *Nicomachean Ethics* Aristotle presents prudence as an impressive quality, but one that is not simple the peak of human virtue.<sup>54</sup>

Instead of explaining further what defines the “excellent ruler” or indeed what it means to be prudent, Aristotle immediately switches to speaking about education, which would seem to be necessary for virtue. But his treatment of education is limited, and even, as Robert Goldberg

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<sup>52</sup> See Ibid, 1274b33–1275a33.

<sup>53</sup> Ibid, 1277a14–17.

<sup>54</sup> Aristotle, *Nicomachean Ethics*, 1141a9–1145a11.

notes, flippant.<sup>55</sup> First asserting that “some say” the education of rulers ought to be different from the education of citizens, Aristotle goes on to speak of the education of the sons of kings, those who often grow up to rule. They are taught not deliberation or moral virtue but to be “expert in horseback riding and in war.”<sup>56</sup> This statement may serve to introduce Aristotle’s audience to the realities of war and the need for military as well as other virtues, but it explains nothing about whether the good man and the excellent ruler are the same—except perhaps to warn that the children of good and prudent rulers may not grow up to have the same virtues as their fathers.<sup>57</sup>

The paragraph concludes with another complicating remark. The difference between the virtue of a citizen and a ruler, Aristotle writes, might explain why “Jason says he was hungry except when he was a tyrant, as one who did not know how to be a private individual.”<sup>58</sup> Is the virtuous ruler, then, no different from the tyrant? Can the tyrant be understood as “good and prudent” despite being obviously immoderate in his hunger for power? Does the private individual have, as Pangle wonders, yet another kind of virtue separate both from that of the ruler and the citizen? Does he too need an education so that, unlike Jason, he can “know how to be a private individual”?<sup>59</sup>

Aristotle does not answer the questions he has raised, at least not in this context. Instead, he turns first to another discussion of slavery and then to a treatment of the education and virtues

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<sup>55</sup> Burns, *Recovering Reason*, 136.

<sup>56</sup> Aristotle, *Politics*, trans. Lord, 1277a18.

<sup>57</sup> Pangle, *Aristotle’s Teaching in the Politics*, 116.

<sup>58</sup> Ibid 1277a25–26.

<sup>59</sup> Pangle, *Aristotle’s Teaching in the Politics*, 116–17. See Aristotle, *Politics*, trans. Lord, 1277a26.

of the political ruler, who seems once again to be closely connected to the citizen. Here political education is made clearer: “it is not possible to rule well without having been ruled.”<sup>60</sup> To rule free persons one must have “knowledge of free persons from both points of view.”<sup>61</sup> How complete an education in being ruled the political ruler must undergo remains slightly vague; the example Aristotle gives is that of a military leader who is ruled at the same time as he rules those under him.<sup>62</sup> This ruler, unlike Jason, must have, in addition to prudence, “whatever kind of moderation and justice is characteristic of ruling.”<sup>63</sup> The political ruler is not called “excellent” as was the ruler in Aristotle’s earlier answer to the question of whether there is any case where the “excellent citizen and the excellent man” would be the same. However here we are told that insofar as the political ruler is moderate and just, he shares in those virtues that “belong to the good man.”<sup>64</sup> These qualities simultaneously prevent a ruler from being tyrannical and connect him to the truly best man.

Moderation and justice ought to be shared by citizens ; they “must necessarily be common to both rulers and ruled.”<sup>65</sup> The excellent citizen is not the same as the good man; neither is the political ruler, for the good man is best simply, while these others only share in some of his virtues. This assertion means that the legal regime is of paramount importance, even when a good ruler exists. For a ruler can be good without being the best possible man if his

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<sup>60</sup> Aristotle, *Politics*, trans. Lord, 1277b10.

<sup>61</sup> Ibid, 1277b15–16.

<sup>62</sup> Pangle, *Aristotle’s Teaching in the Politics*, 118.

<sup>63</sup> Aristotle, *Politics*, trans. Lord, 1277b19.

<sup>64</sup> Ibid, 1277b18.

<sup>65</sup> Ibid, 1277b26–27.

regime does not admit of true moral virtue. Perhaps the truly best ruler—that is, the one who shares the qualities of the best man—would necessarily be a founder: one who can create a regime as well as rule according to its laws. Being ruled is the correct education for the ruler because it can help him to share in the virtues of the ruled and to have considerations unlike the sons of the king who are taught only to be expert in horseback riding and war. However great his virtues, the founder is not free to pursue what is truly best when it is incompatible with the needs of his own political community or beyond the capacity of most members of that community to comprehend. The perceptions of even those less virtuous must, in the political community, be recognized and reconciled—this task might be inconsistent with the demands of the very best life. Yet neither can they be ignored by the good ruler or founder or acted upon outside of politics. Aristotle’s political philosophy allows political actors to remain, as it were, unscientific—to retain their guiding opinions. By contrast, the expertise of civil servants does not address the aims of the city directly, and so does not provide a basis for identifying the tyrant who substitutes his own aim for that of the city.

In Book Three, Chapter Seven, Aristotle confirms the importance of moderation and justice for the ruler in his classification of regime types. He separates regime types first by how many rule—the one, the few, or the many—and then by whether or not these rulers govern “with a view to the common advantage.” Where they do so rule, the regimes are “necessarily correct,” and where they rule only for their own advantage the regime is “deviant.”<sup>66</sup> If moderation in the ruler helps to curb his hunger for power, then political justice in the ruler provides the capacity to both discern the common good and secure justice. For “in general the moderate person does not take pleasure in things he ought not or in any such thing to an excessive degree; and when

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<sup>66</sup> Ibid, 1279a28–31.

pleasures are absent he neither feels pain as a result nor desires them, or does so in a measured way and not more than he ought; or when he ought not, or anything of this sort in general.”<sup>67</sup> Aristotle’s treatment of justice in the *Ethics* supports this analysis. There he states that “justice ... is complete virtue though not unqualifiedly but in relation to another person. ... Further ... it is complete virtue, for he who possesses it is able to use virtue also in relation to another, and not only as regards himself.”<sup>68</sup> Although this is part of a long and complex treatment of justice that deserves a much fuller examination, it is clear that Aristotle understands justice to be concerned with the good of another, and the activity of justice to be in accord with that good. Yet the good man concerns himself with justice out of a kind of necessity—as a foundation for his relationship with other human beings. Justice is not the highest virtue. The political ruler who shares in justice can participate in the governing of a correct regime and is capable of ruling free people. Justice is learned through the experience not only of ruling but also of being ruled. It is doubtful that someone who has never been ruled can be politically just and prudent. Justice, understood in the first place as the law, is a virtue that the citizen can, and perhaps must, share in as well.

Aristotle’s description first of the political ruler and then of the correct regime in the *Politics* helps to explain his opening comments in Book One. Speech makes human beings political because they can communicate about what they *perceive* to be “good and bad, just and unjust.”<sup>69</sup> This is the precondition for any kind of justice in practice, because it has to do not merely with what one understands to be good, but also with what another *perceives* to be just or unjust. Justice cannot be theoretical. It must address the actual perceptions of those it concerns:

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<sup>67</sup> Aristotle, *Nicomachean Ethics*, 1119a13–16.

<sup>68</sup> Ibid, 1129b28–38.

<sup>69</sup> Ibid, 1253a14–19.

fellow citizens or subjects. Yet even as Aristotle starts to provide greater clarity about the best regime and the city that comes closest to fulfilling its nature, he stops short of explaining it fully. Instead, he turns to an exploration of democratic and oligarchic justice, articulating the grounds upon which the many and the few understand their claims to be just.<sup>70</sup>

Only in Book Seven does Aristotle return explicitly to the topic of the best regime. There it is accompanied by a more complete analysis, not of the best ruler, but instead of the best life simply, which Aristotle now overtly reveals must be the aim of the best regime. Again, he begins from common opinion, exploring first what all people can agree is not “blessed”—being without “courage, moderation, justice or prudence.”<sup>71</sup> From there he concludes that virtue, correct choosing with regard to the soul rather than the body or property, is the key to human happiness and the best life. The chapter closes with a working definition of the best life for the individual and the community. “[L]et us presuppose,” Aristotle says, “that the best life both separately for each individual and in common for the cities is that accompanied by virtue—virtue that is equipped to such an extent as to allow them to take part in the actions that accord with virtue.”<sup>72</sup> This definition seems reasonable; however, if the virtue of the serious citizen is not the same as that of the good man, and if the virtue of the political ruler is not the same as either, can the best life for the individual be compatible with that of people in common? It would seem impossible for them all to take part in the actions that accord with virtue, especially if many of the highest virtues are intellectual and not political, and still less possible for all to do so at the same time, or for the community and the individual to do so concurrently.

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<sup>70</sup> Ibid, Book Three, Chapters 9–13.

<sup>71</sup> Ibid, 1323a27–28.

<sup>72</sup> Ibid, 1323b40–1324a2.

Aristotle says that politics is necessary for human life and for human virtue. If the city ought to aim at the simply best life, then political virtue is in some way connected to the higher virtues. Yet it would seem that there is a conflict between the best life and the political life, or even life within a political community. Put another way the best human beings (or those most capable of living the best life) are often prevented from doing so by the city: both by its limitations and its needs. Yet they also cannot live outside of the political community. Although Aristotle has left behind his picture of human beings as wholly political—it is clear that human beings cannot divest their nature from its connection to politics. Therefore, a conflict exists between the best man and the best citizen, the individual and the community, the ruler and the man of outstanding virtue.

In Book Three, Chapter Thirteen, Aristotle addresses the problem of the person of outstanding virtue, whom he characterizes as being “so outstanding in his excess of virtue ... that the virtue of all the others and their political capacity is not commensurable with ... his own....” It would “be ridiculous to legislate for him,” Aristotle declares, because he “would likely be like a god among human beings” and could “no longer be regarded as a part of the city.”<sup>73</sup> To be a part of the city he would have to obey the same laws as the others who are so very below him. But according to Aristotle this would not be possible. Legislation is for those who “are equal both in family and capacity.” For this god among men “there is no law; they themselves are the law.”<sup>74</sup>

Political life, then, is full of competing claims for justice on the part of those who want to rule and those who do not, those who ought to rule and those who claim (and often believe) they

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<sup>73</sup> Ibid, 1284a5–11

<sup>74</sup> Ibid, 1284a5–15.



should. It may not be possible for the political community to recognize all of these claims. Perhaps it is impossible for it to fulfill the claims of those whose capacities are greatest, but these claims too cannot be simply ignored those claims may be recognized—through the practice of ostracism if the political community is to practice justice or even to be concerned with the political capacity for speech about justice. If an institutional arrangement or administrative practice is to be consistent with political life it must provide a way in which claims both for authority and for justice can be communicated and addressed. When institutions and administrative systems silence these claims, they are practicing mastery rather than ruling, and they are unjust.

Max Weber does not provide a means to address the two-fold character of the political problem. Bureaucratic administration does not allow an avenue for communication. Bureaucrats do not act as citizens; they are neither rulers nor ruled. They do not rule because whatever rules they make are not intended for humans who expect to rule in turn by entering the bureaucracy. Since bureaucrats are not rulers, they cannot participate in deliberation about political life, and they are not meant to question the deliberation about those who do rule.<sup>75</sup> Perhaps if it is possible to separate completely administration from ruling this would not be a problem. But as Weber himself acknowledges this is usually impossible. Laws cannot legislate for every particularity; therefore, some decisions must be made by the bureaucrats themselves.<sup>76</sup> It is dangerous, and possibly unjust, to bar them from political communication or deliberation—because they must still make choices that bear on political matters. Yet they have a deeply antipolitical stance, and

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<sup>75</sup> Max Weber, *Economy and Society*, eds. Gunther Roth and Claus Wittich (Berkeley: University of California Press, 1978), 956–59.

<sup>76</sup> *Ibid.*, 785–802, 1403–1407.

therefore see little need to consult the opinions of those under the authority of their rules. Their education too reflects this separation from political affairs.

Bureaucrats must be experts, as we have seen. Explicitly they must have an education that separates them from those whose lives they help to administer. If the correct education for ruling is being ruled, an education that explicitly separates the administrators from the citizens cannot prepare them to rule. At the very best it can be understood as an addition to a political education. In the absence of a political education, it is an education that warps the sense of justice and injustice, since it limits experience and therefore perception. In this sense the expert is not so different from the king's son who only knows marksmanship and horseback riding, but does not know the people he means to rule.

Hegel's civil service, on the other hand, is supposed to deliberate about how individual interests can be transformed into common interests according to necessity. Communication of a particular form is central to the civil servants' mission; they must hear the interests of the people and know the needs of the state in order to unify the two.<sup>77</sup> The job of the Hegelian civil servant is to translate between citizen and state<sup>78</sup>—but translation is not exactly the same as communication or deliberation, especially communication that must involve individual perceptions. Translation presupposes that certain words can be transformed into others without losing their meaning. It does not presuppose argument, and it explicitly ignores the possibility that there will be insoluble argument about conflicting truths. If the Hegelian state and its civil servants know the truth about the good and the bad, the just and the unjust, then perhaps this is

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<sup>77</sup> Hegel, *Elements of the Philosophy of Right*, §287–95.

<sup>78</sup> See Hegel, *Elements of the Philosophy of Right*, §295.

enough. But if they are wrong, or if the truth they know is incomplete, then it is hard to see how communication understood as translation would address this mistake or limitation.

In speaking directly of the best regime, the serious citizen, and the best life, Aristotle does not provide a concrete blueprint which would allow a regime, ruler, or political community to act in accord with his understanding of political life. What he does provide is introduction to political activity, or at least a series of ends at which political activity, and the community that makes it possible, ought to aim. Political activity is connected to the natural human capacity to speak—not just about what is painful and what is pleasant as the voices of animals can do—but about what each views as advantageous or harmful, good or bad, just or unjust. True political activity must reflect human nature and our ability to opine and communicate about justice and injustice. The political community must provide an avenue for such speech in the public forum.

The regimes determines both the city's laws and the formal political rights of the individual or citizen. They assert what justice is for the community at large, codifying some perceptions of justice while ignoring or compromising others. It is clear that not all perceptions of justice can be fulfilled in the political community. Yet to ignore them presents real dangers—both for the stability of the regime and for the political community—and thwarts the tendency of that community to fulfill its own nature, that is, to aim at “the most authoritative good.” Rule which reflects this natural and good end for the political community demands virtue—at the very least the virtues of moderation and prudence on the part of the rulers. Yet good rulers are not simply the best men, for the very best cannot be governed by law, or (it is implied) govern according to them. Aristotle's comments so far both provide hope that the political community can be something that comes close to achieving justice and the good life and disabuse his reader of the belief that something like “Right” can ever be perfectly actualized. He makes clear that

politics demands judgment about what is good and bad, or better and worse, and yet he highlights the fact that such judgments are often incorrect and problematic.

### 3.2 The Continuous Political Resolution of the City's Problems

Aristotle's engagement with the opinions of others is common to many of his works. At the beginning of the *Nicomachean Ethics*, he expects his readers to agree that "[e]very art and every inquiry, and similarly every action as well as choice is *held* to aim at some good. Hence people have nobly declared that the good is that at which all things aim."<sup>79</sup> In Book Seven of the *Politics* he begins his treatment of the best life with another appeal to common opinion: "No one would assert that a person is best who has no part of courage, moderation, justice or prudence, but is afraid of the flies buzzing around him, abstains from none of the extremes when he desires to eat and drink, kills his dearest friend for a trifle, and similarly regarding the things connected with the mind, is as senseless and as thoroughly deceived ... as a child or a mad man."<sup>80</sup> But Aristotle does not leave the opinions he cites unchallenged. In Book Two of the *Politics*, for example, Aristotle analyzes both historical examples of regimes reputed to be the best and other theoretical depictions of the best regime. In his political philosophy he tests public opinions against one another, against history and the arguments of other philosophers, working through the problems and inconsistencies in opinion, theory, and reality. In Aristotle's own words, "we must set out the phenomena and first of all go through the problems. In this way we must prove

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<sup>79</sup> Aristotle, *Nicomachean Ethics*, 1094a1?–3.

<sup>80</sup> Aristotle, *Politics*, trans. Lord, 1323a27–34.

the *endoxa* [that is ‘those opinions accepted by everyone or by the majority of the wise’] .... For if the problems are solved and the *endoxa* are left, it will be adequate proof.”<sup>81</sup>

Aristotle’s political philosophy (in contradistinction to his natural science and his metaphysics) investigates that which admits of being otherwise—an investigation, he implies, that is appropriate for the good legislator or statesman. When Aristotle asserts that political philosophy must study both what “the best regime is” and “which regime is fitting for which cities,” he concludes that these studies should not be “overlooked by the good legislator and the political ruler in the true sense.”<sup>82</sup> His work, then, ought to be understood as helping to supply the correct education for both the political philosopher and the statesman. It exemplifies the correct way of acting and thinking for both of these outstanding individuals. In fact, as Mary Nichols notes, Aristotle asserts at the beginning of the *Ethics* that his own inquiry is “a kind of politikē.” By describing his own work in this way, Nichols writes, “Aristotle suggests that his own political philosophy entails a political activity or statesmanship.... [I]f Aristotle’s work is analogous to statesmanship,” she continues, “it must also resemble the political rule that defines statesmanship.”<sup>83</sup> In so doing Aristotle teaches by argument and example. A concern for public opinion then, is necessary for the true statesman (as well as the true philosopher) and so is the testing of those opinions against example and argument. In his study of what “the best regime is” and “which regime is fitting for which cities,” the statesman must seriously consider public opinion on these matters and its ability to stand up against experience and reason.

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<sup>81</sup> Aristotle, *Politics*, trans. C.D.C. Reeve, XIX.

<sup>82</sup> Aristotle, *Politics*, trans. Lord, 1288b22–28.

<sup>83</sup> Nichols, *Citizens and Statesmen: A Study of Aristotle’s Politics*, 7.

Aristotle takes up the concept of the best regime several times throughout the *Politics*, focusing on it in Book Three, and returning to it in Book Seven. In Book Three the question of the regime is accompanied by an examination of citizenship, while in Book Seven Aristotle addresses it in the context of the best life. These different treatments help to elucidate both Aristotle's assertion that political life aims at "some good" and the nature of justice within the political community. For Aristotle, unlike Hegel or Weber, the unit of the political community is not the state or the office but the citizen, whose political existence is defined by law but is realized only by his or her activity on behalf of the city. We therefore have two theoretical definitions of political life, coupled with two additional warnings: first, politics is the natural activity of human beings in which claims to justice are articulated and injustice is exposed. Yet human beings do not know fully know what justice and injustice, good and bad, are—but must instead communicate about what *they perceive* these things to be. Second, political life can be defined by law, but laws alone do not create citizens, since they need to act politically in order to fulfill their roles. These definitions, while helpful, have so far in our examination remained theoretical. In the latter half of Book Three Aristotle provides the first description of political life in action—and in so doing further develops the example he himself is providing of a good statesman (if only in speech).

Aristotle's classification of regime types in Book Three introduces his audience to two ideas: first, that regimes can be classified in terms of the number of people who rule in them (one, few, or many); second, that they can be judged to be "correct" or "deviant" by whether these rulers govern with a view to "the common advantage" or to their own. Using these criteria Aristotle defines six regimes: three correct and three deviant, the former being kingship,

aristocracy, and polity, and the latter being tyranny, oligarchy, and democracy.<sup>84</sup> He speaks briefly about each and offers some praise for polity. But before describing polity in detail he abandons this classification of regimes for a discussion of regimes defined by wealth or its absence, oligarchy and democracy.

Aristotle takes the claims of oligarchic and democratic justice seriously. Despite the fact that he has recently explained that what makes these regimes “differ is poverty and wealth,”<sup>85</sup> he now declares that “virtue must be the care of every city.”<sup>86</sup> Deviant regimes too have some concern for justice. The problem is that they do not understand it fully. This is for two reasons: first, justice has more than one meaning. Here Aristotle describes it first as “equivalent to the common good,” second as “the virtue or excellence that is enacted and fulfilled in generous ruling,” and third “as ‘equality’ in the sense of ‘fairness.’”<sup>87</sup> The first definition is inherent in Aristotle’s classification of regimes, the second is contained in his earlier treatment of the relationship between the political ruler and the good man.<sup>88</sup> The third definition of justice as fairness arises here as Aristotle explores the claims of democracy and oligarchy.

The notions of justice expressed by the wealthy and the poor, according to Aristotle, are problematic but not wholly wrong. They “proceed only to a certain point, and do not speak of the

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<sup>84</sup> Ibid, 1279a23–39.

<sup>85</sup> Ibid, 1280a.

<sup>86</sup> Ibid, 1280b7.

<sup>87</sup> Pangle and Burns, *The Key Texts of Political Philosophy: An Introduction*, 90.

<sup>88</sup> This second definition of justice, as “the virtue or excellence that is enacted and fulfilled in generous ruling,” is not included in Aristotle’s treatment of justice in the *Nicomachean Ethics*. This might lead us to suspect that this second definition of justice does not hold up either to argument or to the lessons of experience.

whole of justice in the authoritative sense.”<sup>89</sup> In other words the perceptions about justice that they articulate reflect some part of justice in its true sense. Just as all political communities aim at the “authoritative good” even if their reality is far from it, all perceptions of justice have some validity, even if they misunderstand the full nature of justice. Political activity consists in articulating these perceptions. Partisans articulate their views so that they might persuade or prevail. When they do so in public they also engage in dialogue with their opponents, not to learn the truth but to understand what they must discredit and respond to. In the course of that dialogue, they tend to modify their positions to become more persuasive; this modification means that other views are taken (somewhat) into account and, sometimes, that truth is revealed. Thus for Aristotle truth about politics explicitly cannot be studied or understood if opinion or value is removed from the study. Facts about politics do not exist without values about political affairs.

In the case of the democrats and the oligarchs, both have determined views of their own claims to rule. Unsurprisingly the oligarchs’ arguments focus explicitly on wealth and the treatment of it in the city: “If the poor by the fact of being the majority distribute among themselves the things of the wealthy,” Aristotle writes on behalf of the oligarchs, “is this not unjust?”<sup>90</sup> He answers the question with a curse and an exclamation: “By Zeus it was resolved in just fashion by those in authority!”<sup>91</sup> This is the answer of democrats who currently have control of the city. The laws, after all, are on their side. They have been democratically elected to take and distribute the goods of the rich (or perhaps all goods including those of the rich). They may

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<sup>89</sup> Aristotle, *Politics*, trans. Lord, 1280a10–11.

<sup>90</sup> Ibid, 1281a15–16.

<sup>91</sup> Ibid, 1281a16–17.



be a mob, as evidenced by their curse and exclamation, but they are not an unruly or illegal mob. Redistribution of the property of the wealthy of property is their legal policy, and the making of laws their prerogative. Yet the oligarchs do not understand the simply legal to be the just. They claim their wealth as their just property and assert that it gives them the right to rule, because it allows them to equip the city and fund its needs. The democrats appeal to their superiority of number and the authority of the democratic regime, citing the coming together of free people in community as their claim to rule.<sup>92</sup> Hence the oligarchs claim to rule on the basis of wealth, the demos, not on the basis of their poverty, but their freedom. The survival of the city, Aristotle hints, depends upon their willingness to fight and die on its behalf, and this sacrifice gives them the right to determine how the city they protect should be governed.<sup>93</sup>

This is followed by another appeal on the part of the oligarchs: “[I]f the majority distributes among itself the things of the minority it is evident that it will destroy the city.”<sup>94</sup> If the democrats are not acknowledged for their sacrifice as soldiers, for example, the city will fall. It is equally true that if the oligarchs are not acknowledged for their contribution of wealth, the city will not survive. The many have a dangerous numerical advantage. Left in a state of poverty too great they may rise up, swearing to divest the wealthy of their loot. Yet this action would leave the city without financial backing, that is, without the wealth to support the needs of life—commerce and security—and without the sufficient condition for living well—room for leisure and the opportunities leisure brings.

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<sup>92</sup> Ibid, 1280a6-1280a35.

<sup>93</sup> Ibid, 1279a40-1279b5, 1280a20-30.

<sup>94</sup> Ibid, 1281a19–20.

Similarly, an oligarchy in which the plight of the many is ignored would be destroyed, and it is likely to be replaced with the chaotic rule of the mob. In the midst of a treatment of deviant regimes that acknowledges particular claims to justice, Aristotle reminds his audience that claims to justice in political life are not separated from threats of force. Discussions about justice are not merely theoretical; they may lead to revolution and possibly to the violent destruction of the city. The good statesman ought to concern himself with the longevity, which includes the health, of his political community. Yet even as Aristotle reminds us about the realities of political power and the need for stability, the question of justice in its fullness is not forgotten. The oligarchs and the democrats both speak of their claims as just and support their own regime because of its justice. All political judgments, according to Aristotle, combine concerns for power and for virtue.

The most serious argument of the wealthy in support of their claim to rule hinges on the very fact of their wealth. Since they contribute more to the care of the city, they deserve to have a greater role in its governing. To this claim they add associated claims that wealth begets virtue, and that virtue is rewarded with wealth. They argue that they are more trustworthy, since they will not be corrupted by the need for money. They brag that they own much of the territory of the city and therefore should have a say in its use, while complaining that such ownership demands care and expenditure that benefits the public and therefore should be recompensed with a greater share of authority. Finally, they proclaim the inherent superiority of their good birth and argue that their natural virtue is reinforced by association with others whose birth and circumstances also assures their quality.<sup>95</sup>

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<sup>95</sup> Aristotle, *Politics*, trans. Lord, 1283a31–44.

Aristotle makes clear that the wealthy are, to some extent, correct. The few who enjoy freedom from everyday toil and concern do have more time to focus on education and a virtuous life. They can guide the city from a community dedicated to preservation, to one that exists “for the sake of living well” as they understand it. They may also be more independent of external pressure since they do not need more external goods. Yet it is not clear that they are free from corrupting influence, that they are in fact better educated or that they know what it means for humans to live well. After articulating the claims of the wealthy Aristotle comments, “[F]or we assert that justice is a virtue characteristic of communities, and that all the other virtues necessarily follow on it.”<sup>96</sup> It may be that the community of the wealthy and powerful is one where justice so understood flourishes, but it seems equally likely that this community has its own corruptions. The lure of money is not the only external threat to virtuous behavior; the lure of honor and power might be equally corrupting, and, of course, in a regime that values wealth above all else, the acquisition of further wealth might be an overwhelming desire even for the rich.

Aristotle concludes his treatment of the claims of the wealthy by slipping into a discussion of the claims of the highborn and the excellent, which are, in principle, separate and separable from those of the wealthy.<sup>97</sup> This change of topic implies something of a solution to the problems of oligarchy. The claims of the wealthy to rule are not so different from those of the highborn and even the virtuous. If the regime can come to value excellence as well as wealth, virtue as well as birth, then in trending toward aristocracy, in moving from oligarchy to aristocracy, it can have more true claims to justice in terms both of fairness and of the common

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<sup>96</sup> Ibid, 1283a38–40.

<sup>97</sup> Ibid, 1283b5–1284a11.

good. Claims to justice in deviant regimes, because they are not devoid of truth or unconcerned with virtue, can lay the foundation for more virtuous regimes.

The argument on behalf of democratic rule is similarly limited as well as insightful. The central claim rests on the supposition that those who are free, as distinguished from the enslaved, deserve authority in their political community. Both high and low reasons can be given in support of this idea. It is just for the free to rule themselves. This has practical consequences for any city. A city must be made of people living together in one territory, practicing intermarriage, committed to the same customs and living under the same laws. Free persons must choose to live with one another. If they are bound together only by contractual agreements, by “exchange and alliance,” the city will not exist.<sup>98</sup> Therefore, a free people deserve something in return for agreeing to live and hold things in common. Indeed, a city requires more of its multitude than simply to share in customs and laws. It requires its citizens to fight for its preservation, and, possibly, to die.<sup>99</sup> The multitude cannot be spared from this duty by the wealthy. In fact, their sacrifice in times of war is likely to be much greater than the sacrifices of the rich. Unlike the king’s sons, the poor do not have an education which makes them “experts in horseback riding and in war.” They will not have horses or perhaps even basic weapons of self-defense. If the city exists, then for the sake of both “living” and “living well” those who risk their lives have reason to claim that they deserve a say in the decisions of their political community.

Like his response to the claims of the oligarchs, Aristotle’s reaction to the declarations of the democrats is mixed. He acknowledges that they have some claim to rule. He even makes a startling claim on their behalf that, taken together, the many might be superior to the few. “For

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<sup>98</sup> Ibid, 1280b6–10.

<sup>99</sup> Ibid, 1279a39–1279b10.

because they are many, each can have a part of virtue and prudence, and on their joining together, the multitude, with its many hands and feet and having senses, becomes like a single human being, and so with respect to character and mind.”<sup>100</sup> But this description of collective virtue and the analogies that follow it are far from clear in their support for the claims of the multitude or in their assurance that the multitude can either come together or, once together, act more prudently or justly than the few.

The very claims of the democrats hinge upon their being free people who, in coming together, reflect and know the common good of the city, and whose collective sacrifices must be rewarded by the political community. Yet the analogies Aristotle uses to describe their collective virtue seem mixed: His first analogy is a “single person” with many hands, feet, and senses, and his second paints a beautiful picture uniting the best features of many individuals. If perceptions about justice are insightful (even only to a degree) then it is necessary that the majority as a group can perceive, and perhaps articulate, important truths about the common good. Yet, as Pangle notes, it is difficult “not to imagine a twinkle in Aristotle’s eye as he propounds these analogies.” Aristotle, he explains, may even have been echoing the flattering habit of comic poets who had a habit of showering their audiences with compliments during their “strange, burlesque choruses.”<sup>101</sup> If Pangle is right, Aristotle’s “compliments,” like the ridiculous compliments of the comic poets, may be meant to educate—to give political people a chance to improve themselves in light of comic ridicule. After all one might imagine that too many senses could confuse as well as edify, a multitude of feet might walk in opposite directions as well as move the body with increasing speed, and while an artist could certainly learn to paint a picture

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<sup>100</sup> Ibid, 1281b6–9.

<sup>101</sup> Pangle, *Aristotle’s Teaching in the Politics*, 140.

of incredible beauty by reference to the most beautiful eyes and the most perfect nose in the faces of separate people, not all noses would look well with all eyes, or all eyes look anything more than absurd in a skull to which they did not originally belong. Yet, at the same time, many hands, feet, and senses could, in the right circumstances, lead a person quickly and correctly, and reference for the most beautiful features could, in the hands of the right artist, come together with supreme beauty. The analogies, then, reveal both the possibilities and the likely problems of democratic government.

Aristotle follows up these comments on democratic justice with the opinions of the oligarchs as to the claims of the many to rule on the basis of their virtue. Allowing them “to take part in the greatest of offices is not safe,” they assert. “[T]hrough injustice and imprudence they would act unjustly in some respects and err in others.”<sup>102</sup> Yet the multitude cannot simply be excluded from rule; not only do their claims to justice have some validity, their propensity toward anger is inevitable: “to give them no part ... is a matter of alarm.”<sup>103</sup> The city must be safe from the mob at the same time that it must be ruled with concern for wealth and, one hopes, virtue. Aristotle, having raised the impracticality both of allowing the many to rule simply and of disenfranchising them, has an answer to the problem he has articulated: the many must be included, he says, in some part of “judging” and “deliberating.” “Hence Solon and certain other legislators arrange to have them both choose officials and audit them, but do not allow them to rule alone.”<sup>104</sup> Regimes, it is now revealed, are not given authority simply by the agreement of the citizens during times of formation and revolution. They are originally created by legislators

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<sup>102</sup> Aristotle, *Politics*, trans. Lord, 1281b26–28.

<sup>103</sup> Ibid, 1281b29.

<sup>104</sup> Ibid, 1281b32–35.

or statesmen, who help to provide not only the regime's definition of citizenship, but also simultaneously its conception of justice. It is noticeable that the very offices Solon allows the many to hold are those that Aristotle brings up as possibly being too indefinite or unimportant to merit conveying true citizenship.<sup>105</sup> Perhaps the legislator is able to calm the anger of the masses by convincing them that serving in the jury and the assembly is an important part of political deliberation and decision-making—perhaps the great statesman is the accomplished artist who can combine the best features of the multitude into a city of beauty and even virtue.

It is not surprising that both oligarchy and democracy and their corresponding perceptions of justice emerge from these arguments as deeply flawed. We were taught to expect this by Aristotle's original classification of regimes as correct or deviant. Yet, as Carnes Lord explains, neither can these claims be overlooked. "The city cannot exist at all without bodies to come to its defense; it cannot exist as a civilized community without the leisure that wealth creates."<sup>106</sup> Each group has revealed something true about living, and even about living well. Their claims about necessity are mixed up with their claims to virtue. Each group may resort to force, if necessary, but both believe that justice truly demands that they rule. It is not just for free men to be ruled over like slaves or beasts, nor is it just that the things of the wealthy be simply stripped from them and given to the poor. Living well requires both freedom and the leisure wealth provides to strive for something beyond necessity.

Despite the truth visible in each group's claims, there is no mention of shared authority or acknowledgement of the claims of the other. We may infer that the democrats believe the oligarchs to be free, while the oligarchs can bring themselves to accept that the democrats must

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<sup>105</sup> See Ibid, 1276b37–38, 1277a5–10.

<sup>106</sup> Strauss and Cropsey, *History of Political Philosophy*, Third Edition, 141.

be rewarded for the little they can provide the city. People, Aristotle tells us, who are not well educated politically often “judge badly with respect to what concerns themselves.”<sup>107</sup> Most people’s perception of justice leads them to believe that their claims are for complete justice—that they make the true claim to rule. Left to themselves they do not truly listen to or understand the claims of others. This is the kind of problem the political philosopher must identify without ignoring the partial truth in the opinions of people who are only partly right. In so doing the philosopher points to the fundamental political requirement: namely reconciling to some degree competing claims or at least recognizing the reasons for the competing claims in an effort both to satisfy each group and to come closer to the understanding and realization of true justice.

Aristotle offers two suggestions in response to the competing claims of the democrats and the oligarchs. The first is that each deviant regime should be pushed towards correct regimes: oligarchies should be nudged toward aristocracy so that the virtue wealth allows for becomes the basis of rule rather than the wealth itself. Democracies should be governed by laws which both allow the many to rule and define the manner in which the many are to rule. This is most completely possible when a good founder is able to endow the people with laws according to which they can rule themselves in some things. Harder but perhaps more realistically, a re-founder can try to push his people towards more virtuous living. In this regard Aristotle mentions Solon, the renowned Athenian lawgiver, saying, “Hence Solon and certain other legislators arrange to have [the many] both choose officials and audit them, but do not allow them to rule alone.”<sup>108</sup> Solon, Aristotle implies, has been able to realistically address the claims of both the

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<sup>107</sup> Aristotle, *Politics*, trans. Lord, 1280a21.

<sup>108</sup> Ibid, 1281b32–35.



many and the few by giving laws that both provide a political role for free men and retain rights and privileges for the few.

Solon's success, especially because he was a reformer rather than a founder, is remarkable. Aristotle, in his *Politics*, goes even further than Solon could. In Carnes Lord's words, "Aristotle seeks not to adjudicate these claims so much as to encourage a practical accommodation among them based on a recognition of the worth of competing claims and competing groups."<sup>109</sup> His depiction of the claims of both democrats and oligarchs means to educate his audience in political communication and compromise. The implication that both groups can, to some extent, be improved provides hope that at least some members of each group can come to recognize the partial validity of the other's claims. All cities, Aristotle comments, contain both the rich and the poor, and it is necessary in every city that they be reconciled to sharing in the city with the other faction.<sup>110</sup> It is for this reason that the regime of compromise that Aristotle will later discuss is called "polity," the common word for regime, rather than given a proper name. For in all regimes there must be some shared authority, some compromise if the regime is to function. It is possible for anyone living in a city to hear these competing claims for justice and, like Aristotle's readers, to be educated by them. Politics requires some sort of political education of the citizen.

Political activity and bureaucratic administration are, therefore, fundamentally different, if not opposites. Bureaucracy emphasizes the obedience of those subject to it. There is a difference between a law and a bureaucratic rule. Unlike bureaucratic rules, law is a result of politics. Even Solon submitted his laws to political review in some way.

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<sup>109</sup> Strauss and Cropsey, *History of Political Philosophy, Third Edition*, 141.

<sup>110</sup> Aristotle, *Politics*, trans. Lord, 1283b–5

Aristotle's education in politics, his teaching that competing claims to justice must be listened to and in some way accommodated, is continued more concretely in his treatment of "polity" in Book Four of the *Politics*. Book Four begins with the statement about the purpose of political philosophy that I have quoted earlier: not only must the "good legislator and the political ruler in the true sense" study the best regime, he must also consider "which regime is fitting for which cities—for it is impossible for many to obtain the best..."<sup>111</sup> This is an appropriate introduction to Aristotle's discussion of polity, which is a good regime and the best form of popular government, although not the best simply. "[O]ne sort of solution," Lord describes, "to the central practical task Aristotle sets himself in the *Politics* is to blunt if not eliminate the political conflict between the rich and the poor."<sup>112</sup> Introducing the topic of polity, Aristotle promises that he will describe not only "in what manner so-called polity comes into being..." but also "how it should be established."<sup>113</sup> What follows is not just a description of the polity as a regime type, but advice to the lawgiver or statesman who wishes to found or preserve such a regime. Fittingly it is clearer and more overt than his more theoretical discussion of man as a political animal and of justice in the political community.

Polity results in a combination from the introduction of oligarchic elements into democracy, Aristotle tells us, that has three "defining principles." First, "elements of the legislation of each" must be preserved in the laws of the new regime.<sup>114</sup> Aristotle provides a practical example of this preservation that is directly concerned with the inequality of wealth that

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<sup>111</sup> Ibid, 1288b22–28.

<sup>112</sup> Lord, "Aristotle," Strauss and Cropsey, *History of Political Philosophy*, Third Edition, 144.

<sup>113</sup> Aristotle, *Politics*, trans. Lord, 1294a30–35.

<sup>114</sup> Ibid, 1294a36–37.

will be retained in this regime. In oligarchies, he explains, the rich are often fined for ignoring a call to the assembly, while in democracies the many are paid for their attendance. In this new regime both practices should be observed. Oligarchic and democratic laws will both be respected in the assembly of the polity, and their preservation will also have the practical effect of taking wealth from the many and providing money for the poor. Participation in public deliberation will be rewarded and lack of concern for common affairs punished.<sup>115</sup>

The second principle by which democratic rule will be modified is a kind of compromise: the “mean between the arrangements of each” will be made law.<sup>116</sup> In explaining this Aristotle provides another example: in oligarchies membership in the assembly is defined by wealth—those who have large parcels of land or great investments are allowed to participate, while those without are excluded. In democracies property is not a precondition of political participation. In the polity wealth may be a qualification, but the threshold must be made quite low. The idea that wealth represents virtue is given some credence, but most of the population will be allowed to participate nonetheless.<sup>117</sup>

The third principle of modification is defined as a “selection from both arguments,” that is, some democratic and some oligarchic laws must be retained. For some offices lots may be cast, the most democratic procedure, while for others qualification in the form of property may be demanded.<sup>118</sup>

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<sup>115</sup> Ibid, 1294a36–1294b2.

<sup>116</sup> Ibid, 1294b3.

<sup>117</sup> Ibid, 1294b3–5.

<sup>118</sup> Ibid, 1294b5–14.

The legal principles of polity that Aristotle lays out go a long way toward creating a regime that has elements of both oligarchy and democracy. But later he specifies what is necessary for a truly mixed regime: that of a substantial middle class. The existence of a middle class is so influential that it marks a different regime. Instead of being a regime that could be described as either oligarchy or democracy, and is officially without a name, the regime that supports a middle class can be understood as the truly mixed regime.<sup>119</sup> The first reason for this necessity is obvious. Speaking about the problem of the outstanding man, Aristotle asserts that legislation has to do with “those who are equal both in family and capacity.”<sup>120</sup> Democracy and oligarchy mistake the true basis for equality, believing free birth and wealth are at the heart of people’s differences and quality. Therefore, in a regime that combines democracy and oligarchy, equality will still be measured in some degree by wealth. Divisions between the wealthy and the few will be softened if a great number of the city’s inhabitants fit into neither the category of the wealthy nor that of the poor and therefore value both wealth and freedom. A political class embodying the virtue of moderation, Aristotle says, “alone is without factional conflict, for where the middling element is numerous, factional conflicts and splits over the regime occur least of all.”<sup>121</sup>

The difference between polity and the regime of the middle class reveals the power of political activity (when done well) as well as its limitations. Polity is a peculiar regime because its laws and the roles its citizens fill necessarily involve classes that are usually at odds. Polity is a careful but incomplete combination of democracy and oligarchy, fulfilling some of each of

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<sup>119</sup> Ibid, 1295b35–1296a21.

<sup>120</sup> Ibid, 1284a11–12.

<sup>121</sup> Ibid, 1296a7–9.

their claims for authority and compromising on others. Yet if a medium, or middle class, is produced the regime is altered because, rather than a mixing of factions, it produces a growing reconciliation between them, based in a group who perceives justice in politics to reflect the claims both of freedom and wealth. Writing about the need for a middle class in *The Case for Greatness*, Robert Faulkner remarks, “More than law-abidingness and decency is at stake. It is from such a class ... that Solon, Lycurgus and most other great lawgivers come.” This mixed regime is both different from polity and from aristocracy—yet it combines some elements of each: it is a mixed regime that contains a group who have a superior understanding of justice. Yet in it the inherent relationship between force and politics are also acknowledged: the middle class is a more permanent solution to the mixing of rich and poor—and perhaps more likely to keep violence at bay, than is the legal polity relied upon to represent the claims of both the wealthy and the poor.<sup>122</sup> The regimes of the middle class can produce wise rulers because middle class citizens share with the many their concern for freedom and with the few their realization of the claims of wealth. They understand that the sacrifice of the many in battle deserves recognition, and realize that the wealthy cannot with impunity be stripped of their positions. While they still may be limited to their own perceptions of justice, these perceptions are more varied than those of the democrats and the oligarchs.

The argument Aristotle presents between the oligarchic and the democratic partisans and his treatment of the two regimes that combine democratic and oligarchic elements (polity and the regime of the middle class) share certain important characteristics. The former is a direct presentation of speech about what is perceived to be “good and bad, just and unjust.” Although

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<sup>122</sup> Robert Faulkner, *The Case for Greatness: Honorable Ambition and Its Critics* (New Haven: Yale University Press, 2007), 52.

neither of the arguing parties seems to listen to the other, Aristotle's audience is in a position to calmly listen to both. In Aristotle's treatment of these regimes the place of the political philosopher is replaced by the lawgiver—one who is able to understand both sets of claims. In Aristotle's careful words about polity, we see a third kind of communication about justice, a communication by omission. Introducing the polity he remarks that it is “referred to by the term common to all [regimes] ... but because it has not often existed, it is overlooked by those who undertake to enumerate the kinds of regimes....”<sup>123</sup> Polity, which is the name of all regimes, is also an almost nameless and often forgotten kind of regime, usually called, we may assume from Aristotle's later statements, “democracy,” “oligarchy,” or even “aristocracy” by those who are partisans of each of these regimes and of the polity to which they belong.

### **3.3 Political Philosophy: The Study of Man as a Political Animal and the City as the Complete Community**

In Book Four of the *Politics* Aristotle states that “men become good and excellent through three things. These three are nature, habit and reason.”<sup>124</sup> The nature of a thing, according to Aristotle, explains both its capacity and its goal. These latter two, then, are necessary for human beings to fulfill their promise and nature. As both Stephen Everson and Thomas Pangle have noted, Aristotle's depiction of nature as intentional, almost providential, combined with his implicit suggestion that not all natural ends will be fulfilled, points to

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<sup>123</sup> Aristotle, *Politics*, trans. Lord, 1293a39–1293b.

<sup>124</sup> Ibid, 1332a40.

“humanity’s vast need to complete, if not to supplement, nature through art.”<sup>125</sup> The fact that human beings are political animals by nature means that human beings have the capacity and goal of being political. It means that human beings are most fully human when they fulfill their nature, when they are, in fact, political animals. Since the capacity that makes them political is their speech by which they communicate their perceptions of the “good and the bad, the just and the unjust,” their political nature can be fulfilled only in the activity of communicating about these subjects, and a political community must be focused on the activity that accompanies them. Yet, as we have just seen, the origin of political life is complicated by other kinds of activity: self-preservation, procreation, and mastery of one human being over another. It is not a single-minded pursuit of justice for its own sake, independent of other human goods.

The political nature of human beings may not be fulfilled or fulfilled perfectly. The potential of the complete community might never be reached, but Aristotle draws the attention of his readers to the virtuous possibilities of political life and political communities throughout this introduction to political life. If political life has no possibility to be good or just then why describe political life in such dazzling terms? Why bring up the good of friendship when discussing slavery? Why talk about deliberation while exposing the effect of force?

The answer to these questions is found in Aristotle’s description of political philosophy and its distinctiveness from the value-neutral approach of modern social science. The task of the political philosopher is to “study what the best regime is, and what quality it should have to be what one would pray for above all, with external things providing no impediment; which regime is fitting for which cities—for it is perhaps impossible for many to obtain the best so neither the

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<sup>125</sup> Pangle, *Aristotle’s Teaching in the Politics*, 31. Aristotle, *Aristotle: The Politics and the Constitution of Athens*, ed. Stephen Everson (Cambridge: Cambridge University Press, 1996), XXI.

one that is superior simply nor the one that is best that circumstances allow should be overlooked....”<sup>126</sup> In other words Aristotle’s study of politics must identify both the heights of political life and its inherent problems so that he can provide an explanation of the best possible political community, and the best that present conditions allow. The former requires him to analyze the virtue of political communities and their inhabitants and political life. The latter requires him to explain the pitfalls that will beset these communities and their citizens and rulers so that they can be avoided or dealt with as well as possible. Furthermore, Aristotle must explore whether political life, even virtuous political life, is truly to be desired—for perhaps the best that can be wished for is, in reality, a retreat from political life.

Aristotle’s treatment of the political community’s natural “coming into being” in Book One provides a foundation first for thinking about the heights of political activity and then for thinking of its greatest limitations. Nature alone it would seem causes human beings to be able to speak and to perceive good and bad (at least as it relates to their own positions in life). Naturally they come together for the sake not just of living, but of living well. In so doing they form not only families and villages, but also political communities that aim at the authoritatively good life, and concern themselves not just with good and bad, but with justice and injustice, for the community rather than only for the individual. Yet it is these same relationships that distract from the natural goal of the political community and enable human beings to act ignobly, mistakenly, and without concern for the other (which concern, Aristotle explains in the *Nicomachean Ethics*, is the foundation of justice).<sup>127</sup>

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<sup>126</sup> Ibid, 1288b 22–28.

<sup>127</sup> Aristotle, *Nicomachean Ethics*, 1129b28–38.



Aristotle, as I noted earlier, traces the origin of the city to the joining of people who “cannot exist without one another.” He then mentions the union of man and woman in order to reproduce, before turning to “the naturally ruling and ruled” who come together “on account of preservation.”<sup>128</sup> The household, consequently, begins with a man and a woman and with, not the political rule of his previous attractive description, but with a servant—or slave—who serves his master out of a desire to preserve himself, and a master who rules over the slave, we must surmise, in order to gain for himself and his spouse a “good life”—that is, a life of leisure, wealth, and pleasure.

Thus, at the very beginning, which Aristotle has told his reader to look to, there is a picture of human life that might seem to us moderns deplorable.<sup>129</sup> For the Greeks, who often gained slaves through conquest, slavery as the result of conquest might be very familiar. They might argue that rule of the superior over the inferior is natural. But as Aristotle himself points out, it is not understood as unqualifiedly good—at least not for both the master and the slave.<sup>130</sup> Even Aristotle’s picture of the union of man and woman is somewhat unsettling; he never speaks of love, or even friendship, and his explanation of the need to reproduce focuses on the desire for a form of immortality through offspring.

Comparing mastery to political rule—as Aristotle directs his audience to do by commenting that “some assert” these to be the same<sup>131</sup>—we gain an understanding of political rule that, while not equivalent to self-rule, is related to it. Both self-rule and rule over others

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<sup>128</sup> Aristotle, *Politics*, trans. Lord, 1252a25–1052a30.

<sup>129</sup> Deslauriers and Destrée, *The Cambridge Companion to Aristotle’s Politics*, 2.

<sup>130</sup> Pangle, *Aristotle’s Teaching in the Politics*, 47–51.

<sup>131</sup> Ibid, 1255b17–19.

ought to be based on an ability to reason. The natural slave is not capable of ruling himself because he cannot deliberate. The free person agrees to be ruled because his reason dictates it—that is, he consents to be ruled either because he would make the same decisions as his ruler or because he has been convinced that the ruler’s reasoning is better than his own. In the best cases the reasoning person concludes either by being educated, or as a result of the ruler’s rhetoric that his ruler is also reasonable. Robert Bartlett notes that Aristotle believes rhetoric to be used correctly when it is meant “not to persuade but rather to see the persuasive points that are available in each case.”<sup>132</sup> Bartlett explains that “rhetoric is useful because it is needed to defend what is true and what is better by nature as well as what is just ... against those who would advance what is the opposite of these.”<sup>133</sup> Thus in the best case, rhetoric, used as it ought to be, to defend justice and truth, would be the instrument of the ruler. Yet even while showing his audience what politics should be, Aristotle must display how easily it can be debased. Force is often a more powerful tool than rhetoric, especially when used against mortal beings. And neither force nor rhetoric are always on the side of justice, truth, or reason. Therefore, even as the good legislator, statesman, or citizen strives to make correct deliberation the basis of rule, he must defend against the realities of force and its political claims.

Aristotle’s treatment of political rule in the household suggests another characteristic of political life in the best sense: the superior individual or group—the more reasonable—ought to rule. Marguerite Deslauriers characterizes Aristotle’s picture of “natural” rule as having three major components: it is “exercised within a composite entity in which the parts are different in kind”; “the better element of the composite whole rules over the worse”; and it “must aim to

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<sup>132</sup> Aristotle, *Art of Rhetoric*, trans. Robert C. Bartlett (Chicago: Chicago University Press, 2019), 219.

<sup>133</sup> Ibid, 217.

benefit the whole.”<sup>134</sup> The idea that the better element of the community should rule for the benefit of the whole is a logical extension of the idea that rule should be based upon the ability to deliberate well. Free people ought to allow themselves to be ruled by those who they have reason to believe are better, more gifted in their powers of deliberation than themselves, but nevertheless have the good of the composite whole in mind. Yet again Aristotle must remind his readers, even as he holds this vision of political life up, that the better will not always rule, and that those who do have authority may be better understood as masters than as rulers of “free and equal” people. The common good is important even when it distracts from the good of the virtuous.

In addition to the problem of force in the hands of the unjust and unreasonable there is another problem with the idea that the better element should always rule. Characterizing the same argument, Mary Nichols writes, “Political rule where rule is ‘in turn’ is based upon the similarity between ruler and ruled, which makes their sharing in rule fitting and just, and on the differences between ruler and ruled, which makes the participation of both useful and even necessary.”<sup>135</sup> Sometimes superior judgment is shared among different people whose deliberative powers make them more capable of the right and just choice in different situations. To some extent these differences make the individuals equal as well as unequal. The best political community must recognize this equality based upon differences just as it must recognize the truly superior. Yet again this is difficult. It requires the virtues of all to be recognized, and for those who have authority to willingly cast it off whenever others are better suited to rule. But, as

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<sup>134</sup> Thornton Lockwood and Thanassis Samaras, *Aristotle's Politics: A Critical Guide* (Cambridge: Cambridge University Press, 2015), 49.

<sup>135</sup> Nichols, *Citizens and Statesmen: A Study of Aristotle's Politics*, 33.

Aristotle asserts in Book Three of the *Politics*, people are bad judges in their own cases—understanding themselves to be more worthy and others less worthy than they truly are.<sup>136</sup>

Good judgement about political matters is made harder by another truth that Aristotle illuminates in his description of the origins of the political community. The city is simultaneously a composite whole made not out of households as Aristotle first suggests, but of individuals. In Aristotle's later treatment of regime types, he reinforces the importance of the individual, focusing first on citizens, then on the good man and his relationship to the city, and eventually on the altogether superior individual.<sup>137</sup> Yet the household remains for most individuals the first and most important unit to which he belongs—a fact that often affects his ability to be dedicated entirely to the political community. The needs of the political community, especially in times of crisis, will come into conflict with those of the household. Agamemnon famously must choose between sailing to Troy and preserving his daughter's life. Ordinary people in almost every era must choose between patriotic duty in the military and the preservation of family bonds. Membership in a household simultaneously gives individuals a greater stake in the political community and its future—since it will also be the political community of their children. The fact that individuals usually belong to households draws their loyalty away from the political community and prevents them from desiring a purely private life.

Aristotle's discussion of political rule in terms of “ruling and being ruled” offers a potential solution to the many problems of politics that he elucidates in Book One of the *Politics*. By rotating rule among citizens or groups the virtues of different individuals or factions would be on display and their desire for authority somewhat satisfied. The ruled would experience the

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<sup>136</sup> See Aristotle, *Politics*, trans. Lord, 1280a7–26.

<sup>137</sup> See *Ibid*, Book Three, Chapters 1–7, 13.

power and the problems of making decisions for the community writ large, while the rulers would also have to experience life under the authority of others.<sup>138</sup> But as Thomas Pangle comments, “Political or republican ruling-and-being-ruled, as generally conceived, is riven by self-contradiction. ... [R]ule is *essentially* commanding, while being ruled is *essentially* obeying. ... The relation of ruling and being ruled cannot be egalitarian, either strictly or even proportionally.”<sup>139</sup> Political life, if it is to achieve its natural potential, must address all these inconsistencies. Somehow political friendship where each friend offers a good or service and is “given what accords with [his] worth”<sup>140</sup> must be maintained against the odds of misunderstanding and force. Somehow those who choose best, who are morally virtuous, must rule and be willing to obey in their turn. Somehow justice, and not injustice, must characterize the activity of the political community.

Book One of the *Politics* does not provide an outline of correct political action, an articulation of the best regime, an analysis of civic virtue or a promise that political life will be easy or good, the political community unified or just. Instead, it contains a discussion of both theoretical and practical politics that lays bare the most fundamental political questions: can justice exist in the political community? Can reason and virtue ever dominate political life and government over the threat of power and force? Who ought to rule and how can a ruler unify a community of individuals whose first concern may be to themselves or their families? What would it mean to be a virtuous citizen or a good ruler?

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<sup>138</sup> Ibid, 1259b4–10.

<sup>139</sup> Pangle, *Aristotle's Teaching in the Politics*, 63.

<sup>140</sup> Aristotle, *Nicomachean Ethics*, 1163b35–1164a.

Any institutional arrangement or administrative order implicitly answers these questions. Hegel describes the state as reason—not force—“actualized in the world.”<sup>141</sup> Weber’s description of bureaucracy explores an order that assumes the best rulers are those with expertise in particular professional activities. For Hegel, necessity will unify the individual and society, while Weber’s account of bureaucracy ordains that those personal opinions be jettisoned in favor of professional duty.<sup>142</sup> Aristotle provides practical answers to these questions in the arguments we have discussed between the oligarchs and the democrats and his later discussion of mixed regimes, while his theoretical account allows one to understand the assumptions behind these and any other answers to political questions of the first order.

Politics requires equality of reason between the citizens, but it never wholly achieves it. Where reason is imperfect, habit is of even more importance. The argument Aristotle mediates for his students between the proponents of oligarchy and of democracy displays the limited reason of each: oligarchs put too much emphasis on the importance of money to the political community and do not make a distinction between wealth and virtue. Reason is not absent in their arguments, however. They correctly perceive that living well cannot be accomplished without the leisure wealth provides, and that the city would be without the means both of culture and of national defense without the benefit of support from the wealthy. The democrats are similarly reasonable *and* blind to the claims of others. They correctly assert the force of the many, both against the minority within the city should their claims be overlooked, and as a necessity in fighting against foreign invaders. They assert the real value of freedom for the individual and for a community of citizens who choose to live together. Yet they forget that

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<sup>141</sup> Hegel, *Elements of the Philosophy of Right*, §257–59.

<sup>142</sup> Weber, *Economy and Society*, 957.

freedom is worth very little if it only allows the free to work for their survival, which would always be at risk. The limitations of the opinions of each faction Aristotle supplies by forcing their conversation to take place, if only in his own writing. He asks his reader to consider the claims laid out on the page. Attempts at reason must be maintained, and reasonable conversation about justice and injustice habituated in if not all citizens, then especially those who have the capacity or inclination to lead.

Aristotle's description of politics and his description of different claims to political rule educates leaders to rule with a concern for complete justice and an acknowledgement of practical limitations. His discussion of mixed regimes shows how ordinary citizens can be habituated by political institutions and laws into engaging in political activity. The retention of rights and duties for both the rich and the poor, and therefore acknowledgement of the claims of freedom and wealth, within the regime called polity requires the continued activity of both factions in the common requirements of the city. The more truly mixed experience of the regime of the middle class allows citizens who can, themselves, perceive a part of both arguments, since their experience of life allows them to participate in the benefits of wealth, while being a part of the common majority, to take part in the ruling of the city. Neither of these regimes pretends to realize perfect justice, to institutionalize Right in the world, or to rise beyond the common opinions of ordinary human beings. Yet they encourage reasonableness, recognize true political claims, and habituate discussion of the common good. Aristotle's acknowledgement of the limitations of these regimes while suggesting their goodness in reality allows his political reader to strive towards justice without sacrificing the need for a common (and therefore imperfect) good for the community. Aristotle's emphasis on a political philosophy that acknowledges the best of human nature while laying bare its limitations allows the virtuous individual to

understand his duty to the political community, while realizing that a life of complete virtue might not be possible within it. Unlike both Hegel and Weber Aristotle suggests that the very best of what is possible for human beings can be sought for, while acknowledging the imperfection of human life, and the necessary conflicts which must face all citizens, all good rulers, and all serious individuals. Aristotle's *Politics* reveals that inherent political problems are brought to light by political activity itself. Political activity illuminates disagreements about the good and the bad, the just and the unjust, so that they can be mitigated, even when they cannot be resolved. Politics can be understood best by an approach that adopts the structure of political deliberations. Political philosophy begins in this manner even as it eventually ascends to a clearer and more reasonable perspective.

### 3.4 Conclusion

Aristotle focuses explicitly on what is best for human beings to be and to do. He speaks of human nature and encourages his readers to fulfill it. Both the *Nicomachean Ethics* and the *Politics* provide arguments about what human beings *ought* to do—what human virtue is and how to pursue it most fully, what the best political community consists in and how to approximate it in reality. As we have seen, this does not mean that Aristotle's thought lacks "realism." Much of his *Politics* is dedicated to showing his readers the problems of politics, both for the individual and for the community as a whole. Moreover, he describes insoluble political problems even as he articulates the connection between politics and speech about the good and the bad: what is best for the individual may not be best for the community. The claims to justice of the rich and the poor both have validity—but they cannot both be fully realized at the same



time. For Aristotle, political philosophy is the quest to know and understand the truth about moral and political life, to know what is virtuous and best within the limits of what can be accomplished here and now. Simultaneously it is the study of what is possible, of how close human beings and their communities can come to truth and virtue.

Polity, for example, is not the best regime. The best regime may not be realizable at any time or in any place. The life of the serious citizen is clearly not the best possible human life; perhaps neither is that of the excellent ruler or statesman. Moreover, the best life may be open to the very few. Yet polity, as described by Aristotle, retains the possibility of political virtue, and the political life provides human beings with the opportunity to practice moral virtue and prudence. Politics is worth pursuing because it is natural to human beings, and it allows them to be more fully human. Mixed regimes are worth describing because they admit of virtue. The arguments of the democrats and the oligarchs are worth listening to because they do contain real, if also partial, claims to justice. In making this clear, Aristotle simultaneously shows human beings that the quest for truth and virtue is worthwhile and how it can be achieved, at least to some degree. He points to the heights of human reasoning and activity while reminding his readers that even common opinions can contain partial truths and common people can display some aspect of virtue. He explains the obstacles to truth and virtue, while making clear that they are worth striving for. To discuss political life, according to Aristotle, is to discuss the good and the bad, the just and the unjust. Good statesmen and rulers are those who consider all claims to justice, their validity, and their implications for the political community.

This understanding of political philosophy is incompatible with Weber's sociology and his treatment of bureaucracy. Aristotle's questions are diametrically opposed to Weber's ethic of "scientific objectivity" and his demand for the distinction between facts and values in scientific

work. Weber defines his sociology as “a science concerning itself with the interpretive understanding of social action and thereby with a causal explanation of its course and consequences.”<sup>143</sup> Arguments “on the basis of pure value judgements” have no place within it.<sup>144</sup> Of course Aristotle’s political philosophy is not based on “pure value judgments”; rather it consists of arguments testing common opinions, logical connections, philosophic arguments, and historical examples. But Weber denies the possibility of gaining knowledge about nature or final ends by this means. He asserts that only empirical study based on observed action can be studied rationally. “A choice,” he writes, “about ultimate commitments cannot be made with the tools of science.”<sup>145</sup> Judgments about what is good or bad, just or unjust cannot be proved by these means. For this reason, Weber’s treatment of political subjects never addresses either of Aristotle’s central questions: “What is best?” and “What is best in the circumstances?” Weber does not discuss (in his academic work) the good and the bad, the just and the unjust.

Bureaucracy as Weber describes it, as a pure type, is administration without value judgment, according to preordained rules and in accord with promulgated law. In Paul du Gay’s words, “[I]t is pointless to apply global moral judgements to bureaucratic conduct *tout court*: to praise it for its impartiality or condemn it for its conservatism; to approve its efficiency or damn its immorality; to find its exemplar in Sir William Fisher on the one hand, or Adolf Eichmann on the other.”<sup>146</sup> Bureaucrats, like empirical sociologists, are not meant to make value judgements. Just as science must study what is, bureaucracy must administer what has already been decided.

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<sup>143</sup> Ibid, 4.

<sup>144</sup> Ibid, 7.

<sup>145</sup> Ibid, 1381.

<sup>146</sup> Paul Du Gay, *In Praise of Bureaucracy* (London: Sage Publications, 2000), 5.

In reality it does not seem possible either for social science to be silent on matters of good and bad or for bureaucracy to be silent on what is just and unjust. As Weber himself wrote in a political (not sociological) essay, “In a modern state the actual ruler is necessarily and unavoidably the bureaucracy, since power is exercised neither through parliamentary speeches nor monarchical enunciations but through the routines of administration.”<sup>147</sup> Yet Du Gay’s book, *In Praise of Bureaucracy*, uses Weber’s value-free treatments of bureaucracy as a foundation for his praise of its effectiveness and ethos—something that would not have been possible if Weber had shared his private opinion that bureaucracy is the greatest threat to freedom in the modern world.<sup>148</sup> Value judgements are inherent in choices about what to include and what not to include, what to ask and what to ignore. This fact is at the heart of the argument Aristotle presents between the democrats and the oligarchs. Each includes their service and sacrifice, or their respective excellence, as justification for their claim to rule. Each ignores the claims the other makes for their deserving authority in the city. It is by listening to both arguments that one can gain a greater understanding both of justice and of what is required for a stable and long-lasting political community.

Bureaucrats must make judgements about what to do and what not to do, what to prioritize and what to forget. These decisions affect the fulfillment of others’ claims for justice and fairness. According to Hegel it is these very decisions that constitute the duties of the civil service. “The task of *upholding*, within [the *particular* common interests which fall within civil society], *legality* and the universal *interest of the state*, and that of bringing these rights back to

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<sup>147</sup> Weber, *Economy and Society*, 1393.

<sup>148</sup> Weber, *Economy and Society*, LX.

the universal” must be performed by the executive civil service.<sup>149</sup> In other words they are responsible for deciding how to apply rules and laws to individuals and groups so that the common interests of individuals are brought into line with the universal interests of the state: we “encounter the conflict between private interest and particular concerns of the community, and between both of these together and the higher viewpoints and ordinances of the state.”<sup>150</sup> Hegel promises that this will be done with a view to what is good and just. The state is the actualization of reason and truth in the world. It will be far better than Aristotle’s polity: compromise will not be the only available solution to the conflict of interest. The civil servants will be able to administer well and choose rightly because they will be educated in a way that will allow them to act according to Right.

Hegel’s assertion that the State, and in particular that the civil service, can synthesize conflicting claims to justice is incompatible with Aristotle’s emphasis on citizenship and on the existence of incomplete yet valid claims to justice. If citizens themselves must communicate about justice in order to act politically, then both Hegel’s civil service and Weber’s bureaucracy prevent true political activity. If an education in statesmanship and legislation demands listening to competing claims for justice, then bureaucracy stifles both lawmaking and ruling. If ruling is taught in part by being ruled, then the separation of the rulers from the citizens by bureaucratic administration destroys political education. Indeed, this destruction strikes at the heart of politics. That is the problem with experts; they do not educate those whom they rule. Hence politics acknowledges that humans can be educated to some degree in what is good.

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<sup>149</sup> Hegel, *Elements of the Philosophy of Right*, §288.

<sup>150</sup> Ibid, §288–89.

Aristotle's education in the *Politics* asserts that only if citizens converse about justice can the political life of a community flourish, and only if they take part in the decision-making of the political community will they be able to practice political virtue. Aristotle's teaching is not merely about politics; its approach to politics is itself political. That is, it tries to mediate between the competing political claims of the oligarchs and democrats. Aristotelian political philosophy does not stand entirely apart from politics. Bureaucratic administration is a threat to the very possibility of true political activity as described by Aristotle, and to the extent that justice is not something that can be passively received by human subjects, a threat to justice itself. It remains for us moderns to consider whether Aristotle is right, and if he is right, to consider what the best possible political reality is given the fact that our circumstances inevitably include bureaucratic administration. Can bureaucratic administration be used as a tool for true political activity or are the two fundamentally incompatible? Can we engage in true political activity in modern states or has the possibility of political virtue been replaced with the efficiency of bureaucratic administration?

## 4.0 Chapter Four: The Consequences of Bureaucracy

“Today we ought to add the latest and perhaps most formidable form of ... domination: bureaucracy or the rule of an intricate system of bureaus in which no men, neither one nor the best, neither the few nor the many, can be held responsible, and which could be properly called rule by Nobody. (If, in accord with traditional political thought, we identify tyranny as the government that is not held to give account of itself, rule by Nobody is clearly the most tyrannical of all, since there is no one left who could even be asked to answer for what is being done....).”<sup>1</sup>

—Hannah Arendt, *On Violence*

Writing in the shadow of the Second World War, Hannah Arendt warned that bureaucratic administration is not only incompatible with true political action but antagonistic to it. According to Arendt, political action in its full sense is based in human plurality. Political action demands that thought be connected to it and is the only realm in which freedom can flourish. Bureaucracy obscures the true character of politics, divides rather than connects individuals, removes responsibility from political action, and limits freedom. Arendt’s criticism of bureaucracy relies on Aristotle’s articulation of politics as ruling- and-being-ruled,<sup>2</sup> or, as Arendt puts it, the “relationship between rulers and ruled.”<sup>3</sup> For this relationship to preserve freedom, it must be based on mutual recognition—that is, rulers and ruled must be known to one

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<sup>1</sup> Hannah Arendt, *Crisis of the Republic* (New York: Harcourt Brace and Company, 1972), 137–38.

<sup>2</sup> See Aristotle, *Politics*, trans. Carnes Lord (Chicago: The University of Chicago Press, 1984), Book One, Chapter Three.

<sup>3</sup> Hannah Arendt, *The Promise of Politics*, ed. Jerome Kohn (New York: Schocken Books, 2005), 97.

another. Moreover, it must allow both groups to engage in political speech and especially to compromise with one another.

Bureaucratic government, Arendt asserts, is “properly called rule of Nobody,” and in its anonymity lies its tyranny: “the anonymous rule of the bureaucrat is no less despotic because ‘nobody’ exercises it. On the contrary, it is more fearsome still, because no one can speak to or petition this ‘nobody.’”<sup>4</sup> Bureaucrats do not consider themselves rulers, much less have political visions they can explain to those over whom they rule. They do not have independent judgments about good and bad, justice or injustice. The citizens, or subjects, of a bureaucratic government neither know nor can reach their rulers with claims or arguments. Under such circumstances political speech may become impossible, compromises cannot be made, and totalitarian government can take root.

Arendt does not claim that bureaucracy equals totalitarianism, but unrestrained by citizens and institutions it can “crystallize” into totalitarian rule.<sup>5</sup> Totalitarianism is the particular form of tyranny that bureaucracy allows for. In order for bureaucracy to be restrained, other avenues of political dialogue and political action must remain open even while some governmental activities are administered bureaucratically. These avenues can be protected by the institutions of the state, or the society of its citizens. However, if these restraints fail and the entire ruling apparatus becomes bureaucratic, then bureaucratic rule can become total and terrible. The contemporary political situation requires us to determine how to integrate bureaucracy into political life such that it does not lead to totalitarian government.

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<sup>4</sup> Ibid, 97.

<sup>5</sup> Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace and Company, 1968), XV.

Luckily there are few examples of total bureaucratic domination—in other words, totalitarian government—but all are catastrophic. Arendt, a German Jew, had direct experience of one of these examples. Arrested and questioned by the Nazis in 1933 for her ties to a Zionist group, she was fortunate to be released after only eight days and fled Germany soon thereafter. In France she was placed in an internment camp, from which she managed to escape. For the next eighteen years Arendt lived as a refugee, or in her own words, as a “stateless person,” before gaining American citizenship in 1951.<sup>6</sup> Her personal experiences forced her to realize the importance of politics. She believed that the history of the twentieth century, from Nazi Germany to the Soviet Union, laid bare the dangers of bureaucratic excess—dangers that ought to be considered even by those who were lucky enough not to have experienced the horrors firsthand.

Arendt quickly became interested in studying totalitarianism from a scholarly perspective, publishing her first major work on the subject, *Origins of Totalitarianism*, in 1951, the same year she became an American citizen. Her ideas on the subject solidified a decade later when she attended and reported on the trial of Adolf Eichmann. There she witnessed firsthand what she would controversially call the “banality of evil”: the evil of, not a passionate monster, but a thoughtless stooge, a mere cog in the bureaucratic administration of the Nazi regime. Eichmann, according to Arendt, simultaneously adopted the edicts and slogans of his superiors as rational thoughts, boasted of his own activities, and seemed unable to take responsibility for the consequences of his actions. Eichmann’s job was simply to organize and to motivate. He was good at both. He effectively organized the trains and buses that would transport the Jews to concentration camps and gas chambers. He convinced some Jewish leaders to be complicit in the

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<sup>6</sup> Elisabeth Young-Bruehl, *Hannah Arendt: For Love of the World* (New Haven: Yale University Press, 1982), 105–114.



Nazis' destruction of the Jewish people. Yet his position as an official of the SD (the security services of the SS) protected him from confrontation with the reality of his actions. He never pulled a trigger or turned on the gas, and he seemed unable, even at the end of his own life, to understand the truth of his or the Nazi regime's activities.<sup>7</sup> After publishing *Eichmann in Jerusalem: A Report on the Banality of Evil* in 1963, Arendt continued to publish works on totalitarianism and politics in which she described on the one hand the forerunners of totalitarian dictatorship and its characteristics, and on the other hand political action and its promise for human freedom.

Arendt's understanding of politics and of true political action owes much to ancient Greek political philosophy and to Aristotle in particular. She credits the ancient Greeks with an understanding of the promise of politics that has been lost in the modern age. Modern men, according to Arendt, fear that "humanity could destroy itself through politics" because they mistake political action for violence and war. They hope that "humanity will come to its senses and rid the world, not of humankind, but of politics."<sup>8</sup> With such an anti-political hope in view, bureaucracy seems simply beneficial. Thus, the elements of totalitarianism are easily available in modern nations. The "elements" of totalitarianism, or its forerunners, according to Arendt, include both modes of thought and material conditions. Under the right circumstances they evolve into totalitarianism and all its terrors.

Arendt sought to reveal the truth about totalitarianism and about true political action. Politics necessarily includes the citizens in political decisions and bureaucratic expertise excludes them. Truth and politics, Arendt acknowledges in a later essay, "are on rather bad terms

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<sup>7</sup> Hannah Arendt, *The Portable Hannah Arendt*, ed. Peter Baehr (New York: Penguin Books, 2000), 314–33.

<sup>8</sup> Arendt, *The Promise of Politics*, 97.

with each other.”<sup>9</sup> Yet truth alone may protect citizens against pernicious political domination: “though powerless and always defeated in a head-on clash with the powers that be, [truth] possesses a strength of its own: whatever those in power may contrive, they are unable to discover or invent a viable substitute to it.”<sup>10</sup> All governments and power relationships between human beings are based on a “story”<sup>11</sup> about the world and about people—about good and bad. These stories can be false or largely true. There is no substitute for truth as the basis of government. And truth is also the only healthy basis for political action.

Arendt’s work on political action and on totalitarianism helps elucidate the dangerous possibilities of bureaucracy, while addressing the problem of politics in the modern age. She explicitly takes up the question of the relationship between bureaucracy and politics, the scientific study of politics, the notion of a progressive history and the true relationship between men and political life. I turn to her in this chapter to explore the problems of bureaucracy and the conditions under which it can lead to totalitarianism—that is, to a tyranny in which true political action is completely absent. With Arendt’s assistance I will also discuss how action and thought should, in a healthy political community, be related. Arendt is helpful in considering whether Aristotelian notions of politics are possible within the modern state. However, in exploring Arendt’s work to consider these questions it is also important to distinguish between Aristotle’s political philosophy and Arendt’s political theory—which despite their similarities are not completely compatible. Arendt is perhaps the most accomplished scholar of totalitarianism and the dangers of bureaucracy. Her study of the trial of Adolf Eichmann and her prior opus, *The*

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<sup>9</sup> Arendt, *The Portable Hannah Arendt*, 545.

<sup>10</sup> Ibid, 570.

<sup>11</sup> Lisa Jane Disch, *Hannah Arendt and the Limits of Philosophy* (Ithaca: Cornell University Press, 1994), 110.

*Origins of Totalitarianism*, in conjunction with her essays *On Violence*, *On Revolution*, and *On Guilt and Judgement*, paint a many faceted picture of bureaucratic government run amuck, used to terrorize, dominate, and destroy. Her work on politics explores the opposite of these horrors. However, she has also been criticized for the disorganization and incomplete nature of her writing. She never completed a full theory of political philosophy. *The Human Condition*, often considered her most philosophic work, is in her own assessment a work which considers men, philosophy, and truth in relationship only to action.<sup>12</sup>

According to Arendt, she is not a philosopher or the author of a philosophy of human life; she is a political theorist, who thinks and writes about the human relationship with political action and its absence.<sup>13</sup> This means that Arendt lacks both a political philosophy in the sense of Aristotle and the ancient Greeks, for all her reliance on Aristotle, and a political science in the sense of Max Weber and the modern social scientists. Arendt asserts neither a human nature, nor a human telos or end at which all human activity naturally aims. In fact, the closest she comes to such an assertion is to explain that humanity is a condition which can be lost and is not necessarily based in nature. She also does not profess a methodology based upon scientific fact or theory. Instead, Arendt looks for truth in the world around her and in her own experiences; she tells a story of humanity and of its loss—a loss she has both studied and experienced personally at the hands of the Nazis.

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<sup>12</sup> See Margaret Canovan, *Hannah Arendt: A Reinterpretation of Her Political Thought* (Cambridge: Cambridge University Press, 1992), 1–8, and Norma Claire Moruzzi, *Speaking Through the Mask: Hannah Arendt and the Politics of Social Identity* (Ithaca: Cornell University Press, 1963), 1–9.

<sup>13</sup> Hannah Arendt, *Essays in Understanding, 1930-54*, ed. Jerome Kohn (New York: Schocken Books, 1994), 1–6.

For the purposes of this examination, then, Arendt's work is distinctively helpful while being incomplete. Her knowledge of and use of political philosophy—her overt references to Aristotle and Hegel—make it easy to consider how her notion of politics compares to theirs, and how she thinks bureaucracy relates to their conceptions of politics as well as the truth of political action. Her direct discussion of historical events, of her life experience, and of American government makes it possible to consider how bureaucracy and politics relate to the modern age and the American context. Yet Arendt's work cannot be treated simply as an alternate vision of politics of the same order as that of Aristotle or Hegel. Nor was she providing policy suggestions to her readers. In examining Arendt's work, we must make sure to take note of the differences between her work and those of the other thinkers discussed here. Weber has provided our study with a definition of bureaucracy, Hegel with a philosophy of the modern state, and Aristotle with an alternate explanation of human beings as political animals. Arendt's work can help us explain our modern understanding of bureaucracy and of politics, but it is not meant simply to answer our questions; it is intended to help us think about these topics more deeply (as Arendt herself was trying to do).<sup>14</sup> In this spirit I will use Arendt's work to illuminate the contemporary state of politics and the dangers of the dependence of governments on bureaucracies.

This chapter has five parts. Part one considers Arendt's conception of political action in comparison to that of Aristotle. For while Arendt uses the philosophy of Plato and Aristotle as the foundation for her own thought, her theories also depart fundamentally from theirs. In part two I examine Arendt's understanding of bureaucracy, which resembles Weber's but comes from the perspective not of a social scientist, but of a student of political philosophy and a stateless refugee. In part three I study the consequences of bureaucratic administration, and the danger

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<sup>14</sup> See Canovan, *Hannah Arendt: A Reinterpretation of Her Political Thought*, 2–3.

that bureaucracy can lead to, or at least facilitate, totalitarianism. This will require an examination of totalitarian government with a view to understanding its essential characteristics. In the fourth part I consider Arendt's own response to totalitarianism and its elements—her notion of how to reveal the truth of politics, which departs radically from Weber's scientific sociology and from Hegel's philosophy of history. In the course of this examination, I will also consider whether Arendt was correct in her assessment of bureaucracy and of political action. Finally, I will turn, with Arendt, to the American context. She believed that America was uniquely qualified to stave off the threat of totalitarianism and restrain its bureaucracy. The American revolutionary spirit, she thought—or hoped--would allow for constant attention to political action, a willingness to begin anew, and a unique ability to tell a political story. I will consider what these hopes mean about the nature of bureaucracy and how much they are to be depended upon.

#### **4.1 Political Action and the Human Condition**

Hannah Arendt opens "Introduction into Politics" with the foundational question, "What is politics?"<sup>15</sup> To readers of Aristotle her answer might seem simultaneously strange and familiar: "Politics is based," Arendt writes, "upon the fact of human plurality. ... Politics deals with the coexistence and association of *different* men."<sup>16</sup> It manifests itself in their interactions and their group activities. For, Arendt writes in *The Human Condition*, "[t]o act, in its most

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<sup>15</sup> Arendt, *The Promise of Politics*, 93.

<sup>16</sup> Ibid.

general sense, means to take an initiative to begin (as the Greek word *archean*, ‘to begin,’ ‘to lead’ and eventually ‘to rule,’) indicates, to set something into motion.” Action between human beings is revelatory; it exposes what we understand to be our most important characteristics. For this reason, political action usually shows itself either in violence or in speech. Speech is the more truly political of the two because “the affinity between speech and revelation is much closer than between action and revelation.”<sup>17</sup> According to Arendt, it is in this free choosing, this self-revelation, this political judgement and engagement that freedom exists. It is the one realm where we are “neither driven by ourselves nor dependent on the givens of material existence.”<sup>18</sup> Ruling in its true sense does not destroy this freedom. It does not set rules over other people, but sets action into motion; it gives direction to the free thought of others.

For both Aristotle and Arendt politics is based upon the interaction of human beings in the community they build and the groups they form. Aristotle’s depiction of men as members of a community sounds more noble—after all it begins with the assertion that “every community is constituted for the sake of some good,”<sup>19</sup> but it quickly descends into the recognition that they are only constituted for the sake of what is “*held* to be good,”<sup>20</sup> and human beings are often mistaken in their notion of what is good, what is worth aiming at. To this extent Arendt’s less appealing suggestion that human beings organize themselves “according to certain essential commonalities found within or abstracted from an absolute chaos of differences”<sup>21</sup> is not so

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<sup>17</sup> Hannah Arendt, *The Human Condition*, second edition (Chicago: Chicago University Press, 1998), 178.

<sup>18</sup> Arendt, *The Promise of Politics*, 95.

<sup>19</sup> Aristotle, *Politics*, trans. Lord, 1252a2.

<sup>20</sup> *Ibid*, 1252a3.

<sup>21</sup> Arendt, *The Promise of Politics*, 93.

different from the reality of Aristotle's opening remarks. It also seems substantiated by his treatment of the democrats and the oligarchs who organize themselves with a view to the fact that they are members of the many or the wealthy.<sup>22</sup> The difference between them lies less in the recognition of the limits of politics and more in the aims they each ascribe to human beings in forming political communities. Arendt in no way specifies these "commonalities" while Aristotle asserts that even in the limited claims of competing faction there is a constant concern for the good, no matter how mistaken a belief in its content.

But Aristotle does not see human organizing as starting from chaos. Aristotle begins with human beings as a class of being that has essential natures and the ability to fulfill those natures (even if not everyone will succeed). Even his depiction of the oligarchs and the democrats, which is far from idyllic, implies that human beings will naturally organize themselves into categories that have real claims to justice, and will try to assert those claims through speech (as well as violence).<sup>23</sup> Compromise between these groups is possible because political speech is natural to human beings and political stability is easily recognized as a good to be aimed at.

Arendt, on the other hand, begins with individuals who must become a part of one group or another, who must define for themselves what group they will belong to and which "commonalities" are most important. Human beings do not start, for Arendt, as political. They are not bound together by a shared nature but must choose to come together out of a knowledge of the truth and a desire for freedom. All individuals must make this choice not once, but continuously throughout their lives. Nature gives these individuals no push in the correct direction, and only by coming together do they engage in politics.

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<sup>22</sup> See Aristotle, *Politics*, trans. Lord, Book Three, Chapters 8–13.

<sup>23</sup> See *Ibid*, Book 3, Chapter 10.

Yet once chosen, political action, according to Arendt, has much in common with the political activity Aristotle describes as a natural part of human life: it is manifested in public speech. For Arendt speech is the revelatory part of action, the part that gives it meaning and by which human beings reveal themselves. If politics exists in the activity of plural man, speech is the necessary accompaniment of political action for free men. In Arendt's words, "Without the accompaniment of speech, at any rate, action would not only lose its revelatory character, but it would lose its subject, as it were; not acting men but performing robots would achieve what, humanly speaking, would remain incomprehensible. Speechless action would no longer be action because there would no longer be an actor, and the actor, the doer of deeds, is possible only if he is at the same time the speaker of words."<sup>24</sup> According to Aristotle, speech is *the* natural capacity that exposes the essence of human nature. "It serves to reveal the advantageous and the harmful and hence also the just and the unjust. For it is peculiar to man as compared to other animals that he alone has a perception of good and bad and just and unjust and the other things of this sort...."<sup>25</sup> For Aristotle, as for Arendt, it is through speech that human beings reveal their understanding of justice. It is distinctive of true human interaction and the basis of true political communities. While Arendt is concerned that human beings may become robots should they lose the ability to speak, Aristotle implies that human beings may become no better than beasts. Arendt is concerned that modern human beings, products of the age of technological progress, will become mechanized, while Aristotle is afraid they will give into their baser natures. According to both thinkers the capacity to speak is at the center of what it means to be human—what we choose to say gives meaning to our actions and expresses our notion of good and bad.

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<sup>24</sup> Arendt, *The Human Condition*, 178–79.

<sup>25</sup> Aristotle, *Politics*, trans. Lord, 1253a14–17.



In the *Human Condition*, Arendt writes explicitly of the debt she owes to ancient Greek philosophy and to Aristotle. The Greeks, she asserts, understood (as the moderns do not) “the fact that human life always demands some form of political organization and that ruling over subjects might constitute a distinct way of life ....”<sup>26</sup> She credits Aristotle with distinguishing three kinds of human life “which men might choose in freedom,” of which the political life is one. He understood that “[o]f all the activities necessary and present in human communities, only two were deemed to be political and to constitute what Aristotle called the *bios politikos*, namely action (*praxis*) and speech (*lexis*), out of which rises the realm of human affairs ... from which everything merely necessary or useful is excluded.”<sup>27</sup> This political life of activity beyond the realm of work and labor was made possible by the city-state, or *polis*, which provided a public realm where individuals could interact with each other outside of the household and could speak about questions of justice. Political life is, according to Arendt, misunderstood in the modern age. Not only do modern men lack the support of the Athenian *polis* and its opportunity for action that is not labor, and for public speech; they also have come to mistrust the political life itself. They fail to recognize that it offers the only opportunity for freedom. They see only its propensity to devolve into violence.

Yet, as Margaret Canovan writes in her commentary on Arendt’s political thought, Arendt does not wish simply to return to the golden age of Greek civilization, nor indeed does she believe that the age of Plato and Aristotle was one in which the political activity was perfectly understood or perfectly practiced.<sup>28</sup> Aristotle may be the philosopher who best

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<sup>26</sup> Arendt, *The Human Condition*, 13.

<sup>27</sup> *Ibid*, 25.

<sup>28</sup> Canovan, *Hannah Arendt: A Reinterpretation of Her Political Thought*, 138.

understood political action, but according to Arendt, he was blinded by his dedication to philosophy. Aristotle followed Plato in believing that the life of contemplation and not of action was the realm of true human freedom and, for those who could practice it, real happiness.

“Aristotle’s very articulation of the different ways of life,” Arendt writes, “in whose order the life of pleasure plays a minor role, is clearly guided by the ideal of contemplation. ... To the ancient freedom from the necessities of life and from compulsion by others, the philosophers added freedom and surcease from political activity....”<sup>29</sup> This emphasis on contemplation is doubly problematic. First it destroys Aristotle’s own ability truly to understand political action,<sup>30</sup> according to Arendt, and second it helped set up a tradition of political philosophy in which politics and philosophy are set in opposition to one another.

Aristotle’s original mistake, according to Arendt, was to assert that man is a political animal. “This,” she writes, “is simply not so; *man* is apolitical. Politics arises *between men*, and so quite *outside of man*. There is therefore no real political substance. Politics arises *between men* and is established as relationships.”<sup>31</sup> The plurality of men do not have a nature but are the

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<sup>29</sup> Arendt, *The Human Condition*, 14.

<sup>30</sup> Arendt’s interpretation of Aristotle can be criticized on the grounds that Aristotle described the prudent man as having “complete” human virtue, which includes all the moral virtues and goes along with his ability to grasp the truth of a human situation and respond appropriately. He does not contemplate eternal truths. It can be argued that Aristotle’s respect for the life of a prudent man shows that he does take politics on its own terms without reference to contemplation, even if Aristotle thinks the contemplative life is superior for those capable of engaging in it. See Aristotle, *Nicomachean Ethics*, trans. by Robert C. Bartlett and Susan D. Collins (Chicago: Chicago University Press, 2011), Book 6, Chapters 5–13.

<sup>31</sup> Arendt, *The Promise of Politics*, 95.

product of a set of conditions.<sup>32</sup> Arendt identifies several fundamental human conditions: “life itself, natality and mortality, worldliness, plurality and the earth.”<sup>33</sup> But these fundamental conditions do not really explain the human condition because “everything [humans] come into contact with turns immediately into the condition of their existence.” They are conditioned by the basic facts of life: the earth upon which they live, and which provides their bodies with basic necessities, the fact of their own mortality, and of their almost limitless power for “natality” that is the power to begin again. But they are also defined by the conditions they create for themselves. “Whatever touches or enters the human world of its own accord or is drawn into it by human effort becomes part of the human condition.”<sup>34</sup> Living together in plurality is the condition of human action and of politics. This condition can be destroyed and politics with it. We may lose the ability to be political.

Aristotle’s discussion of man as a political animal misses this essential truth of human existence and of politics. Political action allows human freedom, but it must be made to exist in

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<sup>32</sup> Whether Arendt thought man (singular) had a human nature is a little harder to tell. She certainly denies that man has an “essence” separate from his “coming into being” in the historical realities of the world. In *The Human Condition* she writes, “[N]othing entitles us to assume that man has a nature or essence in the same sense as other things. In other words, if we have a nature or sense, then surely only a god could know and define it, and the first prerequisite would be that he be able to speak about “who” as though it were a “What.” (10) Yet Arendt also comments that human nature has been destroyed by totalitarianism—so one might infer that she did understand there to be a particular human capacity if not an essence that was dependent upon, and therefore could be destroyed by, the conditions a man found himself in. See also Julia Kristeva, *Hannah Arendt*, trans. Ross Guberman (New York: Columbia University Press, 200), 154.

<sup>33</sup> Arendt, *The Human Condition*, 11.

<sup>34</sup> *Ibid*, 9.

the world. While Aristotle does explain that the *polis* must be founded by human beings, this founding is also the product of human nature. It is a natural and necessary step in the development of human beings, not a decision each individual will need to make, and continue to make, on his own. As Bhikhu Parekh writes in *Hannah Arendt and the Search for a New Political Philosophy*, “In Arendt’s view, Aristotle’s cyclical view of the natural and the human world prevented him from developing a theory of political freedom and action....”<sup>35</sup> To do both he first had to admit that politics does not exist for human beings without one another, and in conditions of loneliness or isolation it may not exist at all.

Still Arendt does not disagree greatly with Aristotle’s description of what politics looks like in action. Like Aristotle she speaks of politics as the relationship between the ruler or rulers and the ruled, and like him she depicts healthy political activity as happening in the public realm, through speech and as action undertaken outside the realm of material necessity (or as she understands it, “labor and work”). As George Kateb writes in his essay on political action, “The heart of Arendt’s account of action in her writings is that authentic political action is speech—not necessarily formal speeches, but talk, exchanges of view—in the manner of persuasion and discussion. Political speech is deliberation or discussion as part of the process of deciding some issue pertaining to the public good.”<sup>36</sup> Arendt herself notes that persuasion is, for the ancient Greeks, the highest “political art” which separated their politics from those of the barbarians that

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<sup>35</sup> Bhikhu Parekh, *Hannah Arendt and the Search for the New Political Philosophy* (New Jersey: Humanities Press, 1981), 28.

<sup>36</sup> Dana Villa, ed., *The Cambridge Companion to Hannah Arendt* (Cambridge: Cambridge University Press, 2000), 133.

focused on action and violence.<sup>37</sup> It is this art of persuasion, or rhetoric, that we see displayed in Aristotle's dialogue between the oligarchs and the democrats in his *Politics* and which when used well, can allow groups to discuss and even resolve through compromise their different understandings of good and bad, justice and injustice. For Arendt it is the expression of human freedom: in the free public expression of judgments through speech human beings not only reveal themselves but act as free beings. This, she asserts, is the "meaning of politics."<sup>38</sup>

But, according to Arendt, Aristotle's perfect example of political action in the dialogue between the democrats and the oligarchs is lost amid his concern with philosophy and freedom through contemplation—and it has been lost in the whole history of political philosophy. Arendt contends that Socrates' death and "[t]he fact that [he] had not been able to persuade his judges of his innocence and his merits ... made Plato doubt the validity of *persuasion*."<sup>39</sup> This combined with Plato's mistrust of *doxa*, or opinion, in favor of truth led him to feature, at the very founding of the philosophic tradition, contemplative philosophy at the expense of political speech. In this Aristotle followed his teacher, and so the greatest philosopher of politics also embedded a mistrust of politics into the Western tradition. Once when an interviewer called her a "political philosopher," Arendt responded, "[I]n my opinion I am not. In my opinion I have said goodbye to philosophy once and for all...." Asked why she wanted to distance herself from philosophy Arendt responded, "The expression 'political philosophy' ... is extremely burdened by tradition.... [T]here is a vital tension between philosophy and politics. That is between man as a thinking being and as an acting being.... [The philosopher] cannot be objective or neutral about

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<sup>37</sup> Arendt, *The Promise of Politics*, 7.

<sup>38</sup> Ibid, 108.

<sup>39</sup> Ibid, 7.

politics. Not since Plato!”<sup>40</sup> For Arendt the emphasis placed on contemplation of eternal things over action and persuasion about human things as the happiest human life separated Aristotle and Plato from the consideration of political, that is, human affairs. The fathers of political philosophy themselves gave thinking and acting about political matters a bad name.

Arendt’s critique of Aristotle is revealing. Aristotle’s political philosophy does include consideration for a political community that allows for contemplation of eternal, unchanging truths. Although he describes the practice of politics as a choice worthy life for free human beings, he also makes clear in his *Nicomachean Ethics* that it is not the best life for the most virtuous; the philosophic life is a fuller, indeed happier life for those who are truly able to engage in contemplation. Yet Aristotle is also clear that the contemplative life is open to the very few, one might even say to almost no one.<sup>41</sup> Therefore, his acknowledgement that politics is second only to contemplation and the virtue of *phronesis*, or prudence, cannot be overlooked as a recommendation to almost all his readers.

Arendt may be right that the experience of human life is often separate from philosophic truth. Life, as experienced by most, has much more to do with the possibility of freedom and the absence of violence than with understanding truth and beauty. Arendt’s criticism is about lived reality and effectual truth. She is concerned that contemplation cannot matter to most people, or indeed to the greatest minds, if the public sphere does not protect their ability to think freely or indeed to live safely. Yet Arendt acknowledges that Aristotle knew the importance of politics—her criticism is one of emphasis, for in her mind, Aristotle’s ultimate allegiance to philosophy took him away from the world of men.

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<sup>40</sup> Arendt, *Essays in Understanding*, 2.

<sup>41</sup> Aristotle, *Nicomachean Ethics*, Book 10, Chapters 5–9.

Arendt's second complaint, that the Western philosophic tradition has given the life of action a bad name, has some validity. The tradition of Plato and Aristotle, perpetuated and transformed by the Medieval scholastics, does explore the limits of politics and the advantages of a life dedicated to truth or to the divine. Other thinkers, most notably Machiavelli, have been concerned that this emphasis causes philosophy to be concerned with mostly imaginary issues<sup>42</sup>. Yet one might wonder, considering Arendt's discussion, whether the truth about politics is visible from any angle other than from contemplation of truth—even truth that is beyond politics. Arendt takes most of her explanation of true political activity from Aristotle, and by doing so she implicitly acknowledges that political philosophy may offer the fullest theory of political action available. If Aristotle's dedication to philosophy in his own life and in his writing took him away, to some degree, from the world of action, perhaps it also gave him the ability to study human life and political life with a fullness not possible from within the political fray. From this distance he could provide a full philosophy of human life and a true description of politics. Arendt's less distant perspective allowed her to critique this philosophy, but not, by her own admission, to offer a comprehensive human alternative.

Arendt wanted to “look at politics with eyes unclouded by philosophy.”<sup>43</sup> This she does by thinking and writing about political identity, conditions of political activity (and the lack thereof), and the great political events of her own age, from the Holocaust and the rise of the Soviet Union to civil rights in the United States. According to Bhikhu Parekh, Arendt's emphasis on politics made her the recipient of both criticism and praise. Her claim to praise is based on her

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<sup>42</sup> Niccolò Machiavelli, *The Prince: Second Edition*, trans. Harvey C. Mansfield (Chicago: University of Chicago Press, 1998), 61.

<sup>43</sup> Arendt, *Essays in Understanding*, 2.

departure from the tradition Aristotle helped to shape. She was one of the “few major philosophers to philosophize seriously about politics against the backdrop of Nazi totalitarianism” and “the only political philosopher in history to take the entire tradition of political philosophy and contend that it is ‘inauthentic’ and not really a tradition of *political* philosophy at all.” Moreover, she “is the only political philosopher to offer an intensely political view of the world.”<sup>44</sup>

Arendt’s emphasis on politics and on politics in relation to totalitarianism provides real insight into political activity in the modern age and in combination with bureaucratic activity. Her emphasis on politics, her interest in or, as one biographer puts it, her “love” of the world makes her a thinker exceptionally concerned with the life most human beings experience in the modern world.<sup>45</sup> But as we conduct the following analysis of her work on politics and totalitarianism, we will also see that her thought is reactive. While Arendt may charge Aristotle’s work on philosophy with being too separate from the everyday life of human experience, Arendt’s work may be too involved with it and with her own age. Arendt writes about what happens—she reacts to political developments. Perhaps, as she says, it is part of the “human condition” to be influenced by our own conditions, but it also means that bias and experience can limit analysis and prejudice even great political theorists.

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<sup>44</sup> Parekh, *Hannah Arendt and the Search for the New Political Philosophy*, 2.

<sup>45</sup> See Elisabeth Young-Bruehl, *Hannah Arendt: For the Love of the World*.



## 4.2 Bureaucracy and Elements of Totalitarianism

Bureaucratic administration is, according to Arendt, fundamentally opposed to politics. It is rule without rulers, decisions and decrees without judgment, and action without speech.<sup>46</sup> This does not mean that all governments which include some, or even a great deal, of bureaucratic administration, are tyrannical, but they do necessarily include tyrannical elements. Every decision to deal with a political matter by bureaucratic means is a decision to separate it from political action and is therefore dangerous. Bureaucracy must be treated carefully and understood in the context of a general concern for true political action—a condition which is rare in the modern world, where people understand themselves first as individuals, rarely choose to be concerned with political action, and even fear politics as inherently violent.

Bureaucracy is always a form of domination where the dominator is hidden from those dominated. As Arendt writes in *On Violence*:

Today we ought to add the latest and perhaps most formidable form of ... domination: bureaucracy or the rule of an intricate system of bureaus in which no men, neither one nor the best, neither the few nor the many, can be held responsible, and which could be properly called rule by Nobody. (If, in accord with traditional political thought), we identify tyranny as the government that is not held to give account of itself, rule by Nobody is clearly the most tyrannical of all, since there is no one left who could even be asked to answer for what is being done....<sup>47</sup>

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<sup>46</sup> Arendt, *Crisis of the Republic*, 137–40.

<sup>47</sup> Ibid, 139–40.

Bureaucracy is meant to be objective, impersonal, rational, and efficient. These are its virtues and its vices. It does not leave room for misunderstandings of justice, for persuasion, discussion, or compromise. Instead, it accentuates the separation between those in charge and those under their authority. The former are expected to be impersonal professionals, the latter to obey without dispute. “At the basis of bureaucracy as a form of government, and of its inherited replacement of law with temporary and changing decrees,” Arendt writes, “lies the superstition of a possible and magic identification of man with the forces of history. The ideal of such a political body will always be the man behind the scenes who pulls the strings of history.”<sup>48</sup> Such a man must believe that he is always right—or at least that the forces he serves are unambiguously right. He also must have little or no concern with alternate opinions, or conceptions of “good and bad, justice and injustice.”

In *Origins of Totalitarianism*, Arendt traces the mass adoption of bureaucratic administration in modern government to European (and especially British) imperialism. It was, she writes, “that administration by which Europeans had tried to rule foreign peoples whom they felt to be hopelessly their inferiors, and at the same time to need their special protection.”<sup>49</sup> It was not meant as a government of free and equal people governed by law. Rather it was intended as a fair and equal mode of efficient domination, in which the will of the ruled was not only ignored but deemed to be detrimental to their own (and their rulers’) wellbeing. The rulers themselves were, according to Arendt, men dominated by ideals—“dreams that contained the best of European and Christian traditions” but that “had deteriorated into the futility of boyhood

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<sup>48</sup> Arendt, *The Origins of Totalitarianism*, 216.

<sup>49</sup> Ibid, 207.

ideals.”<sup>50</sup> Servants and soldiers of the British crown, these men also wanted to escape the stuffiness and reality of British society and hold it up instead as an ideal that “primitive” peoples should aspire to. They believed that the rise of Great Britain and the expansion of its power throughout the world was the necessary and just course of history. They were its instruments, its string pullers, who could simultaneously save foreign peoples and help Britain to achieve her destiny.

Race or “race-thinking” and bureaucracy, Arendt writes, grew up together—although they were created by different men and born out of different impulses. Race-thinking, she asserts, “has always attracted the worst in Western civilization” while “bureaucracy was discovered by and first attracted the best, and sometimes even the most clear-sighted strata of the European intelligentsia.”<sup>51</sup> Race, she explains, was the answer to the perceived savagery of foreign peoples and led to massacres, decimation, and genocide. “Race-thinking” was the less violent version of this terrible instinct. Instead of recommending annihilation and violence, race thinking encouraged domination, control, and the “civilizing” of conquered peoples. At first this was done by “modern knights errant,” reliant only on themselves with idyllic desires to simultaneously become rich and to “protect helpless and primitive people.” But large-scale imperialism permanently altered the nature and needs of European conquerors. The trinity of “war, trade and piracy” was replaced with the desire for unlimited expansion, permanent settlement, and continuous control of peoples and lands.<sup>52</sup> Examples of this transition and of imperialistic bureaucracy can be found across the colonized world. Lord Cromer, formerly

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<sup>50</sup> Ibid, 211.

<sup>51</sup> Ibid, 187.

<sup>52</sup> Ibid, 185–86.

secretary to the viceroy in India and later consul general in Egypt, Arendt tells her readers, can be studied as the poster boy of the transition from knight to bureaucrat.

While in India Lord Cromer was still a “British dragon-slayer” whose “‘sense of sacrifice’ for backwards populations and ‘sense of duty’ to the glory of Great Britain” led him to decline further honors in India in order to become “the little-publicized and all-powerful Consul General of Egypt.”<sup>53</sup> Cromer went to Egypt because he thought the success of British India was dependent upon British control of Egypt. Egypt was simply another stop on the road of continual expansion and a necessary bulwark for the Empire’s economic success. Like many of these stops, Egypt was acquired almost accidentally, but had to be controlled effectively and continuously. Lack of interest in the country itself made its government officials aloof and uninterested in its particularities yet dedicated to the effectiveness of their government. Cromer was interested much more in the India he had left behind than in the realities of Egypt, but he was a skilled governor and a shrewd man. Arendt tells us that upon arriving in Egypt Cromer was uneasy “about a state of affairs that was not ‘annexation’ but a ‘hybrid form of government to which no name can be given and for which there is no precedent.’”<sup>54</sup> Yet soon he became not only content with it, but even defended this state of affairs in his correspondence. He understood that “‘personal influence’ without legal or written treaty could be enough for ‘sufficiently effective supervision over public affairs’ in foreign countries.”<sup>55</sup> It merely required a dedicated

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<sup>53</sup> Ibid, 211.

<sup>54</sup> Ibid, 213.

<sup>55</sup> Ibid.

and talented leader with a “highly trained, highly reliable staff, whose loyalty and patriotism were not concerned with personal ambition or vanity....”<sup>56</sup>

Lord Cromer’s description of bureaucratic staff is reminiscent of Weber’s definition of the “ideal type” of professional bureaucratic staff. Weber writes that “when fully developed, official activity demands the *full working capacity* of the official.” His office is his “vocation.” He must have completed a “prescribed course of training” that is substantial and tested. Moreover, he must see his office as his “duty.” Bureaucrats are “officials in service of a functional purpose ... which appears at once impersonalized and ideologically sanctified.”<sup>57</sup> Therefore they must not be concerned with their own advancement except as related to internal standards of excellence. They must be dedicated to the mission of their organization and obedient to the decrees of their superiors. They must be entirely professional, efficient, and act in their public sphere only as members of their service and never as private individuals.

Not only does Cromer’s description of his staff fit into the rubric Weber laid out, so does Arendt’s description of Lord Cromer himself. His dedication to the service of the Empire and to the cause of imperialism made him mission driven as an almost all-powerful consul general. Similarly, his decision to decline visible honors in order to gain professional power and to “sacrifice” for his vocation makes him the perfect bureaucratic professional—duty-driven to heights within his organization rather than ambitious for personal public glory. So, despite the fact that many of the decrees that ruled Egypt came from Lord Cromer himself, he remained only

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<sup>56</sup> Ibid.

<sup>57</sup> Max Weber, *Economy and Society*, eds. Gunther Roth and Claus Wittich (Berkeley: University of California Press, 1978), 958–59.

a public employee, not a ruler in his own name. As Arendt puts it, he was a “Nobody” whose power had few limits except his own dedication to service of the Empire.

Today we understand colonization and imperialism as evils, and the race-thinking of European conquerors like Lord Cromer as deeply problematic, not to say immoral. For us, perhaps, it is not altogether shocking that the example Arendt gives of Cromer in Egypt is not so different from her description of Adolf Eichmann, the Nazi bureaucrat who organized the mass destruction of the Jews. Yet, the imperialism of the British Empire is not equivalent to the Holocaust perpetrated in Nazi Germany. Comparing these two men is helpful in understanding the relationship between bureaucracy and totalitarianism. Eichmann, unlike Cromer, had been unimpressive most of his life. He had failed to graduate from engineering school or to distinguish himself in any way until 1932. That year, Arendt says, “for whatever reason ... marked a turning point in his life.”<sup>58</sup> He joined the SS, quickly rose through the ranks, and eventually become head of the Jewish Bureau. He “found for the first time something which he was good at: organizing and negotiating.”<sup>59</sup> While Eichmann may have joined the SS almost by chance (he knew almost nothing about the job when he took it), he found a place in the organization not only as a negotiator but as an ideologue—a party member whose “[l]oyalty was his honor,” as one of the Nazi slogans put it.<sup>60</sup>

If Cromer went from a dragon-slayer to an almost secret head of the British bureaucracy in Egypt, Eichmann went from a nobody to the almost invisible organizer of Jewish destruction.

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<sup>58</sup> Hannah Arendt, *Eichmann in Jerusalem* (New York: Penguin Books, 1963), 31.

<sup>59</sup> Max Weber, *From Max Weber: Essays in Sociology*, ed. Hans Garth (New York: Oxford University Press, 1946), 16.

<sup>60</sup> Arendt, *Eichmann in Jerusalem*, 49.

Cromer believed in the mission of the British Empire, Eichmann in the mission of the Nazi state. Cromer was concerned with controlling and protecting “less civilized” peoples for their own good and that of British imperialist interests. Eichmann “did not hate the Jews,” as Arendt reported, but believed that their complete annihilation would promote the interests of the Reich.<sup>61</sup> He seemed not to have a notion of good and evil independent of what he could be convinced was good or bad for the Reich. Both Cromer and Eichmann were consummate professionals, who excelled in their jobs and valued internal promotion rather than public acclaim. Both expected compliance and obedience from those they controlled. Both worked behind the scenes and almost in secret. And both believed that the missions they served represented the just and necessary course of world history.

Whatever sins can be laid at the door of the British imperialists, they did not intend to wipe out an entire people, they did not gas women and children, and they did not imprison fellow citizens in death camps. Lord Cromer and Adolf Eichmann are most emphatically not equivalent men. Lord Cromer was an intelligent man and gifted leader; Eichmann’s skills were limited to organization and transportation. The former was a secret ruler; the second a glorified logistics manager. Perhaps even more importantly, Cromer really believed he was helping the people he governed, while Eichmann simply closed his eyes to the death and destruction he was helping to arrange. Cromer believed in spreading the law, culture, and commerce of Britain across the world. He was concerned by the hybrid nature of the decree-driven Egyptian government because it did not represent British government. Whatever mistakes he may have made, he was a thinking being. Eichmann, as Arendt describes him, did not even understand what he pledged his loyalty to. He never faced the destruction he caused or even recognized that he had helped to

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<sup>61</sup> Ibid, 72–78.

create hell on earth and to commit genocide. Despite their similarities, Cromer and Eichmann were as different as men—or perhaps as bureaucrats—can be.

Bureaucracies are not all the same. Many even have beneficial effects. Yet bureaucracies transform political activity of both “rulers” and “ruled” in similar ways; judgment and responsibility are removed from action.<sup>62</sup> As professional norms replace personal judgments responsibility is eradicated. As mission loyalty replaces thoughtful patriotism, judgment of any kind becomes less and less important, and freedom is lost. These things happen even if the mission of the organization is good. In organizations dedicated to questionable missions the damage is greater. Intelligent men like Cromer lose their concern for “hybrid governments” and the “rule of law.” They become content with effective control. In organizations dedicated to terrible missions the worst kind of people—those who never knew how to think—are promoted into positions of power and succeed in effecting terrible crimes. In both cases independent consideration of good and bad are subsumed under obedience to the ruling power. Bureaucracy, according to Arendt, is an “element of totalitarianism” which, under the right circumstances, can “crystallize” into full blown tyranny. Her descriptions of Lord Cromer, on the one hand, and of Adolf Eichmann, on the other, describe individuals on different sides of this crystallization. Totalitarian bureaucracy too is different from bureaucracy in a legal—that is, law honoring—regime. As Bernard Bergman writes in *The Banality of Evil: Hannah Arendt and ‘The Final Solution’*, “[T]he bureaucracy of totalitarianism is less the expression of rationality that has gone beyond its limits than of a theory of governance that knows no limits, inventing itself as it goes

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<sup>62</sup> Hannah Arendt, *Responsibility and Judgement*, ed. Jerome Kohn (New York: Schocken Books, 2003), 17–34.



along, destabilizing everything.”<sup>63</sup> It is important for any modern man who lives in a government of law with bureaucratic elements to be concerned with these limits—the limits both of rationality and the rightful realm of bureaucracy and government more generally.

Bureaucracy is not the only element of totalitarianism. Loss of faith in the nation-state, race-thinking, imperialism, fascination with scientific rationality, need for governmental efficiency, and a belief not in political action but in historical progress are all aspects of modern life that can lay the foundations of totalitarianism. Loss of faith in the nation-state—that is, in the prevailing unit of government in the West—encourages a loss of a faith in government simply. It leads people to look instead to apolitical administration for the goods they usually expect government to provide and to new ideologies to lend color to public life. Race-thinking creates divisions within a people that curtails the ability of one group to speak publicly, to express ideas about good and bad, justice and injustice, or to act politically. Imperialism replaces political goals with economic ones and entrenches bureaucracy and race-thinking into the minds of the conquerors (and the conquered). Belief in history removes the need for personal judgment of responsibility so that men need not act or speak but can instead merely allow destiny to take its course. Together these elements represent a mistrust, a stepping away from true political action.

Yet such elements are not the same as full-fledged totalitarianism; they have not yet crystallized into tyranny where political action cannot take place and the separation between public and private life is destroyed, where the only choice citizens still have is between

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<sup>63</sup> Bernard J. Bergen, *The Banality of Evil: Hannah Arendt and 'The Final Solution'* (New York: Rowan Littlefield Co. 1998), 42.

“committing crimes or being complicit in crimes.”<sup>64</sup> In her preface to part one of *Origins of Totalitarianism*, Arendt states:

Since only the final crystallizing catastrophe brought these subterranean trends into the open and to public notice, there has been a tendency to simply equate totalitarianism with its elements and origins—as though every outburst of antisemitism or racism or imperialism could be identified as “totalitarianism.” This fallacy is as misleading in the search for historical truth as it is for political judgement. Totalitarian politics—far from being simply antisemitic or racist or imperialistic or communist—use and abuse their own ideological and political elements until the basis of factual reality, from which the ideologies originally derived their strength and their propaganda value ... have all but disappeared.<sup>65</sup>

The hallmarks of totalitarianism, as described by Arendt, are its complete power, its basis in a lack of thought or understanding, and—most important for the purpose at hand—its use of bureaucracy so that citizens live under the rule of nobody.<sup>66</sup> Nationalism and socialism may be wrong, or at least problematic, ideologies that present incomplete conceptions of justice—but they have a basis in truth, and they present a goal, a good, at which they aim. The totalitarian regimes that grew out of these ideologies left that truth and good far behind according to Arendt: the Nazis’ dedication to antisemitism overwhelmed their concern for German nationalism. The preservation of the Bolshevik party became the real goal of the Soviet Union, not the end of class warfare. Both regimes demanded complete loyalty to these mutilated goals at the pain of death,

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<sup>64</sup> Arendt, *Essays in Understanding*, 124.

<sup>65</sup> Arendt, *The Origins of Totalitarianism*, XV.

<sup>66</sup> See Bergen, *The Banality of Evil: Hannah Arendt and 'The Final Solution'*, 3.

and both enlisted citizens as spies, making the act of treachery one which could be perpetrated in a single remark at the dinner table. These regimes relied on bureaucracy to administer professionally, effectively, and ruthlessly total tyranny, while shielding their leaders from any need to act as rulers or to face their citizens. The new political problem of the citizen, then, requires a political integration of bureaucracy into a political structure. The ends of government must still be treated politically and the bureaucracy confined in a manner that preserves the sovereignty of the citizen.

#### 4.3 The Loss of Politics and Totalitarian Bureaucracy

Adolf Eichmann was executed on May 31, 1962, for crimes against humanity, crimes against the Jewish people, and war crimes.<sup>67</sup> He was certainly guilty. However, Arendt's controversial book, *Eichmann in Jerusalem*, ends by characterizing his death as an example of banality. "It was as though ... he was summing up the lesson that this long course in human wickedness had taught us—the lesson of the fearsome, word-and-thought-defying *banality of evil*."<sup>68</sup> Eichmann, the great organizer and negotiator of Jewish destruction, the man who bragged that he was responsible for five million Jewish deaths, went to his own death "elated" with a cliché on his lips. Taking comfort in empty slogans, he "forgot," Arendt reported, "that this was his own funeral."<sup>69</sup> He denied the possibility of life after death, although he vowed,

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<sup>67</sup> Arendt, *Eichmann in Jerusalem*, 21.

<sup>68</sup> Ibid, 252.

<sup>69</sup> Ibid.

“After a short while gentlemen, *we shall meet again*.... Long live Germany, long live Argentina, and long live Austria. *I shall not forget them*.”<sup>70</sup> Eichmann died just as he murdered—with hardly a thought. He was in every way a product of the totalitarian regime of Nazi Germany, and in every way an example of the worst form of bureaucratic official. Arendt's work reporting on the trail of Eichmann exposed the character of totalitarianism. In so doing she exposed the very worst that bureaucracy can become, and indeed may naturally become if it is not restrained. The problem of which Arendt spoke—the banality of evil—might also be understood as “the banality of bureaucratic evil.” There is nothing banal about the Holocaust. It is monstrous. What is most evil about totalitarianism is that it treats evil as though it were banal because it treats people as though they are machines.

Totalitarianism, as Arendt describes it in *Origins of Totalitarianism*, is a modern phenomenon of which there are few examples, although all are catastrophic. Totalitarian movements have the odd characteristic of being able to “remain in power only so long as they keep moving and set everything around them in motion.”<sup>71</sup> Formed out of a new classification of men created by the breakdown of classes, they were movements of “atomized, isolated individuals.”<sup>72</sup> The masses, as Arendt calls these isolated individuals, are distinguishable from the mob, or the lower classes.<sup>73</sup> For even the mob was destroyed by the breakdown of class society which shattered the only connection people felt for one another. While the class system certainly limited social contact between classes, a social class had determined interests, shared

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<sup>70</sup> Ibid.

<sup>71</sup> Arendt, *The Origins of Totalitarianism*, 306.

<sup>72</sup> Ibid, 323.

<sup>73</sup> Ibid, 314.

opinions, and party membership. The pre-WWI class system gave people identity and tradition, even though it limited the interest of its members to narrow and particular benefits rather than the national welfare. Without either national interest or class structure, “mass-man” was stripped of his identity and purpose; he was left with only a self-interest narrowly understood but exaggerated by a feeling of individual “failure and specific injustice.”<sup>74</sup> Each man felt alone, expendable, and disconnected. Each harbored a self-centered need to be a part of something significant. Like chunks of matter, they had significance only when lumped together. They were the product of an imperialistic, mechanized and progress-driven age who had never been recognized by these movements and who therefore were adrift without national ties or historical destiny, much less any relationship with true political action.

Totalitarian movements depend not on political interest but on organizational interest. They entice those who have never taken an active part in politics and who have therefore been ignored by other political groups. Often led at first by members of the elite, totalitarian movements nevertheless appeal to the masses by offering them everything the status quo does not. They relieve loneliness by making isolated humans a part of an activity promising individual significance and status. For “activism ... seemed to provide new answers to the old question, ‘Who am I’ .... If society insisted, ‘You are what you appear to be,’ post [World War One] activism replied, ‘You are what you have done.’”<sup>75</sup> The importance of social appearances is stripped away. Totalitarian movements disdain the hypocrisy of bourgeois society, which couples public claims to “be the guardian of Western civilization” with private immorality and disregard for human suffering. The totalitarian movements of the 20<sup>th</sup> century embraced cruelty

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<sup>74</sup> Ibid, 315.

<sup>75</sup> Ibid, 331.

and shaped themselves around a world which had previously been hidden. They promised that all the secret and unjust machinations would be exposed, and all rectified. Taboo problems like “the Jewish question” would finally be answered, secret societies and conspiracy theories revealed.<sup>76</sup> The members of the movement would alter the world and make history. They guaranteed to their supporters a grand answer to the question, “What have you done?” In fact, Arendt remarks that Heinrich Himmler, leader of the SS, described the men from whom he recruited as “not interested in ‘everyday problems’ but only ‘in ideological questions of importance for decades and centuries so that [each] man ... knows that he is working on a great task that occurs once in 2,000 years.’”<sup>77</sup>

Not only does Adolf Eichmann fit the profile of a petty and unimaginative man given gigantic and grotesque pretensions by the totalitarian movement, but he is also a paradigmatic example of the totalitarian bureaucrat. His actions loom large in historical memory and determined the death of millions of people—including most of the Jews murdered by Nazi Germany, yet he was not a ruler and he was not even a political man. He never understood himself to be acting, to be making a decision, or to have made a judgment about good or bad, justice or injustice. He never spoke in his own words, and those whose lives he held in his hands would never even know his name. He worked behind the scenes and hidden from view, despite the promises of the Nazi government that under their rule all would be revealed. The Jewish problem dealt with, Eichmann was simultaneously a rule-bound professional and an extreme ideologue. He denied that he had ever been other than a “law abiding man” while declaring that he remained loyal to the “will of the Führer.”

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<sup>76</sup> Ibid, 334.

<sup>77</sup> Ibid, 316.

Loyalty beyond reason is one of the trademarks both of totalitarian regimes and of Eichmann's life. Loyalty beyond reason is also the extreme and irrational version of the hierarchical professionalism required of bureaucrats who understand their office to be their vocation. Before his trial Eichmann commented that even now, long after the death of Hitler and the collapse of Nazi Germany, the worst thing he could do would be to disavow his part in the "final solution."<sup>78</sup> His loyalty was not to a specific program but to the ever-changing, all-important will of the Führer. For "total loyalty," as Arendt comments in *Origins of Totalitarianism*, "is possible only when fidelity is emptied of all concrete content, from which changes of mind might naturally arise. The totalitarian movements, each in its own way, have done their utmost to get rid of party programs which specify concrete content..."<sup>79</sup> Content was replaced by empty slogans and overcomplicated bureaucracy. The propensity of bureaucracy to treat human beings as professional pieces in a hierarchy and nothing more was taken to its extreme. The hierarchy lost its rationality and with it the human parts lost their importance and their humanity.

Totalitarianism did not adopt rational bureaucratic procedures. Like the other foundations of its rule—propaganda and terror—it adopted bureaucracy in a radical or "perfected" form. When the totalitarian movements in Germany and Russia came to power, Arendt tells us, their greatest threat was ossification—either internal, which would end the thrust of the movement, or external, which would thwart their goals of international domination. For the movement to continue once it had begun to rule, its leader had to "establish the fictitious world of the movement as a tangible working reality of everyday life, and he must ... prevent this new world

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<sup>78</sup> Arendt, *Eichmann in Jerusalem*, 147.

<sup>79</sup> Arendt, *The Origins of Totalitarianism*, 316.

from developing a new stability.”<sup>80</sup> If rationality means the stable, predictable, and orderly administration of public tasks, then totalitarian bureaucracy strives to disrupt rationality. The very rationality on which bureaucracy is built is made repetitive and contradictory. This is the fundamental difference between bureaucracy in its ordinary form and totalitarian bureaucracy—the former aims at rationality, the second takes every element of bureaucracy to such an extreme that all rationality is lost. This makes it possible for totalitarianism to replace judgement with obedience, efficient production with efficient control and to replace any thought of the common good with thoughtless allegiance to the will of the party or cause. This ridiculous purpose was achieved in Germany through a combination of propaganda and radical bureaucratic organization.

Instead of destroying the offices and administration of the crumbling Weimer Germany, the Nazis merely replaced them multiple times over. Thus, not only was the old civil service left standing but powerless, but the new offices, created to liquidate the old, were in turn deprived of their power. No particular office was necessary for the functioning of the bureaucratic state. Instead, a shapeless layering of offices and powers created confusion and perpetual mobility. It was “extremely useful for the constant shifting of power.” The more a totalitarian regime ages, “the greater becomes the number of offices and the possibility of jobs exclusively dependent upon the movement, since no office is abolished when its authority is liquidated.”<sup>81</sup> Each office and officer are left to compete with the new office for the honor of fulfilling the needs of the movement personified by the omniscient leader.

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<sup>80</sup> Ibid, 391.

<sup>81</sup> Ibid, 401.



The multiplication of offices, which has the disadvantage of making the government less productive, retains most of the benefits outlined by Weber in his examination of bureaucratic administration. Officers continue to have specific and very specialized duties that are outlined by rules and regulations and of which they have particular knowledge. The strict system of superiority and subordination is, if anything, harsher in this new system. The coercive power is controlled by those with greatest authority but can be administered quickly and effectively by their subordinates. A sense of unification and purpose persists even if only in the fictional world created by the totalitarian ruler. However, the bureaucracy of the totalitarian state has lost its connection to the common good or equality before the law. It is still “a power instrument of the first order,”<sup>82</sup> but it is controlled now by the very few at the highest level of the regime. The individual bureaucrat has been made superfluous because the totalitarian bureaucrat can have no real expertise. He is merely an instrument of the will of the leader. He can have no independence.

In all bureaucratic administrations human beings become parts: cogs in the wheel of the state. Nevertheless, each individual retains his importance, for he alone understands the intricacies of his own specific task. The unique ability of the individual and thereby his separate importance is abolished in the layered bureaucracy of the totalitarian regime. No one office and no one man is necessary for maintaining the workings of the state. Indeed, this manufactured irrationality provides security for the totalitarian regime. “A continuous competition between offices, whose functions not only overlap but are charged with identical tasks, gives opposition or sabotage almost no chance to become effective; a swift change of emphasis which relegates one office to the shadow and elevates another to authority can solve all problems without

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<sup>82</sup> Max Weber, *From Max Weber: Essays in Sociology*, 228.

anybody's becoming aware of the change or of the fact that opposition had existed.”<sup>83</sup> The individual is made almost completely powerless because he lacks the usual limited means for opposing the regime. The adoption of bureaucratic rationality, which Weber describes because it resides only in the form of the bureaucracy, is turned against rationality when the overlapping bureaucracies are multiplied. Bureaucratic “rationality” contributes to governmental irrationality.

The fictional world that supports the totalitarian state is colored by propaganda and lies. Having been made redundant, the inhabitants of totalitarian dictatorships are now made loyal to bland slogans and generalities. Speech is emptied of all thought. The servants of the totalitarian bureaucracy are important, even to themselves, only insofar as they can serve thoughtlessly the will of the leader. “In the language of the Nazis, the never resting, dynamic ‘will of the Fuehrer’—and not his commands, a phrase which might imply a fixed and circumscribed authority—becomes the ‘supreme law’....”<sup>84</sup> It was this reasonless justification according to which Adolf Eichmann acted during the reign of the Nazi party and until his execution. Accused of monstrous crimes against humanity, Eichmann pleaded “not guilty in the sense of the indictment.”<sup>85</sup> That he had organized the death of thousands Eichmann did not contest, but he claimed to have done no wrong and to be guilty of no crime. He had done what he was told, what the party needed, and because it originated in the will of the Führer it was what everyone had thought to be right.

Party members knew what the speeches of Hitler, Himmler, and the other party officials had told them and what Eichmann, to the fury of the prosecution, continued to repeat during his

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<sup>83</sup> Arendt, *The Origins of Totalitarianism*, 404.

<sup>84</sup> Ibid, 365.

<sup>85</sup> Arendt, *Eichmann in Jerusalem*, 25.

trial: that they had been asked to be “super-human,” to fight “battles which future generations will not have to fight again.”<sup>86</sup> Eichmann had tried to be super-human. It was not his fault, he repeated again and again, that he had not made a higher grade in the SS.<sup>87</sup> It was not his fault that, by the time the “Final Solution” was initiated, he no longer had monopoly over the Jewish question.

The Final Solution became the will of the Führer in 1941. Adolf Eichmann ceased to organize and negotiate exportation (forced or otherwise) and began to fulfill the order for the “physical extermination of the Jews.”<sup>88</sup> He never attempted to deny it. In fact, he bragged about his involvement, taking credit for directing the murder of “five million” Jews—an impossibly large number, roughly equivalent to the total number of Jews murdered in the Holocaust. “‘Of course,’ he had played a role ... if he ‘had not transported them they would not have been delivered to the butcher.’”<sup>89</sup> Despite this fact, Eichmann’s actions were not borne of anti-Semitism. He prided himself on his early Zionism, spoke warmly of his Jewish friends, and was distressed by the thought that any discomfort had been suffered on the road to extermination. Isolated inside the layering of bureaucracy and borne along by the promise of importance, Eichmann believed reflexively in the Final Solution; it had been ordered, and no one anywhere gave him cause to believe that it was wrong.

Eichmann’s defense rested largely on the fact that no one appealed to him, argued with him, or censured him, not even the Jewish leaders with whom he negotiated. “Nobody ... came

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<sup>86</sup> Ibid, 105.

<sup>87</sup> Ibid, 49.

<sup>88</sup> Ibid, 83.

<sup>89</sup> Ibid, 53.

to me and reproached me for anything in the performance of my duties.”<sup>90</sup> In fact, only one man even claimed to do so, and his testimony was shaky at best. He could not remember when or about what he had spoken with Eichmann. That Eichmann could not, and did not, think for himself became clear during the course of his trial. Unable to communicate with the judge, Eichmann apologized, ““Officialize is my only language.””<sup>91</sup> As Arendt comments, “officialize” was his only method of communication because he could not think and could not take part in reality: “No communication was possible with him ... because he was surrounded by the most reliable of all safeguards against the words and the presence of others, and hence against reality as such.”<sup>92</sup> He took comfort in the forced interactions of the multilayered bureaucracy because it told him how to act, and in the propaganda of Himmler’s slogans because they eliminated his need to think. Eichmann himself may have been a strange man, and some of these characteristics can be put down to his peculiarity. Nevertheless, bureaucracy demands obedience to the leader (political, legal, or charismatic), and the putting aside of purely personal opinions, it demands communication along hierarchical lines using official language. It is the precondition by which someone like Eichmann could become simultaneously so powerful and so unimportant, so evil and yet so empty of all real thought.

In describing Eichmann’s monstrous complaisance, Arendt retells one of his more grotesque stories. There was a Jewish elder by the name of Storfer whom Eichmann knew well, who had helped him to organize Jewish deportations from the Warsaw ghetto. One day the man was arrested and sent to a concentration camp. There he demanded to speak to Eichmann. “Look,

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<sup>90</sup> Arendt, *The Portable Hannah Arendt*, 359.

<sup>91</sup> Arendt, *Eichmann in Jerusalem*, 48.

<sup>92</sup> *Ibid*, 49.

I really cannot help you,” Eichmann told him. “Because according to the rules of the *Reichsfürer*, nobody can get out.” Storfer begged Eichmann to at least save him from hard labor. “Work—Storfer won’t have to work!” Eichmann pronounced. But told that “Everyone works here,” Eichmann merely assigned Storfer the least work allowed. “Whereupon [Storfer] was very pleased and we shook hands....” Three weeks later Storfer was dead, “not gassed, apparently, but shot.”<sup>93</sup> Eichmann was pleased that he had helped the man within, of course, the bounds of the rules.

Totalitarian rules cover all parts of human life. Those who obey them and who administer them are simultaneously controlled utterly by the dictatorship and are necessary to maintain it. Their professionalism and loyalty prevent them from ever considering the true nature of the government they serve. Arendt calls totalitarianism “unprecedented ... not primarily in its ideological content, but the event of totalitarian domination itself.” Replying to a critique of her work by Eric Voegelin, she expanded, “Professor Voegelin seems to think that totalitarianism is only the other side of liberalism, positivism and pragmatism,” but its essence is not political; rather it is the destruction of the political and indeed of all thought about good and bad.<sup>94</sup> Totalitarian bureaucracy destroys the public sphere (where political action must be taken) in favor of the professional sphere where rules must be followed. It destroys personal judgement in favor of blind loyalty. And it destroys speech—that is, true political action—in favor of slogans and propaganda. Totalitarianism makes the world, those who inhabit it and the evil they perpetrate, banal. “In my report [of Eichmann’s trial]”, Arendt said later, “I spoke of the ‘banality’ of evil. Behind that phrase I held no thesis or doctrine, although I was simply aware of

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<sup>93</sup> Ibid, 326.

<sup>94</sup> Bergen, *The Banality of Evil: Hannah Arendt and 'The Final Solution'*, 3.

the fact that it ran counter to our tradition of thought ... about the phenomenon of evil.”<sup>95</sup>

Banality characterizes those, like Eichmann, but their banality enhances the evil that characterizes the regimes.

The first principle of bureaucracy, Weber tells us, is “the principle of *official jurisdictional areas*.” In other words, each bureaucracy must have its specially assigned duties, or, as James Q. Wilson later put it in his work on American bureaucracy, “missions.”<sup>96</sup> Bureaucracies work best when these missions are clear and distinct, or, at least, ordered in an obvious hierarchy. Missions are not created inside the bureaucracy, nor are they given hierarchies of value. These are political decisions, made by true rulers, leaders like Himmler who disappear into their bureaucracies, or like Hitler who are charismatic leaders of their bureaucracy. In both cases decisions about good and bad determine the missions of the bureaucracy, and in both cases there is no opportunity for argument as to the truth behind these decisions. Scholars of Nazi bureaucracy, including Albert Breton, Ronald Wintrobe, and Franklin Mixon, agree “that it was widely appreciated throughout the Nazi bureaucracy, and that, in the eyes of its leadership (i.e., Adolf Hitler), solving the Jewish question had a priority that was second only to the war, and possibly not even second to that.”<sup>97</sup> In other words the mission of Nazi Germany was, in fact, genocide, its ruling political judgment violent antisemitism.

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<sup>95</sup>Ibid, 2.

<sup>96</sup> James Q. Wilson, *Bureaucracy: What Government Agencies Do and Why They Do It* (New York: Basic Books, 1989), 95–101.

<sup>97</sup> Franklin G. Mixon, Jr., *A Terrible Efficiency: Entrepreneurial Bureaucracy and the Nazi Holocaust* (Switzerland: Palgrave Macmillan, 2019), 38.

Since the Second World War the words for “evil” and “Nazi” have become inexorably connected. Modern language takes for granted the verdict, which Eichmann’s trial attempted to sustain, that Eichmann and those like him were monsters; and that justice could be served by their execution and further evil prevented by bringing their actions and their pasts to light. This understanding of the Holocaust and the totalitarian regime of Nazi Germany may fit our easy categories of right and wrong. The murders committed, and the near-destruction of a people, “the end of the world”<sup>98</sup> for European Jews, can then be blamed on a few twisted souls—monsters like Hitler and Himmler. However, this story, comforting in its way, ignores the reality that these men did not act alone. Twisted and monstrous though they certainly were, they were leaders of a vast nation, supported by the masses. Hitler’s crazed anti-Semitism may have been the author of the Holocaust, but it was carried out by hundreds of people—people as colorless as Adolf Eichmann. The controversy surrounding Arendt’s book was due partially to her emphasis on this fact and its reminder that evil was not restricted to the twisted few but was the prevailing force under totalitarianism.<sup>99</sup> The fictional and manufactured claims of the Nazis became the public reality for the German nation. In Platonic terms, Germany was a cave without any opening to the light.

Totalitarian governments create people who cease to be thinking beings. They are connected to nothing and mean nothing. They are expendable and replaceable because they are, above all, thoughtless. Since all power and worth are derived from one’s usefulness to the movement (in the person of the leader), one’s own ability to think becomes merely problematic. Good and evil are only words to define service, not morality. Without thought even murder

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<sup>98</sup> Arendt, *The Origins of Totalitarianism*, 354.

<sup>99</sup> Arendt, *Eichmann in Jerusalem*, XI.

becomes banal—just another duty to be completed as effectively as possible. The totalitarian regime constructs bureaucracies independent of rational purpose. Evil is banal because totalitarian bureaucracy is ordered by nonsense. It is only possible for this nonsense to become an ordering principle if people cease to make judgements about good and bad for themselves. Bureaucracy, even in its non-totalitarian form, is concerning because it teaches rule-following thoughtlessness. It replaces the need to make individual judgments, for each to tell his own story, with a need to follow directives, obey professional norms, and leave judgements to unreachable others.

Arendt remained hopeful about the human condition. Evil was banal because it attempted to make humans banal. According to Weber, bureaucracy attempts to make human activity mechanical. Yet at least a machine may have a rational purpose. Totalitarianism attempted to banish rationality and thereby the rational good from the human world. For Arendt, humans can be good because they are not banal. Human reason is inventive, beautiful, and good. Human thinking and banality are wholly incompatible. To claim that the evil of totalitarianism is banal is not to diminish the evil that it is. The crime against humanity is the one that attempts to reduce the human to something unworthy of wonder. Evil is banal because it dehumanizes. “To think and to be fully alive are the same, and this implies that thinking must always begin afresh; it is an activity that accompanies living and is concerned with such concepts as justice, happiness, virtue....”<sup>100</sup> Rationality is based upon reasoned thought about the good and the bad. Thought is the antidote to the banality of evil.

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<sup>100</sup> Ibid, 407.



#### 4.4 Truth and Storytelling

In the introduction to her last work, *The Life of the Mind*, Arendt asks, “Could the activity of thinking as such ... be among the conditions that make men abstain from evil-doing or even actually condition against it?”<sup>101</sup> This question, she explains, came to her as she reported on the trial of Adolf Eichmann. While she considered his banality, she wondered if the antidote not only to the thoughtless evil of bureaucratic totalitarianism, but also to the problem of evil in a larger sense, could be solved by serious thought—that is, by the reconnection of contemplation and action. This solution presupposes that most evil, and perhaps especially monstrous evil, does not come from base, depraved, or tyrannical motives, but from the lack of a motive, the lack of thought or serious consideration. Thoughtlessness of this kind is monstrous because it lacks humanity—those who are thoughtless allow themselves to be mechanized, programmed, to forget their own stories. They are stripped of humanity.

In a section of *The Life of the Mind* entitled, “The Answer of Socrates,” Arendt takes up the twin questions, “What is thought? And what makes us think?” In answering both she uses Socrates as a model, for he was “a thinker who always remained a man among men, who did not shun the marketplace, who was a citizen among citizens, doing nothing, claiming nothing except what in his opinion every citizen has a right to do.”<sup>102</sup> In other words Socrates himself, unlike those who followed him, did not fall into the trap of philosophy, he did not retreat from the world disconnecting thought and action, philosophy and politics, from one another.

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<sup>101</sup> Hannah Arendt, *The Life of the Mind* (London: Harcourt, Brace and Co, 1971), 5.

<sup>102</sup> Arendt, *The Portable Hannah Arendt*, 398.

Socrates' assertion that "the unexamined life is not worth living" and the activity of his life which followed from this belief provides, according to Arendt, the truest example of thinking that we have access to.<sup>103</sup> He shows us that "to think and be fully alive are the same.... It is an activity that accompanies living and is concerned with such concepts as justice, happiness, virtue, offered to us by language itself as expressing the meaning of whatever happens in life and occurs to us while we are alive."<sup>104</sup> Arendt does not deny that thinking can be dangerous, since it requires us to reconsider all prevailing "truths," but, she declares, non-thinking also has its "perils":

By shielding people from the dangers of examination, [non-thinking] teaches them to hold fast to whatever the prescribed rules of conduct may be at a certain time and in a given society. What people then get used to is less the content of the rules, a close examination of which would always lead them into perplexity, than the *possession* of rules under which to subsume particulars. If someone appears who, for whatever purpose, wishes to abolish the old "values" or virtues, he will find that easy enough provided he offers a new code, and he will need relatively little force and no persuasion—i.e., proof that the new values are better than the old—to impose it.<sup>105</sup>

Thoughtfulness may cause individuals and citizens to oppose tradition and to attack the values of their city or state—this can lead to political turmoil, revolution, and violence. But it does not abandon citizens to the mercy of their tyrants; it does not make them accomplices to monstrous

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<sup>103</sup> She is concerned that even in the example of Socrates we are encumbered with the philosophy of Plato and of Xenophon. Ibid, 399–401.

<sup>104</sup> Ibid, 407.

<sup>105</sup> Ibid, 406.

evils like the Final Solution. Lack of thought does. It binds men's actions to a set of rules, and prevents them from having responsibility, agency, or guilt. It allowed Hitler to gain power and create a code of ethics that deemed genocide necessary, even beneficial. Hitler's regime did not need to persuade men like Eichmann, because persuasion itself was foreign to them, and the words for good and evil contentless. Eichmann needed to be told what to believe; he had no capacity to be persuaded that it was right.

Socrates, Arendt tells her readers, believed that virtue and perplexity—the desire to search for the truth—could be taught (although perhaps not to everyone). Arendt extends and democratizes this idea: “[T]hinking,” she says, “in its non-cognitive, non-specialized sense as a natural need of human life ... is not a prerogative of the few but an ever-present faculty in everybody; by the same token, inability to think is not a failing of the many who lack brain power, but an ever present possibility for everyone....”<sup>106</sup> Almost no one can rise to the heights of Socrates, but all human beings can consider right and wrong and look for the truth of their own situation. Yet even the great can fall into the habit of not thinking, of not considering and of accepting whatever status quo they find themselves inhabiting—becoming robots who act without thought of any kind. This is especially easy in the modern world where thought is not encouraged and politics is feared.

But if thought is to “condition against” the practice of evil, two things must take place: political activity must be embraced rather than feared, and thought must be taught as the prerequisite for true political action. According to Arendt, the first goal requires an escape from popular modern presuppositions; the second an escape from the tradition of philosophy that emphasizes contemplation of eternal and unchanging beings over and separate from action. As

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<sup>106</sup> Ibid, 412.

Bernard J. Bergen writes in *Hannah Arendt and "The Final Solution,"* "The new relationship Arendt posits rests on the foundation of a radical idea. If action is always located in the world, the world is precisely where we are not when we think."<sup>107</sup> To be thinking beings that are also political we must love the world, and yet be able to abstract ourselves from it in order to consider right and wrong in our own situation. Action is not privileged over thought—the two are connected halves of human activity. Arendt's own life, and her way of writing about the historical events she suffered and witnessed, provides an example of what this world-concerned thought might consist of.

Arendt began writing about her experience of the world and of totalitarianism almost as soon as she escaped the latter. In 1941 she arrived in the United States, where, although not yet a citizen, she was at least safe. In January of 1943 she published an essay entitled, "We Refugees," in *Menorah Journal*. As Robert Pirro explains, "We Refugees" is a raw and very personal account that, in parts, is also clinical and oddly scholarly. She used the pronoun "we" in discussing the plight of the Jews and then shifts to "I" when extrapolating from her experience. "Such obvious ... shifts in narrative," Pirro writes, "attest to the difficult task Arendt has apparently set herself in this essay: to maintain solidarity with her fellow German Jewish refugees while critically reflecting on their beliefs and actions."<sup>108</sup> This specific task Arendt continued to do throughout her life—in trying to understand the truth of her life and the grand historical events that dominated her age, she was conscious of the truth of her own identity, but she did not want this identity to blind or prejudice her to larger, less personal truths.

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<sup>107</sup> Bergen, *The Banality of Evil: Hannah Arendt and 'The Final Solution'*, 88.

<sup>108</sup> Robert C. Pirro, *Hannah Arendt and the Politics of Tragedy* (Dekalb Northern Illinois University Press, 2001), 6.

Storytelling—that is, the telling of *true* stories—became part of her style and her notion of critical thinking. In her writing she turns to novelists for insight into human nature and involves herself and her own experiences in her analysis. Her work is, in many ways, the opposite of Max Weber's. Weber wanted truth without particularity or prejudice—a scientific neutrality incompatible with personal values, beliefs, or experiences. Arendt wanted to reveal a human truth about the world, which in her mind demanded that the particular, the personal, and the experiential be acknowledged, considered, and weighed in relation to theoretical study and scientific inquiry. Sociology of the variety heralded by Weber could not, according to Arendt, reveal the truth.

In an essay entitled, “Social Science and Concentration Camps,” Arendt writes, “Every science is necessarily based upon a few inarticulate, elementary and axiomatic assumptions which are exposed and explode only when confronted with altogether unexpected phenomena which can no longer be understood within the framework of its categories. The social sciences ... are no exception.”<sup>109</sup> Attempting to understand the reality of German death camps using the tools of social science, she goes on to say, “[N]either the institution itself and what went on within its closely guarded barriers nor its political role makes any sense whatsoever.”<sup>110</sup> The facts of what happened in concentration camps do not explain the horror, pain, dehumanization, and senseless death of those who were subjected to them. Logic and rationality cannot explain the motives of those who created them. It is utterly irrational that the Nazis would not let “even the supreme emergencies of military activities ... interfere with these ‘demographic politics.’ It was as though

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<sup>109</sup> Arendt, *Essays in Understanding*, 232.

<sup>110</sup> *Ibid*, 233.

[they] were convinced that it was of greater importance to run extermination factories than to win the war.”<sup>111</sup>

Arendt turns to storytelling because, unlike pure philosophy (the other alternative Arendt considers), it does not open the “abyss between philosophy and politics.”<sup>112</sup> Storytelling allows the truth that abstract theories and universal principles “began as particular experiences,” so “no matter how abstract our theories may sound or how consistent our arguments may appear, there are incidents and stories behind them which, at least for ourselves, contain in a nutshell the full meaning of what we have to say.”<sup>113</sup> In writing about Nazism and totalitarianism, Arendt simultaneously acknowledges the truth of her own identity and personal experience in a larger sense, while exploring “abstract theories” and “universal principles.”

In *On Humanity in Dark Times*, Arendt explains that she overtly discusses her experience as a Jew who escaped Germany because she “cannot gloss over the fact that for many years [she] considered the only answer to the question, “Who are you?”, to be, “A Jew.”<sup>114</sup> Yet Arendt does not believe that all experience, or memory of experience, is equally true or real. She is ruthless with regard to her desire to “speak of unpopular facts.”<sup>115</sup> In *Eichmann in Jerusalem*, she famously wrote not only of Eichmann’s banality, but of the fact that his job was made easier by the willingness of Jewish Councils to assist in organizing their communities for transportation—in exchange, of course, for certain allowances, often unfulfilled, including the release of children

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<sup>111</sup> Ibid.

<sup>112</sup> Dish, *Hannah Arendt and the Limits of Philosophy*, 110.

<sup>113</sup> Ibid.

<sup>114</sup> Hannah Arendt, *Men in Dark Times* (London: Harcourt, Brace and Co, 1983), 17.

<sup>115</sup> Pirro, *Hannah Arendt and the Politics of Tragedy*, 6.

or leading intellectuals. Jewish compliancy, Arendt contended even under intense criticism, was a part of the true story of the Holocaust—to ignore it would be to misunderstand or ignore the real dangers of totalitarianism. The banality of evil was not restricted to Eichmann and his cronies. It led well-meaning victims to participate in their own destruction.

The true story Arendt insists upon telling, both about her own life and about the larger forces at work during her time, was met with intense criticism from many quarters. The most famous critique of *Eichmann in Jerusalem* came from Arendt's longtime friend, Gershom Scholem, who believed that the work made her a traitor to the Jewish people and lacked “*tact of heart*.”<sup>116</sup> Although Arendt attempted to placate him and defend her writings, she refused to retract her statements. Scholem never publicly accepted Arendt's response, nor did he forgive her privately. The president of the World Zionist Organization agreed with Scholem and went so far as to assert in a public speech that “Hannah Arendt had accused European Jews of letting themselves be slaughtered by the Nazis....”<sup>117</sup> Arendt was troubled by the criticism and regretted the separation it engendered between her and many members of the Jewish community to which she had belonged. She writes of this to her close friend and confidant, Mary McCarthy: “But worried as I am, I can no longer trust myself to keep my head and not explode. What a risky business to tell the truth on a factual level without theoretical or scholarly embroidery.”<sup>118</sup>

McCarthy sympathized with and defended Arendt on these grounds, but she also worried about

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<sup>116</sup> Hannah Arendt and Gershom Scholem, *The Correspondence of Hannah Arendt and Gershom Scholem*, ed. Marie Louise Knott, trans. Anthony David. (Chicago: The University of Chicago Press, 2017.), 202.

<sup>117</sup> Kristeva, *Hannah Arendt*, 145.

<sup>118</sup> Carol Brightman, ed., *Between Friends: The Correspondence of Hannah Arendt and Mary McCarthy: 1949-1975* (New York: Harcourt, Brace and Co, 1995), 146.

Arendt's use of language. "[Thoughtlessness] does not mean what you want it to mean in English, not any more.... The meaning would invariably be read as *heedlessness*, *neglect*, *forgetfulness*, etc." when "inability to think" is meant.<sup>119</sup>

In commenting on Arendt's understandability, McCarthy hit on one of the key problems with Arendt's storytelling; it does not tell a story that is easily understood or digested by her readers. Arendt was not an anti-Semite, nor was her purpose in including acknowledgement of Jewish involvement in the organization of their deportation and destruction meant as an insult to Jewish individuals—it was meant to show the monstrosity of a government that could cause a people to believe that obedience—even obedience leading to their own murder—was the only possibility. Similarly, Arendt's description of Eichmann and those like him as "banal" meant not that their deeds were banal, but that they themselves were contentless, motiveless beings that could not think—that is, they were like robots. The actions they perpetrated, on the other hand, were monstrous. Totalitarian governments create banality, but they perpetrate "radical evil," that is, "the destruction of thinking (a destruction that is surreptitious, generalized, imperceptible, and thus banal, though it is also scandalous), which prefigures the scandalous annihilation of life."<sup>120</sup>

The story of modernity that Arendt identifies is, when digested, compelling—she identifies our misunderstanding of politics as violence, our dissatisfaction with the world, and our increasing thoughtlessness. But storytelling as a style of political thought ultimately fails because it cannot offer an alternative to the problems it describes. Stories may be comic or tragic, true or false, comprehensive or particular; they may, as Arendt herself explains, deliver the nut of truth in one or two images. But when they offer an alternative to the reality they describe, they

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<sup>119</sup> Ibid, XXIII.

<sup>120</sup> Kristeva, *Hannah Arendt*, 144.



do so only as an alternate tale—a possibility. They provide no foundation for change.

Philosophy, on the other hand, despite its separation from the ordinary lives of most people, provides an assertion about truth and a foundation in the true nature of human beings for change, for movement toward good, justice, and truth.

Arendt is noted to have returned to philosophy in pointing to the subject of thought as an alternative to the banality of evil she witnessed at Eichmann's trial. Dana Villa notes in his essay, "The Development of Arendt's Political Thought," that "[m]uch has been made of the progressions of this scholarly thought in Arendt. It seems that the preeminent theorist of the *vita activa* concluded her life by reengaging the *vita contemplativa*...."<sup>121</sup> To some extent this is right. Arendt came to believe that thought about political issues—that is, of justice and injustice, good and bad—was the necessary precondition for acting without banality and without evil. But she never embraced the philosophic vision of humanity and of truth. As Villa goes on to write, "Arendt continued to presume the distinction between thinking and acting and went out of her way to presume the distinction between thinking and acting.... Thinking at its most profound—*philosophical* thinking—is according to Arendt, always engaged in a an 'intramural warfare' with common sense."<sup>122</sup> But common sense cannot combat the problems of modernity that Arendt articulates. It is clear that common sense has been lost along with thought. Robots—mechanized, rule-abiding beings—do not have common sense.

Arendt's rejection of the Western tradition of philosophy, despite her embrace of Aristotelian definitions of politics, and her rejection of the preeminent importance of thoughtfulness prevents her from offering a solution to the problems she identifies. She rejects

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<sup>121</sup> Villa, *The Cambridge Companion to Hannah Arendt*, 16.

<sup>122</sup> *Ibid*, 17.

the philosophic dedication to the life of contemplation, but in doing so she also rejects the promise of philosophy for understanding human life. It is not possible to prove that human beings have a nature, as Aristotle asserts. But if humanity is only a condition that can be lost it would seem that only by basing thought on the assumption of a human nature can we begin to examine the possibility of a condition of thoughtful humanity and political speech. If there is a nature of humans (and especially if that nature is fully manifest only in a *polis*), there is an intelligible standard for the activity of humans in their interactions with other members of the same political community. Then speech about the just and the unjust can be evaluated according to a true standard of justice. Justice is not simply whatever we think it is, and human life, however changeable, has something to aim at. Common sense alone does not offer a compelling alternative to banality; the assumption that human beings have a nature, and indeed a distinctly political nature, does. According to Aristotelian philosophy, human nature rejects banality in favor of speech about justice and injustice, good and bad—speech that is based on true (if not perfect) judgment. Thus, politics is the condition for the meaningful speech that Arendt maintains preserves our humanity.

#### **4.5     Bureaucracy and the Promise of American Institutions**

Hannah Arendt always considered herself to be a European Jew, but her answer to the question, “Who am I?” changed over her years in the United States so as to include the answer: “an American citizen.”<sup>123</sup> Arendt was interested in American affairs and wrote on questions of

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<sup>123</sup> Richard H. King, *Arendt and America* (Chicago: Chicago University Press, 2018), 4.

guilt and responsibility in American as well as European history. She discussed racism in the American South and wrote on the American founding and its national identity. Arendt believed that the American republic held great promise, but she was also concerned for its future. Richard King writes in *Arendt and America*, “[H]er chief contributions to American intellectual history and political thought were an American version of republicanism; her great worry was the republic would be lost.”<sup>124</sup> A scholar of American politics as well as of totalitarianism, Arendt was uniquely placed to consider whether the elements of totalitarianism were present in America, and if so, how likely they were to crystalize into something more dangerous.

Arendt spent most of her life in America in New York City—and seemed happy to do so. Unlike Max Weber, she did not travel the United States learning of its history, culture, and people, or tracing its origins through religion.<sup>125</sup> America’s promise, for her, was contained in America’s revolution—its founding and ideals. In *On Revolution*, published in 1963, Arendt wrote about the distinct nature of modern revolutions. These, she asserted, are materially different from pre-modern revolutions because “men began to doubt that poverty is inherent in the human condition, to doubt that the distinction between the few, who through circumstances, or strength, or fraud, have succeeded in liberating themselves from the shackles of poverty, and the laboring poverty-stricken multitude was inevitable.”<sup>126</sup> These burgeoning doubts made the distinctions between the few and the many already (as Arendt herself notes)<sup>127</sup> articulated by Aristotle suddenly revolutionary. People began to yearn for freedom and universal access to a

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<sup>124</sup> Ibid, 3.

<sup>125</sup> Ibid, 6-7.

<sup>126</sup> Hannah Arendt, *On Revolution* (New York, Penguin Books, 2006), 12.

<sup>127</sup> Ibid, 12–13.

good life and believe that it might be achieved. Freedom became connected to the idea of liberation.

America, according to Arendt, played a key role in the belief that human beings could be liberated from poverty. The very abundance of the American continent and the opportunity it provided changed the landscape of European and American political ambitions. Ten years before the Revolution, Arendt notes, John Adams averred, ““I always consider the settlement of America as the opening of a grand scheme and design in Providence for the illumination of the ignorant and the emancipation of the slavish part of mankind all over the earth.””<sup>128</sup> When the American Revolutionary War began it was ushered in by founding documents proclaiming that “Governments are instituted among men” for the protection of “life, liberty, and the pursuit of happiness.”<sup>129</sup> These goods no longer had to be or ought to be the province of the few; they were the right of all citizens.

Jefferson’s use of the word “happiness” in substitution of the word “property,” Arendt contends, is central to the question of American identity. She connects it to the then oft-used phrase, “public happiness,” which she understands to be “the citizen’s right of access to the public realm, ... his share in public power,” or to borrow from Jefferson himself, “to be ‘a participator in the government of affairs.’”<sup>130</sup> She adds:

The very fact that the word “happiness” was chosen in laying claim to a share in public power indicates strongly that there existed, prior to the revolution such a thing as “public

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<sup>128</sup> Ibid, 13.

<sup>129</sup> Declaration of Independence.

<sup>130</sup> Arendt, *On Revolution*, 118.

happiness,” and that men knew they could not be altogether “happy” if their happiness was located and enjoyed only in the private life.

The American Revolution made active the idea that freedom and happiness could be pursued by self-government, by further activity on the part of citizens in the public realm. The writing of the Constitution institutionalized the ideas of “public freedom” and its connection to “public happiness.” It allowed the Founders’ “own revolutionary spirit” to “survive the actual end of the revolution.”<sup>131</sup> It was meant to found a government that would “secure” the pursuit of “life, liberty and happiness” not merely as an ideal, but as an activity—a lived reality. It is the perfect example of Arendt’s articulation of politics as activity through speech between people in the public realm.<sup>132</sup>

Modern scholars disagree on whether Arendt’s characterization of the American founding is correct. In *Arendt and America*, Richard King acknowledges the limitations of Arendt’s characterizations as articulated by Thomas Pangle and Harry Jaffa, among others. Pangle asserts that Arendt did not understand the Greek notion of freedom, which he does not believe to be connected to civil virtue and the public sphere as Arendt makes out. Pangle also criticized Arendt for neglecting the religious origins of the American republic. Jaffa put forward an articulation of American identity based far more on principle than on a notion of human happiness as described by Arendt.<sup>133</sup> Both Arendt’s own discussion of the American founding and these criticisms of it deserve a full treatment that is not possible here, but for the purposes of considering the dangers of bureaucracy in the American experiment, it may be enough to consider three things: first,

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<sup>131</sup> Ibid, 117.

<sup>132</sup> Arendt, *The Promise of Politics*, 93–136.

<sup>133</sup> King, *Arendt and America*, 232–35.

whether the American founding involved an assertion of enduring truths about human beings that justify the hopes of widespread political activity; second, whether the founding was the product of true political action; and third, whether it can continue to exist in the atomized and bureaucratized world of modern America. Arendt held out hope that it could—but only if American citizens could regain some of their interest in and belief in the ideas of the Revolution.

The story of America, Arendt tells us, began with the Revolution—or at least that is what its founders believed and was the story they told. Modern revolutions “are inextricably bound up with the notion that the course of history begins anew, that an entirely new story, a story never known or told before is about to unfold...”<sup>134</sup> In America this new beginning started with an assertion of liberty and of the right to self-government—a right to both private and public happiness. But almost before the demise of the founding generation, Arendt tells us, the “revolutionary spirit” had begun to wane. Instead of a right to public freedom and public happiness Americans began to look for services and civil rights. It was, she says, as though “those who knew so well how to provide for the power of the commonwealth and the liberties of its citizens, for judgement and opinion, for interests and right, had simply forgotten what actually they cherished above everything else, the potentialities of action and the proud privilege of being beginners of something altogether new.”<sup>135</sup> As American history progressed America’s story moved farther away from liberation and action,<sup>136</sup> and towards civil rights and civil liberties, institutional supports and government services—all of which have required the creation of a

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<sup>134</sup> Arendt, *On Revolution*, 19.

<sup>135</sup> Ibid, 224.

<sup>136</sup> It is not clear, at least in *On Revolution*, how Arendt understood the Civil War within this story of American identity.

large central government and a vast bureaucracy.<sup>137</sup> Over time American identity became less revolutionary, less active, and less concerned with freedom and self-government than it had been at the founding. More concerning, perhaps, was the fact that Americans (and the world at large) no longer seemed to understand the American founding as an activity—a revolutionary creation.

Arendt lamented these changes, noting that the international community seemed to discount the American Revolution and did not pay homage to the Declaration of Independence or the American Constitution as documents of revolutionary (and desired) change the way they did to the revolutionary documents of the French or the Chinese. But the story at home, she thought, was perhaps even more depressing. “[N]o less real,” she wrote, “are the consequences of the American counterpart to the world’s ignorance, her own failure to remember that a revolution gave birth to the United States and that the republic was brought into existence ... by a deliberate act: the foundation of freedom.”<sup>138</sup> Freedom, however founded, does not perpetuate itself. It is an activity, like politics, that must be both thought about and acted upon, even when it is supported by good government.

Bureaucracy breeds thoughtlessness, and both can, under certain crystallizing conditions, lay the foundations for tyranny. The state of forgetfulness and disinterest in the United States during the 1960s caused Arendt to worry that the republic founded upon a desire for liberty and self-government would descend into thoughtlessness, opening itself up, as happened in Germany, to the tyranny of totalitarianism. But she did not believe this descent was inevitable. America’s unique identity provided its citizens with a foundation in both action and thought that Arendt believed could be reawakened and could even in the modern age of atomism and

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<sup>137</sup> Ibid, 213.

<sup>138</sup> Ibid, 208.

bureaucratization re-engender a revolutionary, active spirit in America's citizens, and perhaps provide an example for healthy political activity to the world at large. Arendt's story of American identity was not one to which she knew the ending. The storytelling approach to America does not provide a policy for controlling bureaucracy, promoting political reflection, and preserving freedom. Arendt does not have a science of politics but a rejection of modern social science. In the place of a political science, she has a political theory, and her theory is meant in the Greek sense. Arendt has a political view—she, like the democrats and the oligarchs in Aristotle's *Politics*, is asserting a view of good and bad, justice and injustice. Whether Arendt's articulation is correct depends, in part, on whether the foundational claims of the American republic are themselves good and just, whether they correctly describe the truth of human beings in political communities—that is, man's political nature. Whether or not Arendt is correct, it is clear that bureaucracy has altered the relation between the American citizen and the US government and has done so in a way that reduces political activity. How big a danger that represents is a question of some urgency. Can a technological civilization that seems to need bureaucracy in order to sustain itself also retain the advantages of politics?

#### 4.6 Conclusion

Hannah Arendt's work explores the dangers inherent in bureaucratic organization, the effect of hierarchical obedience on reason, and the stultifying effects of mechanization on the human capacity for independent action.<sup>139</sup> Her analysis of bureaucracy as a natural pre-condition

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<sup>139</sup> See Arendt, *Origins of Totalitarianism*, and Arendt, *Eichmann in Jerusalem*.



for totalitarianism is chilling—and her description of totalitarianism doubly so. Aristotle tells us that justice is complete virtue “with regard to another.” Injustice seems to be the inability either to understand the perceptions of others about good and bad, or the inability or unwillingness to act on this understanding. For the democrats and the oligarchs, as we have seen, it is both. They do not perceive the justice of each others’ claims and often “judge badly with respect to what concerns themselves. In Aristotle’s discussion of polity and the regime of the middle class we have learned that for most people the laws, institutions, and customs of their political community will have to habituate them to the practice of justice. Only a few (and it is to be hoped that these include founders, re-founders, and rulers) can be expected to discern justice rather than merely experiencing good and bad in their own lives. Yet Aristotle seems hopeful that people can be both educated to be virtuous, or to get close to being virtuous, and that laws can increase the understanding of citizens. Arendt’s description of bureaucracy shows that people can be habituated into forgetting about justice and virtue and even about having opinions, perceptions, and thoughts of their own. Political actors can be taught to put their opinions (necessarily personal) so far to one side that opinion ceases to have anything to do with action. Lord Cromer put his concerns about promulgated laws aside and ruled, very successfully, by edict, to say nothing of Eichmann’s utter blindness to the genocide he administered.

If perceptions about good and bad are stripped away from political activity, justice and injustice cannot exist within the political community. For human beings justice begins with opinion. Thoughtfulness and knowledge should take the place of opinion through education, but knowledge cannot develop in the absence of original opinion. It is for this reason that Aristotle starts his works from public opinion. And it is for this reason that Weber’s commitment to value-

neutral social science has allowed him to be called the father of modern bureaucracy<sup>140</sup> at the same time that he believed bureaucracy to be the greatest threat to democratic government.<sup>141</sup>

Hannah Arendt believed in an American exceptionalism born of the decision to found a nation based on self-government and dedicated to liberty and the pursuit of happiness. Yet she worried that the conditions created by the American founding could deteriorate in the era of modernization, atomization, and bureaucratization.<sup>142</sup> Her hope for the American republic centered on a return to its founding principles and a commitment to American culture that celebrates independence and political involvement.<sup>143</sup> In order to judge Arendt's warnings and her solution, we must consider the nature of American bureaucracy and its relationship to the American political regime and the American people.

Modern America has a large and well-developed bureaucracy. It is often the subject of severe condemnation, while the goods and services it provides are both praised and criticized for not being expansive enough. But does American bureaucracy destroy American political life? Is it, in America, an "element" of totalitarianism waiting to "crystalize" into tyranny as it was in Germany between the world wars? Does bureaucracy impede political judgment and thought among American citizens? Or can it exist alongside the American constitutional order and alongside political action on the part of the citizenry? These questions will form the basis of the next chapter.

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<sup>141</sup> Weber, *Economy and Society*, XIX. See Arthur Mitzman, *The Iron Cage: An Historical Interpretation of Max Weber* (New York: Grosset and Dunlap, 1969).

<sup>142</sup> Hannah Arendt, *On Revolution*, 11–20.

<sup>143</sup> Ibid, 12–14.

## 5.0 Chapter Five: Bureaucracy in the American Regime

“America has a paradoxical bureaucracy unlike that found in almost any other advanced nation. The paradox is the existence in one set of institutions of two qualities ordinarily quite separate: the multiplication of rules and the ease of access. We have a system laden with rules; elsewhere that is a sure sign that the bureaucracy is aloof from the people, distant from their concerns, and preoccupied with the power and privilege of the bureaucrats—an elaborate grinding machine that can crush the spirit of those who oppose it. We also have a system suffused with participation: advisory boards, citizen groups, neighborhood councils, congressional investigations, crusading journalists, and lawyers serving writs; elsewhere this popular involvement would be taken as evidence that the administrative system is no system at all, but a bungling, jerry-built contraption wallowing in inefficiency and shot through with corruption and favoritism.”<sup>1</sup>

—James Q. Wilson, *Bureaucracy*

My study of bureaucracy thus far provides a framework with which to analyze bureaucracy in the American republic, but it cannot, on its own, answer the questions that arise about American bureaucracy in relation to Arendt’s warnings. Max Weber’s analysis of bureaucracy and its characteristics provides a picture of bureaucracy as an ideal type, outside any particular political regime or set of circumstances.<sup>2</sup> This is useful in determining key characteristics and general trends of bureaucratic administration. Weber’s commitment to value-neutral social science, however, means that even his ideal type does not explain which bureaucratic trends may be more or less problematic, or what it means for a bureaucracy to fit imperfectly within this “ideal” framework.

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<sup>1</sup> James Q. Wilson, *Bureaucracy: What Government Agencies Do and Why They Do It* (New York: Basic Books, 1989), 377.

<sup>2</sup> Max Weber, *Economy and Society*, eds. Gunther Roth and Claus Wittich (Berkeley: University of California Press, 1978), 958–59.

Arendt's analysis of bureaucracy as a precondition for totalitarianism helps us to analyze Weber's assessment. Her discussion of the thoughtlessness and lack of responsibility engendered by bureaucracy reveals the trends in bureaucratic administration that are especially pernicious for those working within it: strict obedience, hierarchical administration, and a reliance on rule-making and rule-following above all else.<sup>3</sup> She exposes the problem of a bureaucracy that makes political decisions, but is not answerable to the citizenry and cannot be approached by those it rules over.<sup>4</sup> Her discussion also reveals the importance of considering bureaucracy within its political and cultural context: bureaucracy does not equal totalitarianism, and alone it does not necessarily lead to tyranny. Bureaucracy culminates in totalitarianism when political institutions and the political culture around it fail to stop bureaucracy from becoming tyrannical, or when they actively promote such an evolution.

Hegel's *Philosophy of Right* includes a depiction of the modern state that is not just compatible with a bureaucratic civil service but indeed requires a bureaucracy that actualizes sovereign decisions and addresses the needs of individuals and groups.<sup>5</sup> In its perfected form, Hegel tells us, this state would create a complete coincidence between the will of the state and that of the people. More importantly, "the state is the actualization of concrete freedom" and the fulfillment of universal right.<sup>6</sup> One would never need be

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<sup>3</sup> See Hannah Arendt, *Eichmann in Jerusalem* (New York: Penguin Books, 1963).

<sup>4</sup> Hannah Arendt, *Crisis of the Republic* (New York: Harcourt Brace and Company, 1972), 137–38.

<sup>5</sup> G.W.F. Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood (Cambridge: Cambridge University Press, 1991), §287–§290.

<sup>6</sup> *Ibid.*, §260.

concerned that the state would become tyrannical or that its citizens would lack freedom. Within it, the bureaucracy exists to actualize freedom and to bring together the desires of the people and the needs of the state. Hegel's state displays a bureaucracy working fully in step with the regime it belongs to—and in so doing actualizing both right and freedom.<sup>7</sup> The problem with this picture is that its promises—both in terms of the state and in terms of the bureaucracy—have not yet been realized, and do not seem likely to be realized, at least not within the American constitutional order.

On the other hand, Aristotle has furnished us with an explanation of political action separate from institutions or bureaucratic organizations. In his view politics is both a natural and necessary part of human life, best acted out through speech in the public forum.<sup>8</sup> According to Aristotle, there is no perfect coincidence of the will of the political community and the individual, nor does the *polis* actualize right or freedom in the world, although the political community is necessary for human flourishing.<sup>9</sup> Political action, in its best form, is the articulation of justice and the good—an articulation that can promote compromise among citizens. In the best realizable regimes, compromise is possible not only rhetorically, but in the regime's institutional composition.<sup>10</sup>

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<sup>7</sup> Ibid, §287–§297.

<sup>8</sup> Aristotle, *Politics*, trans. Carnes Lord (Chicago: The University of Chicago Press, 1984), 1253a6–20, Book Three, chs. 8–14.

<sup>9</sup> Ibid, 1252b27–1253a40.

<sup>10</sup> Ibid, 1294b32–1294b41.

Hegel argues that he has taken what is true in Aristotelian (and all other previous) philosophy and gone beyond it to reveal a truth not visible to previous philosophers.<sup>11</sup> He implies that in the Hegelian State the kind of political action and political compromise that Aristotle discusses will not be necessary. The apparatus of the state—in fact, its bureaucracy—will evaluate any articulations of justice and the good made by the citizenry and measure them against the common good and the needs of the state, thereby actualizing compromise in accordance with Right.<sup>12</sup> The education and conditions of the state simultaneously make opposing articulations of justice rare, if not altogether obsolete.<sup>13</sup>

It would be interesting to examine these assertions in relation to Aristotle's discussion of human nature and of political regimes, but whether Hegelian and Aristotelian political philosophy are compatible is the subject of another study. For our purposes it is enough to recognize that the American republic is not the Hegelian State. Neither, of course, is it the ancient Greek *polis*, or a manifestation of the regime of compromise, polity, described by Aristotle. The question, in the case of the United States, is: does it provide an avenue for political action? Does the American bureaucracy solve the problem of politics as it would in the Hegelian State? If not, and I do not think it can in the absence of the other aspects of the Hegelian State, does it leave room for political action on an individual level as described by Aristotle? Are human beings allowed to

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<sup>11</sup> Hegel, *Elements of the Philosophy of Right*, preface.

<sup>12</sup> Hegel, *Elements of the Philosophy of Right*, §287–§290.

<sup>13</sup> Ibid, §268.

pursue their political nature? Can the institutions of the American republic admit of compromise between contrasting perceptions of justice and of political good?

To consider these questions, I turn to James Q. Wilson, an American scholar who spent more than fifty years researching and writing about bureaucracy in the American context and in relationship to the American political regime. His best-known work, *Bureaucracy: What Government Agencies Do and Why They Do It*, examines a variety of bureaucracies, including the Social Security Administration (SSA), the Federal Bureau of Investigation (FBI), the Park Service, the Army, the Environmental Protection Agency (EPA), the State Department, and the Occupational Safety and Health Association (OSHA) in order to create a picture of bureaucracy in the United States that goes beyond generalities. Wilson's other writings, among them *Political Organizations*, *The Politics of Regulation*, and *The Investigators: Managing FBI and Narcotics Agents*, provide a further picture of American bureaucratic organizations, analyzing their relationship to civil society, the American constitutional order, and the American people writ large.

Wilson does not purport to provide a comprehensive theory of bureaucracy or to teach people to run bureaucracies well. He tells his readers that his goal is simply to offer more information on why the American government "works the way it does."<sup>14</sup> His work provides the information about American bureaucracy that is necessary for understanding how it relates to the ideal type described by Weber, and the warnings of Arendt. It can help us to compare the American republic to the Hegelian State and discern whether political activity as understood by Aristotle is possible in a bureaucratized America.

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<sup>14</sup> Wilson, *Bureaucracy*, xx.

Over the course of this chapter, I will examine Wilson's depiction of American bureaucracy and his analysis of its place within American culture and the constitutional order. By doing so I come to several conclusions about whether political action in the Aristotelian sense is possible alongside American bureaucracy or whether here, as in Germany and Russia, it is a pernicious and stultifying trend. This chapter will have three parts. The first will explore Wilson's treatment of American bureaucracies to understand more fully "what they do" and "why they do it" so that I can consider American bureaucracy against the framework of the previous chapters. The second part will discuss the American constitutional order in contradistinction to the Hegelian State to gain a sense of the compatibility between bureaucratic administration and the American regime. I will use the conclusions gained in these previous sections to examine, in my third section, whether political activity in the sense Aristotle describes it is possible in modern America and alongside American bureaucracy. Can bureaucracy and politics coexist in modern America?

## **5.1 Bureaucratic Agencies in the United States**

Thus far I have relied on Max Weber's definition of bureaucracy in order to study its central characteristics. Weber details characteristics taken from a multitude of historical and contemporary studies to create an ideal type—that is, the most rational form of the thing he is describing, and in this case the most complete and fully rational



version of bureaucracy.<sup>15</sup> As I explained in Chapter One, Weber articulates six defining characteristics of bureaucracy: 1) “official jurisdictional areas,” 2) “office hierarchy,” 3) management “based upon written documents” or “files,” 4) “training in a field of specialization,” 5) duties that require the “full working capacity of the official,” and 6) “stable” and extensive rules of office management.<sup>16</sup> These characteristics are general and deal with the bureaucratic organization as a whole. Taken together they present a view of the bureaucratic organization as a well-oiled machine running according to a prescribed set of policies, peopled by educated professionals and aiming at concrete and generally understood goals. This image, according to Wilson, gives an introduction to bureaucracy, but is not an accurate picture of the way American bureaucratic agencies work.<sup>17</sup>

In the opening pages of three of his books, *Bureaucracy*, *The Investigators*, and *The Politics of Regulation*, Wilson warns that treating American bureaucracy as a monolith, reducing it to generalizations, or simplifying it will lead to misunderstandings about how and why agencies work the way they do.<sup>18</sup> Wilson explicitly discusses the work of Max Weber, crediting him with “founding” the study of bureaucracy. But, he warns, an overreliance on Weber’s work can lead one to understand bureaucracy in an

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<sup>15</sup> Weber, *Economy and Society*, 6–7.

<sup>16</sup> Ibid, 956–58.

<sup>17</sup> Wilson, *Bureaucracy*, xvii–xviii.

<sup>18</sup> Wilson, *Bureaucracy*, xvii–xviii; James Q. Wilson, *The Investigators: Managing FBI and Narcotics Agents* (New York: Basic Books, 1978), 3–14; and James Q. Wilson, ed., *The Politics of Regulation* (New York: Basic Books: 1980), vii–xi.

overly theoretical, perfected form that focuses on bureaucracy as a whole as if it has no internal divisions.<sup>19</sup> Weber's analysis is, according to Wilson, "useful, but only up to a point. Beyond that point distinctions are more useful than generalizations."<sup>20</sup> His work makes clear that, at least in America, there is a variety of bureaucratic agencies with diverse structures. Further, the relationship between bureaucratic organizations and American government is dominated by small changes and compromises. Without studying these intricacies, one can make no determination about the possibility of political action in modern, bureaucratized America.

Wilson, like Weber, describes himself as a social scientist,<sup>21</sup> but his work and methodology do not conform to Weber's definition of social science. The place to begin, Wilson tells his readers, is not from the top-down, but the bottom-up. To understand a particular organization, one should not focus on jurisdictional areas, statutes, or the speeches of executives; but look instead to the day-to-day achievements of the organization and the completed tasks of its ordinary workers or "operators", as Wilson calls them.<sup>22</sup> The actions of a bureaucracy that can be seen every day make clear its goals, effectiveness, and relationship to government and citizens. It is these actions which affect American citizens and display a bureaucracy's responsiveness to their opinions as represented in American government. Although Wilson does not, in his scholarly works,

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<sup>19</sup> Wilson, *Bureaucracy*, xvii.

<sup>20</sup> *Ibid*, xviii.

<sup>21</sup> James Q. Wilson, *American Politics, Then & Now and Other Essays* (Washington, DC: AEI Press, 2010), 177.

<sup>22</sup> Wilson, *Bureaucracy*, 12–13.

prescribe particular policy positions, he does not shrink from suggesting that there are better and worse versions of bureaucratic administration within the context of the American political regime.<sup>23</sup>

In the preface to *Bureaucracy*, Wilson writes, “I wish that this book could be set forth in a way that proved, or at least illustrated, a simple, elegant, comprehensive theory of bureaucratic behavior. When I was a young giddy scholar, I had hope that such a theory could be created (ideally, by me). I even tried my hand at a few versions. What resulted was not a theory of bureaucracy, but rather a few modest additions to the long list of theories about some aspect of bureaucracy.”<sup>24</sup> Wilson’s masterful case studies and “additions” to the understanding of various bureaucratic behaviors provide evidence that any organization made up of human beings cannot easily be characterized by “simple,” “elegant,” and “comprehensive” theories. It is, in fact, this realization that separates Wilson from Weber, and from other scholars of bureaucracy including Ludwig von Mises and Paul du Gay, despite the fact that von Mises criticizes, and du Gay defends, bureaucracy.

Wilson discusses the forces that give each bureaucracy its peculiar identity: tasks, missions, circumstances, personnel, constraints, turf, and political context (among others). Wilson’s analysis of armies, prisons, and schools provides proof that all bureaucracies do not behave the same way. Prisons neither perform the same tasks nor are organized in the same way as armies, for example. Soldiers do not have the same jobs

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<sup>23</sup> Wilson, *Bureaucracy*, 364–78; James Q. Wilson, “Juridical Democracy versus American Democracy,” *PS: Political Science and Politics* 23, no. 4 (1990): 570–72.

<sup>24</sup> Wilson, *Bureaucracy*, xix.

as teachers. Moreover, some bureaucracies are effective and some problematic. One army succeeds while another fails. Some prisons are disciplined and some dangerous. Some schools struggle to keep order (much less to educate), while others achieve incredible results.<sup>25</sup> Bureaucracies can destroy access to political power or rule in the place of traditional government. They can also merely provide goods and services. They can encourage blindness and thoughtless obedience or merely demand results. In considering the variety of bureaucracies there are two interrelated questions: what makes a bureaucracy run effectively? And what makes a bureaucracy an acceptable part of the American constitutional order? The objectives implied by these questions are not always compatible.

According to Wilson, “organization matters” for the effective functioning of a bureaucratic agency, but “there is no best way to organize.”<sup>26</sup> In other words, the ideal type Weber describes might not always be the most effective form of organization—that depends upon the mission, circumstances, and constraints relative to a particular organization. The difficulties agencies face often cause them to deviate from this ideal even when it would serve them well. Understanding bureaucracies requires one to appreciate why they act irrationally or ineffectively as well as what they actually do. Understanding how bureaucracy *ought* to function requires one to consider what role bureaucracy should play within a political context and what each particular bureaucracy should achieve.

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<sup>25</sup> Ibid, 4–13.

<sup>26</sup> Ibid, 23–25.

According to Wilson, effective organizations (that is, those that efficiently and continuously act to fulfill their goals) are able to identify “*critical tasks*,” create “widespread agreement” as to what these tasks are, and acquire enough “*autonomy*” to complete them.<sup>27</sup> American agencies must struggle to obtain these conditions, struggles that neither Weber nor Hegel predict in their treatment of bureaucracy. Weber describes jurisdictional areas as clearly defining the goals of its bureaucracy. They are, he writes, “generally ordered by rules, that is, by laws, or administrative regulations.” This means: “(1) The regular activities ... are assigned as official duties. (2) The authority to give commands required for the discharge of these duties is distributed in a stable way.... (3) Methodical provision is made for the regular and continuous fulfillment of these duties.”<sup>28</sup> These are the characteristics of bureaucratic organization, not the conditions the bureaucracy must manufacture in order to function.

In the Hegelian State, bureaucrats, or civil servants, know the will of the sovereign and are able to apply it to particular circumstances. Necessity and education will combine to provide them with understanding of sovereign decisions such that they are capable of “*upholding ... legality and the universal interest of the state*, and ... bringing... these rights back to the universal.”<sup>29</sup> In so doing they must act in a manner that is the “opposite extreme of the knight errant,” sacrificing “arbitrary and discretionary” judgment in exchange for completion of duty.”<sup>30</sup> It is the “uneducated,”

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<sup>27</sup> Ibid, 23–27.

<sup>28</sup> Weber, *Economy and Society*, 956.

<sup>29</sup> Hegel, *Elements of the Philosophy of Right*, §289.

<sup>30</sup> Ibid, §290.

Hegel notes, who find pleasure “in argument and fault-finding.”<sup>31</sup> Such people, he implies, will not be hired, or, if hired by mistake, allowed to remain in the position of civil servant. American bureaucrats, by contrast, may understand themselves to be doing their legal duty, but they are usually required to judge for themselves what exactly this duty entails.

American laws cannot be relied on for a clear articulation of an agency’s critical tasks because, as Wilson notes, “reasonable people will differ” on how to interpret the vague goals contained in American bills and statutes. To illustrate his point, Wilson includes a myriad of examples: disagreement on the meaning of “well-being” in the Department of State’s written goal to “[p]romote the long-range security and well-being of the United States,” or about the Department of Labor’s stated goal to “[f]oster, promote and develop the welfare of the wage earners of the United States.”<sup>32</sup> The statutes that define most agencies’ goals are meant to relate to a multitude of often unknown scenarios and must be agreed upon by members of Congress with competing interests and often from competing parties. Even when clearly stated, these goals often include opposing meanings. For example, the Department of Defense must protect the security of the United States and her citizens, including members of the Armed Forces. It is not always possible to defend the national interest without incurring the death of soldier-citizens. Rather than forgoing legislation on controversial subjects about which representatives have entrenched disagreements, American lawgivers often achieve

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<sup>31</sup> Ibid, §268.

<sup>32</sup> Wilson, *Bureaucracy*, 32–33.

compromise through vague and complicated legislation, which in fact leaves interpretation to bureaucrats and, if they are challenged, to judges.

Effective agencies will have agreed upon tasks no matter how vague, arguable, or complex their stated goals. Agreement on these tasks is made possible by a shared culture and a sense of mission born of that culture. “Culture,” Wilson explains, “is to an organization what personality is to an individual.”<sup>33</sup> It is simultaneously a hard-to-define aspect of the organization and (or perhaps for that very reason) an all-encompassing one. “When an organization has a culture that is widely shared and warmly endorsed by operators and managers,” Wilson writes, “we say the organization has a sense of *mission*.”<sup>34</sup> Missions not only help to define critical tasks and make up for vague goals, but they also bind the members of an organization together, motivate officials despite the lack of financial incentives, help to recruit employees and supporters, and protect the agency from external interests and influences. The benefit of bureaucracy described by Weber—effective, continuous, and dedicated administration—is utterly dependent in Wilson’s eyes on the agency’s having a clear sense of mission. Even those that have a sense of mission must have the autonomy and ability (in terms of turf, money, or political support) to accomplish it. But without agreement on a mission there will be nothing agreed upon to achieve and no dedicated professionals to achieve it.<sup>35</sup>

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<sup>33</sup> Ibid, 91.

<sup>34</sup> Ibid, 95.

<sup>35</sup> Wilson, *The Investigators*, 13–15.

As we have learned from Weber, bureaucracies are hard to change or to destroy. “Once fully established,” bureaucratic administration “is practically indestructible.”<sup>36</sup> This is borne out in the American context; bureaucracies often retain the culture and mission of their founding—whether such culture and mission were intended by legislators and founders or arose haphazardly in the absence of a clear vision directed by a person or group. It is easiest for an organization to have a strong culture when its goals translate easily into a mission and do not admit of much misunderstanding.<sup>37</sup> As Martha Derthick explains in *Policymaking for Social Security*, the Social Security Administration, at its birth, is a clear example of one such organization. It was created for one discernable and manageable reason: to cut social security checks for those who qualified for this new government benefit. The standards according to which a person qualified were not hard to understand (no matter how politically controversial); they depended upon years worked at what wage, and upon the age of the worker. The SSA had no other goal and no complex internal judgments to make. Moreover, its results were obvious to legislators, citizens, and clients alike; either checks for the correct amount were received on time, or they were not.<sup>38</sup>

For its first few decades the SSA was a singularly effective and well-organized agency. Yet, according to Derthick, this all changed in 1956. The SSA was asked to take

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<sup>36</sup> Weber, *Economy and Society*, 988.

<sup>37</sup> Wilson, *Bureaucracy*, 91–110.

<sup>38</sup> Martha Derthick, *Policymaking for Social Security* (Washington, DC: The Brookings Institution, 1979) 21–37, 288–92.



on the task of cutting disability checks, in addition to social security checks.<sup>39</sup> Disability regulations direct officials to consider individual cases, to determine whether an individual qualifies for assistance based on nebulous characteristics like “need,” and to follow up with them in order to assess their progress. This demands case-by-case analysis, independent judgment, and a relationship with the “client.”<sup>40</sup> Success is hard to measure—neither legislators, nor citizens, nor clients can be entirely sure that each judgment is being made correctly—that each check is going to the right person and for the right amount. Despite the fact that administering both social security and disability insurance comes down to cutting a check to qualifying persons as defined by law, the operational tasks required of officials to fulfill these goals are entirely different—and they demand different organizational structures, professional training, and culture. The result of these confused missions was that the SSA became a far less efficient, cohesive, and responsive organization.<sup>41</sup> Instead of simply administering the law, the SSA was forced to make judgments about which parts of the law to understand as organizationally important and therefore to prioritize those parts.

In the absence of a clear mission born of statutory goals, the creation of an organization’s mission and culture depend upon three things: people, circumstances, and constraints. “Able administrators,” Wilson comments, “will not let their agency’s culture be formed by the chance operation of predispositions, professional norms, interest group

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<sup>39</sup> Ibid, 308–316.

<sup>40</sup> Ibid, 295–317.

<sup>41</sup> Ibid, 381–411.

pressure or situational imperatives....”<sup>42</sup> Implied in this statement is the acknowledgement that all these things play a role—even a determinative role in the absence of clearly defined goals or able executives. When an executive is successful, he will shape these other factors in the process of shaping the mission of the organization. Most importantly he will define the agency’s critical tasks, maintain authority over these tasks, and refuse to let them be muddled by other concerns.

Wilson uses the examples of Gifford Pinchot and the American Forest Service, and J. Edgar Hoover and the FBI, to explain success in mission-building. Pinchot determined that the mission of the Forest Service would be “to *manage* the forests.” He created an elite service with highly trained professionals to act as operators. Most people who entered forestry training dropped out within the first three years because of its rigor and strict discipline. Those who succeeded grew accustomed to working under a corps of inspectors who expected strict discipline and constant professionalism. While most members of the Forest Service carried out their daily responsibilities far from peers and superiors, their shared dedication to the mission and culture of the agency kept them on task, professional, and productive.<sup>43</sup>

J. Edgar Hoover exerted a very similar kind of control over the FBI when he became director. He limited its tasks strictly to “gathering facts about potential violations of federal law,” not to influence policy or advocate politically.<sup>44</sup> He created organizational structures to support these goals, including strict internal training and rules

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<sup>42</sup> Wilson, *Bureaucracy*, 95.

<sup>43</sup> Ibid, 96–97.

<sup>44</sup> Ibid, 97–98.

of behavior (right down to the attire of FBI agents) and well-developed methods of discipline.<sup>45</sup>

Both Pinchot and Hoover took control shortly after the founding of their respective agencies. They defined the missions of their organizations, and with them the jurisdictional areas over which they would preside, the rules according to which members of the Forest Service and agents of the FBI would act, and the organizational structure of their agencies. Pinchot and Hoover took advantage of political moments that not only supported the creation of these agencies but also gave them relative freedom. Pinchot was made first chief of the Forest Service by his good friend, passionate conservationist, and beloved president Theodore Roosevelt. Hoover became head of the FBI at the same time that the crimes of bank robbers like John Dillinger became notorious across the Midwest.<sup>46</sup> Although they were dependent upon congressional statutes for the power of their agencies and congressional appropriations for their maintenance, these executives were able to carve out a great deal of authority over their organizations—so much so that they effectively acted outside its hierarchy as charismatic leaders rather than bureaucrats. In their roles as leaders who existed almost outside the American political order, they were able to create traditional bureaucracies. The Forest Service and the FBI were given clearly defined jurisdictional areas and critical tasks and organized in a way to fulfill these tasks effectively and rationally.

It is in cases like these that Weber's characteristics are most fully realized (albeit the legal regime is largely replaced by the charismatic leader) and where they look most

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<sup>45</sup> Wilson, *The Investigators*, 25–29.

<sup>46</sup> Wilson, *Bureaucracy*, 96–98.

like the agencies Arendt describes in her work on totalitarianism. Despite their position on the outskirts of politics, these organizations necessarily make political decisions about how citizens will actually be governed. The example of J. Edgar Hoover and the FBI is most obvious here. For while Hoover created an effective agency to enforce the laws of the United States, he also determined which kinds of crimes would be most often investigated and therefore most often punished. Famously he focused almost exclusively on “organizational” crimes, leaving others uninvestigated (or investigated only by other government agencies).<sup>47</sup> In this way Hoover, like Lord Cromer in British India, became a shadow ruler, who governed by edicts (or rules) rather than laws, and who could not be approached directly by citizens seeking redress.

Yet, according to Wilson, most American agencies must get along without charismatic and powerful founders. Instead, American bureaucracy is often irrational, badly organized, and lacking in the efficiency of traditional bureaucracies. Often circumstances, beliefs, interests, and constraints are central to mission formation (or the lack thereof) in agencies with vague, complicated, or conflicted goals. Situational imperatives can drive task definitions especially when achieving the agency’s goals requires other achievements along the way.<sup>48</sup> Cops on the street, Wilson reminds us, may try to follow protocol, but to prevent and punish crime they also have to stay safe and gain information—tasks which do not always align. The first day they hit the streets their training officers tell them that “real” policing will be nothing like their experience at the

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<sup>47</sup> Wilson, *The Investigators*, 21–31.

<sup>48</sup> Wilson, *Bureaucracy*, 32–39.

academy.<sup>49</sup> In other words, the “real” tasks of the organization are not those meticulously catalogued and officially submitted on behalf of the organization. They are made up on the ground by police officers seasoned in the realities of their jobs.

Peer expectations and prior experience also help to define goals when missions are not well defined. The camaraderie built up among soldiers allows them to complete dangerous tasks even under the worst circumstances.<sup>50</sup> Officials trained in other organizations often bring their experience, training, and culture with them to newly formed or reorganized agencies.<sup>51</sup> Circumstances and peer expectations can encourage work and help define critical tasks, or they can reorient organizations toward new tasks. Organizations can succeed in harnessing these forces in support of their culture and missions or be hurt by them.<sup>52</sup> Human relationships matter, even inside bureaucratic agencies.

Organizations and the tasks they decide to pursue are further influenced by the beliefs of the people who make them up and the interests that they serve. Those criticizing bureaucracies in America often complain that bureaucracies are peopled by individuals of a particular political ideology, and that this ideology colors their outlook

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<sup>49</sup> Ibid, 37.

<sup>50</sup> Ibid, 45.

<sup>51</sup> Ibid, 55–59.

<sup>52</sup> Ibid, 48–49.

and behavior.<sup>53</sup> Defenders of bureaucracy like Paul du Gay respond that bureaucracies have their own “organizational ethos” that demands neutrality and professionalism.<sup>54</sup>

Wilson agrees with both Weber and Arendt that bureaucrats are far more dependent upon the professionalism and expectations of their chosen vocation for their actions than they are on personal or political opinion. In Weber’s words they must undergo “thorough training in a field of specialization” and understand their professional duty as their vocation;<sup>55</sup> in Arendt’s they are thoughtless beings who follow without judgment.<sup>56</sup> According to Wilson, professionalism and the notion that work is a vocation are very important to bureaucrats—more important than ideology—but that does not mean that the bureaucrat’s vocation is defined only by the agency to which he belongs.<sup>57</sup>

Most bureaucrats are members of professions, which provide a certain kind of training, outlook, and a set of expectations. Weber describes specialized training as a central characteristic of bureaucratic organization.<sup>58</sup> However, he does not address what the influence of this training might look like in reality. According to Wilson, when specialized training goes far enough to create its own set of expectations it also comes to influence bureaucratic organization from without. “In a bureaucracy,” he writes,

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<sup>53</sup> Ludwig Von Mises, *Bureaucracy* (Indianapolis: The Liberty Fund, 1972), 2–9.

<sup>54</sup> Paul Du Gay, *In Praise of Bureaucracy* (London: Sage Publications, 2000), 11.

<sup>55</sup> Weber, *Economy and Society*, 958–59.

<sup>56</sup> Arendt, *Eichmann in Jerusalem*, 25.

<sup>57</sup> Wilson, *Bureaucracy*, 59–65.

<sup>58</sup> Weber, *Economy and Society*, 958–59.

“professionals are those employees who receive some significant portion of their incentives from organized groups of fellow practitioners located outside the agency.”<sup>59</sup>

Lawyers act differently from economists, even if they both work within the Federal Trade Commission. Similarly, scientists understand the goals of the Food and Drug Administration (FDA) in a different manner than lawyers do. Which group or groups have greater authority within an organization has a significant effect on how the critical tasks of that organization come to be understood. Is the goal of the FDA to allow for (safe) scientific advancement, or to reduce risk whenever possible? If the former, the agency will be more lenient; if the latter, it will be more restrictive when it comes to new medicines or inventions. Both groups have been dominant in different eras of the FDA’s history. Professionalism affects bureaucratic organization in a far different way than Weber envisioned. He describes specialized study as a prescribed education built for officials of a bureaucracy with an eye to completing its goals, not a set of professional norms brought from outside the organization to influence its function and hierarchy.<sup>60</sup> The reality is that professionalism can act as a check on agency behavior or expand the scope of a bureaucracy’s work in addition to aiding in the completion of predetermined goals.

Other outside interests can also affect the perceived mission of an agency. When the mission is weak, the agency is more open to “capture” by lobbies and interest groups. “Government agencies,” Wilson writes, “are not billiard balls driven hither and yon by the impact of forces and interests. When bureaucrats are free to choose their course of

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<sup>59</sup> Wilson, *Bureaucracy*, 60.

<sup>60</sup> Weber, *Economy and Society*, 958–62.

action their choices will reflect the full range of incentives operating on them....” But one of these incentives is to “reflect the needs of the clients, that is those people or groups that are affected disproportionately by the work of the agency.”<sup>61</sup>

It is easiest for agencies that have a specific and easily defined client group to forget their own missions in favor of those of their clients. Agencies that work with specific groups of citizens Wilson calls “client organizations.” They include agencies like the Civil Aeronautics Board and the Civil Rights Commission. In both cases the people these agencies work with are almost exclusively from a specific group: the airline industry on the one hand or civil rights organizations on the other, and the goals of the agency and their clients are not so different.<sup>62</sup> “Entrepreneurial agencies,” which come about as the result of “entrepreneurial politics in a precarious position” and seek to protect the interests of a particular group that had been threatened, and “interest-group agencies,” which are created in response to pressure from specific groups in civil society, face similar problems.<sup>63</sup> But even those agencies whose “clients” consist of the majority of citizens can be captured and become blind to the competing needs of minorities.<sup>64</sup>

This last category of agency might seem like an example of a bureaucracy directly connected to the citizens it serves. Yet in a democracy the mission of any agency should be defined not by a particular interest group but the law—law that should be agreed upon by the recognized rulers of the democracy: its citizens or their representatives. When

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<sup>61</sup> Wilson, *Bureaucracy*, 88.

<sup>62</sup> *Ibid.*, 79–80.

<sup>63</sup> *Ibid.*, 80–82.

<sup>64</sup> *Ibid.*, 82–83.



agencies become captured by interest groups it is these groups who rule from behind the scenes, not the legislators or even the bureaucrats appointed by them. Agencies controlled by outside interest groups are problematic for democracies for similar reasons that those controlled by charismatic leaders are inherently dangerous. Captured organizations do not even acknowledge their own leaders but act in accordance with the desires of those outside of government—often without acknowledging this allegiance even to themselves.

Clearly, American bureaucracy has the capacity to become unmoored from its democratic origins. When statutes do not give agencies the clarity they need to define missions, culture, and critical tasks, other forces fill this void—overtly in the case of leaders like Pinchot and Hoover, or by default in the case of professional norms, situational imperatives, or outside interest groups. Any force that governs outside the constitutional order erodes political institutions and stalls political action.

In the American context there are two dangerous possibilities. First there is the danger of a leader who rules outside the traditional scope of American politics. Often immune to political pressure because of popularity, charisma, or effectiveness in an area of general concern, these officials make political decisions by edict or regulatory rule, not by openly discussed and democratically passed laws. Although rule by officials remains the rule of “someone,” they are shadow-someones, as it were, not accessible to the people in their sovereign or citizen capacity.

In those cases where the true ruler is not clear even to members of the bureaucracy, the danger lies in that fact that no one takes responsibility for ruling, or even understands himself to be ruling. No one is responsible. No one makes political judgments. No one knows the results of their action, or even understands themselves to

be speaking in public. This truly is the “rule of nobody.”<sup>65</sup> Happily, however, this is not the full story of the American bureaucracy as Wilson tells it. Capture by leader or external organization, while possible, is not all that common. Even when it does take place, the actions of the bureaucracy to fulfill the desires of those they have been captured by remains limited. This is true, in part, because agencies must also address a myriad of constraints placed upon them by the American government and the citizens it represents.<sup>66</sup>

Not only do constraints define agency missions and general tasks, but they also fill officials’ time.<sup>67</sup> Most of these limitations originate in the American constitutional order and are actuated fairly constantly because both Congress and the president find constraints to be the easiest method by which to influence the bureaucracy. Changes to statutes and laws are harder to effectuate and are often politically impossible. Constraints are also the usual method of redress for individuals and organizations who use the courts to oppose bureaucratic action or inaction. Legal suits and the threat thereof create even more rules and reporting requirements within the bureaucracy, and they also influence particular bureaucratic actions.<sup>68</sup>

Constraints on the American bureaucracy, according to Wilson, originate in three general facts: 1) public bureaucratic agencies “cannot lawfully retain and devote to the private benefit of their members the earnings of the organization, 2) cannot allocate the

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<sup>65</sup> See Arendt, *Crisis of the Republic*, 137–38.

<sup>66</sup> Wilson, *The Politics of Regulation*, vii–xii, 365–78.

<sup>67</sup> Wilson, *Bureaucracy*, 181–85, 195.

<sup>68</sup> *Ibid*, 282–90.

factors of production in accordance with the preferences of the organizations' administrators, and 3) must serve goals not of the organizations' own choosing."<sup>69</sup> This means, Wilson concludes, that most agencies are "driven by *constraints*..., not *tasks*."<sup>70</sup> In other words bureaucratic agencies are usually protected from destruction or substantial change, but their activities are still limited by the political apparatus around them. American bureaucracies are therefore nearly permanent, usually functional, often inefficient, and somewhat responsive to government and citizens.

Weber argues that bureaucrats must understand their office "as their vocation" and be ambitious to receive honors and awards from within the organization and to be recognized by other professional bureaucrats.<sup>71</sup> Wilson does not disagree that bureaucrats must be motivated by internal incentives, but he understands this fact to be a limitation on bureaucratic activity, not merely a characteristic of bureaucratic structure. Unlike a corporate bureaucracy or other private organization, governmental bureaucracies cannot reward members of their staff with financial compensation. Even promotion is often controlled by outside forces, rules of seniority, and political appointment. Therefore, bureaucrats must be satisfied with what rewards the agency can offer—respect from peers, internal awards, and, when possible, promotion.<sup>72</sup> The strongest incentive, then, that an agency can offer is a sense of accomplishment, when officials "buy into" the

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<sup>69</sup> Ibid, 115.

<sup>70</sup> Ibid.

<sup>71</sup> Weber, *Economy and Society*, 956–69.

<sup>72</sup> Wilson, *Bureaucracy*, 116–20.

mission of the organization.<sup>73</sup> If the mission is strong, then the bureaucracy is hard to bring under political control. But if it is weak this inducement must be replaced by less powerful incentives. Whether these attractions are enough to attract the best and brightest is a problem Wilson does not address.

Bureaucrats cannot profit (beyond a prescribed paycheck) from their work largely because American citizens do not think they should. This, Wilson says, is because as Americans “we are creatures of the Enlightenment” and believe that “the nation ought not to be the property of the sovereign; that laws are intended to rationalize society and (if possible) perfect mankind; and that public service should be neutral and disinterested.”<sup>74</sup> Citizens are equal and laws are to be equally applied. Financial interests on the part of government employees can (and probably would) distort their views. As Wilson remarks, we want to “eliminate moral hazards,” to allow the social worker to approach each case on the merits, to guard against the dirty cop or the overzealous inspector, and to make sure that the tax collector takes only what is due.<sup>75</sup>

The other reason Americans do not think government employees should profit from their work is that it is often unclear when they are doing a good job. Of course, there are cases when their work can easily be measured, as in the case of the SSA where it is a simple question of checks being delivered on time. But most of the time the work of bureaucratic agencies is hard to understand, hard to see, and hard to measure.<sup>76</sup> What

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<sup>73</sup> Ibid, 95–101.

<sup>74</sup> Ibid, 116–17.

<sup>75</sup> Ibid, 117.

<sup>76</sup> Ibid, 117–22, 158–71.

NASA ought to be doing cannot be clear to the average person. Whether disability insurance checks are given to the right people must be determined on a case-by-case basis with access to confidential information. Whether the DEA could more efficiently address narcotics trafficking is not obvious. The traditional market is also a fairly useless measure of bureaucratic efficiency because, unlike other goods and services, many bureaucracies “supply a service for which there are no willing customers (for example, prisons or the IRS) or are monopoly suppliers of a valued service (for example, the welfare department or the registry of motor vehicles).”<sup>77</sup> For these reasons abuses of power are difficult to identify and financial incentives are prohibited.

It is for similar reasons that agencies themselves cannot retain income beyond their needed expenditure. Congressional appropriations usually cannot be saved for the next year should an agency come in under budget, nor can any income be financially beneficial to the agency that earned it. Bureaucracies tend, therefore, to spend any money they are given, and to have less incentive to earn income. Moreover, even money granted for the current year is often earmarked for special projects, personnel, or goals and cannot be allocated as executives or managers see fit. It can be easier to gain financial support for a new initiative than an existing one (no matter how worthwhile the existing one is) or to take on new personnel rather than to better compensate current employees.<sup>78</sup> In all cases executives must spend a great deal of their time maintaining relationships with members of appropriations committees to assure that their agencies will continue to have adequate (or better) monetary access, and be able to spend at least some of it on critical

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<sup>77</sup> Ibid, 117–18.

<sup>78</sup> Ibid, 116–22.

tasks and agency maintenance. Time spent maintaining such relationships does not directly translate into agency efficiency and acts as yet another constraint on the agency.<sup>79</sup> But these kinds of constraints are ultimately how Congress and the President seek to control the agencies under their joint (and often conflicting) authority.

All this is far less important than the largest constraint of all—and the area over which Congress has greatest control. Agencies do not get to choose their own goals or purposes, even within the realm in which they operate. Although the congressional statutes that create and orient bureaucratic agencies are vague enough not to provide agencies with realizable missions, they do set agencies' respective directions. Even when they are not entirely possible, stated goals must be devoted appropriate time and energy, and even when deleterious to the institution they cannot be ignored. Wilson analyzes the United States Postal Service to showcase the effect of legal requirements on agency functionality. Even as the USPS struggled with mounting debt and bankruptcy it was not legally allowed to curtail services such that geographic areas (and the citizens who reside in them) were cut off from its service. Cutting off citizens from the Postal Service was viewed as “unfair” and utterly unpalatable to Congress and to citizens themselves.<sup>80</sup> Congressional control over agency goals and programs means that operators are expected to track results and practices in order to show that they are complying with guiding laws and internal regulations.<sup>81</sup> Managers must suspend organizational goals in order to obey legal guidelines. Executives spend far more time maintaining good relations with

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<sup>79</sup> Ibid, 197–216.

<sup>80</sup> Ibid, 122–29.

<sup>81</sup> Ibid, 120–22.

government agencies—including congressional appropriation committees, presidential administrations, and antagonistic representatives—than they do thinking about best practices.<sup>82</sup>

American bureaucratic agencies are concerned with jurisdictional areas, hierarchical structures, written guidelines, and professional behavior, as Weber suggests, but they are also far less efficient or rational than he implies bureaucracies will be. The constraints placed upon them directly, in the case of financial incentives and personnel requirements, or indirectly by vague yet constraining written goals, make agencies unable to pursue a rational goal other than their own maintenance and autonomy, for which they must constantly struggle. Bureaucrats are simultaneously controlled by the laws of the land and forced to make political judgments in order to interpret these laws. There are two fundamental dangers: that of a bureaucracy being rule-bound beyond the possibility of making independent judgments about serious political issues, and that of a political bureaucracy that rules from the shadows, making political decisions without political standing or opportunity for redress. Yet bureaucracies owe much of their behavior to their relationship to the political regime in which they operate. As Wilson writes, “[O]ne cannot explain the behavior of government bureaucracies simply by reference to the fact that they are bureaucracies; the central fact is they are *government* bureaucracies.”<sup>83</sup> Therefore, despite being semi-autonomous, American bureaucratic agencies are only so efficient and rational as government—and the political concerns that drive it—allows them to be. Whether this means that the American bureaucracy is largely responsive, and

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<sup>82</sup> Ibid, 181–209.

<sup>83</sup> Ibid, 125.

therefore not politically problematic or whether it is politically irresponsible, is yet to be seen. To examine these questions, we will have to look at how the variety of American bureaucratic agencies relate to the constitutional order that defines the American political regime.

## **5.2 The Hegelian Civil Service and the American Bureaucracy**

The American regime has no clear place for bureaucracy. Instead, the separation of powers dictated by the Constitution gives slight indications of how government should be administered. In modern America these indications have been developed into a foundation for administrative agencies.<sup>84</sup> This fact, according to Wilson, makes American bureaucracy different from European bureaucracy. It alters both the organizational structure and daily activities of the bureaucracies themselves and affects their relationship with the rest of American government and therefore with the American citizenry.<sup>85</sup> Although the bureaucracy gains its power from the legislative and executive branches, it is not directly under the control of Congress or the president. Yet while the bureaucracy is almost in the shadows of government, limitations on its activity abound—placed on it by the three branches of government and sometimes directly by individual citizens or groups of citizens.

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<sup>84</sup> Wilson, *The Politics of Regulations*, vi–ix.

<sup>85</sup> Wilson, *Bureaucracy*, 295–312.



This reality is very different from the theories of both Weber and Hegel. They describe governmental bureaucracy as fitting seamlessly into a preordained space within the political regime. In the section of *Economy and Society* dealing with governmental legitimacy, Weber writes, “In the case of legal authority, obedience is owed to the legally established impersonal order. It extends to the persons exercising the authority of office under it by virtue of the formal legality of their community and only within the scope of authority of the office.”<sup>86</sup> In speaking of legal regimes with bureaucratic administrations he adds that “any given legal norm may be established by agreement or by imposition on the grounds of expediency or value-rationality or both, with a claim to obedience at least on the part of the members of the organization.”<sup>87</sup> In a legal regime the foundational laws define the government and the relationship not only between citizen and sovereign, but also between administrative organizations and the sovereign on one hand, and administrative organizations and citizens on the other. Organizations are set in motion by the sovereign to attain foreordained goals. Officials must fulfill these goals according to prescribed rules and in a professional capacity. Their achievements have direct implications for life within the regime.<sup>88</sup>

The role of the Hegelian civil service is similarly defined by the needs of the state—although it exists not merely to enact laws, but to create a coincidence between the sovereign will and that of the people as represented in civil society. While Weber leaves the ultimate goal of the legal regime blank, to be filled in by the reality of particular

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<sup>86</sup> Weber, *Economy and Society*, 216.

<sup>87</sup> Weber, *Economy and Society*, 217.

<sup>88</sup> *Ibid*, 397.

examples, Hegel is very clear about the goals of the state and about their beneficial nature. He is not describing an ideal or perfected theoretical type, but a realizable state, which he claims, “is the actuality of the ethical Idea—the ethical spirit as substantial will, *manifest* and clear to itself, which thinks and knows itself and implements what it knows insofar as it knows it.”<sup>89</sup> As the “actuality of the ethical Idea” the state is also the actualization of human freedom in the world. Citizens of the state will find, first through necessity and then through habitual patriotism, a unity between their own will and that of the state—and in this unity will be their freedom.<sup>90</sup> Within government this unity is actualized by the activities of the civil service or bureaucracy.

As I have discussed before, the executive branch within the Hegelian State “is concerned with the transition from the universal to the individual and particular.”<sup>91</sup> The civil service makes possible the actualization of the state’s ultimate goals. Civil servants fulfill a moral and politically beneficial role. They are not allowed to act on “discretionary or independent judgment” but they are trusted to act in accordance with the will of the sovereign and with concern for the interests of the people.<sup>92</sup> The Hegelian

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<sup>89</sup> Hegel, *Elements of the Philosophy of Right*, §257.

<sup>90</sup> *Ibid.*, §267–§268.

<sup>91</sup> *Ibid.*, §290.

<sup>92</sup> Hegel makes clear, as I discussed in chapter two, that this trust is not absolute; there are methods of trying and punishing civil servants who act outside the bounds of their duty or in opposition to the will of the state. Similarly, it is clear that Hegel recognizes the fact that citizens will not always be wise enough to accept the will of the state. The executive branch includes the judiciary and the police as well as the civil service. See pages 29–31 of chapter two and, for Hegel’s own articulation, *The Philosophy of Right*, §287–§297.

State does not work without the bureaucracy and an extensive body of civil servants. The structure of the regime allows for the bureaucracy to benefit the state and to promote Right and freedom as understood by Hegel.

In the United States, influencing the bureaucracy can act as a proxy for political debate and the exercise of political power. The bureaucracy exists controversially between the legislative and executive branches of government. Situated in this ill-defined area of American government, it can act according to its own interpretation of the law and the needs of the nation, while simultaneously being limited by the other branches of government. Bureaucratic power owes its origins to legislative authority and action: the Constitution gives the legislative branch the power “[t]o make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”<sup>93</sup> Every agency is created by the decision of the legislature and based upon the passage of a bill or statute in Congress. Whether Congress really has the constitutional authority to delegate its power to bureaucratic agencies has been the subject of much debate over the course of American history.<sup>94</sup>

In addition to providing the legislature with the authority to make laws, the Constitution notes that the legislature has the power to “establish Post Offices,” to “raise and support Armies,” and to “provide and maintain a Navy.”<sup>95</sup> But the Constitution is silent on the creation of future new offices or agencies or what their creation might in fact

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<sup>93</sup> The Constitution of the United States of America, Article One.

<sup>94</sup> Wilson, *The Politics of Regulations*, vi–ix.

<sup>95</sup> The Constitution of the United States of America, Article One.

look like. In much of American history, debates about new services and restrictions focused on the constitutionality of exerting such power. Leaders disagreed on whether new services (federally guaranteed social security or healthcare and federal policing) or new regulations (think food safety, climate, or workplace safety regulations) could be administered by federal agencies. Today, as Wilson notes, “[T]here is almost no area that the federal government is not involved in,” and to some degree conversations about whether Congress can create government agencies have become irrelevant.<sup>96</sup> How these agencies are to be controlled, however, is a major issue for American politics.

Congress is not the only branch of government involved in controlling the American bureaucracy. The Constitution asserts that it is the president’s duty to “take Care that the Laws be faithfully executed,” and he who “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls ... and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law....”<sup>97</sup> If agencies exist to administer the law, it is the president’s duty to affect the execution of these laws. He also has the responsibility of nominating the officials in charge of each agency. Therefore, the distinction between legislation and execution—so clear in theory—is easily muddled in the American bureaucracy.

Since most laws creating and guiding governmental bureaucratic organizations are vague and complicated, their execution requires some level of interpretation—sometimes on the part of the agency, and sometimes on the part of the president. This

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<sup>96</sup> Wilson, *The Politics of Regulation*, viii–ix.

<sup>97</sup> The Constitution of the United States of America, Article Two.

means that in overseeing bureaucratic agencies the president gains some measure of legislative power. On the other hand, the creation of bureaucratic agencies involves the legislative branch in active administration of the law usually reserved to the executive branch. Neither branch can be involved in every activity of the bureaucracy. Consequently, the bureaucracy itself is left with some power to legislate and to execute as it sees fit.

The United States Constitution's separation of powers and limited mention of public administration reflects, in Wilson's understanding, the role of government in American political history and culture.<sup>98</sup> Traditionally Americans have placed far less confidence in the role of the state—or government—than does Hegel in his State. Both the Declaration of Independence and U.S. Constitution present aims for government. The Declaration of Independence asserts, "Governments are instituted among Men, deriving their just powers from the consent of the governed" in order to "secure" "unalienable rights," among which "are Life, Liberty and the pursuit of Happiness." Government, then, is limited by the power of the governed and exists to secure their previously ordained rights. It is a bulwark against tyranny, not the actualization of Right and freedom in the world.

The preamble to the United States Constitution continues on these themes while expanding the role of government. "We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the

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<sup>98</sup> James Q. Wilson, "Interests and Deliberation in the American Republic, or, Why James Madison Would Never Have Received the James Madison Award," *PS: Political Science and Politics* 23, no. 4 (1990): 558–62.

common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.” Both documents announce a nation dedicated to liberty and concerned with self-government. Although they also mention happiness, justice, welfare, and tranquility, these, it would seem, cannot subsume the sovereign people or their interest in liberty. It is this commitment to liberty that Hannah Arendt lauds in her discussion on the future of America; she puts faith in the idea that Americans (at least at the time of their country’s founding) were willing to revolt should government overstep these bounds or become an impediment to liberty.<sup>99</sup> Liberty seems to be the American interpretation of the chief political result. It hardly seems that bureaucracy naturally secures liberty in the American context despite the fact that it presumably does in the context of the Hegelian State. At the time of America’s founding, government was understood to be one of the chief threats to liberty.

The American constitutional order was created with the assumption that political power can grow tyrannical because rulers (elected or otherwise) often do not know the common good, and even when they do they are unwilling to jeopardize their own interests for those of the community. James Madison’s famous assertion that “ambition must be made to counteract ambition” in order to prevent the tyranny of “temporary majorities” is followed by the statement, “The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such

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<sup>99</sup> Arendt, *On Revolution*, 117–19.

devices should be necessary to control the abuses of government....”<sup>100</sup> This declaration reveals a conception of politics and of the political community that can be contrasted with Hegel’s statement on patriotism in his *Philosophy of Right*. “The political *disposition*,” Hegel writes, “...is certainly based on *truth*.... [I]t is merely the consequence of the institutions within the state; a consequence in which rationality is *actually* present.... This disposition is ... the consciousness that my substantial and particular interest is preserved and contained in the interest and end of another (in this case of the state) .... As a result, this other immediately ceases to be other for me, and in my consciousness of this I am free.”<sup>101</sup>

While Madison demands that safeguards be put in place such that men, as members of the government, do not curtail the rights of others, Hegel asserts that one can find true freedom only in the realization that the state is not another but is the preserver of individual and communal interest. Of course, Hegel’s statement relates only to the state he is describing, which is the perfected form of the political community and will come into being only at the end of history. But Madison holds out no hope for such a state. With the other Founding Fathers, he helped to create a government that limits its own powers, allowing for the realization of individual and communal interests in the face of political ambition and tyrannical tendencies. It does not suppose that the perfect is possible. Instead, politics requires the constant give-and-take between the governed and the governors. The American political order provides in its own structure for the

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<sup>100</sup> Robert Scigliano, ed., *The Federalist: A Commentary on the Constitution of the United States* by Alexander Hamilton, John Jay and James Madison (New York: The Modern Library, 2000), 331.

<sup>101</sup> Hegel, *Elements of the Philosophy of Right*, §268.

possibility of revising the rules under which the nation is governed by dint of constitutional amendment as well as by political election. Bureaucracy does not envision such revision even when its practices undergo modification. It is meant to create continuity and efficiency in the face of other governmental changes.<sup>102</sup> Therefore, the addition of bureaucratic administration to the American constitutional order forces changes both to that order and to the traditional form of bureaucratic organization. American politics does not accept Hegel's notion of an achieved rationality, but rather the rational is always subject to political revision because the political entity is undergoing constant change.

In an article for *Commentary* entitled, "American Politics: Then and Now," Wilson describes the end of "incremental" policymaking and the advent of the modern American bureaucracy:

[W]e have brought under new regulatory machinery whole sectors of our economy, changed in one sudden blow the mandatory retirement age ..., banned the use of whole categories of chemicals ..., adopted a vast and expensive system for financing healthcare, put under public auspices a large part of the American rail system, created public financing presidential campaigns ... and come close to authorizing cash grants to parents of children attending parochial schools and private colleges.<sup>103</sup>

Wilson does not assert that any of these ideas are good or bad—rather he lists them to prove the long reach of the federal government and the vast number of goods and

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<sup>102</sup> Weber, *Economy and Society*, 987–89.

<sup>103</sup> Wilson, *American Politics, Then & Now and Other Essays* 8–9.



services it now provides and, indeed, is expected to provide to American citizens.<sup>104</sup> In America today the state is expected to promote justice, welfare, and tranquility—it is asked to do almost everything the Hegelian State promises. But that does not mean either that bureaucracy now has a clear place in the American regime or that American citizens trust it to promote either their own interests or the common good. This is in direct contrast not only to the Hegelian State but also to the realities of most European democracies.

Many American agencies have clear counterparts in European countries. Even the rules followed and espoused by each are quite similar. But the place of bureaucracy in American and European regimes is very different, as is the response they receive from the citizenry. In his chapter exploring “national differences,” Wilson begins with contrasting stories of American and Swedish health and safety inspectors. Americans, he says, “go by the book,” inflicting citations and fines on factory and business owners whenever they see a violation. Inspectors are expected to do this according to their manual, and their managers enforce this expectation.<sup>105</sup>

Americans, from the fined factory owner to the ordinary worker, look with suspicion on the bureaucracy and are often unwilling to conform to its rules and regulations. In America “an expert who takes an unpopular position or acts contrary to the self-interest of an individual or a group will be treated as roughly as any other adversary. Americans admire their form of government but do not admire or accord high

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<sup>104</sup> Ibid, 9.

<sup>105</sup> Wilson, *Bureaucracy*, 255–57.

status to the officials who work for it.”<sup>106</sup> In Sweden, the United Kingdom, and other European countries this is not the case. Officials are often given far fewer rules to follow and are not micromanaged the way they are in the United States. They are expected to work alongside their clientele—the inspector should work with the factory owner to address issues. European citizens are similarly willing to respect and defer to officials, giving into government directives rather than opposing them.<sup>107</sup>

The European system termed “informal” and “cooperative”<sup>108</sup> is very close to that described by Hegel; civil servants are trusted advisors whose job is to bring the interests of the individual (or the group) toward that of the sovereign. They must follow the will of the sovereign, but they do so by explaining to the individual how their interest ought to conform to the common interest and that of the State. Civil servants must follow directives, but their education will allow them to act for the most part in accord with the will of the state without direct and continuous management.<sup>109</sup> The American system, called “formal” and “punitive,” shows a lack of trust in officials and citizens and a lack of belief that the interests of the state will always be for the common good—or indeed that the common good should be adopted without preference to the personal good of the individual as he understands it for himself. Where the European and Hegelian systems prize a sense of communal good that relies on the expertise of the government, the

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<sup>106</sup> Ibid, 304.

<sup>107</sup> Ibid, 303–307.

<sup>108</sup> Ibid, 301–310.

<sup>109</sup> Hegel, *Elements of the Philosophy of Right*, §291–§297.

American system prizes the individual's opinion of his own good, when measured against the opinions of other individuals.

Almost all constraints on American bureaucracies discussed earlier in this chapter stem from the place of bureaucracy within the American regime. Agencies gain their authority by the delegation of Congressional power through the writing of statutes, which provide the agency with its existence and set of goals. Congressional power over the agency is maintained, according to Wilson, largely in three ways: 1) Congress can “determine the number of employees an agency will have” 2) it can “decide how much money a bureau may spend on personnel; and 3) it can “fix the total expenditure of an agency and the amount that can be spent on particular projects within an agency’s purview...”<sup>110</sup> These exist, in addition, of course, to the ultimate power Congress holds of altering bureaucratic agencies through legislation. But Congress is not a unified whole and often cannot agree on largescale changes to agency goals.<sup>111</sup> While the initial laws from which regulatory agencies originate are generally, according to Wilson’s studies, the product of broad agreement, particularities and alterations to these agencies are not.<sup>112</sup> It is to garner this broad coalition that many statutes provide new agencies with imprecise goals.

Once a statute has been passed and an agency created, Congress finds it easier to “constrain bureaucratic inputs than control bureaucratic outputs.”<sup>113</sup> In practice this leads

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<sup>110</sup> Wilson, *Bureaucracy*, 238.

<sup>111</sup> *Ibid*, 215–17.

<sup>112</sup> Wilson, *The Politics of Regulation*, 365.

<sup>113</sup> Wilson, *Bureaucracy*, 118.

to far more internal rules, regulations, and “red tape” than any bureaucratic agency would desire to have. These, Wilson says, “are not bureaucratic rules, but *political* ones.”<sup>114</sup> Bureaucracies may necessarily be governed by “written rules” as Weber asserts, but in America these rules are extremely extensive, very limiting, and meant to provide proof of transparent behavior on the part of the agency. In reality Congress does have control over the bureaucracy, but mostly by making reporting and memo filing a critical task of almost every agency. The test of a good executive becomes not running his agency according to its goal or mission but dealing with constraints: playing parts of Congress off on one another, convincing committees of the need for further funding, and protecting the agency’s turf. Agency maintenance becomes the unspoken goal of bureaucrats at every level of the organization.<sup>115</sup>

These constraints are only multiplied by the fact that Congress is not the only branch of government that controls the American bureaucracy. In the absence of direct control through legislation, Wilson explains, the president wields direct control over bureaucratic agencies in four ways: “choosing people, altering procedures, reorganizing agencies, and coordinating activities.”<sup>116</sup> Many presidents have tried to alter bureaucratic agencies by changing the people at the top—putting those with whom they agree politically in charge of especially controversial agencies. The trouble with this, from the point of view of the president, is twofold: first, most executives cannot fundamentally change their agencies—they often do not have control of critical tasks, nor can they

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<sup>114</sup> Ibid, 121.

<sup>115</sup> Ibid, 209–17.

<sup>116</sup> Ibid, 260.

change the culture or circumstances of the agency. Second, many executives “experience a soul-changing conversion” upon taking control of their agencies. Their duties now include agency maintenance, and they come to see “the world through the eyes of their agencies—their unmet needs, their unfulfilled agencies, their loyal and hard-working employees.”<sup>117</sup> Their loyalty moves from president to agency.

Agency reorganization is the other common strategy; presidents try to alter “how resources flow to programs, how career rewards are distributed to people or how tasks get defined. Occasionally, these things happen. “More often,” Wilson tells us, “they do not.”<sup>118</sup> Even when presidents move agencies under new departmental control, critical tasks, agency culture and professional norms can remain largely the same. Wilson uses the example of the endless feud between customs and American narcotics agents to illustrate his point. Upon gaining the presidency, President Lyndon Johnson moved the then Federal Bureau of Narcotics out from under the Treasury and into the Justice Department where it was called the Bureau of Narcotics and Dangerous Drugs. This did very little to alter the culture of the agency, and the feud continued.<sup>119</sup>

Five years later President Richard Nixon tried to take control of the situation by creating the Drug Enforcement Agency (DEA), which brought together customs agents involved in drug enforcement with the Bureau of Narcotics and Dangerous Drugs (BNDD). Despite this marriage, feuding between the two agencies continued. The reason for this is obvious: the “goal of the DEA was ‘to enforce drug laws,’ a vague statement

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<sup>117</sup> Ibid, 261.

<sup>118</sup> Ibid, 265.

<sup>119</sup> Ibid, 264–68.

that DEA members converted into clearly understood tasks, namely, to make undercover buys of narcotics and use this evidence to arrest middle- and upper-level dealers.” The mission of the Customs Service was to protect the borders of the United States “in order to collect taxes due on imported merchandise and prevent smuggling.” The two agencies would often investigate the same situations and desire credit for solving the same cases. Unless these missions changed, the organizations would always come into conflict.<sup>120</sup>

Individuals and groups outside the legislative and executive branches of government also find means to affect bureaucratic agencies through political pressure or through the American judiciary. As the American bureaucracy has expanded, the Courts have taken a far more lenient position with regard to an individual’s or a group’s ability to bring a court case against them. Originally, Wilson writes, “the courts drew a sharp line between ‘rights’ and ‘policy.’ ‘Rights’ were relatively few, albeit of constitutional importance.... Courts adjudicated rights. ‘Policy,’ on the other hand, was a course of action decided on by the ‘political’ branches of government, the president and Congress, and insofar as it did not violate any clear constitutional or legal rights possessed by individuals, a policy could be almost anything the president and Congress wanted it to be.”<sup>121</sup> But this distinction waned as it became less clear whether policies were indeed decided upon by Congress and the president, since many of them were, in fact, determined by the rules and regulations dispensed by the bureaucracy. In response the

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<sup>120</sup> Ibid, 266.

<sup>121</sup> Ibid, 280.

Courts largely dispensed with this distinction—granting “standing” to citizens and civil society groups with far more frequency.<sup>122</sup>

This evolution, which in the American context came about incrementally and naturally, along with the expansion of federal services and regulations, reveals another important difference between the Hegelian State and the American republic. In America agency staff are explicitly not trusted to understand the interests of the citizenry and to respect these interests to an appropriate degree. The communal interests of the state are not relied upon to promote freedom and justice—at least they are not depended upon to do so in the absence of restraint and the political institutions that make restraint possible. Instead, faith is put in the legal regime itself. The courts are relied upon to support the laws even over other governmental bodies, and especially over governmental bodies that exist outside of direct electoral control.

The power of the courts has a direct effect on the autonomy and power of American bureaucratic agencies—and again it makes them more rule-bound and less efficient. Courts incur high costs on agencies in terms of both time and money, requiring them to spend staff time and effort not only on arguing cases, but daily on preparing records that could be used in a court of law. According to Wilson, the possibility of legal action also makes executives resistant to any form of change, since new policies, goals, and actions have yet to be tested in court.<sup>123</sup> Sometimes court intervention has other unforeseen effects, giving power to particular professions (including lawyers) rather than

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<sup>122</sup> Ibid, 277–82.

<sup>123</sup> Ibid, 285.

others, or carving out exceptions for particular groups to agency regulations.<sup>124</sup> Since courts can only adjudicate on the particular matter at hand, judicial rulings often affect overarching policies in ways that seem irrational when viewed from another perspective. Yet they also prevent the bureaucracy from retreating entirely to the shadows. Complaints brought in court force the bureaucracy and its regulations into the light, requiring agency leaders to take responsibility for the part they play in ruling.

Yet American bureaucracies have found many ways to manage their constitutional position. Executives focus on protecting agency turf and autonomy; maintaining good relations with congressional committees, members of presidential administrations, and vocal interest groups; and finding advocates wherever they can. Managers focus on reporting and rule-following in addition to mission achievements, while operators accomplish the critical tasks of the agency.<sup>125</sup> As a whole the agency seeks first autonomy, and because achieving autonomy is not fully realizable, it seeks the support of constituencies inside and outside of government. “Political support is at its highest,” Wilson comments, “when the agencies’ goals are popular, its tasks simple, its rivals nonexistent and its constraints minimal. Ideally, a government bureau would like to be the only agency in town curing cancer and would like to have no limitations on how it goes about achieving that cure.”<sup>126</sup> But agencies are usually saddled with unpopular tasks that they have to accomplish under a vast number of constraints. No one branch of government, outside group, or even agency executive has full control of their activity.

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<sup>124</sup> Ibid, 285–86.

<sup>125</sup> Ibid, 196–217.

<sup>126</sup> Ibid, 181.



American bureaucracies may be less efficient and more often challenged than their European counterparts, but they remain productive and fairly sheltered from the ordinary pressures of politics. The regime influences and affects the bureaucracy, which must act despite these political limitations.

The American system of bureaucratic administration, which is, in many ways, chaotic, has several benefits beyond those of responsiveness that Wilson notes. It protects the American regime, to some degree, from falling into the traps Arendt spoke of with most concern. It is difficult in a system with so many constraints, so many conflicting masters, for bureaucrats to become unthinking robots. Although they must be rule-abiding, they are also left with great authority to determine their agencies' missions and critical tasks. This has the adverse effect of making administrators into rulers in small things, but they cannot give up all personal judgment in the pursuit of their vocations.

This benefit leads to another threat. Where bureaucrats can, indeed must, make political judgments, Arendt warns, government can devolve into the "rule of nobody"—that is, of shapeless individuals who do not have to face their subjects or even acknowledge their own identity. The responsiveness of the American republic acts to protect it from this failing, but not entirely. Cases remain where the true decisionmakers are hidden from the American citizens and their representatives. However, the distrust of the American people for the bureaucracy translated, as it often is, into discussion on the floor of the House or Senate or into presidential action provides a backdrop for this anonymous rule—a backdrop of suspicion and willingness to act that promotes political activity, and acknowledges, from time to time, the inherent danger.

The differences between the American republic and the Hegelian state, or even between American bureaucracies and those of the European states, which are much closer to the civil service Hegel describes, mean that American bureaucracy can never partner with the regime. It holds out no promises of right and justice beyond the services it is meant to provide and the guarantees made by the American regime of equality under the law. If the state itself cannot actualize truth and freedom in the world, then bureaucracy cannot administer such things. The American regime is built on the premise that no regime can achieve these goals. The bureaucracy cannot, therefore, be a simple instrument of good. In the consciousness of American citizens, it is often mistrusted even more than the rest of the regime. Yet its services are often prized more than those of basic government. Citizens are then in the strange position of loving and hating the bureaucracy, relying on it and doubting it. The place of the bureaucracy within the American constitutional order and its complicated relationship to the citizenry have led to a regime focused on complaints—and responsive to them. The bureaucracy changes when citizens complain in court, or when enough pressure is put on Congress or the president to complain about its activity. It is taught to be prepared for complaints and to defend against them. To complain has become an American form of political speech and action. Why this is and what it means I will now investigate.

### **5.3 Conclusion: Political Activity in America**

The American regime assumes both a certain understanding of human nature and a natural tendency towards political activity. This interest in self-government brings with

it both the promise and the danger of government. The Declaration's assertion that government gains its authority from the governed presumes that political communities are formed as a result of man's own inclination for self-rule. Its pronouncement that men have "unalienable rights" given to them "by their Creator" for the protection of which governments are instituted, implies the existence of a natural human right to determine the content of life, liberty, and happiness. This right must be protected by government, but government does not create it. When government proves itself to be not a support for individual human rights but a tyrant over them, as the Founding Fathers asserted the British government had come to be over the American colonists, it must be pushed back, dissolved, or revolted against. But tyranny does not always come as a foreign force or from a king across an ocean. True politics always governs with a view to opposing tyranny and injustice. It does not expect perfection because perfection implies the cessation of politics—an end to the recalibration of government necessary for justice and politics. Bureaucracy always works with a view of perfection in mind, the perfection of an administrative machine. Hence American government is a hybrid of competing principles. Does this competition favor America as a political entity or a bureaucratic structure? And in the end, who governs: the expert or the citizen?

The Constitution, with its careful separation of powers and divided authority, assumes political authority to originate in the citizenry. This is the basis of the new government's power and its promise. "We the People of the United States, in Order to form a more perfect Union ... do ordain and establish this Constitution for the United States of America."<sup>127</sup> But it is also the basis, according to the framers, of possible

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<sup>127</sup> The Constitution of the United States of America, Preamble.

tyranny. Human beings are often self-interested to a fault, opinionated without being wise, and ambitious in political things without being concerned for the common good. This means that while self-government is the only type of government that is legitimate, and the only type that acknowledges man's natural (or God-given) right to self-rule, it must be coupled with institutional correctives to its inherent problems: ambition and ignorance. The American regime assumes that in all scenarios politics requires self-government. This remains a requirement even if there is a bureaucratic component.

In *Federalist* 10 Madison asserts that the “latent causes of faction are ... sown in the nature of man.” “As long as the reason of man continues fallible,” he writes, “and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves.”<sup>128</sup> Both the American government's representative nature and its separation of powers stems from these concerns. Madison makes this clear in *Federalist* 51 when he asserts that the institutional balancing of ambition “necessary to control the abuses of government ... may be a reflection on human nature.”<sup>129</sup> Ambition then, is not the only concern; ignorance and passion can be equally problematic for a republican regime.

Of the other American founders, Alexander Hamilton worried most about the limitations of self-government and was most vocal about the need for a strong national government. He argued that the creation of new governmental bodies—notably a national

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<sup>128</sup> Scigliano, 55.

<sup>129</sup> Ibid, 331.

bank—was indeed constitutional. In a speech to the New York Convention he commented: “[I]t is equally unquestionable, that [citizens, generally] do not possess the discernment and stability necessary for systematic government. To deny that they are frequently led into the grossest errors by misinformation and passion, would be a flattery which their own good sense must despise.”<sup>130</sup> The limitations of the citizenry, he argued, must be combatted by a strong national government and an active executive. Especially in areas demanding expertise, for example foreign affairs and national security, it was, he believed, necessary for leaders to have preeminence over the states and their assemblies. Liberty could not be secured without safeguards against ignorance and selfish passions.

Despite their concerns about the ambitions, intelligence, and rationality of the population, Hamilton, Madison, and other framers seem to agree that a version of self-government is necessary for the protection of liberty. Madison writes, “Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.”<sup>131</sup> Although he is concerned that the “passion for Liberty” has become excessive, Hamilton speaks of ways to protect the

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<sup>130</sup> Alexander Hamilton Speech in the New York Convention, 24 June 1788, *The Documentary History of the Ratification of the Constitution Digital Edition*, eds. John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber, and Margaret A. Hogan (Charlottesville: University of Virginia Press, 2009). Original source: *Ratification of the Constitution by the States*, Volume XXII: New York, No. 4.

<sup>131</sup> Scigliano, 54–55.

republican form of government, not to replace it. He understands strength of government to be of equal importance with liberty.<sup>132</sup> The Constitution itself bears out this compromise. It sketches a democratic republic, where representatives govern on behalf of individuals and where power is divided between branches of government and conflicting rulers. The American regime's benefits are not speed or efficiency, but limitations on tyranny and majority rule coupled with power and stability. The Constitution contains its own method for change. Not only are elections for the legislative and executive branches required regularly, but the Constitution includes provisions for its own amendment.<sup>133</sup>

The confidence with which the American Framers viewed political action is not so far from Aristotle's explanation of man's political nature in his *Politics*. The Framers based their government on the beliefs that human beings have a natural right to liberty and that they are inclined to pursue this right politically through the articulation of their own opinions. This belief does not have the teleological content of Aristotle's statements, nor does it seem to acknowledge that there is in fact a correct understanding of good and bad, justice and injustice, as Aristotle seems to imply. Yet, as I discussed in Chapter Three, Aristotle connects man's political nature to his ability to speak and to reveal his own opinions about "the advantageous and the harmful and the just and the unjust."<sup>134</sup> He traces human capacity for speech to the creation of the political community and human life within it.<sup>135</sup> The Founding Fathers may not have agreed with Aristotle that the

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<sup>132</sup> Alexander Hamilton Speech in the New York Convention, 24 June 1788.

<sup>133</sup> The Constitution of the United States of America, Article Five.

<sup>134</sup> Aristotle, *Politics*, trans. Lord, 1252b7 –20.

<sup>135</sup> Ibid, 1252a25–1253b22.

political community is fully natural, or that man's capacity for speech betokens his political nature. Yet they created a regime where speech about "the advantageous and the harmful" not only have a place but are expected of the population. The Constitution's silence on governmental administration meant that much of it was left, for more than a century, largely to the states. When services and regulations on a federal level were contemplated, they had to be discussed in the public forum both in terms of their advantages and their constitutionality.<sup>136</sup>

The American constitutional order has a direct and clear effect on the working of its bureaucracy. This relationship is not one-sided. Just as American political institutions and culture have influenced the practices of the bureaucracy, so has the increase in bureaucratic administration influenced American politics. The most obvious example of this influence is simply on the extent of American governmental activity. Without bureaucratic administration the American government simply would not be able to provide welfare, social security, and subsidized healthcare for the poor and elderly across the nation. Nor could it maintain national standards for food and drug safety, emissions, or labor practices, or maintain and support a large, standing army and a navy with bases around the globe. It could not enforce federal taxes, police the borders, or promote interstate commerce to the extent it does today. In the absence of a large bureaucratic apparatus, the scope of American government would, by necessity, be much more limited.

Bureaucracy is needed to achieve these goals because it is, indeed, an effective form of administration. It is effective because it is dissimilar from the rest of the

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<sup>136</sup> Wilson, *The Politics of Regulation*, vii–ix.

American regime. As Weber has taught us, bureaucracy is designed to maintain continuity and efficiency in the face of external alterations, including elections, changes in political opinion, or loss of interest on the part of the citizenry.<sup>137</sup> While the American Constitution defines its own mode of amendment, bureaucracies resist change or influence from external actors. As Wilson explains, they are often defined at their creation by the goals, circumstances, or individuals that first influenced their critical goals and organizational culture.<sup>138</sup> Even in the American system where bureaucracies cannot escape political influences and opinions, they attempt to maintain turf and autonomy and often succeed at least to a degree.<sup>139</sup>

The success of American bureaucracies to insulate themselves from politics has two major results. First, bureaucrats do make political decisions, and they do so without having to explain what they are doing and why. They do not have to speak openly about their decisions, nor must they hear the arguments of others. Such decisions are often those about which there is no desire to have political speech. Neither Aristotle nor the American founders expected individuals to care about all aspects of their political communities. As government does more and more it becomes involved in aspects of life that are either unimportant to some, or about which people do not disagree, as well as in controversial decisions. The fact that American citizens do not care about all bureaucratic decisions does not necessarily mean that they have become politically inactive, or that bureaucracy has robbed them of the ability to judge or to act on important subjects. Yet

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<sup>137</sup> Weber, *Economy and Society*, 956–58, 987–89.

<sup>138</sup> Wilson, *Bureaucracy*, 32–36, 90–93.

<sup>139</sup> *Ibid*, 196–200.



when governmental decisions are made by officials in private there is always the possibility that citizens are unable either to understand or to disagree with them.

Aristotle's depiction of political argumentation in the simulated discussion between the oligarchs and the democrats in Book 3 of the *Politics* indicates that political groups do not usually understand the opinions on just and advantageous political activity held by those with whom they disagree, and whose experiences of the world vary substantially from their own. The oligarchs truly believe that their expenditure on public causes gives them a right to political preeminence, while the democrats assert that their number alone, or their free birth, should give them influence over public decision-making. It may not always be the case that both parties have some claim to truth in their assertions of justice, but in many cases (as in this conversation) they do. Aristotle states, "For all fasten on a certain sort of justice, but proceed only to a certain point, and do not speak of justice in its authoritative sense. For example, justice is held to be equality, and it is, but for equals and not for all; and inequality is held to be just and is indeed, but for unequals and not for all..."<sup>140</sup> Despite the fact that compromise on political issues does not mean that decisions are true or just, compromise is often the best kind of political activity. It assumes that factions have been able to speak publicly and have been heard, if not understood. It acknowledges the right to political influence of both (or all) groups and acts upon this acknowledgement. Polity and the regime of the middle class do fulfill the greatest possibilities of politics. It is not, according to Aristotle, the simply best regime. Aristocracy, the regime based upon true virtue, would if it could be realized be more

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<sup>140</sup> Aristotle, *Politics*, trans. Lord, 1280a9–14.

perfect than polity.<sup>141</sup> Yet whether and when aristocracy can be realized is a question Aristotle leaves unanswered. If not impossible, it is very rare.

The American framers seem to have learned this lesson. American government as originally created was very far from perfect. In fact, it rejects appeals to perfection. As Madison writes in *Federalist* 10, “It is in vain to say, that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases, can such an adjustment be made at all, without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another, or the good of the whole.”<sup>142</sup> Faction is an inherent part of any republican government. Indeed, it is necessary for faction to counteract faction so that no group can tyrannize over another. Yet it means that right will not always triumph, and that complete justice will not be the order of every day—or, indeed, of any day. The American constitutional order rejects the possibility of governance being permanently rational. And in so doing it rejects the premise of bureaucracy. Of course, compromise is itself a problematic mode of government. The most famous compromise of American history, that between northern and southern states on the issue of slavery, is so horrific that many modern Americans understand it to sully the entire fabric of the American regime and its subsequent history. Perhaps all nations not dedicated to virtue leave themselves open to unforgivable sins. Yet if virtue is not a possible foundation for government—if neither Aristotelian aristocracy nor the Hegelian State that actualized

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<sup>141</sup> Ibid, 1294b11–12.

<sup>142</sup> Scigliano, 57.

Right and freedom in the world—is possible, at least today, then compromise seems to be the only truly *political* option. Compromise gives human beings the capacity to articulate their own notions of justice and good, injustice and evil. It is a humble foundation for a regime. It assumes the imperfection of the state, of its mission and of those who lead it, and it demands the activity of the population in their own defense.

The second effect of bureaucracy on American politics is to alter the possibilities for political speech and the government's capacity for compromise. Not only are Congress and the president kept at loggerheads against, not only each other, but also the self-protective bureaucracy, but individuals are separated from the policies of government by more than just representation. If neither Congress nor the president can make real changes to the mission, culture, and critical tasks of most agencies, then their election does not change the policy results administered by the bureaucracy. Political speech on the part of individuals campaigning for political representatives or by elected representatives in government is not heard by the part of the governing body that is the bureaucracy. Nor can compromise on matters governed by the bureaucracy be effectuated. The recourse, then, for the individual is no longer speech on the floor of the House or the Senate, on the campaign trail, or in public assemblies. The only possible resistance to bureaucratic decisions is that undertaken in the court of law by formal complaint and in relation to some visible and provable wrong. If granted standing in federal court, individuals can force a conversation on the public stage with their opponent, the bureaucratic agency. The result is not a compromise on policy or an acknowledgement of the other's notion of justice, but a third party's ruling on a particular case. One of the lessons we can learn from Aristotle's depiction of political speech and

his later treatment of polity is that a regime of compromise should allow for compromise as a general principle of policymaking and of institution-building.

The defining feature of Aristotle's mixed regime "is that it should be possible for the same regime to be spoken of as either a democracy or an oligarchy."<sup>143</sup> Its three "defining principles" make clear that compromise must be a theme of the regime, the definition of its institutions, and the laws of the land. It must have "elements of the legislation" of both democracy and oligarchy,<sup>144</sup> the "mean between the arrangements" of the two main political groups will be made law,<sup>145</sup> and some democratic and some oligarchic laws will be retained.<sup>146</sup> Compromise will be made constantly, not only when one faction or the other complains, but in the ordinary activity of the city. Political action as complaint is more problematic when you consider Aristotle's original depiction of a key part of political action as speech. He says that speech is used "to reveal the advantageous and the harmful, and hence also the just and the unjust."<sup>147</sup> Complaints reduce political speech to merely the articulation of the harmful and the unjust. Politics no longer reaches for effectively the just and the good, except by rejecting the unjust and the problematic.

Hannah Arendt believes that the founding generations' interest in politics and their willingness to engage in revolution are sides of the same coin. She raises the

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<sup>143</sup> Aristotle, *Politics*, trans. Lord, 1294b15.

<sup>144</sup> Ibid, 1294a36–37.

<sup>145</sup> Ibid, 1294b3.

<sup>146</sup> Ibid, 1294b5–14.

<sup>147</sup> Ibid, 1253a1–20.

possibility that in order to maintain political action in modern times Americans would need to revive this tendency towards overt revolutionary action.<sup>148</sup> She was not alone in her concern that American politics derived its energy from a possibly waning spirit. Abraham Lincoln commented on this danger during his address to the Young Men's Lyceum of Springfield, Illinois, in 1838. "Another reason," he contended, "which *once was* but which, to the same extent, is *now no more*, has done much in maintaining our institutions thus far. I mean the powerful influence which the interesting scenes of the revolution had upon the *passions* of the people as distinguished from their judgment."<sup>149</sup> Perhaps any alteration of the American spirit is simply due to the passage of time rather than the advent of bureaucratic administration. It could also be that the waning interest in politics, in the willingness on the part of the American population for government to create justice and happiness for them and even to provide for the needs and wants of their lives, was confirmed and exacerbated by the effects of bureaucracy. It made the reliability of government possible, but it also made political action harder. The government that resulted is perhaps kinder than the original regime; it combines a regime based in compromise with an administration that is largely complaint-driven.

The modern American government is a paradox: bureaucracy administers according to standards of truth and rationality, while the regime assumes that no perfect expression of truth or rationality is possible in politics. Bureaucracies insulate themselves from change and revision because they are organized toward a particular goal or

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<sup>148</sup> Arendt, *On Revolution*, 117–20.

<sup>149</sup> Abraham Lincoln, "The Perpetuation of Our Political Institutions: Address Before the Young Men's Lyceum of Springfield, Illinois," January 27, 1838.

mission—a mission which is presumed to be good and worth administering continuously and efficiently, in the face of governmental alteration and the pressure of opinion. The American regime presumes the opposite. Since truth cannot be fully known and since conditions inevitably shift, justice too requires continual change, constant discussion, and even fundamental revision. The Founders incorporated the revolutionary spirit Arendt so admired into the ordinary function of government. Bureaucracy seeks to withstand this spirit. In its need to accommodate both the constitutional order and the modern bureaucracy, American politics has tried to accommodate change and compromise by redressing complaints. This is only partially effective. Traditionally American politics in each generation has worked towards a constant “new birth of freedom.” Bureaucracy provides for many of life’s basic needs, but it cannot acknowledge the necessity of new goals or the desires of a new generation, and therefore stands in opposition to liberty and self-government. This paradox is the new status quo of the American regime.

## 6.0 Conclusion

American government now is characterized by a theoretical instability between the principles of politics and bureaucracy. Its political ends are defined by self-government and the possibility of constant compromise, and minor revolution. It is built to accommodate changing circumstances and the generation of new citizens. American institutions moderate between the claims for justice and authority of not only the rich and the poor, the ambitious and the independent, the ignorant and the wise, but between the living and the dead, the young and the old. Politics presumes that citizens are free agents who both rule and are ruled in turn. Bureaucracy is single-minded, based upon a belief in rationality and truth and the goal of continuity. The autonomy each agency and executive seeks is to be free of the constant compromise and change that moves the American regime—to maintain in the face of a new generation the assertions of reason and truth made by those who established each agency or organization.

This combination of self-government and mass administration is simultaneously common to all modern liberal democracies and unique in the American context. Modern liberal democracies must mix representative government with bureaucratic administration, and in all places this mixture is difficult. In America the contrast is more pronounced, more extreme, and therefore more recognizable. The American commitment to representative government and separation of powers makes a severe contrast with the bureaucracy necessary to serve the vast American state. Today American politics consists to a large extent in arguments about the bureaucracy and its effects on political activity. This new kind of politics—the politics of complaint—illuminates both the advantages of

traditional life against those of bureaucratic efficiency, and the harms of constant change against the benefits of dependable administration.

Liberal democracy is based upon the idea that representative government is the best way to realize liberty. Liberty is not only the goal of the regime, but necessary for it: a government where the governors are not free is not government. Yet liberty is inherently in tension with unity, efficiency, and consistency. Madison's comment that "[l]iberty is to faction what air is to fire, an aliment without which it instantly expires" acknowledges that liberty is naturally controversial, and that as a political goal it pits citizen against citizen.<sup>1</sup> His reaction, and that of the other framers, was to create a mode of government that acknowledged the necessity of factions and institutionalized their interaction so that compromise could be the reality of American government.<sup>2</sup> The framers were men of a certain kind of humility or pessimism. They did not seek to create a government that would be perfectly just or would actualize right in the world. Rather they settled for an institutionalization of political activity, hoping, we may infer, that this would lead to a government more in line with justice and right than might otherwise be feared.

Representative government combined with a separation of powers demands that the citizenry be in constant dialogue with their rulers—and that rulers be continuously dependent upon their electors. Groups vie for political control and in so doing articulate their claims for justice to the citizenry at large. Since no single faction can count on

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<sup>1</sup> Robert Scigliano, ed., *The Federalist: A Commentary on the Constitution of the United States by Alexander Hamilton, John Jay and James Madison* (New York: The Modern Library, 2000), 54–55.

<sup>2</sup> Ibid, 331.



remaining in power for long without general support, the dialogue must continue. Rulers persist in articulating their claims while those out of power attempt to persuade others that their claims for authority and justice are the correct ones. The American regime demands a version of the political activity Aristotle describes and Arendt hopes will be maintained. The American framers have succeeded, to some extent, in institutionalizing the natural human ability to speak and therefore to act politically. In so doing they have followed in the tradition of Solon and indeed of Aristotle. They, like Solon, created structures that they hoped would allow all citizens to see themselves as a part of their political community, and like him sought simultaneously to control impulses towards tyranny, stupidity, and imprudence.<sup>3</sup> Like Aristotle the American founders began their experiment from the realities they saw in the world—the propensity of individuals to form factions and to turn to tyranny, as well as the human possibilities of political activity and free or virtuous living.<sup>4</sup> They took Aristotle’s implicit advice to political founders—that the best possible regime is not always or perhaps is never, the regime that aims at being best simply.<sup>5</sup>

Yet the American regime is very far from being either a Greek city-state, or the regime Aristotle called polity. First and foremost, the American regime is not a nameless one—although, like polity, it might be argued to have aristocratic and democratic

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<sup>3</sup> Aristotle, *Politics*, trans. Carnes Lord (Chicago: The University of Chicago Press, 1984), 1281b32–35.

<sup>4</sup> See Aristotle, *Aristotle’s Nicomachean Ethics*, trans. Robert C. Bartlett and Susan D. Collins (Chicago: Chicago University Press, 2011), 1094a–3, and Aristotle, *Politics*, 1288b34–40.

<sup>5</sup> See Aristotle, *Politics*, 1294a36–1294b2.

elements, or rather oligarchic and populist ones.<sup>6</sup> In the Declaration of Independence and the United States Constitution the American founders expressed the goal of government generally and of the American government in particular—they asserted that representative government was not only the best we might hope for, but also provides the *only* reliable foundation upon which government should be established. The Declaration of Independence asserts that “...Governments are instituted among Men, deriving their just powers from the consent of the governed” in order to secure the rights of “Life Liberty and the pursuit of Happiness.” Moreover “whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness.” The Constitution echoes this sentiment, this time as the basis for the American regime: “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.” It is the American people who are the authors of their own regime, and they create it with the express purpose of serving the common good, as they understand it, that is a common good which demands liberty as well as justice, general welfare as well as tranquility and security. The American founding documents promise American citizens that their regime is, if not a regime of perfect virtue, then of truth. It is a modern promise that, like the promise of the Hegelian state, celebrates and confines claims about justice and good.

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<sup>6</sup> See Ibid, 1294a36–37.

When the Hegelian state is fully realized it will actualize justice—making claims about justice that do not center on the State ludicrous and unnecessary.<sup>7</sup> One cannot be an American patriot and make a claim that aristocracy, monarchy, or theocracy is the best regime in the current reality. Yet, to be an American patriot one must have opinions about good and bad and articulate judgments about the justice in the current political context.

The United States is a vast nation—and its factions are numerous. Over the decades attempts to respond to opposing claims for American political justice—that is, for equal representation, for political opportunity, for various understandings of life, liberty and the pursuit of happiness—have spawned thousands of new programs, policies and governmental duties. Citizens demand these governmental duties to be sustained consistently and efficiently even as parties attain or lose power, presidential administrations come and go, and new challenges arise. In response, the American bureaucracy has come into being and grown with the decades and the challenges. It was born out of the political necessity to fulfill the promises of the American founding documents in the eyes of generations of citizens and supported by the American regime's promise to secure particular rights for its citizenry. However, despite its political origins the creation of a vast bureaucracy within the American regime is in great tension with its dedication to politics.

As this study has shown, political activity and bureaucratic administration are not, in their pure forms, compatible: politics demands public speech between known factions

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<sup>7</sup> See G.W.F. Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood (Cambridge: Cambridge University Press, 1991), §142–157, §257–259.

who seek to persuade one another of their claims to rule. Action must be public and publicly acknowledged.<sup>8</sup> Bureaucracy seeks to separate political speech from action. It makes no claim to rule, no claim to justice, but instead attempts to be perfectly impersonal, effective and continuous in its administration of pre-determined goals.<sup>9</sup>

The benefits of bureaucracy to fulfill promised rights are clear. It has, as Weber claims, “*technical* superiority over any other form of organization.”<sup>10</sup> Bureaucracy can fulfill complicated tasks with efficiency and continuity even in the face of political alteration and succession. This is important in a republic like the United States where political parties and leaders remain in power only for relatively short periods of time. It allows the American government to provide not only safety, but security; not only liberty, but also the freedom to succeed and prosper; not only the ability to pursue happiness but also to achieve some level of contentment. Programs and services, including the army forces, the police, old age disability and welfare insurance, education and student loan programs, support for science, culture, and the arts, as well as regulation of worker’s safety, air, water and food, among many others, can be relied upon by citizens and provide a foundation for their lives and pursuits. Moreover, modern government emphasizes the growth of the economy, and bureaucracies aid economic growth. Indeed, much of the increase in government bureaucracy is a response to the growth of corporate

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<sup>8</sup> See Aristotle, *Politics*, trans. Lord, Book One, Chapters 1–2, and Book Four, Chapters 8–13.

<sup>9</sup> See Max Weber, *Economy and Society*, ed. Guenther Roth and Claus Wittich (Los Angeles: University of Berkeley Press, 2013), 956–58, 1002.

<sup>10</sup> Ibid, 973.

bureaucracy and the new opportunities and challenges it presents.<sup>11</sup> Governments based on rights and capitalistic economies both demand equality under the law and efficient consistency. Bureaucracy easily provides these benefits.

In fact, in many ways bureaucracy seems to be the perfect addition to republican government. It adds reliability and efficiency without, one might presume, damaging the democratic responsiveness of government. It allows for reliance on professional expertise without destroying the possibility for all citizens to engage in ruling as well as being ruled. After all, bureaucracy exists not to make political decisions but to enact them. As Weber explains, bureaucratic administration “assumes that the authority to order certain matters by decree, which has been legally granted to an agency, does not entitle the agency to regulate the matter by individual commands given in each case, but only to regulate the matter abstractly.”<sup>12</sup> Bureaucracy promises expert professional administration, separate from the controversies, interruptions, alterations and amateur opinions of political life. Each agency takes as its starting point a law, statute, or edict that is meant not only to bring the agency into being but to direct all its action. Indeed, Weber comments, since legal regimes limit the power of their rulers such that it exists “only in a sphere of legal ‘competence’” they tend to rely upon apolitical administrative professionals to carry out these laws and legal directives.<sup>13</sup> Bureaucracy appears to fit into such regimes seamlessly because legal regimes and bureaucratic administration both

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<sup>11</sup> See Ibid, 972–73.

<sup>12</sup> Ibid, 958.

<sup>13</sup> Max Weber, *The Theory of Social and Economic Organization*, trans. A.M. Henderson and Talcott Parsons, ed. Talcott Parsons (Mansfield Centre: Martino Publishing, 2012), 333.

aim for rationality: the legal regime assumes its laws are rational,<sup>14</sup> and bureaucracy is rational by definition “with rules, means-ends calculus and matter of factness predominating.”<sup>15</sup>

Yet legislators cannot foresee or catalogue every contingency and administrators must make a multitude of decisions even as they administer legislation already passed. These bureaucratic decisions may not seem political on their face since the bureaucracy is merely perfecting the rules, but since these rules in fact affect the citizenry and are never as narrowly aimed as the bureaucracy imagines, they lead to political conflict. The FBI director must decide which crimes to focus on, the EPA administrator must determine how to regulate various industries and companies, and the Joint Chiefs of Staff must decide which information to put in front of the president. The marriage between bureaucracy and politics is one of convenience rather than a true union. It is based upon the false idea that political decisions can end where administration begins, that reliance upon expertise does not degrade the power of political representatives and therefore of the Constitution, and that the professionalization of governmental duties does not reduce or alter the political activity of the citizenry.

In the American context, as we have learned from James Q. Wilson, the uncertain political and bureaucratic marriage works to limit the activity of bureaucratic agencies. “Driven,” according to Wilson, “by *constraints*..., not *tasks*,” American bureaucratic agencies are limited not only by the laws that create them but by the separation of powers

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<sup>14</sup> Weber, *Economy and Society*, 977.

<sup>15</sup> Ibid, 1002.

that characterizes the American regime.<sup>16</sup> Brought into being by the joint efforts of Congress and the executive each agency is controlled, in part, by both branches of government; while Congress retains power of the purse and therefore of each agency's budget, the bureaucracy remains within the executive branch and is staffed at the highest levels by presidential appointees. This joint custody results in a slowing and constraining of bureaucratic activity. Agency executives must spend their time fighting for money and autonomy, while lesser officials are saddled with paperwork and red tape.<sup>17</sup> But it also reveals the political nature of bureaucratic activity. Bureaucratic policies govern the activity of citizens and the organizations that fill their lives, from companies to schools, from religious organizations to charities. Therefore, members of the elected branches of government must be concerned with the activity of bureaucratic agencies if they are to represent their constituents. They must be alert to bureaucratic activities that erode rights of the people or their role as the national sovereign.

Bureaucracies are made to withstand change, and to be insulated from political pressure. For this reason, they are extraordinarily difficult to alter or abolish.<sup>18</sup> The interest in bureaucratic activity on the part of both Congress and the executive branch therefore finds its expression in limitations placed upon bureaucratic agencies. Congress requires agencies to justify their spending, limits the use of certain funds, or cuts certain appropriations, while the president staffs agencies with executives loyal to his own

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<sup>16</sup> James Q. Wilson, *Bureaucracy: What Government Agencies Do and Why They Do It* (New York: Basic Books, 1989), 115.

<sup>17</sup> *Ibid.*, 120–22, 197–216.

<sup>18</sup> Weber, *Economy and Society*, 987–94.

mission or reorganizes an agency in the hope of asserting control over it.<sup>19</sup> Fundamental or permanent change to the bureaucracy can only happen if the laws that govern agencies are substantially altered or eliminated. This is rare; for the same reason that elected officials desire to control the bureaucracy they struggle to alter it. Ordinary citizens count on programs administered by bureaucratic agencies, even if they do not support individual policies, decisions, or indeed the bureaucracy itself. Fear that any shift will lead to charges of injustice causes many lawmakers to shy away from wholesale change and rely on constraints to influence bureaucratic decision-making.<sup>20</sup>

The judicial branch, too, places constraints on the bureaucracy without fundamentally altering it or preventing it from making political decisions. Appealed to when justice does not appear to have been done in the eyes of one citizen or another, one party or organization, courts are asked to pass unbiased judgement, based not on opinion but on law. Court rulings not only alter policies and practices but also place new burdens on agency behavior in the form of changes to particular policies as well as demands for record-keeping and procedure.<sup>21</sup> Since altering bureaucracies through political channels is difficult, the judiciary is heavily relied upon for redress in particular circumstances or to influence agencies directly about specific policies. When legal claims are successful the result may force changes and constrain action more generally, but legal action does not usually make substantial changes to the fundamental activities of the agency.<sup>22</sup>

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<sup>19</sup> James Q. Wilson, ed., *The Politics of Regulation* (New York: Basic Books: 1980), vi–ix.

<sup>20</sup> Wilson, *Bureaucracy*, 215–17, and Wilson, *The Politics of Regulation*, 365.

<sup>21</sup> Wilson, *Bureaucracy*, 279–82.

<sup>22</sup> *Ibid*, 282–90.



Original legislation remains, and agencies are left to fulfill their statutory goals insofar as they are able given these numerous constraints.

Yet, according to Wilson, original legislation is often not specific enough to drive the everyday activities of bureaucratic agencies. Vague and full of necessary political compromises, statutes often fail to provide agencies with clear missions. This lack of legal clarity leaves agencies open to influence, not only from other governmental entities, but also from interest groups, private companies, professional norms, and individual charismatic leaders<sup>23</sup>—all attempting to actualize through bureaucratic activity their own opinions or beliefs about the common good and about the true nature of justice. Such opinions may be ideological, but more often they relate to the role of bureaucracy itself: how big it ought to be, how responsive to elected officials, what expertise should be relied upon, and how transparent policies should be to organizations, citizens, or companies.<sup>24</sup> These claims, like bureaucracy itself, have political results without being overtly political. The people who make them do not argue their positions publicly or allow a response. Instead, their opinions become policy with only limited possibility for alteration or redress.

Wilson is hopeful that the constraints placed on bureaucracy by the American political regime can restrain bureaucratic influence on political activity while allowing agencies to provide necessary and beneficial goods and services to the American

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<sup>23</sup> Ibid, 91–110.

<sup>24</sup> Ibid, 59–71.

people.<sup>25</sup> The American bureaucracy may not be as efficient, productive, or technically superior as bureaucracy can be in a purer form—that is, if not constrained by the American constitutional order. Yet it is able to provide a multitude of programs with a high level of success. Simultaneously the constraints placed on the bureaucracy by Congress and the executive branch leave a great deal of room for political activity on the part of the citizenry and their representatives. When this is not enough the judiciary can act as a final guard against bureaucratic excess. There, citizens themselves can find a stage on which to air their opinions, judgments, and grievances—all of which can be considered against the written law and, when necessary, acted upon. For now, at least, the bureaucracy has not destroyed the promise of the American founding or its emphasis on representative government. So far, the American founding experiment—of institutionalizing political activity—continues alongside bureaucratic expansion.

Arendt is concerned that the protection given by the separation of powers to American political activity is not enough. She worries that the institutionalization and bureaucratization of political activity can stultify, erode, and eventually destroy it—that the current status of American political activity cannot last in the face of increasing bureaucratic power and influence. Her studies of totalitarianism reveal the preconditions for bureaucratic tyranny and the loss of political engagement. Political activity as she sees it is intrinsically connected to human flourishing, but not guaranteed by human nature. Humanity is a condition that can be lost<sup>26</sup>—modernity and its attempts to solve political

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<sup>25</sup> James Q. Wilson, *American Politics, Then & Now and Other Essays* (Washington, DC: AEI Press, 2010), 8–9, and Wilson, *Bureaucracy*, 369–78.

<sup>26</sup> Hannah Arendt, *The Human Condition*, second edition (Chicago: Chicago University Press, 1998), 11.

problems may also destroy the human condition.<sup>27</sup> The very professionalism, hyper rationality, and organization that make bureaucracy efficient make it inhuman and apolitical. Political activity is based, Arendt argues, “upon the fact of human plurality. ... Politics deals with the coexistence and association of *different* men” who must explain themselves, “reveal” themselves to another through speech.<sup>28</sup> Bureaucracy makes such revelation less possible and lays the foundation for tyranny. The bureaucratic tendency is to treat different people the same because it tries to apply to all the same rules

Speech between acknowledged individuals or groups represents true human interaction, true political activity. But bureaucracy prides itself in the idea that individuals are replaceable, mere parts of the professional hierarchy or, as Weber put it privately, “cogs” in the bureaucratic machine.<sup>29</sup> Continuity and efficiency demand that training and expertise—not individual character, thoughts, or even native ability—fit someone for an official post.<sup>30</sup> Since bureaucracy denies its own role in decision-making, it also makes speech and argument unnecessary. These are left to a political realm where, in reality, not all decisions are made and therefore where not all decisions are discussed. Most importantly bureaucracy denies the necessary connection between the thought about means and the intended ends. Individual bureaucratic officials are both told not to think and given so little information that it would be almost impossible for them to think well. The role of the bureaucratic official, or, in Weber’s words, the “vocation” of the

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<sup>27</sup> See Hannah Arendt, *The Origins of Totalitarianism* (New York: Harvest Books, 1976), 326–40.

<sup>28</sup> Hannah Arendt, *The Promise of Politics*, ed. Jerome Kohn (New York: Schocken Books, 2005), 93.

<sup>29</sup> Weber, *Economy and Society*, XIX.

<sup>30</sup> *Ibid*, 956–58.

bureaucratic official, is to administer predetermined goals. The official is trained to fulfill specialized tasks rather than to understand his or her actions within a larger context. All bureaucratic actions are general and impersonal. Rules are applied methodically without reference to the personal desires of the official or the persons effected.<sup>31</sup> Accordingly bureaucratic activity is fair and unbiased, but for a bureaucratic official to think about the rightness, justice, or goodness of a particular assignment is unprofessional—one might even argue unethical. The bureaucrat is stripped of his political nature insofar as he holds his position. According to Arendt, this often means that the bureaucrat administers evil and good with equal ability—that his professionalism supersedes his political or even his human condition.<sup>32</sup>

Bureaucracy engenders a tyranny not only over its own officials but over the population as well. As Hannah Arendt writes, “[T]he anonymous rule of the bureaucrat is no less despotic because ‘nobody’ exercises it. On the contrary, it is more fearsome still, because no one can speak to or petition this ‘nobody.’”<sup>33</sup> Bureaucracy denies that it rules and in so doing becomes tyrannical. Since citizens cannot address bureaucratic administration as they would political decisions, they too are conditioned to accept administration rather than to speak or act as citizens or as rulers. As bureaucracies expand to deal with more and more aspects of citizens’ lives, citizens have fewer opportunities to reveal their opinions about good and bad, their judgments about political justice, or their thoughts about human life. Their lives are administered by officials whose expertise

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<sup>31</sup> Ibid, 956.

<sup>32</sup> Hannah Arendt, *The Origins of Totalitarianism*, 213.

<sup>33</sup> Arendt, *The Promise of Politics*, 97.

removes the need for political justification, and whose offices protect them from criticism or retort. Political speech becomes inconsequential and therefore rare; political activity all but disappears and with it opinion about good and bad, justice and injustice. The thoughtlessness which takes root makes tyranny more likely and, when realized, more complete.

Of course, any political institutionalization alters political activity. Aristotle provides a standard against which political life can be considered. He articulates the nature of a political community; it is “the community that is the most authoritative of all and embraces all the others does so particularly and aims at the most authoritative good of all.”<sup>34</sup> It comes into being by nature for the sake of living and “exists for the sake of living well.”<sup>35</sup> Aristotle traces political activity from its natural origins in the human ability to speak, to its expression in the political community as a debate between the oligarchs and the democrats, and finally to its institutionalization in both the regime called polity and the regime of the middle class. These possible transformations are beneficial. According to Aristotle they make political life less violent, more consistent, and more secure than it can be under simply natural circumstances.

As we have seen, Aristotle first describes man as a political animal by writing, “[S]peech serves to reveal the advantageous and the harmful, and hence also the just and the unjust. For it is peculiar to man as compared to all other animals that he alone has perception of good and bad, just and unjust and the other things of this sort...”<sup>36</sup> Here

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<sup>34</sup> Aristotle, *Politics*, trans. Lord, 1252a5–6.

<sup>35</sup> Ibid, 1252b27–31.

<sup>36</sup> Ibid, 1253a1–20.

political activity is a natural indication—the human ability to communicate through speech leads us to have a nature distinction from other animals, to do more than other creatures. We must give names to the things we understand to be good and bad. In order to express them to one another we must provide reasons for their goodness or badness.

According to Aristotle, communities too are a natural result of human nature. Human beings come together first to form families. In turn, families come together out of necessity to support the needs of human life. These interfamilial communities, or villages, eventually, with the guidance of political founders, grow into larger political communities or cities.<sup>37</sup> Here, in the city, speech takes on a new and fuller form. Good and bad are bound up in the life of the city as a whole and claims about pleasure and pain can become claims about political justice—discussions about the goals of the political community and who ought to have authority within it. “Justice,” Aristotle claims, “is a thing belonging to the city. For adjudication in an arrangement of the political community, and justice is judgment as to what is just.”<sup>38</sup>

Thus “judgment about what is just” requires communication about different, and often opposing, conceptions of justice and of just claims for political authority, and with them the creation of political factions. Compromise must follow upon political communication if there is to be good government. After all, even the formation of faction requires the coming together of individuals or groups whose conceptions of justice are not identical. The democrats Aristotle describes are clearly not perfectly unified in their judgments about good and bad—elements of the group tend to violence and might cause

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<sup>37</sup> Ibid, 1253a–1253b24.

<sup>38</sup> Ibid, 1253a38–39.

the group to turn into nothing more than a mob, while others are able to articulate the basis of their claims: freedom and sacrifice.<sup>39</sup>

As I discussed in chapter three, Aristotle himself acts as moderator for the arguments he presents between democratic and oligarchic factions. He provides the best reasons each has a claim to rule as well as the limits of their arguments. Reading the discussion, it is easy to see both the heights of political discussion and the propensity for argument to turn to violence.<sup>40</sup> In the absence of Aristotle's wise intercession, it is clear that something else would be necessary if security and harmony are to be maintained—and indeed if political activity is to continue. Aristotle provides a solution to this problem in his discussion of regime types and most particularly in his description of political founders.

Upon introducing his readers to the concept of the political community, Aristotle says “there is in everyone by nature an impulse toward this sort of community. And yet he who first founded one is responsible for the greatest of goods.”<sup>41</sup> When he then focuses on citizenship and its duties, he acknowledges that it is political founders who first articulate their political communities' definition of citizenship—and therefore define who will be included in the decision-making of the community—and who will help to articulate its notion of justice and administer these decisions.<sup>42</sup> As he describes polity, it is with the founder (or re-founder) in mind; Aristotle explains that he will describe not

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<sup>39</sup> See *Ibid*, 1281a15–1282b13.

<sup>40</sup> *Ibid*, 1281a15–1283b26.

<sup>41</sup> *Ibid*, 1253a25–26.

<sup>42</sup> *Ibid*, 1275a32–33.

only “in what manner so-called polity comes into being...,” but also “how it should be established.”<sup>43</sup> For it is the founder who promotes institutional moderation between different factions. The laws and traditions of the city will provide each faction a voice, a set of duties, and a sense of belonging, while limiting their authority in order that other factions will also have a voice.

Political activity under these circumstances will be very different from the natural human ability to speak—and even from the discussion Aristotle moderated between the oligarchs and the democrats. Under the careful guidance of the prudent founder, political activity will take place as speech in carefully orchestrated public forums that both force the articulation of different claims to justice and limit the influence of any one group as well as the danger for violence. Claims for political authority will be realized (if only partially) in the fulfillment of different duties. All groups will be represented in the assembly: wealth will have some political advantage, while many offices, including juries, will be open to all.<sup>44</sup> One may hope that under such circumstances political activity will flourish without turning to violence, and different claims for justice will give way to compromise and with it an incomplete, but nonetheless real, dedication to the common good.

Hegel’s promise that the state will be “the actualization of concrete freedom” and the fulfillment of universal right<sup>45</sup> is also based upon the institutionalism of political activity. In the Hegelian State, the civil service will exist to moderate claims by different

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<sup>43</sup> Ibid, 1294a30–35.

<sup>44</sup> Ibid, 1294a36–1294b14.

<sup>45</sup> Hegel, *Elements of the Philosophy of Right*, §260.



political factions (or in his words, “estates”) and the State. In the fully realized State, the efforts of the civil service will serve not only to actuate compromise but to educate citizens through necessity so that they understand the interests of the State at large to allow for the fulfillment of their own claims, even if such fulfillment is necessarily partial.<sup>46</sup>

Under such conditions political activity becomes less necessary than in Aristotle’s account of the political community; citizens are not, themselves, as responsible for the fulfillment of their own claims. They must listen to the civil servants, and to the decisions of the State, but they need not listen to one another with the same attention. The wisdom of the rulers relieves them of some of this duty, and the confidence they will have in the organs of the State removes the necessity to articulate their own judgments about good and bad—at least with the same intensity and consistency required of citizens of previous states. Political activity is born of the need to articulate opinions about good and bad and judgments about justice and injustice. It becomes less necessary when Right—or justice—is realized by the political community as a whole. This outcome presumes that the civil servants have a comprehensive view of the nation, but bureaucracy according to Weber lacks this comprehensive understanding. Indeed, it is expert only in its field of action.<sup>47</sup>

The American framers understood the necessity for institutional moderation of political activity and heralded it as the basis for legitimate government. They created a new political reality different from that realized in Aristotle’s description of polity, just as

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<sup>46</sup> Ibid, §287–§297.

<sup>47</sup> Weber, *Economy and Society*, 956–58.

the reality of political activity under polity differed from the dangerous discussion between democratic and oligarchic factions. A regime that traces its legitimacy to the representation of its citizens will always be concerned with the political opinions and speech of its citizens, and they will always be rewarded for continuing to act politically—in order to realize their claims for justice and authority. The assertion of political activity as the foundational political right is a radical step towards its protection. Yet such an assertion also transforms the definition of citizenship. As Aristotle explains, founders define citizenship in accord with the regimes they create, and in so doing they give rights and duties to various sets of people.<sup>48</sup> In claiming that representative government alone can be the basis for legitimate government, the American founders protected the right of all individuals born in the United States to be both rulers and the ruled. In asserting representative government as the only legitimate form of political rule, they also gave American citizens the right and the duty to supervise their own government; they must not only act politically but also judge the political action of others and especially of those in power. Since the American regime also promises to secure life, liberty, and the pursuit of happiness, this supervisory status is given obvious content; citizens must articulate judgments about whether the government is succeeding in these stated goals. American claims for justice, therefore, usually center around claims that particular factions are not being represented or are not being provided with a secure life, true liberty, or the possibility of pursuing happiness. In the American regime citizens are asked to take part as rulers and the ruled, and, like the Hegelian civil service, to translate between the needs of individuals and those of the state. But in the American case there can be no confidence

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<sup>48</sup> Aristotle, *Politics*, trans. Lord, 1275a32–33.

that the government has correctly understood the common good or knows how justice can be realized. Rather it is the role of the citizens as sovereign to determine the true nature of good and bad, justice and injustice, within the American regime. It is in the checks and balances of the American regime that the framers promised liberty would be secured and tyranny averted, by preventing any one faction from defining justice and good for all.

This system of self-government combined with expert professionalism—in other words institutions of compromise mixed with those of mission-driven autonomy—is an articulation of two contrasting notions of political life. A stability of governance exists where the rigid perfection of the bureaucracy is moderated by politics, and the political revolutions of democracy are tempered by bureaucracy. Americans complain about the political institutions as though they were bureaucracies and about bureaucracies as though they were political institutions. For example, we hold the president responsible for inflation<sup>49</sup> and bureaucracies responsible for their failure to advance political agendas. We demand that Congress create a national solution to health care,<sup>50</sup> while wondering

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<sup>49</sup> See, for example, Daniel Henninger, “The Biggest Midterm Election Issue Is Chaos,” *Wall Street Journal*, October 19, 2022, <https://www.wsj.com/articles/the-biggest-midterm-issue-is-chaos-biden-midterms-election-voters-energy-crime-inflation-schools-abortion-recession-nuke-putin-11666208259>; Victoria Guida, “Why the Fed and Biden Won’t Proclaim ‘Mission Accomplished’ Even as Inflation Eases,” *Politico*, October 13, 2022, <https://www.politico.com/news/2022/10/13/inflation-over-fed-battle-00061405>; and David J. Lynch, “Biden’s Rescue Plan Made Inflation Worse But the Economy Better,” *Washington Post*, October 9, 2022, <https://www.washingtonpost.com/us-policy/2022/10/09/inflation-economy-biden-covid>.

<sup>50</sup> See, for example, Laura Meckler, “Obama, Health-Care Players Agree to Seek Overhaul,” *Wall Street Journal*, March 6, 2009, <https://www.wsj.com/articles/SB123627593496542123>; Ben Leonard, Ruth

why the Environmental Protection Agency cannot make individual judgments on how to improve industry while protecting the environment.<sup>51</sup> American government, then, is more confused than either the political order or the bureaucratic order, and this confusion is present in American political culture and modern notions of political action.

Complaints are not the best form of political speech because they do not involve explanations of right, and they do not usually involve listening. Although the oligarchs and the democrats in Aristotle's description do not seem overly concerned with each other's conceptions of political justice, Aristotle himself explains to his reader how each of them has some foundation in truth and to that extent something in common.<sup>52</sup> When he advises the ruler of a polity on the maintenance of the regime, Aristotle describes how to include parts of each faction's arguments in the institutions and laws of the city.<sup>53</sup> The

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Reader, and Carmen Paun, "Congress Returns to a Packed Health Care Agenda and Limited Time," *Politico*, September 14, 2022, <https://www.politico.com/newsletters/future-pulse/2022/09/14/congress-returns-to-a-packed-health-care-agenda-and-limited-time-00056461>, and Grace-Marie Turner, "GOP Launches Commitment to Health Reform," *RealClearHealth*, September 26, 2022, [https://www.realclearhealth.com/articles/2022/09/26/gop\\_launches\\_commitment\\_to\\_health\\_reform\\_111408.html](https://www.realclearhealth.com/articles/2022/09/26/gop_launches_commitment_to_health_reform_111408.html).

<sup>51</sup> See, for example, Steve Pociask, "EPA Shouldn't Undermine Biden's Sustainability, Manufacturing Goals," *RealClearEnergy*, July 25, 2022, [https://www.realclearenergy.org/articles/2022/07/25/epa\\_shouldnt\\_undermine\\_bidens\\_sustainability\\_manufacturing\\_goals\\_844184.html](https://www.realclearenergy.org/articles/2022/07/25/epa_shouldnt_undermine_bidens_sustainability_manufacturing_goals_844184.html), and Timothy Puko, "New EPA Rules to Target Power Plant Pollution," *Wall Street Journal*, January 25, 2022, <https://www.wsj.com/articles/new-epa-rules-to-target-power-plant-pollution-11643112003>.

<sup>52</sup> Aristotle, *Politics*, trans. Lord, 1280a6–1284b35.

<sup>53</sup> *Ibid*, 129a30–1294b40.

American system also aims to incorporate the complaints of its citizens, and it accomplishes this through policy changes, new attempts at limiting bureaucratic regulation, or in court rulings. But including only the complaints of citizens is not the same as including their articulations of political good or political justice. It misses half, indeed much more than half, of what political speech should encapsulate. At least complaint does set the right order of who speaks and who listens.<sup>54</sup> These need to be understood as complaints of people who belong to the sovereign.

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<sup>54</sup> This argument is in contrast to Hegel's comment about complaint in his *Phenomenology of Spirit*. There he writes, "The language of Ethical Spirit is law and simple command, and complaint, which is more the shedding of tears about necessity. Moral consciousness, on the other hand, is still *dumb*, shut up with itself within its inner life, for there the *self* does not yet have its existence: existence and the *self* stand as yet only in an external relation to one another. Language, however, only emerges as the middle term, mediating between independent and acknowledged self consciousness, and the *existent self* is immediate universal acknowledgment, an acknowledgment on the part of many, and in this manifoldness and simple acknowledgement. The content of the language of conscious is the *self that knows itself as essential being*. This alone is what it declares, and this declaration is the true actuality of the act, and the validating of the action." (G. W. F. Hegel, *Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Oxford University Press, 1977, §653). Hegel's picture of complaint as utterly without merit, an irrational reaction to truth and reason in the form of necessity is consistent with his description of the Hegelian State; in a state where truth and reason rule, where freedom and universal right are realized (see Hegel, *Philosophy of Right*, §260), then any complaint would result from a lack of understanding, an inability to understand one's relationship to the state—or indeed the true nature of freedom or truth. In the absence of the Hegelian state—and, in this case, within the American republic—complaint seems to me to be more salutary. Speech about good and bad can take the form of complaint—and indeed the comments of the democrats and the oligarchs are not so far from complaining. (See Aristotle, *Politics*, trans. Lord, 1280a6–1284b35.) Representative government may even be said to rely in part on the complaints of various factions. Yet complaint remains

Complaining, then, is not the same as speaking. Citizens are not taught to explain their notions of truth, justice, or good. They accept governmental accommodations unless they feel government action to be problematic, excessive, or missing. It is not clear whether this cycle of acceptance and complaint allows individuals either to speak as Aristotle describes, or to act as Arendt deems necessary. Tyranny in the form of totalitarianism results, according to Arendt, from a series of conditions crystalizing suddenly into something more banal and in its banality monstrous.<sup>55</sup> Perhaps the paradoxical system of complaint currently embraced in America will prevent such circumstances from developing into a form that could lead to tyranny, but it is also possible that reducing political speech to complaint could, itself, be another condition that might prepare for tyranny. The political leaders in the politics of complaint tend to speak in clichés and jargon.<sup>56</sup> The articulation of enduring principles of republican government is lost in a blend of simplified political and bureaucratic speech. Whether the system allows for or can protect against tyranny will, in my opinion, depend upon how Americans understand their own political activity.

Do we still know, and can we still articulate the grounds upon which we complain? That is, do we have a notion of what politics ought to aim at? If pressed, would we be able to put it into words? To say it in the public forum and listen to others

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incomplete because it does not articulate what is truly good or bad, or explain the basis for judgments about what is just and unjust. Complaints rarely explain themselves and complainers even more rarely wish to hear a response to their assertions.

<sup>55</sup> Arendt, *The Origins of Totalitarianism*, XV.

<sup>56</sup> For examples, see <https://twitter.com/DrOz>, <https://twitter.com/AOC>, or <https://twitter.com/replizcheney>.

do the same? Can our institutions still address comments in a form that is not a complaint? We may hope that the formalized system of compromise at the basis of the American regime, and its assumption of the interest of the citizenry in political life, will be able to speak for itself. We may hope that, by example, the American political order will have taught its citizens how to speak about the advantageous and the harmful, and especially about “the just and unjust.” Genuine inquiry into what justice entails is perhaps always rare. People often think only of advantage and harm to themselves, either as individuals or as members of some group, not in terms of the common good or of a justice that is not exhausted by one’s own advantage. While the words “justice” and “injustice” are often used, they seem too often used to refer to privileges that some think are extended to others but not to themselves. Political speech as complaint further reduces concerns about justice to those of personal advantage or disadvantage. The hope is that other avenues for political discussion in the American context allow for true discussions of the common good and of justice. The future of the American regime depends upon how its institutions and citizens deal with this new paradox of self-government and bureaucracy.

Now as much as ever there is a need for an education of the citizenry. It must include a recognition of the rights and duties of a citizen. American citizens have the right and duty to govern through their representatives. Aristotle relies on experience to form the basis of political education in the regime he calls polity; citizens must fulfill duties that expose them to healthy political life and to discussions about justice. For example, the poor will be paid for attending assemblies and the rich fined if they do not attend. In the assembly political speech about the goals and policies of the political

community will take place.<sup>57</sup> But this cannot be the basis of contemporary American education. The size and complexity of the American regime prevents this, as does the addition of bureaucratic administration. The tension between bureaucracy and representative government is not going away. It is endemic to the modern state. Hegel, therefore, is correct in his assertion that a new form of education is necessary for the citizens of the modern state—one that includes teaching about the nature and demands of bureaucracy. The education he discusses is *for* bureaucratic officials—those members of the citizenry who, in the Hegelian state, will have a role in governing.<sup>58</sup> In the American context it is not enough to educate bureaucratic officials. It is not they who the regime relies upon to translate between the citizens and the government—it is rather all American citizens, who, if they are to retain the rights and privileges of ruling as well as being ruled, must be able to act politically. Bureaucratic administration is a great danger to the American constitutional framework and citizens must be able to maintain the subordination of the bureaucratic expert to republican government. Modern government is not merely about who should rule. It is also about preservation of the very notion of human government. Bureaucracies tend toward the rule of nobody, toward tyranny. Securing the government of citizens is a project to preserve the human condition.

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<sup>57</sup> Aristotle, *Politics*, trans. Lord, 1294a30–1294b14.

<sup>58</sup> Hegel, *Philosophy of Right*, §287–§297.



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