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## **THE PRESENT AMERICAN REGIME: TYRANNY, OLIGARCHY, OR DEMOCRACY?**

**March 13, 2016**

**The most dangerous thing that anyone can do, in Aristotelian terms, is to accurately describe the existing regime that he is living under at the time.**

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"The Obama years have brought America to the brink of transformation from constitutional republic into an empire ruled by secret deals promulgated by edicts."  
— Angelo Codevilla, *The Federalist*, February 29, 2016.

"The common bond among the various elements of failed Obama foreign policy—from reset with Putin to concessions to the Iranians—is a misunderstanding of human nature. The so-called Enlightened mind claims that the more rationality and deferentially one treats someone pathological, the more likely it is that he will respond and reform—or at least behave. The medieval mind, within us all, claims the opposite is more likely to be true."  
— Victor Davis Hanson, *National Review*, August 18, 2015.

**I.**

Over the years, I have often remarked that the most dangerous thing that anyone can do, in Aristotelian terms, is to accurately describe the existing regime that he is living under at the time. Aristotle does not talk of "social justice" as a revolutionary pattern to transform the ills of an existing state to make it perfect; he does envision regime change, which is usually reflective of the flow of the virtues or vices in the souls of citizens in any actual regime. He is aware that a bad regime can become worse by change. Such change is not necessarily better just because some evil in the existing regime is recognized. But a bad regime can also become better just as a good regime can become worse. Aristotle gives us, in his description of the forms of rule—monarchy, aristocracy, polity, democracy, oligarchy, tyranny, and mixed regime—a way of looking at what we do rather than relying on the language we use to hide from ourselves what is going on.

The American regime was founded by wise men who knew their classical history, as well as what went on in the various regimes of their time. They also knew of original sin, whatever they called it. In #51 of *The Federalist*, we are reminded that since we are not ruled by angels we need strict checks, through lives of honest virtue, on the men we choose to rule, as well as on ourselves as citizens. Victor Davis Hanson has made this point about a president who did not understand human nature. E.

F. Schumacher rightly noted that the most dangerous man in a society is a man who does not know himself. To approach politics not knowing either human nature or oneself is doubly dangerous. The Founders mostly understood that what was explained in the classic mind was not just a description of what went on in some long-gone little city-states or in a huge empire, such as the one ruled by Rome. Aristotle came to grips with how men in polities perennially reveal their individual souls and what happens to their polity when they do. Thus, Aristotle can describe a Soviet Union, a French Republic, or an America of our time in real terms—no matter what those modern regimes called themselves.

The men of the Constitution did not call what we have a “democracy” but rather a “republic”; the use of the former instead of the latter is a confusion that still causes much trouble. Democracy was a Greek word; republic was a Roman word. Carefully described, they are not interchangeable. The Greek word meant rule of the majority, usually the relatively poor who had greater numbers, who were undisciplined in their souls. That is, the definition of their personal lives was the rule of “liberty”. Liberty meant precisely that there was no standard of order in one’s soul or in the polity that was normative to distinguish the goodness of men’s actions from those that were evil. Freedom meant rather that whatever the citizens wanted was all right. Democratic politics means the government’s efforts to further and enforce this regime by giving everyone what he wants.

It was out of this democratic regime that “tyrannies” developed. Plato’s description was only a more graphic picturing of what Aristotle later wrote. The tyrant was not an ogre. He would be an eloquent, often disciplined, attractive man, like Callicles, who saw his chance to rule the demos who had no principle of order in their own souls. The tyrant would impose his own rule on a people with no reason to oppose him. The ruler would be popular, at least for a while, after which he would use more and more coercion to impose his ideas on his regime. It would all be pursued in the name of a “common good” or justice or compassion.

The Roman idea of a republic, though it had its flaws, meant a regime limited in various ways. It had two tribunes (presidents), not one, so that one checked the other. It had a senate restricted to the nobler or wise. Rome did have some good and honorable men whose prudence was needed for the regime. In its corrupt oligarchical form, a polity was ruled by rich men who fashioned laws for their own benefits. But the people did have a place in the Republic and their views were to be taken into account.

The American modification of this “republican” form of rule spelled out in more detail how this limited rule was set down. There was a king or president who was elected for a set term, but not popularly in the beginning. It divided the legislature into two bodies with different functions. Both were limited by set times of service and the need for consensus. Thus, both branches of the legislature had to agree, along with the president, for laws to be valid in order that action and enforcement could proceed accordingly.

There was a court system that was, in a particular case, to apply the law, as written—not as its own theories. Then, there was federalism which left most of the ordinary affairs to more local entities—cities, counties, states, or to the people, as the Tenth Amendment had it. Federalism was designed to overcome the problems of empire over vast spaces. Aristotle thought that only a god could rule vast and complex polities. The American regime tried to show how Aristotle’s worry was not always the case. The question today is, basically: Was Aristotle right after all?

## II.

It is widely granted today that—as my late colleague, George Carey wrote in his 2001 essay “Who or What Killed the Philadelphia Constitution?”—there is no branch of the government, under either political party, that sees itself to be bound by the written constitution. Angelo Codevilla, in the above cited essay, mentions the same points—presidential edicts, court decisions based on views of judges, congress letting other bureaucratic bodies do all the real ruling. Such observations provoke us to inquire about the nature of our present regime.

How would one go about judging it with any minimal accuracy? I do not think this judgment requires lengthy books or a Hegelian complexity of metaphysics. It is certainly true that the size and practices of rule that are accepted and considered ordinary today often have little relation to the Constitution, if they do not simply deny it. There were some judges, like Scalia and Bork, who maintained that the courts should only be in the business of interpreting what the laws as written sat down. Much of the unsettling of the general populace about the reach of government has to do with bureaucratic laws and procedures that are products of some ideological imposition in no way connected with the Constitution. Everyone notices the special treatment that those who work for governments at all levels provide for themselves. Congress astonishingly exempts itself from its own rules. Presidents, secretaries of state, and congressmen become wealthy on relatively small salaries.

In explaining what happened to the Roman Republic, a common interpretation is that—since Rome had conquered most of the Mediterranean world from Spain east to Persia, north to England, and south into Africa—it created a problem that the old institutions of the Republic could not handle. The solution was Roman Imperial Law as codified. It was ruled as an administrative empire. To secure his safety, the Emperor was made a god to be set apart from the ordinary politics of a smaller city-state. When Rome was no longer able or willing to protect its frontiers, new barbarian peoples came in. It almost sounds like recent history. It was from the settlement of these tribes within Europe that the nations of Europe developed assimilating the old classical traditions and the Christian religion, into a new form of Roman Empire after Charlemagne called “Holy”.

At least since the New Deal, if not from Lincoln, the United States has heard the argument that the urgency of economic, military, demographic, or social problems required by-passing the Constitution. This argument has only grown since the end of the Cold War after which it was generally held that America had become an imperial power with reaches and responsibilities in every corner of the globe. Thus, the president just goes ahead and rules by personal edicts. The courts discover new “rights” to get what they want. Then, with the aid and funding of Congress, they are imposed on the general populace.

The present election period makes the question of what kind of a regime we have much more pressing. While we still may not know for a month or so just who will be the official candidates, the choices, in the eyes of many, seems to be between bleak and bleaker. An election of Mrs. Clinton would mean a continuation of the present regime in which we could expect the total control of the state over all phases of human life including speech and ideas to become the law of the land, no opposition tolerated. The election of Mr. Trump appears to many to be the continuation of the same one-man rule that we have had for the past eight years only this time by another sort of character. Some see Mr. Trump as a potential dictator, others as a Latin caudillo, still others as a billionaire who

has no sense of either the Constitution or of the real art of war. Mr. Trump himself is prepared to “make America great again.”

We have surprisingly in Mr. Sanders a frank socialist who tries to convince us that this form of government, that has failed every time it has been tried, is suddenly going to give us everything Mr. Sanders thinks we need in terms of work, education, and welfare. Unlike Mr. Trump’s Mexican payment of the wall, Mr. Sanders will pay for it all by taxing the rich. This is but another pipe dream that only succeeds in making everyone, even government workers, poorer when it is tried. All of this rhetoric is proposed in the noble name of “social justice” and compassion.

But since Mrs. Clinton already seems closer to Sanders than to anything else, many think we are left with two unacceptable alternatives. Many high level Republicans see Mrs. Clinton as the lesser evil. Many working class Democrats see either Mr. Sanders or Mr. Trump as better than Mrs. Clinton. Many want to follow the example of Pilate and wash their hands of the whole business. This option is probably a vote for Mrs. Clinton, as she calculates it, though Mr. Trump sees massive support for himself out there among the disgruntled masses. The Democratic plan all the way along is to insure that Mr. Trump is nominated as the easiest, perhaps only, way to elect Mrs. Clinton. But the combined votes of the competitors to Mr. Trump still add up to more than he draws, assuming that, if any of these drop out, their voters would vote for Mr. Trump, which is not certain.

Still others continue to hope for a miracle—perhaps Mrs. Clinton will end in jail, or Mr. Cruz or Mr. Kasich will have a surprising surge, or the Convention will be locked and some other candidate will appear. But these possibilities need just to be mentioned to note they are doubtful of happening.

### III.

Yet, I do not write here another highly fallible election speculation. Politics is not an exact science. Indeed, it is not a “science” at all; it is a prudence, a judgment of changeable things, but still things with meanings. Thus, many ask: Just where are we as a nation? It is that question I mean briefly to respond to when considering the actual regime, the one that includes both parties, under which we now live. The best way to see this regime is through the eyes of Aristotle, a Macedonian, not an Athenian, a teacher, not a politician. Human nature abides. And, as Victor Davis Hanson said, a failure to understand human nature, however common it is, has painful consequences of the greatest moment for us all.

I would also approach this issue through Canada. David Warren (Essays in Idleness), Christopher Morrissey (Catholic World Report), and Joseph Paul Meenan (Crisis Magazine) have recently focused our attention on the proposed euthanasia laws now being considered in our northern neighbor. Warren calls them simply “killing people”. They are reminiscent of the principles that the Nazis used for the same purposes, only now they are administered in the name of human rights and implemented by a democratic state. As elsewhere where similar laws are already in effect, they are said to be what the people want, what is for their “good”. They are “democratically” mandated by a high court. The killing at the end of life is the logical consequence of our “freedom to choose” that has already killed millions and millions of our fetal children. So what kind of a regime do we live under? We, not just the Canadians, live under a regime that allows the killing of human beings that are judged unworthy or unable to live among us.

But this issue of our eliminating ourselves when we are elderly and costly is simply part of a logically coherent complex of ideas that reconfigures what it is to be human. Put briefly, it is the specific, gradual, complete elimination of what was once called the natural law. In Isaiah 49:14, it asks, as if it is the most obvious thing in the world that it is something no one would do, “Can a mother not weep for her child?” Why is this principle no longer so obvious? It is because we have denied the very foundation of a civilized order in what we practice about marriage, who can marry, about what a child is, about what a human being is. We live in a regime that has laws that justify and enforces these things. What does one call such a regime?

If we look at Aristotle’s political observations, he recognized a difference between those regimes that lived according to law, including natural or ethical law, and those that did not. Of the first group, we had those ruled by one good and wise man, one ruled by those few who were judged to be wise, and one ruled by the rest of the citizens who were able to rule themselves. The American founders sought to combine these three forms through laws about the office of president, the structure of congress, the courts, and the choices and interests of the people.

The disordered regimes—tyranny, oligarchy, and democracy—were regimes wherein the principle of rule was not virtue or right order in things but what the ruling principle wanted. The worst of these regimes was a tyranny. It invariably arose from a democracy. Again the tyrant might be well-spoken, handsome, and good family man, attentive to what the people wanted. But he was a philosopher-king gone wrong. He was not ruled by virtue and reason, but by his own ends and the shrewd rationale to put them into effect. So what is the point? In Aristotelian terms, we live under a wide-ranging tyranny that includes much of our academic and political classes as well as the relativism that explains the souls of our citizens.

We are not alone in this as much of it has origins in the aberrations of western philosophy. On the scene now we have Islam and China, and perhaps others who can be described in Aristotelian terms also. Where is Catholicism in all of this? Much of it finds accommodation with the ethos of the culture. Those who still hold the principles of what is and the order of revelation are few and under great pressure to accept the norms now ruling the polity. The “Benedict option” of temporary withdrawal is attractive, but there is no longer any place to hide. We may well be at a point where political terms no longer suffice to describe our regime. Sometimes even the political philosophy of Aristotle is not adequate to describe accurately what goes on before our very eyes.

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