

THE VARIETIES OF DEMOCRATIC EXPERIENCE

**BY MICHAEL BAILEY, IN
MCKONKEY, CHAPTER 4**

Question

(a) Where do we get our RIGHTS from?

TRIUMPH OF LIBERAL DEMOCRACY

- ⦿ no alternatives to democracy
- ⦿ except Islamic theocracy
- ⦿ however, Islamic theocracy has little or no intellectual lure

DEMOCRATIC CHARACTERISTICS

- ① stress on equality and justice
- ① liberty/freedom
- ① moral neutrality
- ① rule by the many

DECLARATION OF INDEPENDENCE (2nd Continental Congress, July 4, 1776)

Paragraph 2

“WE hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or 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 effect their Safety and happiness”.

THEORY OF LEGITIMATE GOVERNMENT

“WE hold these truths to be self-evident.”

- invokes long tradition of natural law
- natural law holds that there is a higher law of right and wrong from which to derive human law
- moral reasoning provides the foundation of the political system

“That all men are created equal..”

- ⦿ we are all created equal as defined by our natural rights
- ⦿ no one has rights superior to those of anyone else
- ⦿ that we are born with these rights—we do not get them from government

“the Consent of the Governed”

- ⦿ whatever power government has—comes from the people
- ⦿ The role of government is to secure our rights
- ⦿ government is therefore limited twice:
- ⦿ (1) **by its end**—to secure rights—which we have regardless of government
- ⦿ (2) **by its means**—the consent of the governed.

II. SET A MORAL FOUNDATION OF SOCIETY

“...unalienable rights”

- ⦿ we have the right to live our lives as we wish
- ⦿ to pursue happiness as we think best
- ⦿ but we have to respect the equal rights of others

“It is the right of the people to alter or to abolish

- that rights come from nature
- rights given to mankind by “nature’s” God
- government is not natural—but freedom is natural
- we are naturally free because we are agents who are born equal (no natural authority to rule over others)

Right of people to alter

- ⦿ in the absence of natural rulers—all political rule is artificial
- ⦿ the declaration is liberal—because it holds that government's purpose is to protect our rights
- ⦿ it is democratic—because it is the people who establish the form of political rule

Question for Thomas Jefferson

How do you legitimate political rule (which is necessary to remedy the insecurity of anarchy) without doing violence to our natural God-given liberty?

- ⦿ that legitimate political rule comes from the consent of the governed
- ⦿ government then should be to protect the people's God-given rights

Jefferson's Solution

- (1) put government in the service of nature—through the observance of natural rights
- (2) government should have autonomy—through the consent of the governed

Results

- ⦿ political benefits should be utilitarian (not for flourishing of the soul)
- ⦿ government's purposes should be practical
- ⦿ inalienable rights—our rights are more than preference or self-interest
- ⦿ our rights are natural and subject to natural limits

Results of US Government

- ① our rights are resistant to innovation or multiplication
- ② government is limited in what it can do to us even in the name of rights
- ③ rights deserve protection and are pre-political—not given by political fiat

Critics of Jefferson

His arguments are too foundational—
because it grants our equality and liberty to
“nature’s God”

Insufficiently democratic—because liberal
democracy should include reason

ISSUES OF MORAL NEUTRALITY

- ⦿ plurality of opinions about the good life
- ⦿ disagreement about what is good and virtuous
- ⦿ so need to relegate all questions of good to the private arena
- ⦿ in this view polity must be neutral; regarding notions of the good

Democracy & Moral Neutrality

- ⦿ political endorsement of “ways” of life will bring state coercion
- ⦿ adopting any conception of the “good” will lead to the state infringing upon individual autonomy
- ⦿ to preserve liberal democracy—need to preserve universal consent

STATE POWER ABUSE

- ① political institutions employ coercion to enforce uniformity
- ① State requires all secondary institutions to exist at the government's discretion
- ① government uses its power to honor persons and ideas

STATE POWER ABUSE

- ① people and ideas government honors become legitimate in the public sphere
- ② ideas honored by the state become society's ideas
- ③ political ideals then affect everything in society

EFFECTS ON LIBERAL DEMOCRACY

- ⦿ purchase justice at the risk of uniformity
- ⦿ All persons are equal and weak in a democracy—so the only strong and superior entity is the state
- ⦿ democracy then appeals to the needs of the body and the wallet

EFFECTS

- ⦿ as democracies become more equal—each individual becomes more like his fellows—weaker and smaller
- ⦿ extreme manifestations of unity foster pride and soothes laziness of the minds

EFFECTS

- ⦿ authority of every stripe is under attack
- ⦿ children sense the weakness of their parents
- ⦿ churches set aside scripture to be more inclusive
- ⦿ universities have lost the nerve to teach the truth

EFFECTS

- ① the authority of equal individualism remains unchallenged
- ① democrats and republicans fight over which manifestation of possessive individualism to champion

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LIMITS OF POLITICS

- ① Discussions of final purposes should be prohibited from the public sphere (Terri Schiavo's case)
- ① To prohibit secret or revealed knowledge in the public arena

STATISM

- ① intrusive nature of government
- ① social life under government regulation
- ① multiplication of rights increase state dominance
- ① rights requires enforcement efforts
- ① claims of justice require state involvement

STATISM

- liberalism has eroded the claims of nature –by focus on personal autonomy
- desire for security has expanded the state's protection into a limitless end
- security needs require a set of regulations
- state now required to promote diversity of lifestyles

Problems with Statism

- rule by experts—manage all aspects of life
- experts make decisions about the economy, family, environment
- legislation contains scientific knowledge—beyond the capacity of legislators to understand
- Alienation--people do not understand what their government is doing

Problems with Statism

- ⦿ Higher taxes-to make society decent and just
- ⦿ difficult for the state to kill any program
- ⦿ groups invoke the rhetoric of their rights
- ⦿ how to raise and educate our children
- ⦿ Nanny state--provides food, happiness and comforts
- ⦿ too much dependence on the state to solve social problems

CORRECTIVES

- need to recognize authority that transcends the self
- need to promote liberal virtues
- need to protect the family and the church in teaching virtues
- need to include understanding of God, nature, and the human person in political design