Chapter 11 The Social Contract Phenomenon

§ 1. Liberty and Self-commitment to Civil Community

A *Community* is a voluntary association of people who join together for some common purpose. The term is capitalized in order to distinguish it from the eight nominal dictionary definitions of the word "community" in Webster's (1962). A group of people can live in a *community* – that is, live in the same district, geographical area, etc. under the same laws – without forming a Community. For example, their proximity to one another might be accidental rather than intentional, or involuntary rather than voluntary, as is the case for prisons and elementary schools. We further divide the concept of Community into two types: civil and non-civil. A *civil Community* is *an association under a civil convention of people having civil rights and civil liberties with a common system of governance*. A non-civil Community is a Community in which one or more of these characteristics of civil Community are absent. An association under a civil convention is called a *civil association*. These concepts are technical concepts and their objects are mathematical objects. The defining characteristics of the civil Community are also technical, and we will get to their definitions later in this chapter.

It is symptomatic of sociology's failure to become a social-natural science that it lacks any generally-agreed-upon technical definition for the concept of community. Abercrombie *et al.* tell us,

> **community** The term community is one of the most elusive and vague in sociology and is by now largely without specific meaning. At a minimum it refers to a collection of people in a geographical area. Three other elements may also be present in any usage. (1) Communities may be thought of as collections of people with a particular social structure; there are, therefore, collections which are not communities. Such a notion often equates community with rural or pre-industrial society and may, in addition, treat urban or industrial society as positively destructive. (2) A sense of belonging or community spirit. (3) All the daily activities of a community, work and non-work, take place within the geographical area; it is self-contained. [Abercrombie *et al.* (2006)]

It is fairly obvious that these usages are nominal, that they are aimed at providing objective marks for calling something a "community," and, most importantly, have no more regard for the people collected in the community than one might have for the collected ants in a boy's ant farm.

I introduced the term Community in chapter 1. At that time I said we had two fundamental questions we must address: (1) under what condition do Communities form? and (2) under what conditions do Communities disintegrate? This treatise has come to the point where we face these questions and begin to answer them.

Human beings make Self-commitments to live with and alongside others in a state of civil Community fairly regularly, but do so rather casually. The overwhelming number of all human beings are born into an already-existing community and begin to interact with non-family members of that community while still in early childhood. In and of itself, however, this in no way guarantees that the child lives in a Community. Children are, without exception, naive realists and many people remain naive realists throughout their adulthood. The greater number of adults retain realist pseudo-metaphysical premises built upon cognition and rule structures they first develop as small children. Childish egocentrism and moral realism also guarantee that every child begins life as a little social outlaw.

The mere fact that a person is born within a community does not necessarily mean that person makes *any* commitment to being a member of that community, much less the *same* commitment

other people might make. In different countries there are divers social institutions already established that to some greater or lesser degree attempt to teach children that there are social commitments that come hand in hand with membership in their society. Churches and schools are the two primary examples, and in some cases family units play an active role in this as well.

But children develop their concrete and most fundamental maxims of what it means "to live in a society" *from social intercourse with other children*. This is because a child's first opportunities to participate as an equal in social intercourse are presented by experiences with other children near his or her same age. One result of this should be fairly obvious. The child gains his first concrete knowledge of concepts *out of which will later come his ideas of society* through his experience of associating with other little outlaws. If you take the time, spend the cost, make the effort and exert the discipline to properly observe them, you will discover that the children in your town or neighborhood form little subcultures all their own with their own sets of folkways and rituals that are carried out *quite independently* of the adult culture in which their lives are embedded. One can truthfully say they live in Kid World, a land where adults may not trespass.

For example, it is well known that grade-school-age little boys fight each other from time to time. Take a very close look (without interfering and, most importantly, without being observed by them). What you will very likely find is that there is some quite specific *ritual* involved in it. For example, there might be a period of ritual name-calling and a great deal of posturing that occurs first, followed by, e.g., some preliminary shoving or wrestling before the first punch gets thrown. You'll likely find that any boy violating the ritual in the slightest way loses esteem in the eyes of his fellows, is made to suffer a period of disgrace, or is temporarily made an outcast.

Although his theory suffers from some ontological defects, Piaget was not far off the mark when he reported,

> And this is why, alongside of the primitive respect felt by the inferior for the superior, or, as we have called it, "unilateral respect," we have claimed to distinguish a "mutual" respect towards which the individual tends when he enters into relation with his equals, or when his superiors become his equals. The quasi physical element of fear which plays a part in unilateral respect then gradually begins to disappear in favor of the purely moral fear of falling in the esteem of the respected person. The need to be respected thus balances that of respecting, and the reciprocity resulting from this new relation is sufficient to abolish all element of constraint. At the same time, the commands vanish and turn into mutual agreement, and rules that have been freely consented to lose their character of external obligation. Nor is this all. For since the rule is now subjected to the laws of reciprocity, it is these same rules, rational in their essence, that will become the true norms of morality. Henceforward reason will be free to lay down its plan of action in so far as it remains rational, that is to say, in so far as its inner and outer coherence is safeguarded, *i.e.*, in so far as the individual can adopt a perspective such that other perspectives will accord with it. Thus out of anomy and heteronomy, autonomy emerges victorious. [Piaget (1932), pp. 382-383]

As I brought up earlier, Piaget's notions of "respect" suffer from some serious ontological defects. His observational data, however, do clearly bring out the role that children's free association with other children plays in the child's development out of egocentric rule practice to the following cooperative stage of rule practice. One interesting social phenomenon that appears to be world-wide in extent is the more or less thorough degree to which adults fail to understand or even notice the formative impact that life in Kid World has on the socialization of their children. This point came more or less to the forefront of social debate in mid- and late-1960s America when the so-called "generation gap problem" was a topic of popular discussion. Rather than seeking to understand the causes permeating the rebellion of young people against "the Man" (as young people of that time tended to call authority figures), the greater majority of older Americans

satisfied themselves by adopting the opinion that either "something was wrong with kids today" or that "something had gone wrong in the upbringing" of the baby-boom generation.

The latter opinion, interestingly, has its corollaries with theories put forward by some psychologists that assign primacy to the roles family and institutions (schools, churches) play in the socialization of children. These theories tend to miss altogether, or to erroneously discount, the role that age-peer social interaction plays in the individual's formulation of his manifold of rules and manifold of concepts[1]. This is not at all a strictly American phenomenon, as was illustrated by a line that appeared in 1973 in *Red Star*, an old Soviet army newspaper:

> People are not born soldiers, they become soldiers. . . . And it should not begin at the moment when a new recruit is enlisted into the ranks, but rather much earlier, at the time of the first signs of maturity, during the time of adolescent dreams. [*Red Star*, 1973]

By "the time of adolescent dreams," a young person has already formulated the greater part of the bedrock maxims of his social rules. That Soviet social theorists wholly missed their mark with their school-instituted social training practices, aimed at producing "the new Soviet man," is testified by the stunning speed of the collapse of the Soviet Union at the end of the 1980s. The Spartan *agoge* and Nazi Germany's Hitler Youth were far more effective socializing systems.

To discount the role childhood age-peer socialization plays in social compacting and social contracting phenomena later in adult life is in effect to discount and ignore human Nature and to neglect the motivational dynamic in the social atom. Over the past few years in the United States there has been a growing amount of attention being paid to a new myth that speciously links putative emotional and irresponsible behavior problems exhibited by teenagers with ungrounded speculations promoted by new technologies in brain-imaging. This myth is nothing more than the latest in a string of amateurish nonsense going back at least as far as the so-called "beat generation" of the 1950s, when playing bongo drums and rock 'n roll was more condemned than bank robbery. One might think Americans cannot be happy unless they think something is wrong with their children. Writing about that ignorant hysteria of the 1950s, humorist Bill Bryson said,

> Anyway, people had many other far worse things to worry about in the 1950s than nuclear annihilation. . . . Above all, they had to worry about teenagers. That's right. Teenagers became the number-one fear of American citizens in the 1950s.
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> There had of course been obnoxious, partly grown human beings with bad complexions since time immemorial, but as a social phenomenon teenagehood was a brand-new thing. (The word *teenager* had only been coined in 1941.) So when teens began to appear visibly on the scene, rather like mutant creatures in one of the decade's many outstanding science-fiction movies, grown-ups grew uneasy. Teenagers smoked and talked back and petted in the backs of cars. They used disrespectful terms to their elders like "pops" and "daddy-o." They smirked. They drove in endless circuits around any convenient business district. They spent up to fourteen hours a day combing their hair. [Bryson (2006), pp. 126-127]

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[1] One example worthy of mention here because of its current and growing popularity among American educators is provided by the theories of Soviet psychologist Lev Semyonovich Vygotsky. I'm sorry to say that an ever-growing number of American educational theorists have fallen under the sway of the Vygotsky movement. The problem with Vygotsky's system is its thorough-going Hegelian premises that corrupt almost every aspect of the theory. That Vygotsky himself was a Hegelian is not surprising; the absurdly non-scientific premises of Hegel (shorn of Hegel's direct references to God) was the foundational pseudo-philosophy of Marxist-Leninist doctrine from its very beginning and permeated every aspect of social control and educational indoctrination in the old Soviet Union. The Vygotsky movement began in the United States in 1962 and has yet to run its course before it will eventually collapse, as it inevitably will, and become just one more exhibit in the museum of bankrupt, utterly unnatural education theories.

The current myth is that "the teenager's brain is developmentally immature" and that this is the reason for teen mood and behavior problems. Scientifically, and as mental physics tells us unambiguously, this is utter hogwash and without a single patch of objectively-valid grounding. Arguing against the new mythology is psychologist and professor Robert Epstein:

> There is clear evidence that any unique features that may exist in the brains of teens – to the limited extent such features exist – are the *result* of social influences rather than the *cause* of teen turmoil. . . . [A] careful look at relevant data shows that the teen brain we read about in the headlines – the immature brain that supposedly causes teen problems – is nothing more than a myth. . . .
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> In 1991 anthropologist Alice Schlegel of the University of Arizona and Herbert Barry III, a psychologist at the University of Pittsburgh, reviewed research on teens in 186 pre-industrial societies. Among the important conclusions they drew about these societies: about 60 percent had no word for "adolescence," teens spent almost all their time with adults, teens showed almost no signs of psychopathology, and antisocial behavior in young males was completely absent in more than half these cultures and extremely mild in cultures where it did occur.
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> Even more significant, a series of long-term studies set in motion in the 1980s . . . suggests that teen trouble begins to appear in other cultures soon after the introduction of certain Western influences, especially Western-style schooling, television programs and movies. . . . Consistent with these modern observations, many historians note that through most of recorded human history the teen years were a relatively peaceful time of transition to adulthood. Teens were not trying to break away from adults; rather they were learning to *become* adults. . . . My own recent research, viewed in combination with many other studies from anthropology, psychology, sociology, history and other disciplines, suggests the turmoil we see among teens in the U.S. is the result of what I call the "artificial extension of childhood" past the onset of puberty. Over the past half century, we have increasingly infantilized our young, treating older and older people as children while also isolating them from adults and passing laws to restrict their behavior. Surveys I have conducted show that teens in the U.S. are subjected to more than 10 times as many restrictions as are mainstream adults, twice as many restrictions as active-duty U.S. Marines, and even twice as many restrictions as incarcerated felons. And research . . . shows a positive correlation between the extent to which teens are infantilized and the extent to which they display signs of psychopathology. [Epstein (2007)]

If teenagers in Western Societies today are not spending very much of their time with older adults, then who are they spending it with? The answer ought to be trivially obvious: with other teenagers. If the leaders of a Society were to sit in council and decide, "Let us completely tear down our social order and becomes a country of outlaws," many Western countries – including the U.S. – could hardly go about doing it more effectively than they are right now[2].

Epstein's observations suggest, and mental physics *states as a theorem*, that there is precisely one overriding factor at work in the natural-sociology of the phenomenon we have just discussed: curtailment and hindering of **civil liberty**. When a community imposes by force – whether by

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[2] In chapter 10, I alluded to the fact that high school students who visit me without their parents being present behave quite differently from those whose parents are escorting them about. What is the preeminent difference in behavior I see between these two cases? The young person who comes without his parents behaves precisely as one expects a mature (if inexperienced) *adult* would behave; the one who is in the tow of his parents behaves precisely like the stereotyped "teenage child" is expected to behave. I have found that, provided I can avoid being stereotyped by the teen as a parent or an authority figure, when I treat young people sixteen years of age and up like adults, that is *precisely* how they behave. My lower cutoff figure of sixteen years is due solely to lack of data with under-sixteen-year-olds: I do not have enough first-hand data to draw empirical conclusions about the younger age group.

means of a legal code or by means of social mores and folkways – the curtailment of civil liberty on a person who has already developed maxims and tenets that *establish* a Duty-to-himself to *require* liberty, that community can expect to be repaid in kind with reciprocated ***antibonding*** relationships.

Human beings are, at every age, Self-determining beings. Despite the numerous metaphysical defects in his thesis, Hobbes was correct to say, "The right of nature is the liberty each man has for the preservation of his own nature. By *liberty* is understood the absence of external impediments which may often take away part of a man's power to do what he would, but cannot hinder him from using the power left to him" [Hobbes (1651), pp. 79-80]. We might quibble that he should have said "liberty of nature" rather than "right of nature" (because, strictly, the former is correct and the latter is not), but his principal point is Critically true and of foundational import in the development of the individual human being's personal society and his personal moral code.

Hobbes was vague concerning his concept of "a man's power to do what he would," but we understand this with Critical correctness when we understand it to mean ***the power of a person*** in its four headings of

1. **Quantity:** the person's physical power, which subsists in the capacities of his body;
2. **Quality:** the person's intellectual power, which subsists in his knowledge, intelligence, and judgment;
3. **Relation:** the person's tangible power, which subsists in his stock of material personal goods, fungible skills, and his stock-of-time available to him for using them; and
4. **Modality:** the person's persuasive power, which subsists in his ability to sufficiently communicate his thoughts and ideas to other persons to thereby gain their consent, agreement or cooperation.

At this point, I will state a theorem of fundamental importance to the *Existenz* of Communities and societies. Most of what remains of this treatise is spent discussing this theorem and its significance for human social-Nature. The theorem is this: ***A human being makes a reciprocal Self-commitment to join in civil Community with others if and only if he judges that doing so is beneficial to his personal liberty in exercising, maintaining, and improving the power of his person***.

§ 2. The Critical Significance of the Power of a Person

Kant did not adequately develop the idea of the power of a person, but he did discuss those logically-essential marks that underpin its development. Why Kant himself did not go on from there to fully develop the thesis will likely remain a minor historical mystery. My own opinion is that Kant's theocentric bias – which caused him to commit his error in developing a deontological theory of *Sitten* (morals) and *Moralität* (morality) – caused him to overlook this Critical idea. Kant's theocentric bias does not so much show up in these logical marks as it does in the set of objectively non-valid precepts and maxims he drew from them, which Santayana quite correctly denounced a little over a century later as, "the minimal tenets of the most abstract Protestantism" [Santayana (1905), pp. 96-97].

One reason I hold this opinion is that Kant, uncharacteristically, committed a logical error in setting out these concepts. Rather than treating them by analysis, as the concept requires, in 2LAR form, he presented them instead in one of his divisions-of-three forms. With Kant, the latter form implies he is working to develop an idea of *synthesis*, which in turn implies he is trying to develop the idea as part of the transcendental Logic of human reasoning. That he followed this up with a list of very obviously Christian-centric maxims is a further clue to this. The result is a formal logic error belonging to the class Cicero criticized Epicurus for making:

> But how says our philosopher [Epicurus]? 'The desires are of three kinds, natural and necessary, natural but not necessary, neither natural nor necessary.' To begin with, this is a clumsy division; it makes three classes when there are really only two. This is not dividing but hacking in pieces. Thinkers trained in the science which Epicurus despised usually put it thus: 'The desires are of two kinds, natural and imaginary[3]; natural desires again fall into two subdivisions, necessary and not necessary.' It is a fault in division to reckon a species as a genus. [Cicero (45 B.C., a), II. ix. 26]

The headings of the power of a person are divided between outer forms (Quantity and Relation) and inner matters (Quality and Modality). This properly reflects Kant's fundamental division of the unity of duty (*Verpflichtung*) and obligation (*Obligation*) made in the theoretical Standpoint of Critical metaphysics. This unity is called **officium**[4]. Kant wrote,

> All Duties are either right-Duties[5] (*officia juris*[6]), that is, such that for which an outer lawgiving is possible, or virtue-Duties[7] (*officia virtutis s. ethica*[8]) for which such [a lawgiving] is not possible; – virtue-Duties cannot be subject to outer lawgiving simply because they go to a purpose which (or the having of which) is also a Duty. [Kant (1797), 6: 239]

In a civil Community, right-Duties are duties owed to *defined **civil rights*** held by each associate. In contrast and viewed deontologically, virtue-Duties are duties concerning ***civil liberties***. The Critical difference between civil rights and civil liberties is very important. No civil right is ever a civil liberty and no civil liberty is ever a civil right. These two terms can never be used as synonyms. Doing so leads to a great deal of trouble and conflict. I will discuss the distinction between civil right and civil liberty in more detail later.

If Kant had employed the self-discipline to subject his ideas to the same degree of piercing analysis as he had previously employed in *Critique of Pure Reason*, it is possible that he might have avoided the error in formal logic I refer to above. Unfortunately, he seems to have been absorbed in his noble but nonetheless transcendent Ideal of some universal "humanity" in every person – which is to say, with his noble Ideal of a single universal moral code innate in every person. This seems to have led him to devote much more of his attention to matters of virtue-Duty than to right-Duty. Consequently, when *Die Metaphysik der Sitten* was published he had already altered his treatment from analysis to precepts of synthesis. He wrote,

> Cultivation (*cultura*) of his natural powers (powers of intellect, powers of mind, powers of body) as a means to all possible ends is man's Duty to himself. Man is culpable to himself (as a natural being) not to leave his natural gifts and capacity unused and rusting, as it were, of which his reason might someday make use . . .
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> *Powers of intellect*[9] are those whose exercise is possible only through reason. They are creative so far as their use is not drawn from experience but rather derived *a priori* from principles. Such things are mathematics, logic, and the metaphysics of nature, of which the latter two are also included in philosophy, namely in the theoretical, which then does not mean wisdom, as the word itself would suggest, but only science, although the former can be conducive to [science's] purpose.

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[3] *inanes*. Cicero uses the word in the connotation of being to no purpose, vain, futile, or unprofitable. Thus this type of desire is one lacking in reality or real significance, hence "imaginary."

[4] From the practical Standpoint, *officium* is the unity of Duty (*Pflicht*) and Obligation (*Verbindlichkeit*). Kant derived his *officium* terminology from Cicero's *De Officiis*.

[5] *Rechtspflichten*

[6] "laws of unities of duty (*Verpflichtung*) and obligation (*Obligation*)"

[7] *Tugendpflichten*

[8] bounden duties of virtue or ethics

[9] *Geisteskräft*. Literally, "power of spirit."

> *Powers of mind*[10] are those which stand at the disposal of the needs of understanding and the rule it uses to satisfy its arbitrary aims, and because of this experience is their guide. They include memory, the power of imagination, and the like, on which can be built learning, taste (internal and external embellishment), and so forth, which furnish instruments for a variety of intentions.
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> Finally, cultivating the *power of body*[11] (gymnastics, strictly) is looking after what makes the equipment (the matter) in men, without which the purposes of men could not be fulfilled; hence the continuing and deliberate invigoration of the animal side of man is Duty of man to himself. [Kant (1797), 6: 444-445]

The powers of mind he describes here align with Modality in the 2LAR division of the power of a person. At first brush, it may not seem readily apparent that this has very much to do with the notion of a person's persuasive power. However, how does one persuade another person? Kant didn't say much about this, but Cicero, whose *De Officiis* Kant drew upon, did:

> As soon then as I have received my instructions and classed the case and taken the matter in hand, the very first thing I determine is that point to which I must devote all such part of my speech as belongs peculiarly to the issue and the verdict. Next I contemplate with the utmost care those other two essentials, the one involving the recommendation of myself or my clients, the other designed to sway the feelings of the tribunal in the desired direction. Thus for purposes of persuasion the art of speaking relies wholly upon three things: the proof of our allegations, the winning of our hearers' favor, and the rousing of their feelings to whatever impulse our case may require. For purposes of proof, however, the material at the orator's disposal is twofold, one kind made up of the things which are not thought out by himself, but depend upon the circumstances and are dealt with by rule, for example documents, oral evidence, informal agreements, examinations, statutes, decrees of the Senate, judicial precedents, magisterial orders, opinions of counsel, and whatever else is not produced by the orator, but is supplied to him by the case itself or by the parties. The other kind is founded entirely on the orator's reasoned argument. And so, with the former sort, he need only consider the handling of his proofs, but with the latter, the discovery of them as well. [Cicero (55 B.C.), II. xxvii. 114-117]
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> Under my whole oratorical system and that very readiness in speaking which Crassus just now lauded to the skies, lie three principles, as I said before: first the winning of men's favor, secondly their enlightenment, thirdly their excitement. Of these three the first calls for gentleness of style, the second for acuteness, the third for energy. For, of necessity, the arbitrator who is to decide in our favor must either lean to our side by natural inclination, or be won over by arguments for the defense, or constrained by stirring his feelings. [*ibid*., II. xxix. 128-129]

Kant's powers-of-mind described above do not go immediately to a person's mental capacities, such as judgment and imagination, but instead to *the application of their products* "which furnish instruments for a variety of intentions." This is what Cicero is describing to us in the quote above. The aims of the application are Modal: problematic in the rousing of feelings, assertoric in proofs, and apodictic in "winning the hearers' favor." This last one is apodictic in the context that once the hearer has made his own Self-determination, his following actions are Self-necessitated. Thus are Kant's powers-of-mind aimed at Modality in the power of a person.

Kant's powers-of-intellect are fairly evident, once one has the Organized Being model well in hand, and reflects the aphorism "knowledge is power." That this refers to Quality in the power of a person is likewise more or less trivially clear. So, too, it is with Kant's powers-of-body and its

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[10] *Seelenkräft*. Literally, "power of soul," but remember that Kant uses "soul" and "mind" synonymously.
[11] *Leibeskräft*. The word implies "physical might."

relationship to Quantity in the power of a person. Quantity and Quality in a 2LAR division always refer to composition, and it is fairly frequently found in Kant's metaphysics that notions of composition are more readily grasped than are notions of *nexus*.

But what about Relation? The person's tangible power would seem to be the odd-man-out in Kant's tripartite division. This, however, is because Kant presented and treated the issue of tangible *commercium* between individuals as a separate discussion topic:

> All *officia*[12], whether strict or broad Obligation, are – as said – either *interna vel externa*[13] *as to their form*, depending on whether an external legislation is or is not possible for them. The *interna juris stricti*[14] are all, as to form, Duties to oneself, which are strict because, even though no external legislation is possible, there is nevertheless an inner one (from Self-compulsion) because they are determined from the notion of freedom through the law of non-contradiction, and thus analytically, and thus are of the kind that they carry with them a necessity which also determines the action of Duty itself [Kant (1793-4), 27: 587].

Kant postponed that part of his lecturing pertaining to *juris externi*[15], which is where the division of Relation in the power of a person is encountered. When he finally did get to it, he treated it less casually than he had his *Leibeskräft* idea, but still rather obviously as a topic he appears to have felt that he had to treat only because of its empirical importance rather than because of its *homo noumenal* import. *Leibeskräft* and *juris externi* (Quantity and Relation) both pertain to aspects of man as *homo phaenomenon*. Kant tells us,

> Now the antithesis of inner right is outer right; insofar as the latter is grounded on compulsory or juridical Duties it belongs, indeed, not to ethics but to legal sanction; yet since all laws of right must also be observed out of a Duty to virtue, cognizance of *jus externum*[16] must likewise be a preparation for ethics. [*ibid*., 27: 594]

The introduction of the notion of "virtue" into the discussion must give us occasion for a brief pause. What, precisely, does Kant mean by "virtue"? The objective validity of this notion is wholly deontological. **Virtue** is **the individual's constant disposition (unwavering attention) to carry out his Duties**. That a person will, under normal circumstances, pay unwavering attention to his theoretically categorical Duties to himself is unsurprising. However, since Duty is merely the matter to which Obligation is the form, and the matter of all Duties is empirical, specific duties and obligations have only the force of an "ought to" and not the natural-force of a practical imperative in the manifold of rules. This is why the more constant and unwavering a person acts in fulfillment of Duties, the more virtuous the person is said to be. Deontologically, the notion of virtue is linked to the deontological idea of **merit**:

> Meritorious action or merit is the quality of an act whereby more good occurs than to which end the actor was responsible for under laws of right, or a law-abiding act yet such that the act could not have been compelled in the measure to which it actually took place . . . . An unmeritorious action – fault – on the other hand is a transgression of *Schuldigkeit*[17] in which less than what ought to occur is achieved. [*ibid*., 27: 558]

Consistently and reliably meeting one's *Schuldigkeit* is virtuous; acting above and beyond what

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[12] plural of *officium*.
[13] "inner or outer"
[14] "unities of duty and obligation one is bound to do by strict inner laws"
[15] "extraneous legal code."
[16] "extraneous legal sanction"; "extraneous" means "outside-the-person," i.e., sanctioned by *convention*.
[17] duty or obligation with a connotation of being responsible for carrying it out and with legitimate external culpability being attached to one's actions if one neglects it.

others could reasonably expect in fulfillment of *Schuldigkeit* is meritorious. Failing to properly carry it out or neglecting it is demeritorious. When a person makes a commitment to an external duty or obligation, he *grants a warrant* giving others, his pledgees, a *right to judge* his actions as meritorious or demeritorious because without such a warrant all external pledging is empty.

With these last few concepts we are edging up to the territory of terms and conditions of the Social Contract. The digression was needed to support the explanation of Relation in the power of a person, but we are not ready to surge forward into Social Contract territory quite yet. Before we can do this, we still have to Critically examine the relationship between the power of a person and how his actions are practically predicated in terms of it.

All that a person is capable of *attempting* is grounded in his **natural freedom**, and this is nothing more and nothing less than his innate capacity for Self-determination of appetitive power. All that a person is capable of *accomplishing* is founded upon his **natural liberty**, and this is *grounded* in the capacity of the power of his person. Now, the one thing uncompromisingly required by pure practical Reason is the actual accomplishment of equilibrium. Again, pure practical Reason is a cognitively dark and affectively cold process of *nous*. Its only interest is the satisfaction of the uncompromising demand of its formula for the master-regulation of all human non-autonomic actions, namely the practical categorical imperative of pure Reason, and this formula *commands* equilibration from actions. If the power of the person is not up to satisfying this demand of pure Reason, the adverse consequences for that person are severe. Consider the following somewhat lengthy hypothetical situation taken from theoretical psychology:

> Conflict may be thought of as a class of frustration, the class characterized by a pulling in two directions at the same time. . . . Conflict situations are frying-pan-and-fire situations, or donkey-between-bales-of-hay situations. . . . And this class of psychological situations underlies both major emotional upset and irrationality in everyday problem solving.

> Conflicts occur at all levels of personality and in all degrees of importance to the person. Some are minor. . . . Some conflict situations involve important central needs that appear to be inescapably opposed. . . . As with frustration, serious trouble arises from conflicts between intense central needs involving long-term critical goals where no satisfactory alternatives are visible. Such conflicts can be a real threat to personality. . . . Here is a nightmarish situation:

> Suppose I build a large cage and put you in it. Suppose you live in it for a long time and get used to it. This is home. Life is dull but not unbearable. You have a good bed and the food is good. But there is a peculiarity about the food. On the table in one corner of the cage is a box. The box has a cover. When you get hungry, you lift the cover and inside you find an attractive meal. So whenever you get hungry, you just open the box, take a few things you like, and let the cover close again. You eat and then you go over to your bed and take a nap.

> One day something happens. When you get hungry, you go to the box as usual. You reach out to lift the lid, but when your fingers hit it you get a strong electric shock.

> You draw back and rub your hand. You think about it for awhile. You decide it must have been static electricity and reach out again. This time you get another shock, one that seems more intense than the first. This upsets you somewhat, so you begin to look around to see if there is something wrong. You look for a plug or a wire you can pull out. You look for some rubber gloves. But you can't find anything that will do the job. Of course, you're not very hungry – yet.

> An hour later, you are hungrier, so you go over again. You say: "What the devil; so I'll get a little shock, so what?" You touch the cover, but the shock has now grown quite intense. It really hurts. You drop the lid in a hurry. You again sit down

on your cot and think for awhile. After twelve hours of this, with no food, you begin to get a little frantic. You begin to poke around the place, looking for the answer to the electrified box. You call for help. Nothing seems to work. You start seriously looking for a way out of the cage, something you haven't done since the first few days you were in it. You try to pull the bars apart, to break the lock, to crawl out. Nothing works.

You can smell the food in the box and your hunger begins to get desperate. You decide to risk it. You pull open the lid, get knocked back, but you still manage to reach in and grab a bit before you let the lid drop. You eat your morsel and go back to the cot to think the thing over again.

The situation goes on. As you get hungrier, the shock seems to get stronger. As you approach the box, driven by your hunger, you can almost feel the pain of the shock you'll get when you touch it. You manage to get enough food to stay alive, but instead of adapting to the shock you seem to get more sensitive to it.

What do you do?

The conflict here is an extreme one involving two basic, critical physical needs . . . There is no physical escape, and the needs increase in intensity with time. What, then, would happen?

Probably you would "go crazy." After some days of this, you would probably be huddled in a corner in a dazed and stuporous state. If we opened the cage and took you out, you would probably stay dazed and stuporous for a long time. . . . You're gone – even though you're alive and there's no specific physical defect. . . . Now suppose that we step inside your mind while you're in this stuporous state. What will we be likely to find? You may be off in some fantasy world. You may be the gourmet of gourmets, eating your way continuously through quantities of delicacies while in one fist you hold the only key to the master electric switch. You would be dealing with the conflict by escaping into unreality and fantasy. . . . Such behavior thus becomes, in a sense, reasonable behavior. It fits the view that the organism defends itself from intolerable attack and seeks to keep itself together. Cutting off one's communication with the real world in favor of a world of fantasy is a desperation measure for meeting intolerable conflict. It is not necessarily a healthy way of meeting it, but to a person at a particular time it may be the best available way. [Leavitt (1972), pp. 40-43]

The word "neurosis" has lately dropped out of favor with practicing psychologists and psychiatrists, but it seems an apt word to describe Leavitt's illustration. The Self-anesthetizing behavior he describes above has a surprisingly straightforward explanation in mental physics [Wells (2006), chap. 22, §3]. The explanation involves the judgmentation loop and the control through ratio-expression of the processes of apperception and reflective judgment.

There is no "conflict" that is greater, no crisis more severe for a human being than being unable to satisfy the unrelenting demand of the categorical imperative for equilibrium. Re-evaluation and accommodation of the manifold of rules in the motivational dynamic are how the human being seeks to meet this demand. His *ability* to do so depends entirely on the power of his person. Acting to practically perfect (make more complete) the power of one's person is the one innate, *homo noumenal* categorical **officium** of Critical Self-respect in relationship to one's personality. This is, deontologically, how-and-why Duties to Self are paramount in Self-determination.

It is also why a person willingly commits himself to reciprocal Duties and Obligations under a social contract when he does so. It is the original wellspring of all moral custom (*Sittlichkeit*). The primary practical issue that underlies the stability of civil Community arises because the members who choose to associate in such a Community do not necessarily or even very often share a

common understanding that this basic human factor, the incentive for individuals to increase and improve the power of their persons, is the principal force motivating social cooperation that makes their Community possible. Indeed, it is probably accurate to suppose that most people are barely or not at all cognizant of this, although all people are alert to and aware of anything that imminently decreases or threatens to decrease the power of their person.

§ 3. Liberty, Rights, and the Civil Community

A person living in a pure state of nature experiences the greatest scope of personal liberty in his free exercise of the power of his person. But at the same time, he lives in an environment of the greatest insecurity and in which life tends to be, as Hobbes put it, "solitary, poor, nasty, brutish, and short." We do not know when human beings first banded together to create any form of community more complex than a basic family or clan association. Indeed, we do not know even *if* that was in fact the first form of association. The event was prehistoric and for all we know the first form of human association might have been little different from that of a gang of chimpanzees or a troop of baboons. The simple fact is that we do not know when or where modern humans first appeared or anything whatsoever about the conditions they faced. It is not unreasonable to speculate that the first organized association of human beings might have been some sort of family unit, but that is only a speculation and we possess no evidence whatsoever to either confirm or refute it. All that can be stated to a significant degree of empirical confidence is that whatever else the earliest human social condition might have been, there probably was some form of strong bonding between mother and offspring for at least the first few years of the child's life. Even this we can say only with a limited degree of confidence. We know a prehistoric human infant could not survive without a caregiver but it is not certain that this caregiver would have necessarily been the infant's biological mother. It is possible that early human social organization forms could have included some that shared the caregiving tasks among several women because polygamy and polyandry social structures cannot be ruled out. Historian Will Durant wrote,

> We cannot properly estimate the achievements of prehistoric men, for we must guard against describing their life with imagination that transcends the evidence, while on the other hand we suspect that time has destroyed remains that would have narrowed the gap between primeval and modern man. Even so, the surviving records of Stone Age advances is impressive enough: paleolithic tools, fire, and art; neolithic agriculture, animal breeding, weaving, pottery, building, transport, and medicine, and the definite domination and wider peopling of the earth by the human race. All the bases had been laid; everything had been prepared for the historic civilizations except (*perhaps*) metals, writing and the state. [Durant (1935), pg. 102]

What we do know is that by the time the historical record begins human beings were already living in social communities, whether in the form of bands, tribes or civilizations[18]. It is also not difficult to state a postulate for a sufficient motive for this. Aristotle wrote,

> Every state is a community of some kind, and every community is established with a view to some good; for everyone always acts in order to obtain that which they think good. [Aristotle (date unknown), *Politics*, 1252[a]1]

Aristotle's word translated here as "community" was κοινωνίαν. Aristotle used the word in one connotation to mean "human society" but it also carries for him the connotations of "forming a

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[18] although, as Toynbee found and Durant admitted, the distinction between a "band," a "tribe" and a "civilization" is merely nominal. Ask yourself this: In what way is a band of Kalahari Bushmen *not* a civilization? Is it because no Bushman owns a Buick or a Smith & Wesson or an evening dress?

community" and "taking part in something" [Liddell & Scott (1996)]. Aristotle's *Politics* comprises part of what is arguably the first proposed theory of social-natural political science[19]. H. Rackham wrote,

> For Aristotle Political Science is the second half of a subject of which Ethics is the first half; indeed, in the opening chapters of *The Nicomachean Ethics* the term *Politiké* is applied to the whole subject. It is the science of human affairs, of man's happiness or good. This consists in a certain mode of life, and man's life is shaped by his social environment, the laws, customs and institutions of the community to which he belongs. Aristotle describes man in biological terms as 'by nature a political animal'; he only develops his capacities in society, rightly organized for his welfare. The aim of *Politiké* is to discover first in what mode of life man's happiness consists, then by what form of government and what social institutions that mode of life can be secured. The former question requires the study of man's *ēthos* or character, which occupies *The Nicomachean Ethics*; the latter is the subject of the constitution of the state, which is treated in *Politics*. *Politics* is a sequel to *Ethics*, the second half of a single treatise, although it bears the title that in the preface has been given to the whole subject . . . In Aristotle's whole scheme of science, *Politiké* belongs to the group of Practical Sciences, which seek knowledge as a means to action [Rackham (1932), pp. xvi-xvii].

The deeper questions are, of course, those that concern what it is precisely the individual seeks to develop by means of living in a Community and how that Community is "rightly" organized to secure this for each member. The first part of this has now been dealt with by the idea of the power of a person. An understanding of the second part must begin with examining the ways and means by which individuals make their Self-determinations to form any sort of Community with others. In this, it cannot be properly said that a child makes his own determination of this. He is born into a family of some sort or is placed in the hands of some caretaker if he has no family (and sometimes even if he does). He is neither given a choice in the matter nor is he, in infancy, capable of making a choice in the matter. Indeed, many years will pass before a child develops his mental capacities and his manifold of concepts to the point where he can conceptualize the notion that he can determine his own social situation. His first trial experiences, as noted earlier, come when he begins to associate with other children. It is accurate to say he takes his first steps into social-natural adulthood when the egocentric stage of rule-practice gives way to the cooperation stage and the moral realism stage of his cognizance of rules gives way to what Piaget called the stage of rule-cognizance.

This achievement marks a turning point in his life at which his actions now reflect in appearances the formulation of a tenet of Duty-to-Self that Hobbes first stated: "A man ought to be willing, when others are so too, as far forth as for peace and defense of himself he shall think it necessary to lay down his natural [liberty[20]] to all things and be contented with so much liberty against other men as he would allow other men against himself" [Hobbes (1651), pg. 80]. (By and large, Hobbes and many other writers frequently misuse the term "natural right" when the correct term, deontologically, is "natural liberty").

This brings us to the question of what, deontologically, the proper semantics of the term "right" must be. Speaking strictly, in the context of the state of nature the notion of a "right" is, deontologically, an empty notion (its object is non-real). Jefferson's magnificent poetry,

> We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with CERTAIN inalienable rights; that among these are life,

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[19] Unless we choose to regard the idealistic communism fancied by Plato in his *Politeia* (the title is commonly mistranslated as *Republic*) to be a work of science. If so, *Politeia* is not a natural science.
[20] Hobbes actually wrote "right" here, but that is deontologically erroneous terminology.

> liberty, and the pursuit of happiness [Jefferson (1776)]

is a sublime ideal but, deontologically, is scientifically quite meaningless. A person *is* alive, *has* natural liberties of action, and *will* pursue his own happiness as he thinks fit. These are not "rights" but are simply marks of being a human being in his aspect of *homo noumenon*. There is neither any scientific need nor any objective validity to hold that he is "granted" these powers by anything. *They are attributes of human Nature*. Kant wrote,

> Contentment with our entire *Existenz* is happiness; among human beings this also calls for physical causes, i.e., welfare. That happiness which is independent from physical causes is bliss. [Kant (1776-95), 18: 460]

The concept of "rights" has a *real* context only in the context of people living in Community with one another and so it is only within this context that the concept of "rights" has an actual object to go with the concept. What is this object? Kant notes that the word "right" has two usages and that these are homonymous:

> Right in general is an act so far as one is free with respect to it. But a right is the freedom through which the freedom of another is restricted: *jus quaesitum*[21]. *A natura*[22] all are free and only the acts that restrict the freedom of no one [else] are right. [Kant (*c*. 1764-1800), 19: 145]

When Hobbes or Rousseau refer to "natural rights" they are using the term in the first manner and so this must be taken to mean nothing other than that the person has the power to act in whatever context they are using the term within. Objectively, *a* right is an Object in the second connotation above, i.e., a communally sanctioned free act by which another's freedom-of-action (liberty) is lawfully curtailed. In this context, though, it is extremely important to note: *Your freedom is not restricted if you consent to the restriction* because it is your free choice to permit *your liberty* to be restricted. By giving this consent *you are making a pledge*. **This is the meaning implication inherent in the idea of any right.**

This meaning implication has additional logical consequences attending the idea of any right. Kant wrote,

> The idea of right, so far as it refers to an Obligation corresponding to it (i.e. the moral idea of it), concerns, *first*, only outer and indeed practical relationship of one person to another, so far as their acts, as facts, can have (immediate or mediate) influence on each other. But, *second*, it does not mean the relationship of choice to wish (hence also to mere want) of the other, as something in acts of charity or hard-heartedness, but solely to the *choice* of the other. *Third*, in this reciprocal relationship of choice comes no consideration at all of the matter of choice, i.e., of the purpose each has in mind with the Object he wants . . . but merely according to the form in the relationship of the choice on both sides so far as they are considered to be free, and whether the act of one in both cases can be joined with the freedom of the other according to universal law. [Kant (1797), 6: 230]

The universal law to which Kant refers is the mandate of the categorical imperative of pure practical Reason. The acts are joined if *both* persons make it a practical hypothetical imperative to consent to the act. What we have here is nothing else than a mutual exchange of pledges between individual persons whereby each binds himself to an Obligation. Each person has made a Self-commitment allowing some restriction to be placed on his natural liberty of action *but he agrees*

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[21] legally sanctioned gain or profit
[22] by nature

to this only because of the *quid pro quo* of some **jus quaesitum** whereby some claim of his to some benefit, gain or profit is said to now be *legally sanctioned* by the pact that has been made. **This is the primal act of social compacting**, its *primus motus* or "first movement."

This has social-natural implications for laws and social-natural legal systems as well as social-natural implications for governance of a Community:

> Rights [are divided as] systematic *doctrines* of *natural right*, which rests only on *a priori* principles, and *positive* (statutory) right, which proceeds from the will of a lawgiver.
>
> Rights, as (moral) *capacities* to bind others (that is, as a lawful ground for doing so, *titulum*[23]), is the highest division into *innate* and *acquired* right; the first is that which comes to everyone by nature independently of any juridical act; the second is that for which such an act is required. [Kant (1797), 6: 237]

More specifically,

> All laws of right, i.e. rights against others, have the ground of determination solely in freedom, hence in the form of acts, i.e., in those determinations under which all acts must be set up to reach any possible end.
>
> They never, therefore, act to take into consideration objective conditions of the matter of laws or the universal purpose of happiness as is the case with ethical laws, which have as their purpose all the well-being that is possible to man. . . . Hence all such laws of right are also nothing else but laws of freedom because they conform to the universal law of freedom. All commands of a sovereign must be so determined that by the measure of universal freedom no loss of the freedom of any subject happens thereby. Should it take place that laws of right take into consideration the principle of happiness, it would then be inevitable, because this is subject to such infinitely varying determination by men, that those bound [by the law] would lose their freedom, and be curtailed, in that it would then be left to the choice of another just as his plan of happiness might demand [Kant (1793-4), 27: 532]

All legal codes and all specific legal contracts, if they are *civil*, aim at codifying in specific terms the civil rights held by individual members of the Community. In order for any civil right to be *a deontologically actual right*, every civil right is conjoined with some restriction of *natural* liberty and accompanied by some specification of *civil* liberty that replaces the foregone natural liberty. All legal systems, again if they are civil, are purposive institutions standing on moral grounds for their *Existenz* that come from the deontological foundation of social compacts. The words civic and civil are closely related to each other, but there is still an important distinction between their Objects. **Civic** is an adjective pertaining to and only to the individual citizen in a society. **Civil** is an adjective pertaining to the whole Community of citizens. These are the deontological meaning implications for civic and civil, and the distinction is a social-naturally crucial one. It is also a distinction that the greater majority of Americans today appear to not understand[24]. I find this to be a rather chilling situation because the very possibility of any

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[23] legal heading under which an action, procedure, etc. is sanctioned

[24] As late as 1967, many public schools included as part of their curriculum of instruction at least one class bearing the title of "Civics." This practice has since disappeared in American public education. It might be argued that this is just as well because by 1967 most such classes had become nothing other than summary instruction concerning how the government of the United States and the several states were organized. This should properly be called "Civils" rather than "Civics." Instruction in civics is properly *instruction pertaining to the rights, duties and obligations of being a citizen*. The disappearance of civics education from American public schools has had a consequence that in retrospect is not the least surprising. Over the past several years, I have conducted surveys with dozens of undergraduate college students whose ages fall

deontologically moral society utterly depends on its citizens possessing this understanding.

Although the codification of civil rights is always accompanied by restrictions on natural liberties, and that these restrictions are often specific, what civil liberties are gained in exchange is an important piece of the picture that is often left vague and undefined. Many people presume a kind of default, i.e., "if it is not-forbidden then it is permitted." The world of business and commerce frequently behaves in manners that reflect this default. Epistemologically, however, this is an incomplete set. There are in fact three *momenta* of Quality that must be considered: the expressly-permitted; the expressly-forbidden; and the not-expressly-permitted-or-forbidden.

There are many situations where this lack of clarity does not raise up subsequent problems – indeed, it is often the case that attempting to utterly clarify every possibility *a priori* leads to more (and more serious) problems and issues than would arise if the matter had been left comfortingly vague. But it is also frequently the case that lack of clarity leads to serious subsequent problems. Such is the case, for example, when **civic duties** are left in an only vaguely implied state. The Qualities of codification listed above are expressions and non-expressions that stand under Kant's moral categories of Modality: (1) the permitted and unpermitted; (2) Duty and what is contrary to Duty; and (3) perfect Duty and imperfect Duty. These were discussed in chapter 6. Unclarified civil liberties often gradually become folkways; less often they sometimes become mores. But it is also true that unclarified civil liberties claimed by some but not by all the people in a civil Community often lead to civil strife. Toynbee correctly noted,

> It is evident, then, that whenever the existing institutional structure of a society is challenged by a new social force, three alternative outcomes are possible: either a harmonious adjustment of structure to force, or a revolution (which is a delayed and discordant adjustment) or an enormity[25]. It is also evident that each and all of these three alternatives may be realized in different sections of the same society . . . If harmonious adjustments predominate, the society will continue to grow; if revolutions, its growth will become increasingly hazardous; if enormities, we may diagnose a breakdown [of that society]. [Toynbee (1946), pg. 281]

Kant lays before us a deontological principle that is of foundational importance and concerns what is necessary for the possibility of the real *Existenz* of the Object in all acts of social compacting. This Object is called a civil Community. A civil Community is an association under a civil convention of persons having common civil rights and common civil liberties with a common system of governance. A **civil convention** is **a form of association which will defend and protect with the whole common force the person and goods of each associate and in which each, while uniting himself with all, may still obey himself alone and remain as free as he was before joining the association**. In this *Realerklärung* you may recognize Rousseau's own words. A **civil liberty** is **a liberty of action bound by deontological obligation to participate as a citizen in a civil Community**. A **civil right** is **any object defined by a civil convention that is regarded under that convention as an intangible property possessed by every member of the civil Community as an expected benefit of citizenship in that Community**. Possibly it is unnecessary for me to remark at this point that a necessary condition for the practical *Existenz* of a civil right is a common social contract entered into by every citizen.

It will be necessary to discuss in more detail the notion of the term "property" just now used.

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within the normal range for American college students. *Not one single student has known what the word "civics" means and those who venture a guess as to its meaning guess it has something to do with the government*. My surveys have included top students from 25 out of the 50 U.S. states.

[25] Toynbee defines an enormity as that which is taking place when the established institutions of a society repress and infringe upon the liberties of its members. He defines a revolution as that which is taking place when the members of a society violently overthrow or seek to overthrow its existing institutions.

Specifically, we will require a deontological *Realerklärung* for this context of "property." However, that discussion can be and is postponed for yet awhile. Of more immediate pertinence is the idea of a civil convention. All moral customs and all legal codes are products of convention and nothing else whatsoever. This is certainly not a new idea. Montesquieu wrote,

> Besides the law of nations relating to all societies, there is a polity or civil constitution for each particularly considered. No society can subsist without a form of government. "The united strength of individuals," as Gravina[26] well observes, "constitutes what we call the body politic." . . .
>
> The strength of the individuals cannot be united without a conjunction of all their wills. "The conjunction of those wills," as Gravina again very justly observes, "is what we call the civil state."
>
> Law in general is human reason, inasmuch as it governs all the inhabitants of the earth: the political and civil laws of each nation ought to be only the particular cases in which human reason is applied.
>
> They should be adapted in such a manner to the people for whom they are framed that it should be a great chance if those of one nation suit another.
>
> They should be in relation to the nature and principle of each government: whether they form it, as may be said of politic law; or whether they support it, as in the case of civil institutions.
>
> They should be in relation to the climate of each country, to the quality of its soil, to its situation and extent, to the principal occupations of the natives . . . they should have relation to the degree of liberty which the constitution will bear; to the religion of the inhabitants, to their inclinations, riches, numbers, commerce, manners, and customs. In fine, they have relations to each other, as also to their origin, to the intent of the legislator, and to the order of things on which they are established; in all of which different lights they ought to be considered. [Montesquieu (1748), pp. 6-7]

It is not a vain honorific when the 18th century is called "the Age of Enlightenment." While Montesquieu was primarily concerned with the "big picture" of nations and governments, we must not overlook his remark that "inclinations, numbers, manners and customs" must be taken into consideration. Not to put it too baldly, but this means the general applications extend all the way down to that most commonplace of social institutions, the *friendships* between individuals. Friendship is a particular form of social compact and while its governance is far, far looser than that of, say, the state of Texas, each friend is nonetheless bound by some code of friendship – whether spoken or unspoken – that governs through notions of duties and obligations the Nature of the friendship relationship. Without these one does not have friends but merely acquaintances.

Montesquieu's restriction in the third paragraph above is an illusory restriction because *all* laws and social customs of every type and at every level are particular cases in which human reason is applied. Any act, even if it is only an act of thought, that codifies terms and conditions pertinent to bonding relationships among our social atoms is a "law" in Montesquieu's "spirit of laws." Any making of reciprocal tenets of duties and obligations is in this context "an act of legislation" and the persons so forming such tenets are acting as legislators. In the case of simple friendship, the form of governance is nothing else than ***consensus democracy***. Here the idea of democracy *is a stronger form of democracy than the manner in which the ancient Athenians* used the term *dēmokratia*. Something that most modern Americans do not know is that ancient Athenian democracy bore hardly a slight resemblance to what we popularly call "democracy" today. With only a few professional exceptions, Athenian officials *were not elected*. They were

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[26] Gravina was an Italian poet and jurist who lived from 1664 to 1718.

selected by drawing lots and it was the duty of the person whose name was drawn *to serve his fellow citizens for one year* in whatever capacity was object of the lottery. In the terminology of the U.S. general government, this is not *election* but, rather, *selective service* (i.e., "the draft"). The persons selected were, in a manner of speaking, the *losers*, not the winners, of the Athenian political lottery because they were temporarily not at civil liberty to exclusively pursue their own affairs. In ancient Athens, dereliction of or incompetence in performing one's prescribed public *Schuldigkeit* could get the transgressor hanged or exiled [Durant (1939), pp. 254-267].

Consensus democracy is almost never so stringent in enforcement. It is typically strictly limited to friendship situations and the maximum penalty for malfeasance-of-friendship usually goes no further than the breakup of the friendship. It rapidly becomes impractical to extend consensus democracy beyond the circle of more than just a few individuals. Somewhat ironically, one of the more enduring larger-scale historical examples of consensus democracy was exhibited by the practices of Caribbean pirates in the 16th to 19th centuries. Consensus democracy usually cannot be sustained above the population level of a very small village, although some Native American cultures appear to be or might have been exceptions to this.

What Kant specifically pointed out in the earlier quote was that the basis and foundation of all this is the *homo noumenal* character of individual persons. The laws that any civil Community can set down, and the moral customs any civil Community can expect its members to observe, are limited by a fundamental factor, namely, that *by the measure of universal freedom no discrimination in loss of liberty by any member-person happens* in consequence of a specific law or a specific moral custom. It is not necessary for the possibility of the *Existenz* of a civil Community that there be no mistakes made in the Community's peculiar legislations of legal and moral convention. From time to time every person perpetrates mistakes. The damage to a civil Community does not occur from mere perpetration of a violation of the social compact. The damage occurs when such mistakes are *perpetuated*. Perpetuation of a violation of the above-stated fundamental factor is a violation of a *condition* required by a person as a ground for his agreement to make his *commitment* to the social compact. It is one of the roots of what Toynbee termed an "enormity." When the violation is perpetuated, the *condition* for the social compact is unmet and *this morally frees the person from his pledged obligation*. We will be calling the person's recanting of his obligation on this ground **moral secession from the Community**. The act of moral secession is the sole manner by which a citizen of a civil Community can revert to the status of *outlaw* (rather than enter the status of *criminal*) in his mutual relationships with other members of the Community. In Toynbee's terminology, the state of a moral secessionist geographically embedded within a Community is said to be that of **Toynbee proletariat**:

> [The] principal and essential challenge [that is unmet by a disintegrating civilization] was a human challenge arising out of [people's] relationship to the society to which they were affiliated. This challenge is implicit in the relationship itself, which begins with a differentiation and ends in a secession. The differentiation takes place . . . when that society begins to lose the creative power through which . . . it had at one time inspired a voluntary allegiance in the hearts of the people . . . When this happens, the ailing civilization pays the penalty for its failing vitality by being disintegrated into a dominant minority . . . and a proletariat (internal and external) which responds to this challenge by becoming conscious that it has a soul of its own and by making up its mind to save its soul alive. The dominant minority's will to repress evokes in the proletariat a will to secede; and a conflict between these two wills continues while the declining civilization verges towards its fall, until, when it is *in articulo mortis*[27], the proletariat at length breaks free from what was once its spiritual home but has now become a prison-house and finally a City of Destruction. [Toynbee (1946), pg. 77]
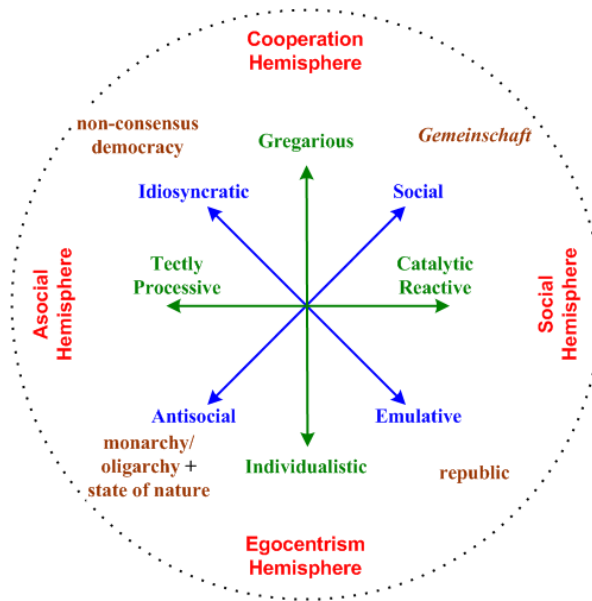
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[27] "at the point of death"

Figure 11.1: Circumplex model of governance quadrants and the personality styles most suited to them.

§ 4. Personality and Governance

§4.1   Governance and Its Context in Political Science

From the judicial Standpoint of Critical epistemology, ***governance* is *a set of co-determining emotivity operationalizations that characterize leader-follower dynamics purposively aimed at maintaining and perfecting a relationship of civil Community among a group of persons***. This is not the usual explanation associated with the idea of "governance," but it is a *Realerklärung* that addresses the *behavioral* ground in terms of our fundamental social atom. Other objects are said to *exemplify* "governance" of a Community from the *theoretical* Standpoint of epistemology.

The most typical context of governance is found in political science. James Madison wrote,

> But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, no controls on government, internal or external, would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. [Hamilton *et al.* (1787-8), no. 51, pg. 288]

From the viewpoint of Critical epistemology this is indeed a prescient observation. The perennial issues that all formal *institutions* of government have faced throughout history have their point of origin from the judicial character of human civic interactions. Beyond the level of simple friendship it might well be true that no person has ever been entirely satisfied with the manner of governance he encounters in his social environment because different personalities find different forms of governance more comfortable or pleasing. Figure 11.1 illustrates in circumplex form the relationship between habitual personality styles and the major historical forms of social governance most amenable to those personality characteristics.

One of its most prevalent consequences of the judicial character of phenomena of governance is something long-noted by social-natural political scientists from Aristotle to Mill. This is that there is no ideal one-size-fits-all form of government best suited for every association of people

whatsoever. Mill put it this way:

> Let us remember, then, in the first place, that political institutions . . . are the work of men; owe their origin and their whole existence to the human will. Men did not wake on a summer morning and find them sprung up. . . . In every stage of their existence, they are made what they are by human voluntary agency. . . . On the other hand, it is also to be borne in mind that political machinery does not act of itself. As it is first made, so it has to be worked, by men, and even by ordinary men. It needs not their simple acquiescence but their active participation; and must be adjusted to the capacities and qualities of such men as are available. This implies three conditions. The people for whom the form of government is intended must be willing to accept it, or at least not so unwilling as to oppose an insurmountable obstacle to its establishment. They must be willing and able to do what is necessary to keep it standing. And they must be willing to do what it requires of them to enable it to fulfill its purposes. . . . They must be capable of fulfilling the conditions of action, and the conditions of self-restraint, which are necessary either for keeping the established polity in existence, or for enabling it to achieve the ends, its conduciveness to which forms its recommendation. The failure of any of these conditions renders a form of government, whatever favorable promise it may otherwise hold, unsuitable to the particular case. [Mill (1861), pp. 3-4]

The second condition is why one-size-fits-all doesn't work. Mill is correct in his identification of those three conditions but identifying them correctly is not sufficient for either forming or maintaining a civil Community. Aristotle held that there were three "right forms of administration of governance," which he called kingship or office-of-the-archon (*basileían*), administration by rule-of-the-best-born or aristocratic rule (*àristokratían*), and free commonwealth or republican (*politeían*)[28]. Aristotle also held that all three forms can become what he called "deviant" forms. He named these tyranny (the deviant form of kingship), oligarchic (the deviant form of aristocratic rule), and democratic (the deviant form of free commonwealth) [Aristotle (date unknown), *Politics*, Bk. IV. ii. 1 (1289^{a}26)]. All in all, then, Aristotle recognized six species of governance illustrated by figure 11.2 in circumplex form.

Montesquieu divided up the idea of governance differently. He wrote,

> There are three species of government: republican, monarchical, and despotic. In order to discover their nature, it is sufficient to recollect the common notion, which supposes three definitions, or rather three facts: that a republican government is that in which the body, or only a part of the people, is possessed of the supreme power; monarchy, in which a single person governs by fixed and established laws; a despotic government, that in which a single person directs everything by his own will and caprice. . . . When the body of the people is possessed of the supreme power, it is called a democracy. When the supreme power is lodged in the hands of a part of the people, it is then an aristocracy. [Montesquieu (1748), pg. 8]

Montesquieu's division is rather clumsy, although he had a significant influence on the framers of

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[28] Traditionally this third form tends to get translated into English as "constitutional government" although it is unclear why. Perhaps the translators were exclusively preserving the word "republic" for the traditional mistranslation of Plato's *Body Politic* (*Politeía*, a work that endorses not one republican concept)? Perhaps the word "republican" simply isn't very popular with English academics? Most of the revolutions against English rule that have occurred in history (with the notable exceptions of India and Pakistan) have, after all, been carried out by rebels calling themselves "republicans." Perhaps in Europe the word "republic" has too much of a French connotation? Whatever the answer might be, since Aristotle held that all three right forms could be constitutional, the traditional mistranslation is more or less blatant. It is a sort of illustration of the way languages evolve, as well as a reflection of modern times, that present day English-Greek dictionaries translate both "republic" and "democracy" as *demokratía*.
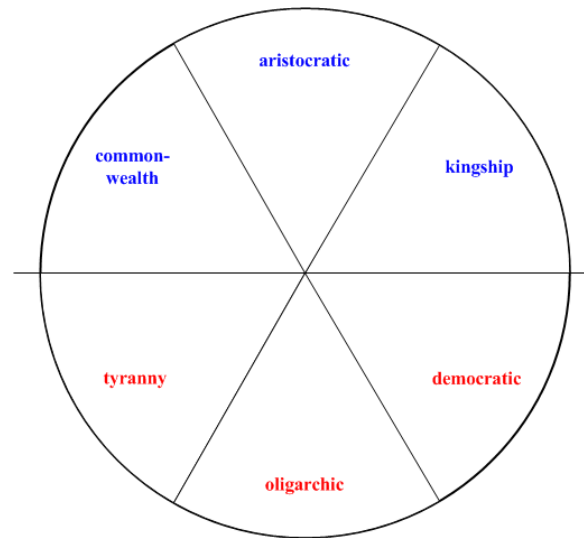
Figure 11.2: Aristotle's circumplex of forms of governance.

the U.S. Constitution. He is one of the few political thinkers of any era to make democracy and aristocracy subspecies of the notion of a republic. James Madison in particular strongly disagreed with this notion, as did Rousseau. Montesquieu's qualifier that a monarch governs "by fixed and established laws" meant, he tells us, that the king has ministers, a parliament, a privy council, or some other such hierarchy of underlings who take care of the details and codify his rulings into laws. If a single supreme ruler omits this organizational understructure, or sets up some body of sycophants who merely rubber-stamp his edicts, thereby presenting the facade of monarchy, then his governance is what Montesquieu calls "despotic" governance. This is a rather artificial division, however, because it is in practical terms effectively the same thing as an *incompetent* monarchy. I suspect Cicero would have enjoyed ripping Montesquieu's classification into pieces. Of course, Aristotle's bipolar classification can also be regarded as competent vs. incompetent kingship, competent vs. incompetent aristocracy, and competent vs. incompetent commonwealth.

Rousseau made a simpler two-fold division of forms of governance. On the one hand, there was a moral form of governance in which sovereignty was vested in all the members of the civil association, and this he called a republic. On the other hand, there was every other form, all of which shared the common traits that rulership lay in the hands of a few who dominated a majority by force or threat of force (Toynbee would later call this group the dominant minority), and all of which were amoral. Without actually using words that would have been actively treasonous in the eyes of the European monarchies of his day, it was rather clear that Rousseau was suggesting that every government in the Europe of his day be overthrown and replaced by republican government (an implication clear enough to make him a *persona non grata* in the eyes of every European monarch and royalist). The problem with Rousseau's thesis was that its entire basis was founded on a transcendent notion he called "the general will." It is easily seen that his arguments trying to define "the general will" were specious and objectively invalid. Rousseau's proposal for how to determine this "general will" was by means of democratic voting whereby the majority was supposed to present the "true general will" of the body politic. However, the restrictions that had to be placed on this process in order for it to actually measure and gauge "the general will" were ridiculously impractical and unworkable. Nonetheless, out of this confused and thoroughly non-social-natural notion eventually grew, through a movement called populism, what Mill later called "representative government." Many people today call this "representative democracy," which, deontologically, is a form of governance that in the best circumstances is the unjust rule of a minority by a majority and in practice finally ends up as the unjust rule of the majority by a

minority. Thus arises Toynbee's condition for disintegrating civilizations. Such is currently the case in the United States where there are two dominant political parties (what Madison excoriated as "factions"), neither of which presently recruit the allegiance of more than about one-third of the American public. At the time this is being written, the social-natural environment in the U.S. has evolved (or, as I prefer, *devolved*) into a state predicted two centuries ago by John Adams:

> National passions and habits are unwieldy, unmanageable, and formidable things. The number of persons in any country who are known even by name or reputation to all the inhabitants is, and ever must be very small. Those whose characters have attracted the affections as well as the attention of a whole people acquire an influence and ascendancy that is difficult to resist. . . . In elective governments, where first magistrates and senators are at stated intervals to be chosen, these, if there are no parties, become at every fresh election more known, considered, and beloved by the whole nation. But if the nation is divided into two parties, those who vote for a man become more attached to him for the opposition that is made by his enemies. This national attachment to an elective first magistrate, where there is no competition, is very great. But where there is a competition, the passions of his party are inflamed by it into a more ardent enthusiasm. If there are two candidates, each at the head of a party, the nation becomes divided into two nations, each of which is, in fact, a moral person as much as any community can be so, and are soon bitterly enraged against each other. [Adams (1790), pg. 362]

If there is fault to be found with Adams' prediction, it is that the division is not into two nations but, rather, into three: one for each party and one more (currently about one-third of the citizens of the United States) who thoroughly dislike both parties and have withdrawn to form a Toynbee proletariat. When non-consensus democracy in the United States[29] falls, the spark will issue from this third nation. It is merely a question of if this fall will come through Toynbee's harmonious adjustment or through revolution. The first will preserve, the second will destroy the nation.

Something these divers theories share in common is the error of ignoring Bacon's warning to

> not then add wings, but rather lead and ballast to the understanding, to prevent its jumping or flying, which has not yet been done; but whenever this takes place, we may entertain greater hopes of the sciences. [Bacon (1620), Bk. I, civ, pg. 83]

With this in mind, let us examine the circumplex model of figure 11.1.

§4.2   *Gemeinschaft*

Why are there so many different models put forward by different scholars as to the proper classification of the idea of "government" into species and divisions? One reason, of course, is that the presumptive metaphysics ("the way one looks at the world") employed by each writer is

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[29] The United States is no longer a republic in the connotation of this idea as it was understood by the delegates to the Constitutional Convention in 1787 [Hamilton *et al*. (1787-8), no. 10, pp. 51-59]. The framers of the U.S. Constitution thought that they had provided adequate safeguards to prevent this new form of government from becoming corrupted by party factions. Unfortunately, they could not foresee that in only a few brief years technology would develop that would eventually overwhelm those natural safeguards they had provided for it. Nor did they foresee that in time a flood of European political theories of representative democracy (primarily from Great Britain, France and Germany) would take hold in America after 1812 (when the Industrial Revolution began in America) and gradually re-colonize the United States, recasting it in a hybrid European political mold. The American republic began a slow devolution into representative democracy early in the 19th century and the process was greatly accelerated by the civil war of the 1960s and 70s. Today that devolution is complete. Our so-called Republicans are republicans in name only (RINO) and our so-called Democrats are not-even-in-name republicans (NEINR).

ontology-centered. Another is that each of the men we have just looked at for examples regarded the topic of "government" only from the practical Standpoint of Critical epistemology. From the practical Standpoint, *governance* is *the exercise of authority in management and administration of an organization*. The phenomenon of governance underlies the very notion that any group of people "form an organization," and it is an important part of that vital human social dynamic called **leadership** [Wells (2010)]. But this phenomenon has its transcendental point of origin in the *homo noumenal* aspect of being-a-human-being. Leadership and governance are man-made phenomena and so we must look to the Nature of the social atom to understand the phenomena. In this aspect of being a human being the *Realerklärung* of governance can *only* be viewed from the judicial Standpoint and this is where explanations of its causal character are found.

This character is immediately connected with the habitual rituals and satisfying maxims of behavior each person Self-develops and which, for that person, practically define what we usually call the person's "comfort zone." In analyzing this across the spectrum of individual differences, the Critical mathematics of set membership theory is our formal tool for defining major divisions of species of governance. This is what figure 11.1 illustrates and our formal analysis at the second level of analytic representation gives us four distinguishable species with transitioning rather than crisp boundaries. We will begin with the species called *Gemeinschaft*.

The idea of *Gemeinschaft* was introduced into sociology by German sociologist Ferdinand Toennies (1855-1936). In non-technical language, *Gemeinschaft* can be translated into English as "community," but Toennies' usage of the term was technical. Sociologists today tend to keep the word in its German form, much as psychologists retain the use of the word *Gestalt* in psychology. Toennies drew a distinction between "community" as *Gemeinschaft* and a technical context of the word "association" he called *Gesellschaft*. Sociologists use *Gemeinschaft* merely descriptively:

> Societies characterized by *Gemeinschaft* relations are homogeneous, largely based on kinship and organic ties, and have a moral cohesion often founded on common religious sentiment. These relationships are dissolved by the division of labor, individualism and competitiveness; that is, by the growth of *Gesellschaft* relationships. Whereas Toennies regarded *Gemeinschaft* as the expression of real, organized life, *Gesellschaft* is an artificial social arrangement based on the conflict of egoistic wills. [Abercrombie *et al.* (2006)]

Division of labor refers to Adam Smith's economic theory. Individualism is not a well-defined concept in sociology but its usages imply idiosyncratic independence and a lack of cooperation. **Gemeinschaft** is *governance of a Community through loosely organized cooperations by groups of individuals on specific matters of direct interest to them, and in which cohesion of governance is primarily reliant upon citizens' civic conformity to Community mores and folkways*.

Toennies' theory contains a number of important points to be retained. However, the theory is inadequate overall to suit the purposes of social-natural sociology. Toennies' personal pseudo-metaphysics was markedly influenced by the gloomy philosophy of Schopenhauer and misguided by the glandular spoutings of Nietzsche (the Ayn Rand of his day). It is ontology-centered and is based on some objectively non-valid pseudo-metaphysical prejudices. We must instead view the idea of a *Gemeinschaft* social environment from the perspectives of mental physics.

This environment is one that describes rather well the typical social environment associated with very small towns and villages. For example, I was born and grew up in a little *Gemeinschaft* town in Iowa named Maquoketa[30]. Fifty years ago the population of Maquoketa numbered around six thousand people, and this number is likewise its population today. The faces there have changed over the decades, but the flavor of Community life in Maquoketa is largely the same

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[30] Probably Maquoketa's chief claim to fame, if it is regarded as having one, is that it was also the boyhood home of the 1923 Nobel laureate in physics, Robert Millikan. The high school diploma also began there.

today as it was when I was a boy.

The social environment of Maquoketa is well described by two features that in Toennies' theory are more or less in conflict. First, it is accurate to say that people in Maquoketa exhibit a more or less pronounced degree of individualism in a context that is well captured by the aphorism "live and let live." Some people there are financially better off than others but no one there visibly lives in such a way as to be called upper class or wealthy in the typical connotations of those words. About one in eight of its people have incomes at or below the currently defined U.S. poverty line. The town presents an appearance that is about as close to what some social theorists like to call a "class-free society" as one is likely to ever encounter in experience. By and large, Maquoketans tend to mind their own business and expect you to do the same.

Second, the social dynamics in the town exhibit a relatively high level of what is often called "community spirit" and which is a character of life one finds notably absent from, or present only to a minute degree in, the urbanized environments of both northern and southern California. People in Maquoketa can be accurately described as friendly and cooperative with each other, but this doesn't mean everybody loves everybody else in Maquoketa. There are individuals there who simply don't like particular other individuals living there, but this dislike does not prevent them from peacefully living side by side. People there by and large willingly and quickly pitch in to help one another when circumstances seem to call for it. The town is not characterized by predominant close kinship ties, nor are the people there bound together by a common religion (other than in the very loose sense that those people living there who are active in their churches belong, in great majority, to one or another of several Christian sects). Maquoketa is a stable *Gemeinschaft* community that defies Toennies' over-generalization that such communities are bound together by kinship and/or religious commonalities.

The political governance of the town almost precisely mirrors what Tocqueville observed in the townships of New England in the early 19th century:

> Nothing is more striking to a European traveler in the United States than the absence of what we term the government, or the administration. Written laws exist in America, and one sees the daily execution of them; but although everything moves regularly, the mover can nowhere be discovered. The hand that directs the social machine is invisible. . . . The Revolution in the United States was the result of a mature and reflecting preference for freedom, and not of a vague or ill-defined craving for independence. It contracted no allegiance with the turbulent passions of anarchy, but its course was marked, on the contrary, by a love of order and law.

> It was never assumed in the United States that the citizen of a free country has a right to do whatever he pleases; on the contrary, more social obligations were there imposed upon him than anywhere else. No idea was ever entertained of attacking the principle or contesting the rights of society; but the exercise of its authority was divided, in order that the office might be powerful and the officer insignificant, and that the community should be at once regulated and free. [Tocqueville (1836), pp. 70-71]

Maquoketa is administered by a mayor-and-city-manager system with an elected town council. It has a police department and a volunteer fire department. There is an unelected Junior Chamber of Commerce that has no constituted political power but does exercise an influence on life in the town. Most people in Maquoketa probably could not tell you precisely what the mayor does and I have never heard of one instance when the mayor has been called "His Honor" by anyone. Many people there likely could not tell you the name of the current city manager. It has a school board and a few other official bodies (Maquoketa is a county seat). If an elected city official were to do, or not do, anything that really attracted a great deal of public attention, he probably wouldn't be a city official after the next election. Something else that Tocqueville wrote quite accurately

describes the governance environment of Maquoketa:

> In America not only do municipal bodies exist, but they are kept alive and supported by town spirit. The township of New England possesses two advantages which strongly excites the interest of mankind: namely, independence and authority. Its sphere is limited indeed, but within that sphere its action is unrestrained. . . . It is to be remembered, too, that the affections of men generally turn towards power. Patriotism is not durable in a conquered nation. The New Englander is attracted to his township not so much because he was born in it, but because it is a free and strong community of which he is a member, and which deserves the care spent in managing it. . . .

> In the American townships power has been distributed with admirable skill, for the purpose of interesting the greatest possible number of persons in the common weal. Independently of the voters, who are from time to time called into action, the power is divided among innumerable functionaries and officers, who all, in their several spheres, represent the powerful community in whose name they act. . . .

> The American system, which divides the local authority among so many citizens, does not scruple to multiply the functions of the town officers. For in the United States it is believed, and with truth, that patriotism is a kind of devotion which is strengthened by ritual observance. In this manner the activity of the township is continually perceptible; it is daily manifested in the fulfillment of a duty or the exercise of a right; and a constant though gentle motion is thus kept up in society, which animates without disturbing it. [*ibid.*, pp. 66-68]

If we were to anthropomorphize Maquoketa, all these characteristics are characteristics the Wilson classification system calls the *Amiable* personality style. Stable, durable *Gemeinschaft* governance of a civil Community is solidly founded upon behaviors and attitudes of its citizens that reflect the interpersonal behaviors of the Amiable personality style. However, it would be an egregious and presumptive error to think the *Gemeinschaft* characteristics of Communities like Maquoketa are simply the fortuitous accident of having everyone born there born an Amiable. This simply isn't true. The town has its share of people who exhibit all four social styles. What, then, holds this little town and others like it together with such stability and durability?

The clue is provided by that other empirical phenomenon characterizing Maquoketa: the stability of its population size. For five decades, the population of Maquoketa has stuck at six thousand persons, give or take about a hundred, and has never either swelled significantly above this level or shrunk significantly below it since the 1950s. Why is this? The answer is that while children are born there at a rate more or less equivalent to national statistics, the death rate is more or less the average for the U.S., and that new people move there from elsewhere from time to time, it is also true that many people *move away* too, most notably young people upon reaching the legal age of majority. The pertinent social-natural questions here are *who?* and *why?*

No formal studies that I know of have ever been carried out to address these questions, but I can offer a pertinent observation. It is based on who does and does not now live in Maquoketa who did live there when I did. The sampling group is composed of my childhood peers, people who, in that small-town environment, I knew well enough to analyze. My baseline observation is this. Those who are still Maquoketa residents are people I knew as Amiables, *higher-versatility* Drivers, Analytics and Expressives, and a few lacking sufficient *Personfähigkeit* to be able to leave. Those who are still living but are no longer there are people I knew as *lower-versatility* Drivers, Analytics and Expressives. There are a few exceptions to this, primarily occurring through marriage or economic dislocation, but by and large these seem to be the main factors.

It is in this sense that a technical term coined by Toynbee can be applied to *Gemeinschaft* Maquoketa and other towns similar to it. This term, I am almost certain, will be intensely disliked

by Maquoketans because it can be misinterpreted as sounding like an insult. It in fact is not and while some people might call it "the price to be paid" by the character of civil Community in *Gemeinschaft* governance, others – including, I am nearly certain, the present citizens of Maquoketa – would call it the benefit or advantage of *Gemeinschaft* Community governance (again, with "governance" understood from the judicial Standpoint of Critical epistemology). Toynbee's term for a *Gemeinschaft* Community was *the arrested civilization*.

I am pretty sure most Maquoketans would react with quite visibly displayed shows of hostility if any outsider were to tell them Maquoketa was in any way "arrested." This is because of various unfavorable or unflattering connotations that can be attached to the word. Maquoketans would be very quick to inform you, somewhat frostily, that they enjoy all the advantages and benefits of modern technology, that they are well aware of wider current events, that there is very little about their community that can justly be called provincial, that there is nothing whatsoever backward about Maquoketa, and in all of this they are completely correct. But *none* of these are what Toynbee meant by his technical term "arrested civilization":

> In addition to the two classes already mentioned, developed civilizations and abortive civilizations, there is a third we must call arrested civilizations. It is the existence of civilizations which have been kept alive but failed to grow that compels us to study the problem of growth . . . All these arrested civilizations have been immobilized in consequence of having achieved a *tour de force*. They are responses to challenges of an order of severity on the very borderline between the degree that affords stimulus to further development and the degree that entails defeat. [Toynbee (1946), pp. 164-165]

A lingering question Toynbee was never able to clearly answer was: What criteria are to be used to decide some society is a "civilization" and some other society is not. For example, why was Japan a branch of the Far Eastern Civilization under Toynbee's classification while the Zulu Empire of Chaka was merely a primitive society according to his classifications? In point of fact, Toynbee recognized no African society south of Egypt as a civilization, an omission that probably says more about the egocentric attitudes of old fashioned British Imperialism than it does about sociology and anthropology. Eventually he was more or less forced to admit that his designations were merely nominal. Innovation in technology, art and architecture, establishment of widespread commerce and trade outside of the society's immediate geographic area, and the erecting of some political organization beyond a simple council seem to have been the factors upon which he based his judgment calls concerning what was and what was not a civilization.

His idea of what an arrested civilization was seems to have been nominally defined primarily by the absence of continued growth and development in these factors – and especially by an absence of economic growth – judging by those civilizations he explicitly identified as arrested: the Polynesians, Eskimos, Nomads, Osmanlis, and the Spartans. It is only by stint of the fact that Toynbee regarded the small towns and cities within a nation as being part of a greater civilization that would have prevented him from calling Darrowby or Maquoketa arrested civilizations – merely because in his mind these municipalities did not constitute distinct civilizations at all [31]. To get past the many difficulties the nominalism of Toynbee's classifications produce we must look to his practical explanation of what is to be called a society:

> What then is the right way of describing the relation between human societies and individuals? The truth seems to be that a human society is, in itself, a system of relationships between human beings who are not only individuals but are also social animals in the sense that they could not exist at all without being in this relationship to one

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[31] A Critical analysis of Toynbee's theory tends to bring out a number of problems and inconsistencies in his overall theory that tie back to the phenomenon of mini-Communities within an overall Community.

another. A society, we may say, is a product of the relations between individuals, and these relations of their arise from a coincidence of their individual fields of action. This coincidence combines the individual fields into a common ground, and this common ground is what we call a society. If this definition is accepted, an important though obvious corollary emerges from it. Society is a 'field of action' but the *source* of all action is in the individuals comprising it. [*ibid*., pg. 211]

By Toynbee's first criterion for founding a civilization, namely that of people joining together to innovatively overcome some sort of challenge posed to their lives and conditions, Maquoketa qualifies to be called an established civilization:

> The year was 1836 and much of Jackson County was clothed in dense timber, pierced by numerous streams and a river called Maquaw-eutaw by the Indians. The first settlers were beginning to arrive. . . . The year was 1839. A muddy village to be known at first as Springfield had grown between the forks of the river now called Maquoketa. A Christmas party was in the offing. . . . The year was 1855. Springfield, now called Maquoketa, had grown. Villages sprang like mushrooms throughout the county. . . . The year was 1882 and a more civilized way of life was at hand. In Maquoketa the downtown Fire Laddies were organized. Maquoketa was now the permanent county seat and the new courthouse was seven years old. The first telephones had been in service for two years. [Babcock (1976), pg. 3]

At the time of its founding as a town, there were 300 people living in and around the site that would become Maquoketa. Over the next century the town instituted a number of typical local social, economic and political innovations and grew to its present population of six thousand (about a 3% annualized growth rate). There it has remained, give or take a few people, for the past five decades. The town cannot be called "thriving" although it seems to be at no imminent risk of disappearing. But its population is not growing, its economy is stagnant and it has been so for half a century. Nor are its citizens producing any unique innovations (they do adopt some that were made elsewhere). The last national innovation credited to a Maquoketan was the invention of the printed high school diploma (that now-ubiquitous document of educational achievement used everywhere within the U.S.) by a Mr. William Welch in the early 20th century.

There is nothing wrong with having a civil Community where the citizens enjoy a peaceful and predictable way of life over an extended period of years that spans the lifetimes of many individuals. Nonetheless, lack of growth, a stagnant economy and the absence of innovation are primary technical marks of an arrested Community, and by these criteria Maquoketa is an arrested Community. Maquoketa is a durable, stable *Gemeinschaft* Community, and these are the predictable general characteristics of the Amiable personality style. People whose personality styles are such that they cannot easily tolerate civic and civil relationships of this sort – lower versatility Drivers, Expressives and Analytics – simply choose to live in other civil associations. *Gemeinschaft* governance is characterized in two behavioral dimensions as a social-cooperation Community (figure 11.1).

§4.3 Monarchy/Oligarchy Governance

The polar opposite of *Gemeinschaft* governance is called monarchy/oligarchy governance. Its two defining behavioral dimensions map out the asocial-egocentrism quadrant of figure 11.1. I think it is a likely bet that you are already familiar with examples of monarchy/oligarchy. The monarchy/oligarchy form of governance employed in virtually every Fortune 500 corporation and a great many smaller ones as well. Business school training tends to promote this governance form and therefore feudal state-of-nature relationships between granulated mini-Communities. *Monarchy/oligarchy* is *governance of a Community through rulership of the majority of its*

people by a single ruler or a small and select caste of rulers. The smaller group dominating and ruling the larger group is called *the dominant minority*. They comprise the *ruling class* in a community. The larger group is called *the subjugated majority* and they are serfs.

The relationship between these two populations is the *outlaw* relationship because the greater body of people make no commitments of civil Obligation to the rulers. The mutual relationship between ruler and ruled is entirely founded upon Duties-to-Self. Thus the actual relationship between the two communities is a state-of-nature relationship in which the majority is said to be subjugated by the minority because their obedience and conformity to the dictates of the rulers is based upon maxims of prudence and pragmatic maxims of Duty-to-Self with regard to their external situation. In its pure form, the only citizens in a Community are: (1) the monarch and his lieutenants; or (2) in the absence of a designated monarch, the ruling class of oligarchs[32]; and (3) whatever fraction of the subjugated population do make at least some Self-commitments of mutual Obligation to *the social order* enforced by the ruling class that extends at least so far as not wishing to see the social order changed. These serfs are called *the collaborators*. If, however, the "loyalty" of a person in this last group is actually grounded in maxims of prudence or pragmatism (Duties-to-Self) rather than Duties of mutual Obligation then he is not a citizen but, rather, a criminal within the rulers' civil Community and is merely feigning loyalty to it. Note, however, that his criminal relationship with the dominant minority does not extend to his relationships with the subjugated majority; with them his relationship is outlaw.

The association of the subjugated majority with the dominant minority *is* voluntary (because a person always has the natural liberty of action to attempt to remove himself from this social environment, either by physically leaving it or by aggressive opposition aimed at abolishing it). But this volunteerism is of a quite different kind than that which is based on a social contract and mutual Duties and Obligations. The dominant minority is said to comprise a civil Community, but their relationship to the rest of the population is uncivil and is held together by the ability of the dominant minority to levy or credibly threaten to levy punishing sanctions upon any member of the subjugated majority who is discovered to be unsubmissive to their rulership. If we were to anthropomorphize the Community of the dominant minority, we would say their governance style is that of the low-versatility Driver personality style.

After *Gemeinschaft*, monarchy/oligarchy governance is the historically most common form of governance. One reason for this is the simple-mindedness of this form of governance. Sargon the Great did not need to be a keen scholar of human Nature to subjugate a vast territory peopled by groups who neither felt nor owed him any allegiance. He merely needed to be a keen enough judge of human Nature to win the allegiance of key lieutenants and maintain the *Existenz* of an obedient army. However, because *all* mutual commitments of reciprocity are originally grounded in Duties-to-Self, the very simple-mindedness of the monarch/oligarchy contract guarantees it is generally an unstable and non-robust Community that is established. Later-developing changes of situation in the social environment perennially threaten to unhinge it. The monarch, or the individual oligarch, can never be very sure that others in his Community will not decide to conspire against him in breach of their compact. For example,

> And yet this tyrant[33] out of his own mouth passed judgment on the reality of his happiness. For when one of his flatterers, named Damocles, dilated in conversation upon his troops, his resources, the splendors of his despotism, the magnitude of his treasures, the

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[32] There are non-pure forms as well. In these, civil Communities can and do form within subpopulations of the whole subjugated population. Frequently more than one of these is found. One historical example is provided by the Patriots and the Loyalists (Tories) in colonial America immediately prior to and during the American Revolution. The phenomenon is called *the mini-Community phenomenon*.
[33] Dionysius the Elder, tyrant of Syracuse from 405-367 B.C.

stateliness of his palaces, and said that no one had ever been happier: "Would you then, Damocles," said he, "as this life of mine seems to you so delightful, like to have a taste of it yourself and make trial of my good fortune?" On his admitting his desire to do so Dionysius had him seated on a couch of gold covered with beautiful woven tapestries embroidered with magnificent designs, and had several sideboards set out with richly chased gold and silver plate. Next a table was brought and chosen boys of rare beauty were ordered to take their places and wait upon him with eyes fixed attentively upon his motions. There were perfumes, garlands; incense was burnt; the tables were loaded with the choicest banquet: Damocles thought himself a lucky man. In the midst of all this display Dionysius had a gleaming sword, attached to a horse-hair, let down from the ceiling in such a way that it hung over the neck of this happy man. And so he had no eye either for those beautiful attendants, or the richly-wrought plate, nor did he reach out his hand to the table; presently the garlands slipped from their place of their own accord; at length he besought the tyrant to let him go, as by now he was sure he had no wish to be happy. Dionysius seems (does he not?) to have avowed plainly that there was no happiness for the man who was perpetually menaced by some alarm. [Cicero (45 B.C., b), V. xx. 60-xxi. 62, pp. 486-489]

Monarchy/oligarchy governance has the virtue of simple-mindedness in the sense that almost anyone is capable of playing at being a governor in this fashion; but it is also correct to say that, in terms of the stability, endurance and success of a Community of any kind, it is a stupid form of governance. An impressive majority of business failures can be traced directly back to this form of governance. Short-run success, so far as the rulers are concerned, is usually most easily achieved by this form of governance, but the unremitting empirical lesson of history is that in the long run the utter failure and disintegration of the Community follows unless this form of governance is changed. To be a ruler is to be a cancer cell in the body politic of a Community.

Monarchy/oligarchy appeals to the Driver personality style because the aims of governance are task-directed and the assertiveness of governance is tell-directed. Note that this quadrant of governance form lies snugly between the tectly processive and individualistic axes of the personality style circumplex. The habitual lack of attention to interpersonal relationship factors in this segment of the circumplex means that the governor(s) tend to presume that tangible rewards and the (usually unspoken) threat of sanctions ("the carrot and the stick") are sufficient motivators for the members of the association. Community growth and success tends to rely upon the governors exhibiting higher levels of interpersonal versatility because by this they tend to be able to appeal to others' duties-to-themselves well enough for the rulers' aims to be satisfied. This was something the successful Viking kings understood quite well:

A king's prestige consisted, too, in his wealth and territory, for he could hardly be other than one of the greatest landowners in a kingdom, and much of the profit of a successful war went into his personal chest. With no capital city or town he moved from one estate to another, he and his following more or less eating their way through the countryside . . . With him traveled his *hird* or bodyguard, composed of hirdmen or retainers who had knelt and set their right hands to his sword-hilt, so pledging him loyalty, if need be to the death. In war these were the core of his army, in peace the executants of his authority, and without them he was nothing. Most would be men of his own country, drawn from the length and breadth of the land by report of a king's valor, good faith, and generosity . . . The hirdmen were the king's elect – or it might be better to say their lord's elect, for any great man with wealth, power, and fame could maintain a retinue . . . From them the most was demanded, to them most was given. Swords, helmets and battle-harness flowed from the king, arm-rings and torques; he clothed their bodies with tunics of silk and cloaks of squirrelskin and sable, and their bellies he filled with choice foods and mead from the horn. For those who earned them there were axes inlaid with silver, and for those who wanted them women. And friendship with their own kind, and music and merriment in hall, with minstrels,

> jugglers, collared dogs, and skalds whose wrists were gold-haltered. . . . 'Sweet is mead –
> bitter when paid for!' These were the two sides of the medal, service and reward, and kings
> throve best when both were unstinted. [Jones (1968), pp. 152-153]

In modern times the typical chief-ruler of a corporation or a large institution is not called a king nor flattered with the honorific "Your Majesty." Instead we call him a President or a Chief Executive Officer, or some other such title. But, like the successful Viking kings, the successful chief-ruler understands that if his chief retainers can be induced to compete among themselves for rewards, the more reliable and docile instruments they were prove to be for him. They, in turn, become the petty kings at the next lower levels of a social hierarchy and, although titles of nobility have given way to titles of managerial rank, the governance of the association is more or less indistinguishable from that of a medieval feudal system.

Oligarchy is less simple-minded and requires a higher level of interpersonal versatility on the part of the chief oligarchs. To put it bluntly, in order to be successful oligarchs have to be less stupid than monarchs in terms of interpersonal skills. The oligarchy form is not often found in large commercial enterprises. Exceptions include some large partnerships (e.g. a law firm) and a relatively small number of political governments, examples of which include 18th century Holland and Venice [Hamilton *et al*. (1787-8), no. 39, pp. 209-210]. It was also the form of governance established by gangster Lucky Luciano to run the *Cosa Nostra* after the assassination of "Boss of all the Bosses" Salvatore Maranzano in 1931.

A social contract exists between the oligarchs, and also between the monarch and his *hirdmen*. Its terms tend to be few and to be results-and-outcomes based. It tends to recognize as a necessary condition that restrictions on the liberties of the members be only so many as are necessary for the success of the association. This last is itself usually defined in terms of the success of each of the individual members in satisfying his own objectives. Novelist Taylor Caldwell provided an apt description of a social contract of this sort:

> Joseph was to learn later that none of these men ever questioned or doubted Mr. Healey's decisions or wisdom, or ever protested or ridiculed them privately. He ruled them absolutely not because he was rich and potent and their employer, but because, wolves themselves, they recognized and honored a more puissant wolf who had never, as yet, made a mistake. Had they once discovered a weakness in him, a hesitancy, a stupid blunder, or an uncertainty, they would have pulled him down and destroyed him utterly. Not from malice or greed or thievery would they have done this at once, and instinctively, but because in his self-betrayal he had betrayed the pack and endangered them. He would have no longer been master, and for abdication they knew but one remedy: execution. [Caldwell (1972), pg. 163]

These are interpersonal styles reflecting maxims of conduct that a Driver, by habit, comes to find satisficing. The social contract of governance here permits him to be dominant in his own sphere and submissive only to the pack as a whole. Each oligarch or *hirdman* often has *hirdmen* of his own, and beneath these in the social hierarchy come the mere human resources – serfs[34].

In asocial-egocentrism governance the rulers (the monarch and his *hirdmen* or the oligarchs and their *hirdmen*) would generally prefer to rule over obedient sheep but are self-obliged to be on guard against doing things that might turn the sheep into wild dogs. No form of governance can survive unless the governed obey its orders. However, it is this very diminution of the people it governs that dooms asocial-egocentrism governance to eventual disintegration and collapse. Nor is this form of governance capable of sustaining growth and success in the long run. John

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[34] Perhaps nothing better illustrates the monarch governance of large U.S. corporations and institutions than the fact that what was once called a Personnel Department is now called a Human Resources Department.

Stuart Mill penned an important truth of human Nature when he wrote,

> The worth of a State, in the long run, is the worth of the individuals composing it; and a State which postpones the interests of *their* mental expansion and elevation, to a little more of administrative skill or that semblance of it which practice gives in the details of business; a State which dwarfs its men, in order that they may be more docile instruments in its hands even for beneficial purposes, will find that with small men no great thing can really be accomplished; and that the perfection of the machinery, to which it has sacrificed everything, will in the end avail it nothing for want of the vital power which, in order that the machine might work more smoothly, it has preferred to banish. [Mill (1859), pg. 97]

This error, universal in monarchy/oligarchy governance, is also characteristic of our next form.

§4.4   Non-consensus Democracy

The asocial-cooperation form of governance is *strictly* called **non-consensus democracy** and casually just called "democracy." I am sure a great many people in the West are likely to be shocked and offended to read that democracy is asocial. We in the West have been carefully indoctrinated to accord democracy with a veneration once reserved for God and His Angels. In America today it is regarded as well-nigh treasonous to say that democracy is a tyrannical form of governance. Yet it is. Its first tenet, to which all other tenets are subordinated in the practice of governance, is: *majority rules*. Therein lies the tyranny inherent in democracy: the concept of rulership. Deontologically, *rulership* is *the relationship between a leader and one or more followers in which the Self-determinations of behavior by the follower are grounded in Duties to himself conditioned by precepts of Self-protection from possible actions the ruler is at liberty to take unilaterally; the follower is said to be subjugated by the ruler*.

Monarchs and oligarchs are at least honest about the fact that they act as rulers. In democracy any member of the ruling majority can easily ignore the fact that he has cooperated in the practice of rulership by a majority over a minority. Unless the majority either is a *unanimous* majority or *at the least* wins consent by *actio invita* from *every* member of the minority (which is *consensus democracy*), then the rule of the majority is compulsion by *actio involuntaria* on the part of the minority. This is tyranny because it violates a necessary condition for the *Existenz* of a social contract: that every member of the association *while uniting himself with all **may still obey himself alone and remain as free as before***. The ruled minority is ***not*** united with the rulers.

Mill wrote,

> The struggle between Liberty and Authority is the most conspicuous feature in the portions of history with which we are earliest familiar, particularly in that of Greece, Rome and England. But in old times this contest was between subjects, or some class of subjects, and the government. By liberty was meant protection against the tyranny of the political rulers. . . . [The rulers'] power was regarded as necessary, but also as highly dangerous; as a weapon which they would attempt to use against their subjects no less than against external enemies. To prevent the weaker members of the community from being preyed upon by innumerable vultures, it was needful that there should be an animal of prey stronger than the rest, commissioned to keep them down. But as the king of the vultures would be no less bent upon preying upon the flock than any of the minor harpies, it was indispensable to be in a perpetual attitude of defense against his beak and claws. The aim, therefore, of patriots was to set limits to the power which the ruler should be suffered to exercise over the community; and this limitation was what they meant by liberty. It was attempted in two ways. First, by obtaining a recognition of certain immunities, called political liberties or rights, which it was to be regarded as a breach of duty in the ruler to infringe, and which, if he did infringe, specific resistance, or general rebellion, was held to be justifiable. A

second, and generally later expedient, was the establishment of constitutional checks; by which the consent of the community, or of a body of some sort supposed to represent its interests, was made a necessary condition to some of the more important acts of the governing power. . . .

A time, however, came in the progress of human affairs when men ceased to think it a necessity of nature that their governors should be an independent power, opposed in interest to themselves. It appeared to them much better that the various magistrates of the State should be their tenants or delegates, revocable at their pleasure. In that way alone, it seemed, could they have complete security that the powers of government would never be abused to their disadvantage. By degrees this new demand for elective and temporary rulers became the prominent object of the exertions of the populist party, wherever any such party existed; and superseded, to a considerable extent, the previous efforts to limit the power of rulers. As the struggle proceeded for making the ruling power emanate from the periodical choice of the ruled, some persons began to think that too much importance had been attached to the limitation of the power itself. . . . Let the rulers be effectually responsible to [the nation] and it could afford to trust them with power of which it could itself dictate the use to be made. Their power was but the nation's power, concentrated, and in a form convenient for exercise. . . .

But in political and philosophical theories, as well as in persons, success discloses faults and infirmities which failure might have concealed from observation. The notion, that people have no need to limit their power over themselves, might seem axiomatic when popular government was a thing only dreamed about, or read of as having existed in some distant period of the past. . . . In time . . . a democratic republic came to occupy a large portion of the earth's surface, and made itself felt as one of the most powerful members of the community of nations; and elective and responsible government became subject to the observations and criticisms that wait upon a great existing fact. It was now perceived that such phrases as "self-government," and "the power of the people over themselves," do not express the true state of the case. The "people" who exercise the power are not always the same people with those over whom it is exercised, and the "self-government" spoken of is not the government of each over himself but of each by all the rest. The will of the people, moreover, practically means the will of the most numerous or the most active *part* of the people; the majority, or those who succeed in making themselves accepted as the majority; the people, consequently, *may* desire to oppress a part of their number; and precautions are as much needed against this as against any other abuse of power. The limitation, therefore, of the power of government over individuals loses none of its importance when the holders of power are regularly accountable to the community, that is, to the strongest party therein. [*ibid*., pp. 1-3]

The unexamined premise of every historical representative government (what Mill called a democratic republic), save one[35], is that it is the role of the governing to *rule* the governed. *Rulership itself is asocial when it occurs in its least objectionable form and anti-social when its exercise becomes extreme*. This is because in a civil Community a ruling unconsented to and unaccepted *by any member of the Community*, but to which he is compelled to submit himself, *is a discriminatory hindrance of his civil liberty or a violation of his civil right*. His unalienation of the first and his demand for the benefit of the second grounded his acceptance of reciprocal Duties to the association and his Self-assumption of mutual Obligation in the first place. Rulership therefore violates the terms under which the person originally consented to ally himself in civil Community through the mutual pact of a social contract. ***Anything that violates the terms of a social contract is UNJUST; the negation of anything that is unjust is JUSTICE; the***

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[35] That one was the general government of the United States during the first term of George Washington. By Washington's second term, the decay of the American Republic into the form of a democratic republic had already begun. The decay was gradual until the 1880s, at which time it became greatly accelerated.

perpetuation of anything that is unjust is INJUSTICE.

Non-consensus democracy governance is a form of legal governance (governance by law), but this by itself is insufficient to ensure that this form of governance is not unjust or that it will not perpetuate injustice. Non-consensus democracy governance is predicated upon the notions that: (1) if laws are well crafted and sufficiently codified; (2) if there is a not-unjust rule covering every foreseeable contingency; and (3) new codes of law are made to cover cases of unjust actions (or inactions) that experience later brings to light, then every citizen's civil rights are secure and every citizen's civil liberty is guaranteed. This, I hope you will note, is a habit of thinking prevalent in the Analytic personality style. Codification of rules is something Piaget observed that twelve-year-old boys tend to expend a great deal of energy upon:

> [In the fourth stage of rule practice] interest seems to have shifted its ground since the last stage. Not only do these children seek to cooperate, to "fix things up," as Vua[36] puts it, rather than to play for themselves alone, but also – and this undoubtedly is something new – they seem to take a peculiar pleasure in anticipating all possible cases and in codifying them. Considering that the square game is only one of the five or ten varieties of the game of marbles, it is almost alarming, in face of the complexity of rules and procedures in the square game, to think of what a child of twelve has to store away in his memory. . . . Throughout the fourth stage, then, the dominating interest seems to be interest in the rules themselves. For mere cooperation would not require such subtleties as those attending the disposition of marbles in a square . . . The fact that the child enjoys complicating things at will proves that what he is after is rules for their own sake. [Piaget (1932), pp. 49-50]

Codification of rules is a habit that sets in during childhood and, although moral realism has by that time given way to rule cognizance, *obedience to **codified** rules consented to by the group* retains to a great degree a strong element of moral realism.

This particular species of moral realism is a pronounced attribute of the Analytic personality style. It is strikingly absent or present only to a much lower degree in the Driver, Expressive and Amiable personality styles. The Analytic personality style values set, proper procedures more highly than do any of the other styles, and experiences a great feeling of *Unlust* in the presence of deliberate violation of these. Arguments for process and procedure have been carefully thought out, debated, field-tested; they are rational, objective, and fair in the sense that "personalities" are expunged from them and subjectivity and emotionalism is at a minimum; therefore they should be followed. So tend to go the theoretical tenets of Analytic personality style. But other styles, on the order of about three-quarters of humankind, just do not see it that way.

Let us suppose you have observed that I and many others habitually display some behavior – let us say smoking tobacco – that you have good reason to think is bad for us. Let us say that you, with all honesty, a genuine feeling of concern for others and a sense of moral duty, propose a law that would prohibit me and others like me from engaging in this vile and filthy habit. Here is the problem, my friend: *I am the sole arbiter of what is good or bad for me and I will not alienate the liberty to decide this for myself to anyone or anything else*. If you can convince *me* I should not smoke *then I myself will choose to stop and your law is unnecessary*. If you fail to convince me, I will not. If you press, I will say to you, probably with affection but possibly without, "My friend, butt out." If you persist and succeed in getting your law passed over my refusal to accept the new restraint on my liberty, I will violate *your* law whenever I find the opportunity to do so without suffering legal retribution. Such is the way black markets come into *Existenz*. I'm *not* going to thank you some day. Because of your law I am now inclining toward a moral secession and Toynbee's proletariat adds one new member. Such is the deontological morality lesson originally

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[36] Vua, age thirteen, was one of the boys in Piaget's study.

attributed to St. Bernard and re-expressed by George Bernard Shaw as

> Hell is paved with good intentions, not with bad ones – *Maxims for Revolutionists.*

Is it possible for non-consensus democracy to avoid the onset of injustice? It obviously is if the number of citizens is very small, if they live in continual personal contact with each other so that each can see the effects of democratic legislation on the situation of all his neighbors, if the matters to be democratically decided by majority vote are only matters of convenience or expediency, and if these citizens are personally bound by partnership to one another so that an injury to one is seen as an injury to all. This is to say that the citizens of such a civil Community are not rivals for anything but are instead committed partners in a joint *enterprise* of Community. This would be a *practical* democracy stabilized and balanced by the cognizance of every citizen of their mutual obligations and reciprocal duties to one another and self-regulated by citizens' immediate awareness of all the consequences of their acts of governance on one another.

This, unfortunately, is a social molecule that becomes increasingly unstable as the Community increases in size and geographical extent and more of its citizens become unknown to each other. Immediate empirical knowledge of one's situation with respect to the situation of another is lost by degree and in place of this knowledge the individual voter must fall back upon the substitute of abstract speculation. One's fellow citizens beyond his immediate ken become abstract persons – stereotypes – and self-rationalized ideals come to take the place of empirical realities. At this point, the concepts that determine how the individual votes are not based on fact but instead on mere speculation. The voter is himself a disinterested party, and although this means his vote can truly be without personal prejudice, it is also without the immediate perception of interpersonal consequence. But that which injures the unity of the civil Community *is* a personal consequence for every one of its citizens. By the time injurious consequences have grown to a degree of public awareness where many individuals recognize the *Dasein* of a Community problem, the root cause of that problem has become obscured. Thoreau wrote,

> There are nine hundred and ninety-nine patrons of virtue to one virtuous man . . . All voting is a sort of gaming, like checkers or backgammon, with a slight moral tinge to it, a playing with right and wrong, with moral questions; and betting naturally accompanies it. The character of the voters is not staked. I cast my vote, perchance, as I think right; but I am not vitally concerned that that right should prevail. I am willing to leave it to the majority. Its obligation, therefore, never exceeds that of expediency. Even voting *for the right* is *doing* nothing for it. A wise man will not leave the right to the mercy of chance, nor wish it to prevail through the power of the majority. There is but little virtue in the actions of masses of men. [Thoreau (1849), pg. 5]

Personal ignorance of the empirical actualities confronting others in their situations is joined by the satisficing judgmentation of ignórance (type-α compensation behavior) to make the affairs and circumstances of the Community remote and inconsequential in the eyes of the individual in relationship to the repercussions of his actions. This is the real root of rivalries in governance, when the immediate interests of the individual conflict with a democratic interest grown Platonic. The actions of voting become disconnected from the social atoms. Adams wrote,

> The controversy between the rich and the poor, the laborious and the idle, the learned and the ignorant, distinctions as old as the creation and as extensive as the globe, distinctions which no art of policy, no degree of virtue or philosophy can ever wholly destroy, will continue, and rivalries will spring out of them. These parties must be represented in the legislature and must be balanced or one will oppress the other. . . . Property must be secured or liberty cannot exist. But if unlimited or unbalanced power of disposing property be put in the hands of those who have no property, France will find, as we have found, the

> lamb committed to the custody of the wolf. . . . The essence of free government consists in an effectual control of rivalries. . . . The nation which will not adopt an equilibrium of power must adopt a despotism. There is no alternative. Rivalries must be controlled or they will throw all things into confusion; and there is nothing but despotism or a balance of power which can control them. [Adams (1790), pp. 386-387]

All policies, procedures, institutions and legal codes of honest governance are abstractions attempting to forestall injustice in advance of possible but not yet actual injury. An individual voter's choice is necessarily based on his knowledge of prior kinds of actual injuries. But to forestall injury in general in all circumstances at all times – in other words, to legislate perfectly just policies, procedures and institutions – requires him to foresee all the situations that might arise from every set of circumstances that might be possible. This, however, would require super-human keenness of judgment and discernment because the ability to plan perfectly is defeated by the sheer combinatorics of circumstances. Suppose some consequence is a combination of n factors, each of which can be either actual or not-actual at any moment in time. Since we are considering combinations of factors, $n > 1$. For any $n = 2$ there are 16 possible logical functions of these two factors. For $n = 3$ the number of functional possibilities jumps to 256. By the time we reach $n = 5$ the number of logical functions possible exceeds 4 billion. That's the math.

A pragmatist might respond to this by saying, "Well, yes, but that's not practical and we only need to deal with what's likely, not with every possibility." True. But even the number of *likely* circumstances still has an explosive faster-than-n^n growth rate. (This is called the asymptotic equipartition property of information). In short order, a legal code erected contingently on case law develops internal contradictions unless each law is specific to each particular case. *But this is the same as having no legal code at all*. The possibility of the *Existenz* of any legal code requires abstraction and generalization, and it is precisely at this point where combinatorial catastrophe severs contact between law and the social atom. Non-consensus democracy becomes incapable at this point of dealing with the exigencies of the Community at large because a majority ruling can reflect nothing more than the most popular of all the divers subjective opinions held by the voters.

When democracy works it is because all citizens consent to alienate some natural liberty *actio invita*. It is not necessary for every citizen to agree with the law or policy; it is enough if they merely *accept* it. In this case, having been assented to by every citizen, an amended social contract is preserved, law is just, and democracy governance can function. But if even *one* citizen refuses assent to alienate what has up to now been one of his civil liberties, then his obedience to the law must be externally compelled by threat of sanction as *actio involuntaria*, the law is unjust, the democratic process perpetuates it, **and this is injustice**.

The Analytic personality style is comfortable with the idea that governance by means of well-crafted objective laws, thorough processes, and correct procedures is fair, just, and always ought to be possible if only these are well enough designed to begin with. In most respects an Analytic is the most rational of persons and the most devoted to attending to all the finest details of a problem or issue. Unfortunately, the best intended rationalism is defeated by the combinatorics of contingent empirical Nature. The abstraction by stereotype that is necessary for making logical ratiocination possible is always too narrow in scope to encompass even the merely most likely of all the possible circumstances. Platonic idealism is defeated by empirical actualities. Platonism is very asocial, but the contingencies of real experience have very real social consequences.

Even the ideal must presuppose that only the best and most capable persons are tasked with the responsibility of ruling through democratic legislation. But this, too, is a mere Platonic ideal beyond practical reach. Adams wrote,

> There is a voice within us, which seems to intimate that real merit should govern the world; and that men ought to be respected only in proportion to their talents, virtues, and

services. But the question has always been, how can this arrangement be accomplished? How shall the men of merit be discovered? How shall the proportions of merit be ascertained and graduated? Who shall be the judge? When the government of a great nation is in question, shall the whole nation choose? Will such a choice be better than chance? Thirty millions of votes, for example, for each senator in France! It is obvious that this would be a lottery of millions of blanks to one prize, and that the chance of having wisdom and integrity in a senator by hereditary descent would be far better. There is no individual personally known to an hundredth part of the nation. The voters, then, must be exposed to deception, from intrigues and maneuvers without number, that is to say, from all the chicanery, impostures, and falsehoods imaginable with scarce a possibility of preferring real merit. . . . Real merit is so remote from the knowledge of whole nations that, were magistrates chosen by that criterion alone and by universal suffrage, dissensions and venality would be endless. [*ibid*., pp. 357-358]

The fatal flaw in the idea of non-consensus democracy does not lie in the ideal, for this ideal is an object of mathematics and as a mathematical object can be defined to perfection. Rather, the fatal flaw is that the ideal is not encountered in the world of real experience and, consequently, it is unable to provide the balance of civil liberty with justice for all citizens that is essential to the stability and durability of a civil Community.

The empirical character of non-consensus democracy in politics is historically marked by the emergence of political parties. This was the case in ancient Athens and is found in all representative democracies that formed in the 19th and 20th centuries. Relationships between political parties have likewise unswervingly degenerated into uncivil relationships of mutual hostility, as Adams long ago predicted. Political parties especially display the idiosyncratic character of democracy. The principal weapon parties historically employ against each other, so long as their factious competition remains nonviolent, is *propaganda*. Because the presumption of rulership lies at the foundation of democracy through majority rule, when power changes hands from one party to another this is often followed by legal and policy changes diametrically opposed to those that had been the ruling ideology before. Governance of the body politic then takes on a sort of pendulum character that tends to swing the dynamics of governance from one extreme to its opposite, and the movement is fueled by deception and intrigue.

The question of how much democracy was to be built into their new Constitutional form of governance was debated at length by the delegates to the Constitutional Convention held in Philadelphia in 1787. The delegates decided early in the proceedings that the legislative power of the general government should be divided into two houses of Congress. How the members of these bodies should be appointed, however, remained a point of sore contention through most of the convention. Many of the delegates deeply distrusted democracy as a principle of government. Madison recorded the following early debate over how much democracy should be incorporated into the new American Republic in his journal:

Mr. Sherman opposed the election [of congressmen] by the people, insisting that it ought to be by the (State) legislatures. The people, he said, immediately should have as little to do as may be about the Government. They want information[37] and are constantly liable to be misled.

Mr. Gerry: The evils we experience flow from an excess of democracy. The people do not want virtue but are the dupes of pretended patriots. In Massachusetts it has been fully confirmed by experience that they are daily misled into the most baneful measures and opinions by the false reports circulated by designing men, and which no one on the spot can refute. . . . He had, he said, been too republican heretofore; he was still however

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[37] in other words, they *lack* information. In general, whenever a delegate said the people "want" something he was saying they lacked it, not that they desired it. Such was the style of 18th century American English.

republican[38], but had been taught by experience the danger of the leveling spirit.

Mr. Mason argued strongly for an election of the larger branch[39] by the people. It was to be the grand depository of the democratic principle of Government. It ought to know and sympathize with every part of the community; and ought therefore to be taken not only from different parts of the whole republic, but also from different districts of the larger members of it, which had in several instances, particularly in Virginia, different interests and views arising from difference of produce, of habits, &etc. He admitted we had been too democratic but was afraid we should incautiously run into the opposite extreme. We ought to attend to the rights of every class of the people. He had often wondered at the indifference of the superior classes of society to this dictate of humanity and policy . . . Every selfish motive, therefore, every family attachment, ought to recommend such a system of policy as would provide no less carefully for the rights and happiness of the lowest than the highest orders of Citizens.

Mr. Wilson contended strenuously for drawing the most numerous branch of the Legislature immediately from the people. He was for raising the federal pyramid to a considerable altitude, and for that reason wished to give it as broad a basis as possible. No government could long subsist without the confidence of the people. In a republican Government this confidence was peculiarly essential. . . .

Mr. Madison considered the popular election of one branch of the national Legislature as essential to every plan of free Government. He observed that in some of the States one branch of the Legislature was composed of men already removed from the people by an intervening body of electors. That if this first branch of the general legislature should be elected by the State Legislatures, the second branch[40] by the first, the Executive[41] by the second together with the first, and other appointments again made for subordinate purposes by the Executive, the people would be lost sight of altogether; and the essential sympathy between them and the rulers and officers felt too little . . .

Mr. Gerry did not like the election by the people. . . . Experience he said had shown that the State Legislatures drawn immediately from the people did not always possess their confidence. He had no objection however to an election by the people if it were so qualified that men of honor and character might not be unwilling to be joined in the appointments. He seemed to think the people might nominate a certain number out of which the State legislatures should be bound to choose.

Mr. Butler thought an election by the people an impracticable mode. [Farrand (1911), vol. I, pp. 48-50 (May 31, 1787)]

In the end, the delegates voted to have the House of Representatives directly elected by the people. The vote was 6 in favor (Massachusetts, New York, Pennsylvania, Virginia, North Carolina, Georgia), 2 opposed (New Jersey, South Carolina) and two states divided (Connecticut and Delaware). In a later vote, they chose to balance this democratic character of Congress by having the members of the Senate appointed by the state legislatures.

When non-consensus democracy eventually begins to disintegrate, the most common form of governance it is replaced by is monarchy/oligarchy. *In articulo mortis* the body of citizens is no longer esteemed by the political parties and each party serves only its own interests. By the end of his second term as President, Washington clearly foresaw danger in the then-emerging formation

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[38] Montesquieu had subdivided the idea of a republic into two forms, aristocracy and democracy. His writings were very influential in 18th century America and many of the delegates to the Convention were seeking to find the right blend of aristocracy and democracy best suited for republican government.

[39] the House of Representatives

[40] the Senate

[41] the President of the United States.

of political party factions in America. He wrote,

> I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on Geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the Spirit of Party generally.

> This Spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all Governments, more or less stifled, controlled or repressed; but, in those of the popular form, it is seen in its greatest rankness and is truly their worst enemy.

> The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid of enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of Public Liberty. [Washington (1796)]

When the Roman republic fell, it was replaced by the Empire. While these examples pertain to political governance of a state, the lessons they teach are as pertinent to governance of a business, a public institution, and all other forms of civil association. The phenomena are products of the human Nature of acting according to maxims of Duties-to-Self.

The devolution of non-consensus democracy from majority rule to the rule of the majority by a minority is one of the greater ironies regularly played out in actual democracies. The course of this devolution is in no way mysterious and could almost be said to occur with mathematical inevitability. Mill wrote,

> The injustice and violation of principle are not less flagrant because those who suffer by them are a minority; for there is not equal suffrage where every single individual does not count for as much as any other single individual in the community. But it is not only a minority who suffer. Democracy, thus constituted, does not even attain its ostensible object, that of giving the powers of government in all cases to the numerical majority. It does something very different: it gives them to a majority of the majority; who may be, and often are, but a minority of the whole. All principles are most effectually tested by extreme cases. Suppose, then, that in a country governed by equal and universal suffrage there is a contested election in every constituency, and every election is carried by a small majority. The Parliament thus brought together represents little more than a bare majority of the people. This Parliament proceeds to legislate, and adopts important measures by a bare majority of itself. What guarantee is there that these measures accord with the wishes of a majority of the people? Nearly half the electors, having been outvoted at the hustings, have had no influence at all in the decision; and the whole of these may be – a majority of them probably are – hostile to the measures, having voted against those by whom they have been carried. Of the remaining electors, nearly half have chosen representatives who, by supposition, have voted against the measures. It is possible, therefore, and not at all improbable, that the opinion which has prevailed was agreeable only to a minority of the nation, though a majority of that portion of whom the institutions of the country have erected into a ruling class. . . . Any minority left out, either purposely or by the play of the machinery, gives the power not to the majority, but to a minority in some other part of the scale. [Mill (1861), pp. 76-77]

In present day American politics, the two minorities vying with each other for rulership of the nation are known as the "Party base" of each of the two major political parties. Democracy ruler-

ship is predicated upon a logical *saltus*, namely, that those elected by majority to govern will do so in a way conducive to the welfare of the Community as a whole. This is a wholly ungrounded premise and the logical flaw in the idealistic model of non-consensus Democracy. The asocial premises of non-consensus democracy overlook the Nature of the social atom, and by doing so render the entire institution inherently unstable and unsustainable. In this way majority rule leads with predictable inevitability to minority rule, despotism and tyranny in all but the very smallest civil Community whose members are personally bound to one another by passionate affection or by *Gemeinschaft* mores and folkways. That is why democracy is workable in Maquoketa and fails in the United States and in many of its individual states.

§4.5 Republic

What monarchy/oligarchy governance and non-consensus democracy share in common is the premise that governance implies rulership. However, the very notion of rulership is asocial and is rejected in the social hemisphere as thoroughly as it is embraced in the asocial hemisphere (figure 11.1). Social justice cannot be expected to emerge spontaneously from asocial premises. This factor all by itself is a practical guarantee of formation of Toynbee proletariats and eventual disintegration and failure of a civil Community whose governance is based on either of these asocial models. On the other hand, the friendly passiveness of *Gemeinschaft* governance, with its *laissez-faire* style of merely making minimal satisficing accommodations to whatever situation arises, tends to lead to stagnation and arrested development. That outcome is diametrically opposed to the high value the Driver personality vests in achievement of concrete accomplishments. The more or less *ad hoc* quality of *Gemeinschaft* accommodations tends to be offensive to the equally high value the Analytic personality vests in neat, orderly, well-thought-out formal processes and procedures deduced based on analysis of agreed-upon common aims.

The fourth quadrant of the pure forms of governance is the social-egocentrism quadrant, and this is called governance by republic. But what is a republic in general? Madison wrote,

> What then are the distinctive characters of the republican form? Were an answer to this question to be sought, not by recurring to principles, but in the application of the term by political writers to the constitutions of different states, no satisfactory one would ever be found. Holland, in which no particle of the supreme authority is derived from the people, has passed almost universally under the denomination of a republic. The same title has been bestowed upon Venice, where absolute power over the great body of the people is exercised, in the most absolute manner, by a small body of hereditary nobles. . . . These examples, which are nearly as dissimilar to each other as to a genuine republic, show the extreme inaccuracy with which the term has been used in political disquisitions.

> If we resort for a criterion to the different principles on which different forms of government are established, we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people; and is administered by persons holding their office during pleasure, for a limited period, or during good behavior. It is *essential* to such a government that it be derived from the great body of society, not from an inconsiderable proportion or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans and claim for their government the honorable title of republic. It is *sufficient* for such a government that the persons administering it be appointed, either directly or indirectly, by the people and that they hold their appointments by either of the tenures just specified; otherwise every government in the United States, as well as every other popular government that has been or can be well organized or well executed would be degraded from the republican character. [Hamilton *et al*. (1787-8), no. 39, pp. 209-210]

Whether or not Madison's statement of sufficiency is actually sufficient can be called into doubt. Nonetheless, the idea of republican governance is distinct in a number of ways from the idea of democracy governance. The revolutionary notion in this is that those persons executing the functions of governance ***do not rule at all***; they merely administrate in accordance with constitutional objectives that have been universally consented to by the civil Community *as a whole*. Seen in this light, legislators are given no power to rule but, rather, assume the Duty to refine the Community's legal code in accord with the objectives of governance. Executives and governors are given no power to rule but, rather, assume the Duty to faithfully administer and enforce the application of this code. Judges are given no power to rule but, rather, assume the Duty to arbitrate the meanings of laws when these should come into question and to evaluate the congruence of the laws in relationship to the established objectives of governance. All are employees in the service of the civil Community and their tenure in office is tied to their diligence in carrying out the duties of their offices and to their good behavior (that is, to absence of malfeasance) in their official actions.

What are the objectives of republican governance to which the civil Community gives its assent? These will differ according to the makeup of the civil association involved and the purposes for which it was formed. The Constitution that came out of the 1787 Convention explicitly stated precisely six of them for the political governance of the United States:

> 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. – *Preamble to the Constitution of the United States of America*

For reasons that I would find bewildering if it were not for the fact that Americans are by and large uneducated in the philosophy of their own government institutions, most Americans today seem to be blissfully unaware that their government *at every level of government* is beholden to and bound by these six general objectives, or that any malfeasance or dereliction of the Duties these require of the *offices* of those who administer governance are either deontological moral faults or else deontological *crimes*. It *is* a bewilderment to me why the Supreme Court of the United States never seems to refer to these objectives in pronouncing its judgments. Perhaps the Justices are too concerned with Constitutional Law and not concerned enough with justice.

A ***republic*** is *governance of a Community: (1) without rulership; (2) in which all expectations of authority are derived from a common set of generally-agreed-to objectives of governance; and (3) which is administered by officials, appointed either directly or indirectly by consent of the citizens, who pledge themselves to faithfully carry out particular* Schuldigkeit *specific to the expectation of authority assigned to their office*. A ***Schuldigkeit*** is *a duty or obligation with a connotation of being responsible for carrying it out and culpable for neglecting it*.

The first character of note about republican governance is that it is *assertive* – much more so than the gentle *ad hoc* ministrations of *Gemeinschaft* governance. If we anthropomorphize this type of governance, we would say it takes on the Expressive personality style. At the same time, it retains a considerable degree of *ad hoc* character because it is more or less unconcerned with formal processes or well laid rules and is considerably passionate in spirit. Detailed and refined planning is not an Expressive character trait. Envisioning a "big picture" is. This is what tends to make its character diametrically opposed to the Analytic values of democracy. Just as the asocial hemisphere of governance embraces the ideal of rulership, the social hemisphere embraces an ideal of Progress and, simultaneously, of Order. But what are these? Mill wrote,

> Concerning Progress there is no difficulty, or none which is apparent at first sight. When

Progress is spoken of as one of the wants of human society, it may be supposed to mean Improvement. That is a tolerably distinct idea. But what is Order? Sometimes it means more, sometimes less, but hardly ever the whole of what human society needs except improvement.

In the narrowest acceptation Order means Obedience. A government is said to preserve order if it succeeds in getting itself obeyed. But there are different degrees of obedience, and it is not every degree that is commendable. Only an unmitigated despotism demands that the individual citizen shall obey unconditionally every mandate of persons in authority. We must at least limit the definition to such mandates as are general and issued in the deliberate form of laws. Order, thus understood, expresses, doubtless, an indispensable attribute of government. Those who are unable to make their ordinances obeyed cannot be said to govern. But though a necessary condition, this is not the object of government. That it should make itself obeyed is requisite in order that it may accomplish some other purpose. We are still to seek out what is this other purpose, which government ought to fulfill, abstractly from the idea of improvement, and which has to be fulfilled in every society, whether stationary or progressive.

In a sense somewhat more enlarged, Order means the preservation of peace by the cessation of private violence. Order is said to exist where the people of the country have, as a general rule, ceased to prosecute their quarrels by private force, and acquired the habit of referring the decision of their disputes and redress of their injuries to the public authorities. But in this larger use of the term, as well as in the former narrow one, Order expresses rather one of the conditions of government than either its purpose or the criterion of its excellence. For the habit might well be established of submitting to the government, and referring all disputed matters to its authority, and yet the manner in which government deals with those disputed matters, and with the other things about which it concerns itself, may differ by the whole interval which divides the best from the worst possible.

If we intend to comprise in the idea of Order all that society requires from its government which is not included in the idea of Progress, we must define Order as the preservation of all kinds and amounts of good which already exist, and Progress as consisting in the increase of them. This distinction does comprehend in one or the other section everything which a government can be required to promote. But, thus understood, it affords no basis for a philosophy of government. We cannot say that, in constituting a polity, certain provisions ought to be made for Order and certain others for Progress since the conditions of Order, in the sense now indicated, and those of Progress are not opposite, but the same. The agencies which tend to preserve the social good which already exists are the very same which promote the increase of it, and vice versa: the sole difference being that a greater degree of those agencies is required for the latter purpose than for the former. [Mill (1861), pp. 12-13]

Gemeinschaft governance prizes Order in Mill's sense of the idea and does so to a much greater degree than does republican governance. Indeed, this is the hallmark difference between a republic and a *Gemeinschaft*. Democracy, in contrast, tends to presume that both Order and Progress will follow automatically as a consequence of the process by which democracy functions and from a collective wisdom reflected in majority rule. Monarchy/oligarchy tends not to value Order but, rather, *obedience* and defines Progress in terms of what the rulers see as good. Republican governance tends to view Order and Progress as desirable conditions that must be vigorously pursued and promoted, but it tends to place a higher value on Progress than on Order (although it absolutely insists that Order, again in Mill's context of the idea, be preserved). Republican higher valuation of Progress in comparison with Order reflects the egocentrism dimension of the republic form, just as the higher valuation of Order in comparison with Progress reflects the cooperation dimension of *Gemeinschaft* governance. The distinction in valuation is one between the enthusiastic pursuit of happiness and the orderly maintenance of happiness. Both reflect the social dimension in the forms of governance.

Where republic and *Gemeinschaft* differ most markedly is in the degree of assertiveness by which Progress and Order are pursued. *Gemeinschaft* tends to be unassertive in its satisficing character, whereas republic tends to be somewhat histrionic in pursuit of satisfying progressive goals. Those whose personality styles are most at ease with *Gemeinschaft* tend to evaluate the situation on the basis of securing welfare, whereas those most at ease with republic tend to measure success in emulative terms, by which I mean in terms of recognition for equaling the best accomplishments of others and in surpassing previous levels of accomplishment and benefit. Republican governance is more competitive in character, whereas *Gemeinschaft* is more cooperative. Both, however, are satisficing in terms of evaluation criteria. Valuing mere satisficing rather than valuing perfection is a characteristic of both that tends to irritate the Analytic personality character of those most favorably disposed to democracy.

What we may in a manner of speaking call the character flaw of republican governance is the tendency for its officials to place a higher premium on Progress for Progress' sake than on Order. There are few rewards for which a republican official is recognized in merely preserving Order. Rather, *failure* to preserve it leads to censure. Progress, visibly recognized and acclaimed by the members of the association, on the other hand tends to be a positive reinforcer and a ground for Self-satisfaction on the part of officials. The pursuit of Progress for Progress' sake tends to incline officials toward impatience with the citizenry they serve when the manner or tactic of the pursuit is called into question by that public. This is the Achilles' heel of republican governance because it tends to incline officials toward a more authoritarian attitude in how they approach fulfillment of their duties. The immediate object of the pursuit tends to become more valued than the general objectives of governance themselves. Mill wrote,

> It is not much to be wondered at if impatient or disappointed reformers, groaning under the impediments opposed to the most salutary public improvements by the ignorance, the indifference, the intractableness, the perverse obstinacy of a people, and the corrupt combination of selfish private interests armed with powerful weapons afforded by free institutions, should at times sigh for a strong hand to beat down all these obstacles, and compel a recalcitrant people to be better governed. But (setting aside the fact that for one despot who now and again reforms an abuse there are ninety-nine others who do nothing but create them) those who look in any such direction for the realization of their hopes leave out of the idea of good government its principal element, the improvement of the people themselves. One of the benefits of freedom is that under it the ruler cannot pass by the people's minds and amend their affairs for them without amending them. . . . It is true, a despot may educate the people; and to really do so would be the best apology for his despotism. But any education which aims at making human beings other than machines in the long run makes them claim to have the control of their own actions. . . . Whatever invigorates the faculties, in however small a measure, creates an increased desire for their more unimpeded exercise [*ibid*., pp. 30-31].

As officials become more and more practiced in the functions of their offices, their very familiarity with the issues of governance tends to make them more inclined to think others less familiar should just simply accept the practiced wisdom of their judgments without quarrel. This, however, is a step onto a slippery slope leading to authoritarianism, and authoritarianism is the first step in the journey to monarchy/oligarchy governance and eventual civil disintegration.

§ 5. Mini-communities and Granulated Society

Each of the pure forms of governance does have its advantages but also important disadvantages. Chief among the latter is the simple fact that none of the four quadrants are congruent with the habitual dispositions of all four personality styles that must be expected to constitute the body politic of a civil Community larger than a few individuals. Furthermore, each

of the pure forms has in its foundation its own seeds of eventual arrest and disintegration. Theorists from Solon, Lycurgus, Confucius and Mencius to those of the present day have tended to argue or debate in favor of some one or another of these pure forms and against the others. This is reflective of: first, an ontology-centered prejudice and a habit of looking at governance as a substantial thing-in-itself, rather than as a dynamic of leadership in civil association; and, second, a habit of *personifying* governance or government. The latter is a part and parcel of the mispersonification of leadership, which is a social dynamic, in the person of a leader. The topic of leadership is one I have treated in detail in a previous work [Wells (2010)].

In the classical debates, and especially those of political science, an important and non-negligible human social phenomenon has been largely overlooked. This is the simple empirical fact that human beings in a general civil environment *never belong to just one civil association* but, rather, to a number of diverse **mini-Communities**, all contained or partially contained within some larger society. The phenomenon of mini-Communities is at the root of the phenomenon of granulated society.

It is important to bear in mind that governance is a product, not a cause, of a social contract. It is part of the social contract phenomenon but is not itself the social contract (which we will at last come to in the next two chapters). The various flaws in traditional pure forms of human governance are rarely flaws in the local but, rather, flaws in the global context of a civil Community as a whole. To understand the flaws we must examine the structure.

Every person develops his own set of interests to which he attends, and all of his activities are directed to the service of his interests. Critically, **interest** is *anticipation of a satisfaction or a dissatisfaction combined with the* Existenz *of some object of desire*. As an Object, interest is a judicial function of Relation to formal expedience in reflective judgment and can be either an *immanent interest* (internal expedience subsisting merely in an affective *parástase*), a *transeunt interest* (external expedience subsisting in the actual *Existenz* of an object of desire), or a *reciprocal interest* (transitive expedience subsisting in a subjective state for which the *Existenz* of an object of desire is judged to be a means of realizing the subjective state).

All specific interests are developed products of judgmentation and ratio-expression arising from one or more of what Kant called the *transcendental interests of the power of Reason* in the regulation of the synthesis of appetition. Rational synthesis with regard to the interests of Reason is threefold: (1) theoretical by means of understanding; (2) subjective by means of reflective judgment; and (3) practical by means of appetitive power. Kant explained the way we understand these three interests in terms of the union of three questions of Relation between man and his situation: (1) the speculative question, *What can I know?* (2) the practical question, *What should I do?* and (3) the purposive question, *What might I hope?* [Kant (1787), B:832-6].

Human interest in committing to an association with other people originates from the third question-of-interest. The *What might I hope?* question pertains to the individual's pursuit of happiness, and all of his voluntary human associations are in one way or another means of this pursuit. Empirically, the pursuit of happiness takes him along many pathways (*What should I do?*), and this leads him to become a member in many different kinds of associations with other people. Simply put, *each person joins himself to a multiplicity of mini-Communities rather than to one general Community-at-large*. His commitment to the latter comes later, if it comes at all, through developing an understanding that his divers mini-Communities do share some common inter-communal interests with each other and with mini-Communities *which he has not heretofore committed himself to join*. He *recognizes* these alliances between his mini-Communities and others to which he might not yet belong as a product of his *What can I know?* interest of Reason. His Self-commitment to further alliances follows out of his *What should I do?* interest of pure Reason.

This means that a human being does not begin by becoming "a member of society" but, rather, *he constructs his society by aggregation and one piece at a time* through a series of extensions to the relationships to which he has committed himself. Many authors have decried "parochialism" over the years, viewing it as in some way being the enemy of some kind of universal fraternity of man. Mental physics tells us that *this view is quite mistaken*. If "parochialism" means an individual's narrow commitment to only those mini-Communities he has already joined, then *parochialism is a necessary pre-condition to non-parochial Community*. It is quite in vain to appeal to a person's "sense of universal brotherhood" or to some Duty you think he ought to have toward strangers he has never met and with whom he knows of no common shared interest. There is no innate Idea of universal brotherhood nor of any universal Duty to others. Universal brotherhood is a speculative ideal of a perfection in human relationships. If you wish another to cooperate with you in a shared ideal, you must first get him to develop it himself as an Ideal (*What can I know?*) and commit himself to it (*What might I hope?*) before you can expect him to act on the basis of it (*What should I do?*).

The very idea of *any* Community is a representation of an ideal. Look objectively at any group of cooperating human beings and you never see a Community *per se*. You see instead a social dynamic. The idea that these people "are a Community" is an idea that in this dynamic there is a cooperative unity (*E Pluribus Unum*), real coalition of interests, practical *commercium*[42], and that these people have themselves made their mutual *commercium* a necessarily reciprocal interpersonal Relation. Mill correctly noted,

> When we talk of the interest of a body of men, or even of an individual man, as a principle determining their actions, the question what would be considered their interest by an unprejudiced observer is one of the least important parts of the whole matter. As Coleridge observes, the man makes the motive, not the motive the man. What it is the man's interest to do or refrain from depends less on any outward circumstances than upon what sort of man he is. If you wish to know what is practically a man's interest, you must know the cast of his habitual feelings and thoughts. [Mill (1861), pg. 71]

Mill so far has properly laid his hand on the shoulder of the principle of Community other than for one bit of exaggeration. The question of "what would be considered their interest by an unprejudiced observer" is not one of the least important parts of the matter. It is no part of the matter whatsoever. It has import and significance only when the unprejudiced observer chooses to intervene and try to effect a *change* of interest in another person – at which point, of course, the observer can no longer properly be called "unprejudiced." I find it interesting, and a bit amusing, to observe Mill himself changing from unprejudiced observer to prejudiced participant in the very next sentence of his essay:

> Everybody has two kinds of interests, interests which he cares for and interests which he does not care for. Everybody has selfish and unselfish interests, and a selfish man has cultivated the habit of caring for the former and not caring for the latter. Everyone has present and distant interests, and the improvident man is he who cares for the present interests and does not care for the distant. It matters little that on any correct calculation the latter may be the more considerable if the habits of his mind lead him to fix his thoughts and wishes solely on the former. . . . On the average, a person who cares for other people, for his country, or for mankind is a happier man than one who does not; but of what use is it to preach this doctrine to a man who cares for nothing but his own ease or his own pocket? He cannot care for other people if he would. It is like preaching to the worm who crawls on the ground how much better it would be for him if he were an eagle. [*ibid*.]

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[42] *commercium* is reciprocal combination or action

Mill's own personal moral tenets make their appearance here (and even more so in parts of this paragraph I have not quoted). An "interest a person does not care for" is not an interest *to him*. A man is "improvident" for not caring about "distant interests" only if he *recognizes* that his prior ignórance of some so-called "distant interest" is in some way thwarting the perfecting of his own pursuit of happiness and yet he does not thereafter choose to cultivate his understanding of and apply his attendance to such "distant interests." A person will choose to act in this way only if his process of judgmentation is unable to find an equilibrating solution to the problem and instead settles upon a satisficing maxim of type-α compensation (ignórance behavior). Properly speaking, what he recognizes is then not to be called an interest but, rather, a *dis*interest. Also properly speaking, such a person is not to be called improvident but, rather, *unable to self-provide* an equilibrating maxim or tenet. The aim of all social education pertaining to ethics or patriotism is to help the student develop for himself maxims of judgmentation and reasoning by which he can formulate interests and avoid the alternative formulation of disinterests insofar as the interest-object involves the mores, folkways and social compact of the society in which he lives. This is the fundamental *deontological* moral aim proper for all public programs of **liberal education**.

Mill seems to be under the influence of his own moral code at this point[43]. Deontologically, an **unselfish interest** is **an interest-object for which the concept is not immediately conditioned by a concept of Duty-to-Self**. A **selfish interest** is **an interest-object for which the concept is immediately conditioned by a concept of Duty-to-Self**. Unselfish interests are interest-objects for which the concept of the object is conditioned in an episyllogism and stands under a *grounding* concept of reciprocal Duty [Wells (2011)]. Because, empirically, the overwhelming majority of human beings do in fact join in civil association with some other human beings – and a very tiny minority do not – it is correct to say "almost everyone has unselfish interests."

Mill, however, grievously errs when he says of his straw man, "He cannot care for other people if he would." It might be likely that an habitually brutish and apparently selfish man will not develop for himself an interest in the welfare or happiness of others, but there is a vast difference between saying he isn't likely to do so and saying he *cannot* do so. Mill – or you, or I – might not *know* how to lead him to do so and might give up the *effort* to lead him to do so, but this is another situation altogether. It only concerns Mill – or you, or I – and, deontologically, not this person we-know-not-how-to-lead. *He* is merely the object of our own frustration *and we make him so* by our own ideas of him we hold. That Mill errs in this absolute pronouncement is a lesson Dickens tried to teach using a fairy tale:

> Scrooge was better than his word. He did it all, and infinitely more; and to Tiny Tim, who did NOT die, he was a second father. He became as good a friend, as good a master, and as good a man as the good old city knew, or any other good old city, town or borough in the good old world. Some people laughed to see the alteration in him, but he let them laugh, and little heeded them; for he was wise enough to know that nothing ever happened on this globe, for good, at which some people did not have their fill of laughter in the outset; and knowing that such as these would be blind anyway, he thought it quite as well that they should wrinkle up their eyes in grins as have the malady in less attractive forms. His own heart laughed: and that was quite enough for him.
>
> He had no further intercourse with Spirits, but lived upon the Total Abstinence Principle, ever afterward; and it was always said of him, that he knew how to keep Christmas well, if any man alive possessed the knowledge. May that be truly said of us, and all of us! And so, as Tiny Tim observed, God Bless Us, Every One! [Dickens (1843), pg. 585]

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[43] Mill subscribed to and was a champion of a brand of consequentialist ethics called Utilitarianism. Like all forms of consequentialist ethics, Utilitarianism descends from Epicurean philosophy and, like all forms of ontology-centered systems of ethics, lacks objective validity and can ground no universal moral code that can win acceptance by everyone.
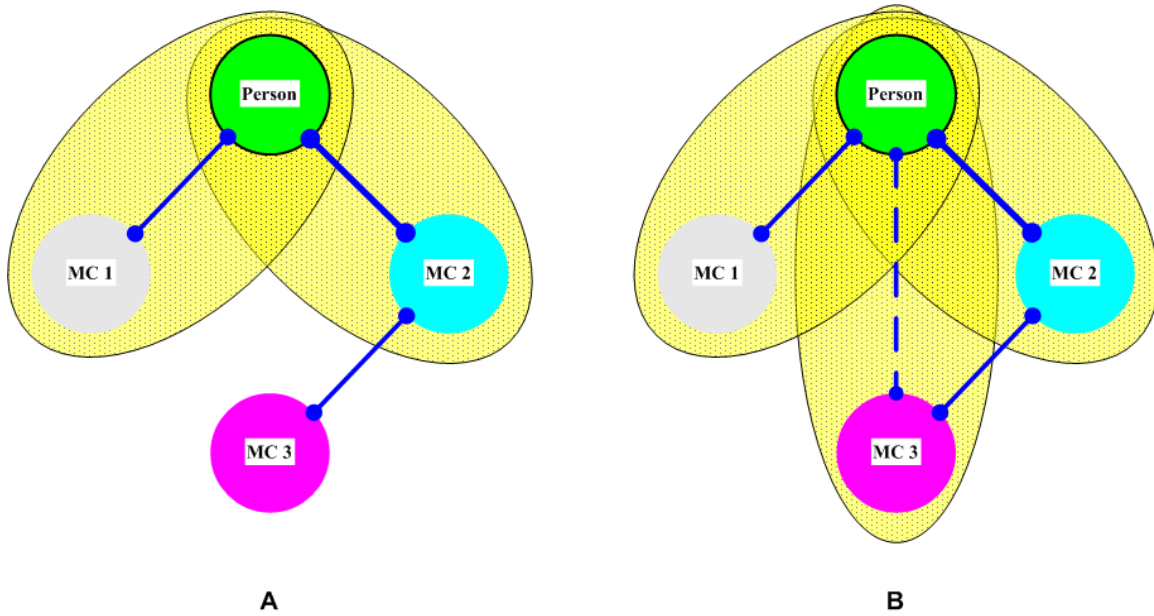
Figure 11.3: Personal Community-building. A: The person's initial social situation and Community. B: The person's new Community. MC = mini-Community. Ovals denote the person's civil Community-at-large.

How many children, I wonder, have been taught enduring lessons of citizenship by this tale? How many irascible old men, I wonder even more, have learned lessons about themselves late in life from it? Do you know one? Have you looked for one? Do you know of no person who is said to have "mellowed with age"? Or do you, as Mill seems to, think that as a leopard cannot change its spots so also a man cannot change his character? We, every one of us, make ourselves the persons we choose to become.

This also applies to the society each one of us makes for himself by means of the empirical phenomenon of social contracting. Social contracting is a construction-by-aggregation process whereby a person *grows the sphere* of a civil society he both makes his own and gives himself to. Figure 11.3 illustrates this process of Community-building in simplified form. Figure 11.3(A) depicts the person's initial social situation. He has two mini-Communities (MC1 and MC2) with which he has formed independent social compacts. These two mini-Communities might or might not separately form a Community with each other. For example, MC1 might represent the person's family while MC2 might represent a trade union or guild in which the person is a member. MC3 depicts a third mini-Community with which the person is not joined in association but which, as a Community, is joined in association with MC2.

In figure 11.3(B), the person has chosen to commit himself to some social compact with MC3 *because of* the association between MC2 and MC3. If the person does not know any of the people in MC3, his commitment to that mini-Community could be a Platonic commitment. That is, he regards himself as being under obligation of some sort to MC3, and expects to inherit from MC3 whatever obligation it has committed itself to with respect to MC2. But, at the same time, he and MC3 are still strangers to one another, no one in MC3 has any expectations to which it holds him *personally*, and he is under no *specific* personal obligation to MC3. This last means his commitment to MC3 is what was earlier called *obligatione interna* (an inner legal liability). The person has pledged himself to MC3 without personally pledging himself to any specific individual in MC3. Such a Platonic commitment occurs if the person makes it his obligation to befriend mini-Community MC3 despite the fact that he actually knows not one of its members personally. His commitment to MC3 is an act of active pledging.

In figure 11.3(B) the person's civil Community-at-large has now grown to include MC1, MC2 and MC3. There are a few things we must note in regard to the nature of this Community. First, not everyone in the person's Community will necessarily regard the person as a member of *his* Community. This would especially be the case for people in MC3 who do not know the person and might perhaps not even know of his *Existenz*. **A person always self-defines his own civil Community**. Mere geographic juxtaposition of a group of people does not automatically place them in a relationship of civil Community because a civil Community is not actual without actual pledgings and the assumption of reciprocal Duties and mutual Obligations. When the pledging is one-way, as in the previous example, this is called a **Platonic Community** because it is in a real sense not a fully formed reciprocal relationship. That is what is signified by the dashed connection in figure 11.3(B). Platonic Communities are easily formed, but are just as easily dissolved. They are inherently non-robust and unstable. *Actualizing* a Community takes effort.

Next, the mere fact that a person's civil Community includes two mini-Communities does not mean these mini-Communities make up a civil Community *between themselves*. For example, if MC1 is the person's family and MC2 is a Junior Chamber of Commerce (JCC), the person's wife might not regard the JCC as being in any way part of *her* civil Community. **All real connections between mini-Communities and within all specific mini-Communities are personal**. Social bonding is always a bonding between social atoms who mediate mini-Community connection.

Thirdly, the form of civil governance can be, and almost always is, *different* in the person's different mini-Communities. For example, if MC1 is the person's family, the governance in regard to the civil Community of husband and wife is most likely *Gemeinschaft*[44], although in other cases it might be monarch/*hirdman*. If there are very young children, the governance between parents and children is most often monarchy/oligarchy with the children occupying the place of serfs. As the children become older, the governance relationship usually must begin to change, perhaps taking on a form similar to a constitutional monarchy/parliamentary system or a kind of domestic *Magna Charta* with the parents still retaining ultimate sovereignty but with at least the older children having a limited democratic voice in family matters. This evolution of governance form would be a shift from a prior asocial-egocentrism quadrant in the direction of the asocial-cooperation quadrant[45]. Contrariwise, the change might be a shift in the direction of the social-egocentrism quadrant (more republic-like governance) with the parents' behaviors taking on more of the flavor of governing officials and less that of rulers, and the children moving from a social situation of serfdom toward the status of becoming full family citizens[46].

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[44] If the husband-wife relationship is one of abuser and abused, the relationship is not a civil Community at all but, rather, a state-of-nature relationship.

[45] Perhaps you feel a sense of objection to a conceptual implication that I am calling parent-child relationships asocial. If so, the objection is misplaced. Relationships as such are all context-dependent and the relationship in regard to *family governance* being asocial in no way precludes additional parent-child relationships governed by interpersonal *Gemeinschaft*, e.g. father-and-son hunting or fishing trips, teacher-pupil *Gemeinschaft* in doing school homework, participating in athletics, learning a trade, etc. Social bonding phenomena are much more fine-structured than most people consciously recognize. What is important to understand is that *all rulership is asocial* because it is unilateral and not reciprocal.

[46] Very young children are not yet developmentally capable of understanding the notion of citizenship, much less being able to behave as citizens. By their adolescent years, they have not only developed an intuition of citizenship from relationships with their peers, but are increasingly likely to *demand* it for themselves within the family. If parents are not prepared for this, "teenager rebellion" becomes likely. Parents who would maintain their authority to govern the family are well-advised to plan with foresight a gradual evolution of their governing role from monarchy/oligarchy rulership to republic *officium* as the children become more and more prepared to receive it and more capable of comprehending citizenship. This helps to prepare *all* family members for an eventual transition to *Gemeinschaft* when the children reach age-of-majority, and helps to preserve the family as a civil Community.

On the other hand, governance of MC2 is typically quite different. If MC2 is a trade union to which the person belongs, its governance is often one of non-consensus democracy. If it is a Junior Chamber of Commerce it is likely *Gemeinschaft* with perhaps some elements of republican governance. In either case, the form of governance is often less subject to social-evolutionary change than is the case within a family mini-Community. Other mini-Communities to which the person belongs typically have yet another mixed-form of Community governance. The points that I wish to emphasize are these: (1) Every person finds himself in a broad social environment made up of a plurality of diverse mini-Communities, all with different forms of governance; (2) no one form of governance is universally suited to every kind of mini-Community, nor is a pure form of governance unalloyed by characteristics of the other forms empirically typical; and (3) each of the divers mini-Communities is founded upon some social compact more or less unique to that particular mini-Community. Every person's civil society is a veritable *chili con carne* of divers mini-Communities and social compacts with varying degrees of bonding intensities and various degrees of robustness and stability.

One consequence of this is that it reveals a fundamental fallacy in the political theories of the ancient Greek philosophers. Aristotle wrote,

> Thus also the state is prior in nature to the household and to each of us individually. For the whole must necessarily be prior to the part since when the whole body is destroyed, foot or hand will not exist except in an equivocal sense . . . It is clear therefore that the state is also prior by nature to the individual; for if each individual when separate is not self-sufficient, he must be related to the whole state as other parts are to their whole [Aristotle (date unknown), *Politics*, I. i. 11-12 (1253^{a}19-30)].

The ancient Greeks showed a marked disposition for declaring that if something was good, more of it was better, if big is better than small then bigger still is better still, etc. Aristotle in particular, and Plato to a like degree, tended to personify the state or the society and to regard the individual as an accidental part of *its* nature. Critically, there is no state or society *per se* except what the individual thinks there is, and there are therefore as many and more societies as there are individuals who hold-it-to-be-true that a society exists. The moment a theory or model makes an abstraction that takes the individual out of the definition, we are no longer engaged in a social-natural science but merely a materially empty mathematical construct. The dynamics of a population of individuals is a social dynamic, and in every relationship of civil Community there are expectations held by the individuals involved concerning behaviors and interpersonal relationships. This is nothing else than presupposition of social contracting, and this contract-supposing phenomenon characteristic of human Community interactions *is* the *Realerklärung* of the social contract phenomenon.

We must also concern ourselves with the contrary relationship, namely anti-bonding relationships between the individual and different civil mini-Communities. Figure 11.4 illustrates the process of the person's self-designation of a mini-Community (MC3 in this case) as being a Community of enemies because a part of *his* civil Community so-designates them. The word "enemy" derives from the Latin word *inimicus* (*in*, not, plus *amicus*, a friend) and literally means "not a friend." It would seem the ancient Romans subscribed to the maxim, "If you're not with me then you're against me." The anti-bonding/anti-civil relationship the person constructs in figure 11.4 is probably the most empirically common form of enemy-building. The person knows not a single individual in MC3; his enmity toward that group is based entirely on the fact that other people who do belong to his Community-at-large hold MC3 to be an enemy ("not a friend"). In point of fact, by making this anti-bonding connection the person is being loyal to his social contract with the members of MC2, and therefore his stereotyping of people he has never met (the members of MC3) *is a moral act and is morally necessitated*.
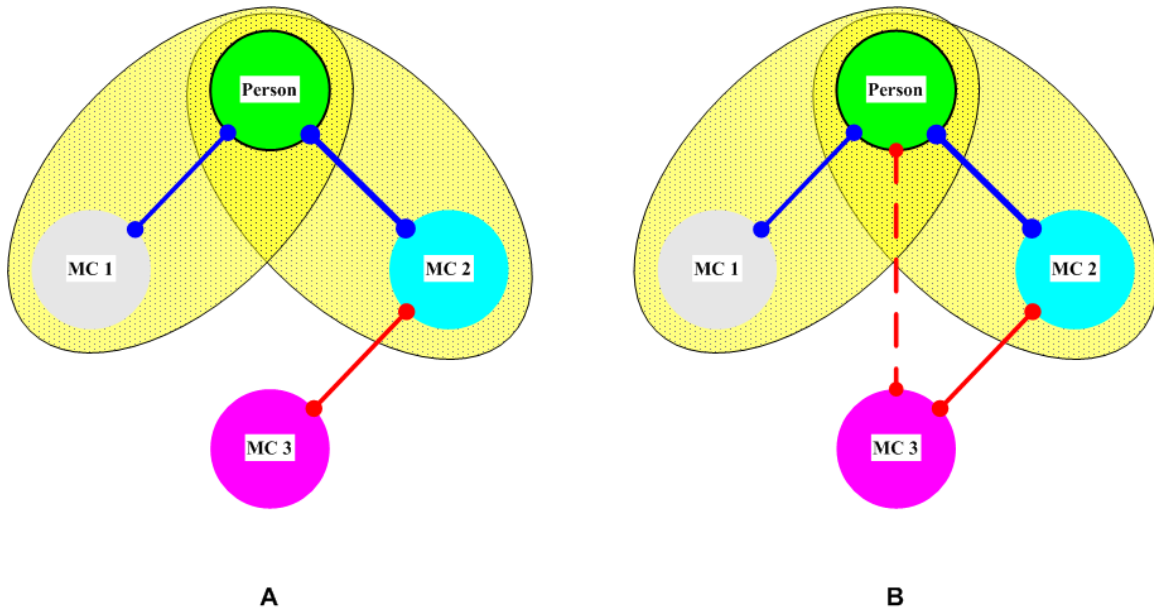
Figure 11.4: Enemy-building. A: The person's initial social situation and Community. B: New personal designation of a mini-Community as an enemy. MC = mini-Community. Ovals denote the person's civil Community-at-large. The person places MC3 outside the sphere of his own civil Community.

All anti-*civil* structures such as that of figure 11.4 are ultimately founded on anti-*civic* person-to-person interactions between two or more individuals that have taken place at some prior point in time and which often do not involve the specific person depicted in the figure. When two people are both members of the same mini-Community and one of them commits an action the other judges to be an *unjust* action (an action that violates in some way the social contract as the other person understands it), the civic bond between them is ruptured and relationship in the state-of-nature takes its place. The social issue then becomes whether or not the rupture can be healed.

A *transgression* is any deed contrary to Duty. A moral **fault** is an unintended transgression. A moral **crime** is any intentional transgression. Transgressions are very frequent empirical occurrences and one principal task of all justice systems in all civil Communities is to adjudicate whether a transgression was merely a fault or if it was a crime. The consequences of the judgment are quite significant because, deontologically, justice is the negation of the effect of anything that is unjust and all transgressions are unjust because they violate a social contract that is in place.

In the case of a mere fault, one of the implied Obligations actively pledged in any social contract is *to forgive a fault* because every member of a civil Community is presumed by all members to be pledged to a Duty to maintain the *Existenz* of the Community. Without such a Duty the alliance of members is without *social* real meaning and the mutual protections and multiplications of the power of the persons in the Community are illusory. Forgiving a fault does not mean the transgressor is not obliged to set things right by restitution or compensation. Indeed, intentionally failing to do so is itself a crime because negating the effect of the unjust action is an *actio invita* necessary to preserve the conditions and meet the terms of any social contract.

The social situation is quite different when the transgression is a crime. In this case, the criminal has deliberately violated one or more of the terms that he previously pledged himself to be under Obligation to uphold. He has caused a rupture within the civil Community and therefore he presents a threat to the continued *Existenz* of that civil Community. He thereby forfeits his citizenship in the civil Community and, with it, *all of his civil rights*. The civil Community has the civil right to exact whatever punishment or retribution the *Community* sees fit to exact on the

person of the criminal. This right is limited only by the Obligation of the Community-as-a-whole to insure that the civil rights of the *victim* (the person the unjust action was perpetrated upon) are protected inviolate. Failure to meet this Obligation is a **perpetuation of injustice** by the Community and the victim is thereby *morally released from all pledges to the Community*. He can then morally secede from the Community *without transgression* and take up all his alienated natural liberties once again (while, at the same time, forfeiting all his civil liberties and civil rights). He becomes an outlaw once more by this act but not a criminal. He no longer stands under any Duty or any Obligation to his former civil Community, and their **mutual** relationship returns to the state-of-nature. His former Community is now equally outlaw to him.

Anti-civil relationships such as depicted in figure 11.4 have the peculiarity that, although they are anti-bonding relationships, they are not **anti-civic** relationships. *Civic* is a term that pertains to immediate interpersonal relationships within a civil Community. *Civil* is a term that pertains to the Community and the entirety of social relationships within it. The person in figure 11.4 doesn't "have anything personal against" any person in MC3. The origin of his anti-civil relationship with its members is grounded in his civic relationships with the members of MC2. Because there is no underlying unjust action in which the person was a victim, the anti-civil bonding he constructs is an unstable, non-robust anti-bonding. If MC2 "makes peace" with MC3 and relinquishes the mini-Community mutual relationship of enmity, the person will likewise relinquish his enmity to MC3 because he has *pledged*, by virtue of his membership in MC2, to do so *because it justly did so*. Because the person was not the victim of any transgression, MC2 can "make peace" with MC3 *without violating any of the person's civil rights* as a member of MC2.

Whether or not it is possible for MC2 and MC3 to "make peace" with each other entirely depends on what anti-*civic* relationships exist between people belonging to the two mini-Communities. A "peace treaty" with terms that do not threaten the continued *Existenz* of either mini-Community is deontologically possible *if and only if* in meeting the terms of the treaty *no citizen of either mini-Community suffers a violation of his civil rights as a member of that mini-Community*. If the terms of such a treaty require the members of the mini-Community to alienate some heretofore unalienated natural liberties, the treaty cannot be **justly** made until the members of the mini-Community *all* agree to an amendment of their civil Community's social contract by which *all* members willingly consent to an additional alienation of their natural liberties. This the member will not do unless by doing so he either realizes some new perfection of the power of his person (Progress) or else recognizes that the preservation of those powers he now has necessitates him to the making of the agreement (Order). If a civil mini-Community ignores this deontological moral commitment to all its members, it runs the risk of self-immolating its own *Existenz* through moral secession of some fraction of its membership.

Analogous remarks and conditions pertain to figure 11.3 and the civil-bonding relationship it illustrates between the person and MC3. The great majority of all civil and anti-civil bonding that any person forms during his self-construction of his personal society are of this character and these are *non-civic* relationships because the person generally has no civic or uncivic bonds with any individual in the other mini-Community. This deontological character of society-construction is what accounts for the easily observed empirical phenomenon of granulated society.

§ 6. Tocqueville Governance

It is at this point instructive to reexamine Toynbee's remark and an empirical truth it contains:

> A society, we may say, is a product of the relations of individuals, and these relations of theirs arise from the coincidence of their individual fields of action. This coincidence combines the individual fields into a common ground, and this common ground is what we call a society. [Toynbee (1946), pg. 211]
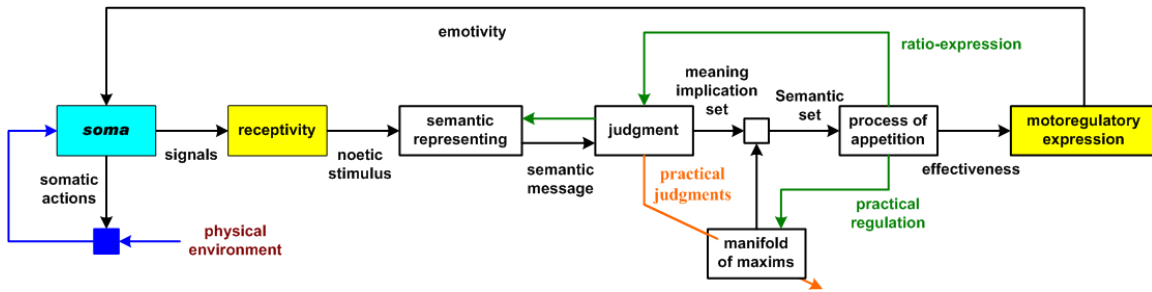
Figure 11.5: Weaver's model of a person and Critical semantics.

Toynbee, an historian, no doubt used the word "field" in a descriptive rather than technical context, but mathematically it is a term to be taken quite seriously and technically. In the earlier introduction of the notion of social-chemistry I stated that field interactions were a non-negligible mathematical element of the social environment model. In a Weaver's model (figure 11.5), the person's knowledge of his society-constructs' granted civil liberties and his understanding of his personal civil rights underlie his judgments of Critical semantics and his Self-determination of actions. Again, a Critical society is the mathematical object of a mathematical concept formed by an individual and: (1) is suitable for one or more of his purposes; (2) has its principal quantities represented by appearances of individuals; (3) has no ontological significance whatsoever; and (4) in logical essence, the concept is a concept of relationships and associations. What Toynbee called a society is, strictly speaking, a further abstraction from individual concepts of society, retaining what is contained in common among these divers concepts and manifested by a mathematical field construct. For technical clarity it would be wise to give this quite different Object a distinct name, and I will call it a ***Society***.

The empirical appearance of a Society is a "happening" (in Critical terminology, an *Unsache*-thing). Among its grounding marks of recognition is the appearance of a social dynamic called leadership [Wells (2010)]. ***Leadership*** is *the reciprocal relationship between two or more people by which the self-determination of actions by the follower(s) is stimulated by the actions of the leader*. A ***leader*** is *a person who purposively stimulates the self-determination of another person to express an action congruent with the leader's purpose*. A person is a ***follower*** if the act of his self-determination is stimulated by the actions of another person (who is then the follower's leader-at-the-moment). The Critical theory of leadership is explained in detail in Wells (2010), and I refer you to that work for further elucidations of the concept. What is key to understanding our present topic is this: Leadership is a social dynamic and *who the leader is changes from moment to moment during the intercourse of this dynamic*. A leader who has no followers is a stark and fundamental contradiction in terms. To be a leader is to take leader's actions, and it is a total irrelevance whether or not a person is nominally *designated* to be a leader by any other person or group of persons. You are a leader if and only if your actions produce followers, and you can be a leader at one moment and not-a-leader at the very next. In a leadership dynamic, who is acting as the leader can and does change fluidly as the dynamic progresses.

To be nominally *designated* as a Community leader means nothing more and nothing less than that some Community of individuals has made the presupposition of an *expectation of authority* and that they have named the designated individual an *authority figure*. In Critical terminology, the *Realerklärung* of **authority** is *possession of the* Kraft *of causing something to become greater, to increase, to be strengthened, or to be reinforced in some way*. An ***authority figure*** is *the position of an agent of leadership governance charged with the Duty of causing an association's general success and welfare to become greater, to increase, to be strengthened, or to be reinforced*. ***Expectation of authority*** is *the demand by citizens in a civil Community that a person holding a position as a designated authority figure possess the* Kraft *of authority and will*

actualize it for the benefit of their association. A person who accepts designation as an authority figure is, by virtue of this acceptance, both representing to others that he possesses the requisite *Kraft* and that he is willingly pledging himself: to an Obligation to exercise authority; and, to a Duty to do so *solely for the benefit of the civil Community in whose name he acts*. Any citizen of a civil Community who accepts being designated as an authority figure is well advised to fully comprehend that he is *in fact* making a pledge of the most solemn sort and that any deliberate dereliction of his Duty as authority figure, in his actions as the Community's appointed agent, is a deontological crime for which the Community can justly hold him accountable.

A Community will have leaders whether or not anyone is designated as an authority figure, the leader will change moment to moment, and *the form of governance can change when they do*. The primary leader's actions of a designated authority figure broadly fall into two categories: (1) initial stimulation of some leadership dynamic for a purpose beneficial to the Community; and (2) guidance of the course that leadership dynamic takes to ensure that the purpose is satisfied and the contract preserved. In a very real sense, the primary Duty of an authority figure is to stimulate appropriate others to take leaders' actions of an appropriate kind and at an appropriate time.

Historically it has been traditionally presupposed by almost all people that leadership is the quality of being a leader and that leadership is a personal trait. Both of these, regarded from Critical metaphysics, are false presuppositions. A person is a leader if and only if his actions stimulate another person to take some action. If that action should be to take a gun and shoot the first person in the head, that first person's action was still a leader's action – specifically, one called an *unsuccessful* leader's action if his purpose did not include the ending of his own life. Leadership is a dynamic in the state-of-nature just as much as in civil Community. The moral distinction is that in a civil Community the organization of authority figure *offices* and the appointment of authority figures to hold those offices has a deontologically moral foundation in a social contract. Leaders exist in state of nature relationships *but authority figures do not*.

One consequence of the historical misunderstanding of leadership that is often readily observable in human organizations is the failure by a current authority figure to recognize that *past* organizational policies and amendments to the organization's social contract become a binding part of Community's *expectations of the office* and are never in any way morally tied to a previous holder of that office. It is not uncommon for a newly designated authority figure to say of some existing policy, "This is not *my* policy; *I* never agreed to it" and to therefore acknowledge no duty to see that the policy is enforced. However, it is totally irrelevant that the new office-holder might have had no part in crafting the policy. If he abrogates or violates it *without gaining the consent* of the members of his civil Community, he commits a deontological crime (if he does so deliberately) or a moral fault (if he does so through ignorance of the policy). If he thinks that he personally never agreed to some policy, he is in error. **He agreed to it the moment he accepted the appointment to his office** by virtue of his pledge of office, whether that pledge is formally vocalized or is merely, as in most cases, left unsaid. Such a *system of tacit agreement* is an essential glue in maintaining the integrity and sustaining the *Existenz* of a civil Community. A newly designated authority figure **is granted by his civil Community no power to unilaterally abrogate past policies**. *The civil Community* can make such an abrogation *a specific condition of his appointment*, and if it does the abrogation is no longer unilateral but reciprocal and the abolition or amendment of the policy is then a duty of office.

Most human organizations are neither pure state-of-nature nor a pure civil Community. They are, instead, a mixed state-of-nature/Community *potpourri* of divers and frequently conflicting habits and folkways. Such an organization is very granulated and has little practical prospect of continuing to be in real *Existenz* for very long. Objectors to this statement are likely to point to specific organizations (e.g. U.S. Steel or the Hewlett Packard Company) as being actual examples of enduring mixed-nature Communities. They are, however, mistaken in this. No organization can

be held, with real objective validity, to have exhibited a continuous *Existenz* as *one entity* if the people associated with it now are different from the people who comprised it at some past point of reference *without* a (possibly justly amended) *continuous* common social contract governing the entity during the population transition. The U.S. Steel Corporation today is not the same entity as the entity established at the start of the 20th century; not one single person in it today was part of it in 1901 and the two entities share no continuity of social contract. A real predication of the *Dasein* of a civil Community is grounded by its social contract, and continuous *Existenz* as an *entity* is, metaphysically, determined by the continuity of its social contract. The entity called U.S. Steel today is a *Doppelgänger* of the entity founded in 1901. The entity called the Hewlett Packard Company today is a *Doppelgänger* of the 1980 entity known by that name[47] [Malone (2007)]. A mere name by itself carries no ontological significance whatsoever[48].

The ground for the *Existenz* of a system of governance in every civil Community subsists in maintaining the real *Existenz* of that Community in the teeth of numerous challenges it faces that threaten its continued *Existenz* and the well-being of its members. If the sublimity of the practical challenges this entails is affecting you at this point, you are apprehending the empirical character of human social organization and the difficulties attending successful social contracting. The obvious question is: Is there any possible solution capable of surmounting these difficulties in any form of civil Community? It is at this juncture where I call your attention to the full phrase *system of governance*. Not one of the four pure *forms* of governance is capable of succeeding in every social environment or at every structural level of a civil Community. This is because for every group of persons habitually receptive to that form, there is another group of persons habitually inclined to repugnance towards it. These are the poison relationships depicted in figure 11.1 (monarchy/oligarchy vs. *Gemeinschaft*; non-consensus democracy vs. republic).

On the other hand, *each form of governance is well suited to specific groups of people in specific environments and within some specific restricted scope of application*. Let us recall the earlier observations made by Tocqueville and quoted in these pages concerning government in early 19th-century New England. At this point it is instructive to return to one of Tocqueville's more prescient observations and quote it in fuller detail:

> There are two manners of diminishing the force of authority in a nation. . . . The second manner of diminishing the influence of authority does not consist of stripping society of some of its rights, nor in paralyzing its efforts, but in distributing the exercise of its powers among various hands and in multiplying functionaries, to each of whom is given the degree of power necessary for him to perform his duty. There may be nations whom this distribution of social powers might lead to anarchy, but in itself it is not anarchical. The authority thus divided is, indeed, rendered less irresistible and less perilous, but it is not destroyed.
>
> The Revolution in the United States was the result of a mature and reflecting preference for freedom, and not of a vague or ill-defined craving for independence. It contracted no alliance with the turbulent passions of anarchy, but its course was marked, on the contrary, by a love of order and law.
>
> It was never assumed in the United States that the citizen of a free country has a right to

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[47] Purposes of full disclosure compel me to inform you that I was an employee of the Hewlett Packard Company from 1975 until 1993. Today nothing would entice me to work for the entity bearing that name.
[48] I once did an Internet search on the name "Richard B Wells" and got a couple hundred thousand hits, some of which pertain to me and the rest of which do not. The latter included an obituary that, as I recall, was the second or third item listed. It would seem that this Richard B. Wells must have been a very popular fellow. The search also brought up a fair number of U.S. patents, some of which are mine and some of which belong to different persons named Richard B. Wells. It appears I bear a name much more popular than I would have guessed. Leave out the "B" and the number of hits becomes staggering in magnitude.

do whatever he pleases; on the contrary, more social obligations were there imposed on him than anywhere else. No idea was ever entertained of attacking the principle or contesting the rights of society; but the exercise of its authority was divided, in order that the office might be powerful and the officer insignificant, and that the community should be at once regulated and free. In no other country in the world does the law hold so absolute a language as in America; and in no country is the right of applying it vested in so many hands. The administrative powers in the United States presents nothing either centralized or hierarchical in its constitution; this accounts for its passing unperceived. The power exists, but its representative is nowhere to be seen. [Tocqueville (1836), pp. 70-17]

Tocqueville describes a delicately *distributed system* of governance in which the form of governance varies with the scope of authority vested in its various offices. Furthermore, the nature of the leadership dynamic leads to an interesting additional consequence, namely, that as the leader-of-the-moment changes during the course of the dynamic *the form of governance within a cooperating group of people can change as well*. The authority of offices and the divers forms of local governance are linked, mediately or immediately, to each other but this linkage is non-hierarchical and is likewise a social dynamic that I call an ***American Republic***.

It is not correct to say that the ideas of centralization of power and of distribution of power through a hierarchical chain are exclusively European ideas. These ideas are as old as historical civilization itself and are found across the entire globe. But it is correct to say that these ideas were rejected by Revolutionary America. It is also correct to say that they were re-introduced into the fabric of American mini-Societies by the Industrial Revolution just as much as by the inclinations that favor the form of monarchy/oligarchy governance. The so-called "Robber Barons" of 19th and early 20th century America are merely the most historically prominent commercial representatives of the attitude [Adams and Vannest (1935), pp. 633-677].

Centralization of power and its distribution through hierarchical chains are ideas that are foundationally unworkable for the maintenance and long term success of a civil Community, whether one is speaking of politics, commerce, or any other sphere of cooperative human activity. The system of governance it leads to is poisonous to the realization of a vigorous and successful social dynamic of leadership and it leads unerringly to the production of a Toynbee proletariat and the ultimate stagnation and disintegration of the civil Community. Non-centralized and non-hierarchical organization of governance was never reflective of the whole of the early United States. This was particularly so in the case of the Plantation-centered Old South in such states as South Carolina. No country and no civil Community above the smallest levels of population has ever been free of all individuals whose interpersonal habits produce an inclination favoring centralization and hierarchy. But such a system of governance is impracticable in the long run.

A system of governance with utterly *no* centralization and utterly *no* hierarchy is equally impracticable outside of small *Gemeinschaft* civil Communities. Such a system of governance is opposed by people habitually inclined to favor the other three quadrants of governance forms. The complicated – and, historically, vastly underappreciated – system of governance Toynbee recognized in New England in the 1830s did not succumb because it did not work but because it was not recognized for what it in fact was, therefore no preparations were made to defend it against state-of-nature political and economic predation, and so it was eventually subjugated (conquered) by uncivil institutions of state government and political parties. Its safeguards were not adequately constituted and the threat not sufficiently recognized to ward off that predation. It fell *contingently*, through mistakes born of ignórance and presumption, not from *necessity*.

Habitual Analytics and Drivers usually do not find it difficult to criticize a Tocqueville system of governance by nitpicking this or that problem or issue it has yet to solve. But all systems of governance, being empirical constructs, always have important current issues not yet resolved and perceived present shortcomings. To say this, however, does not mean centralization or hierarchy

provide any miracle cures. This is why a system of *amendment* of social compacts is a logically essential factor of social contracting. Indeed, amendment is a principal Duty of the *legislative* offices instituted for civil Community; *justice* in amendment is a Duty of the judiciary offices.

The personal character of each person's civil Community, the contrast and sometimes conflict of habitual interpersonal inclinations and dispositions, and the complexity of empirical experience all insinuate that practical and sustainable systems of governance for a civil Community capable of sustainable growth and accomplishment must be distributive, non-hierarchical, and carefully attentive to the scope of expectation for authority vested in the various offices it contains. We can well call such a glassy system of civil governance **Tocqueville governance** in recognition of the part he played in bringing this otherwise quite stealthy phenomenon into the light. The four pure forms have all been tried in practice; they all show an unbroken history of failure. The mixed form of civil governance first noted by Tocqueville is all that, so far in experience, remains as the *inadequately-tested* option for sustainable, maintainable and vigorous civil Community.

This means that as the authoritative scope of organized governance increases, the authorized civil authority with which its divers offices can be safely vested must necessarily be kept limited and their scope and application must likewise be carefully delimited according to localizable interests appropriate for the expectation of authority of the office. The most detailed and specific authorizations of governance must be restricted to the most localized organizations of authority figures and their offices. At the same time there must be linkages across governance offices at the same scope of civil authority and between those at adjacent levels of scope. Mathematically, this is not a planar hierarchy but, rather, a non-planar *array* of responsibilities for just governance. Ordered-array governance has not received sufficient scientific study[49], but it is the only logical option capable of bridging across the differences in habitual inclinations and dispositions empirically found in the interpersonal behaviors and the empirical personality styles of human beings. It is the only tried form for the governance of human affairs in civil Community that enjoys the possibility of successful social contracting. This is what I mean by the phrase **Tocqueville governance in civil Community**. For the empirical as well as the mathematical realities of human social-Nature, it is necessary for the possibility of sustained civil Community.

§ 7. References

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[49] The closest anyone has come to this to date is a theory that germinated in the late 1950s and is known as "matrix management" [Shannon (1980), pp. 81-93]. At present it is a theory sorely in need of much social-natural scientific development and too heavily corrupted by ontology-centered prejudices, the most serious of which is an ungrounded faith in the magic of "competition for resources" – a mistake that is its undoing.

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