Individual Rights and Community in America

A *Let's Talk About It* Book Discussion Series

- *Democracy in America*, by Alexis de Tocqueville
- *The Republic*, by Plato
- *Coriolanus*, by William Shakespeare
- *The Social Contract*, by Jean-Jacques Rousseau
- *The Scarlet Letter*, by Nathaniel Hawthorne

The United States is a nation founded on the idea of rights, as was so resoundingly affirmed by the Declaration of Independence. We are, according to that document, endowed by the "Laws of Nature and of Nature's God" with certain inalienable rights, among them life, liberty, and the pursuit of happiness. This is the fundamental creed of Americans, and we astound foreign visitors to this country with our proud conviction that we effectively possess rights, that the purpose of government is to protect our rights, and that, as our rights are to be respected, so the same rights are respectable in others. Rights create our sense of justice, and we see our history as the struggle for the recognition of the equal rights of all men and women.

It must be stressed, however, that Americans are free to join or not to join the social contract defined by our government and laws, just as they are free with regard to any other contract. This individualism has always been a problem for us, for along with an admiration for the "rugged individualist" there is a simultaneous contempt for the "Me Generation." Indeed, there is frequently expressed a genuine longing for a different kind of political life, a real community. The model for such a community is the family, where caring is instinctive and sacrifice of the individual to the good of this little community is regularly expected. There seems to be a tension between the calculation of personal fulfillment and instinctive, rooted loyalties.

As usual, many people would like to have their cake and eat it, too. They want maximum freedom while preserving traditional ethnic, religious, and family ties. Somehow we would like the advantages of both without the disadvantages. But can these opposing values be reconciled so easily? A good example of the problem can be found in recent Iranian history. Many thoughtful people opposed the Shah of Iran because he did not respect traditional Iranian culture and the deep "roots" it provided. He wanted to Westernize, or Americanize, Iran. But when Ayatollah Khomeini came to power, bringing his Islamic traditionalism, the same persons were shocked by his persecution of other religions and his subordination of women. Religious freedom and the rights of women were not part of the Iranian tradition or of the Islamic community. Are rights higher, or is community? Simply put, if one chooses rights, there cannot be an Islamic community; if one chooses community, rights go by the board. Such issues are of great physical political importance, and or judgment about them depends on how we think about the fundamental nature of politics.

This great struggle between rights and community is, of course, not confined to Iran. In the United States, that struggle is mirrored in such burning questions as: To what extent should a government be allowed to regulate the moral conduct of its citizens? To what extent is income redistribution – undertaken to care for the needy and to

equalize human suffering – compatible with the pursuit of individual rights? Should English be the primary language taught to all Americans, or should other national languages and cultures be preserved?

Unfortunately, we do not always think clearly or sufficiently about these issues. We react to each situation ad hoc, often contradicting ourselves, without a clear vision of what we want or can hope for. We tend to be in politics like those people who want to believe in the biblical version of human creation while at the same time holding to Charles Darwin's interpretation. Each version undermines the other and leads to very different understandings of what we humans are and what should be expected of us. Therefore, we must ask ourselves whether we still truly believe in rights and also whether our desire for community is merely nostalgia. The works of those writers who have thought through such questions profoundly and systematically – such as Tocqueville, Plato, Shakespeare, Rousseau, and Hawthorne – are of inestimable value for the discussion of these enduring issues.

BOOKS IN THE SERIES

Democracy in America, by Alexis de Tocqueville
(V. I, Pt. 1, Ch. 5; V. 1, Pt. 2, Ch. 4, 6-9, first half of 10; V. II, Pt. 3, Ch. 1, 8-12, 19)

> *I confess that in America I saw more than America: I sought there the image of democracy itself, with its inclinations, its character, its prejudices, and its passions, in order to learn what we have to fear or to hope from its progress.*

Tocqueville was perhaps the greatest observer of the United States. It is therefore appropriate to begin our consideration of the problem of community in America with his *Democracy in America*. He saw that modern democracy begins from the belief in individual rights, and throughout his book his focus never waivers from the question: What kind of community and public-spiritedness can be expected from a country founded on freedom and equality? He shows that all aspects of American life, including the most private tastes, are decisively influenced by the democratic regime. The democratic citizen is a different kind of animal from the monarchic or aristocratic one, pursuing different goals (e.g., economic wellbeing versus glory), honoring different things, having different pleasures and pains.

> *Tocqueville traveled to this country not to see the United States per se, but rather to see a model of what democracy could be, inasmuch as he believed that democracy, or at least equality, was destined to rule the world. He argues that certain kinds of human excellence – the impressive moral and intellectual virtues of past ages – are not likely to flourish in democracies, which are more utilitarian, and that there are dangers of anarchy, tyranny, selfishness, and materialism in our political system. But he also believed that there is greater justice in democracies and that certain special correctives were contained in the American founding that help to avert the dangers. For example, Tocqueville points out that America gets much of its inspiration from the New England townships, where there was a severe public morality based on strong religious beliefs. In addition, a salutary habit of local loyalty came from that beginning; decentralization is one of the*

> *strengths of American democracy. Moreover, the teaching of rights transforms individual selfishness into a certain morality of respect for the rights of others: The principle of self-interest rightly understood produces no great acts of selfsacrifice, but it suggests daily small acts of self-denial. By itself it cannot suffice to make a man virtuous; but it disciplines a number of persons in habits of regularity, moderation, temperance, foresight, self-command…If the principle of interest rightly understood were to sway the whole moral world, extraordinary virtues would doubtless be more rare; but I think that gross depravity would then also be less common.*

Finally, strong family ties and egalitarian compassion help to temper selfishness and concentration on what is merely useful. Was Tocueville right about the dangers for the regime based on individual rights? Are the moral correctives that he discerned still effective?

The Republic, by Plato
(Bk. I-III, V [through 473c])

The Republic is the classic statement of the problem of justice, of what we owe to others. This book, which is really a little drama, begins with a confrontation between Socrates, who represents questioning, doubt, and philosophy, and Cephalus, a father, whose guiding principle is instinctive loyalty to the family and who represents a traditional order of authority where there are no doubts about what is good or just, but where all the real questions are suppressed. His son, Polemarchus, tries to defend this position, but Socrates gently shows him that he must seek the good, and not remain simply loyal to his family. The extreme implications of this discovery are elaborated by Thrasymachus, a foreigner and cosmopolitan intellectual, who concludes that the community is in radical conflict with the individual and that one must seek the good for oneself, and simply exploit the community for one's own ends.

The rest of *The Republic* describes Socrates' education of two brothers, Glaucon and Adeimantus, who are impressed by this argument that the natural satisfaction of an individual entails also his or her wish to become a tyrant, unconstrained by law. Socrates asks them to imagine themselves as founders of a city. He intransigently examines what a community requires and what kind of education would be necessary to overcome the conflict between private interest and public good, especially what is necessary to get people to sacrifice their lives for their country. And his "noble lie" states what it means to have "roots" and what a human being must believe in order to overcome natural rootlessness, leaving us doubtful about the idea of rootedness.

In Book V, in a stunning display of imaginative power, Socrates presents paradoxes to show what it would take to turn the city into a family, with a real community of interest and without irrelevant distinctions based on wealth, gender, or conventional family. This text, for example, contains the first philosophic argument for the equality of men and women. Plato shows that we must give up cherished attachments to privacy – to wives and husbands, children property – to realize a full community without warring interests. Plato helps us to see what are the advantages of community, but also shows what we must sacrifice to community in return. Can a political order really be like a family?

Coriolanus, by William Shakespeare

Despising
For you the city, thus I turn my back.
There is a world elsewhere

Shakespeare was not just a great dramatist, but also a profound teacher on the nature of politics. *Coriolanus* is a play about republican Rome and provides some insights into that extraordinary community. The play virtually begins with Menenius' "pretty tale" about Roman political life. The city, he says, is like a body; it is an organic whole, not just a collection of individuals. Just as the various parts of the body contribute to the activity of the whole body, so each part of the political community has a function in the life of the whole community. Each individual understands himself or herself as part of this larger whole, and derives happiness from the success and greatness of Rome.

This account of political life is alien to us, inasmuch as it does not account for the individual as a possessor of rights, but it may make possible a more satisfying "community" life. However, Shakespeare's Rome is, in an important sense, not one city but two. Rome is torn between patricians and plebs, or between rich and poor. As Menenius tells a company of citizens:

> *The senators of Rome are this good belly, And you the munious members: for examine Their counsels and their cares, digest things rightly Touching the weal o'th'common, you shall find No public benefit which you receive But it proceeds or comes from them to you, And no way from yourselves. What do you think, You, the great toe of this assembly?*

Roman politics is a balance of power between these competing and hostile forces. As the play begins, Rome is in turmoil as a result of popular demands for "corn at our own price." This precipitates a constitutional crisis, which reaches its peak when the people banish an insolent *Coriolanus* from Rome.

Coriolanus is the greatest of Romans. He is an extraordinary man whose life has been spent in service to Rome and its citizens. He therefore has a claim to rule in Rome, a right to the gratitude of the people. But he will not flatter the people. His special merit, his claim to rule, is not dependent on the consent of the people, or public opinion. A good city would honor *Coriolanus* spontaneously.

Coriolanus, however is banished from Rome; he leaves defiantly ("There is a world elsewhere!"). He becomes a traitor to his country. But can a man really escape his political community, his "roots," so easily? *Coriolanus* learns that he is fundamentally dependent on his city, that his claim not to need the city was exaggerated. *Coriolanus* is not indifferent to the judgment of Rome; he seeks honor and is not simply "inner-directed." Moreover, *Coriolanus*' sentiments attach him to his mother and family. He is not truly independent, but rather the child of his mother and the citizen of his city. He cannot escape their judgment.

The Social Contract, by Jean-Jacques Rousseau
Bk. II, Ch. 7-10; Bk. III, Ch. 4, 15; Bk. IV, Ch. 8)

> *As soon as public service ceases to be the main business of the citizens, and they prefer to serve with their pocketbooks rather than with their persons, the State is already close to its ruin.*

Rousseau was the first great critic of modern liberal democracy from the point of view of community. Against the teachers of modern liberal democracy (especially Hobbes and Locke), Rousseau denies that calculation of self-interest is sufficient to constitute a decent civil society. He argues that Locke's emancipation of self-interest would lead to an infinite pursuit of gain, that some would become very rich and control others. Government, which was supposed to keep its citizens free and equal, would become an instrument in the hands of the rich for the exploitation of the poor. Moreover, since human beings are intrinsically selfish, they would become hypocrites in society, deceitful to others and divided within themselves. There would arise an irreconcilable tension between society's moral demands and an individual's "natural" inclinations.

We must now live in society, which means that we must live under laws, Rousseau argues. The choice is whether we make the laws for ourselves or let others impose them on us. The only free persons in society are those who are subject to laws they have set for themselves. In big modern societies, individuals are apt to feel that they have little or nothing to do with making the law, that they are subject to bureaucrats and representatives, and that the law is a burden imposed by special interests for private gains:

> *In a well-run City, everyone rushes to assemblies. Under a bad government, no one likes to take even a step to go to them, because no ones takes an interest in what is done there, because it is predictable that the general will won't predominate, and finally because domestic concerns absorb everything.*

The only practical possibility of civil freedom it to become a participating member of a small community that each citizen loves as one loves oneself. A real community, however, cannot be just a collection of individuals, Rousseau writes. In order to establish and preserve such a community, the citizens must impose a severe morality on themselves, their patriotism crushing the private desires that might lead them to seek to dominate their fellow citizens. There can be no luxury, no great inequalities of wealth. Only in such communities is there a certain and moral freedom. Rousseau is a radical democrat who teaches that democracy has to limit itself in order to remain free.

This is a somber view, because communities such as he describes are difficult and rare. But we must ask ourselves whether Rousseau is right about the importance of morality for community, and community for freedom.

The Scarlet Letter, by Nathaniel Hawthorne

> *There was very much the same solemnity of demeanor on the part of the spectators; as befitted a people amongst whom religion and law were almost identical, and in whose character both were so thoroughly interfused, that the mildest and the severest acts of public discipline were alike made venerable and awful. Meagre, indeed, and cold, was*

> *the sympathy that a transgressor might look for, from such bystanders, at the scaffold.*

The Scarlet Letter takes place in Puritan Boston and provides a glimpse of a distinctively American "community": the New England township. These early American schools of liberty provided, from the beginning, a moral corrective to the most debasing aspects of our individualism, as Tocqueville predicted. Hawthorne's Boston is a true community – rooted, selfgoverning, with shared moral and religious convictions. Here the men and women are truly free, because they rule themselves. There is no police force, no bureaucracy. Everything is under the control of the free citizens, who are themselves the guardians of their laws and of public morals. In another sense, however, these men and women are not free; they are subject to severe, if selfimposed, moral and religious constraints. The drama of *The Scarlet Letter* forces us to consider whether there is not a connection between political freedom and limits on moral freedom, because citizens are only truly united by shared beliefs about what is good and bad, or about virtues and vices.

Hester Prynne is condemned – not by a tyrant, but rather by the universal agreement of the free citizens of Boston – to endure a lifetime of shame for her act of adultery, marked by a scarlet letter on her bosom. But she does not flee, although she was free to do so:

> *It may seem marvelous, that this woman should still call that place her home, where, and where only, she must needs be the type of shame…Here, she said herself, had been the scene of her guilt, and here should be the scene of her earthly punishment.*

Arthur Dimmesdale, a spiritual leader of this community and the guilty lover of Hester Prynne, is torn between his religious faith and duties and his enduring love for Hester. He is thus vulnerable to the cruel wiles of Hester's unknown husband, Roger Chillingworth. He, too, is torn between duty and love. Why are Hester and Dimmesdale unable to detach themselves from this community in order to fully express their love for one another? And why do the citizens of Boston condemn this love so harshly?

This story is a revealing case of the conflict between individual and community; in the case of forbidden love, perhaps above all, nature opposes law. The love of Hester and Dimmesdale is truly natural and private. Their happiness depends on the flourishing of that love. But the moral health of the community may require it to forbid such loves in the name of the common good or virtue. How do we choose between these two noble aspirations?

For Further Reading

Antigone, by Sophocles
Apology and Crito, by Plato
The Culture of Narcissism: American Life in an Age of Diminishing Expectations and Haven in a Heartless World: The Family Besieged, by Christopher Lasch
Declaration of Independence
The Federalist Papers (Nos. 10, 37, 39, 47-49, 51, 62-63, 78, 84-85), by Alexander Hamilton and others
History of the Pelopponesian War, by Thucydides

Leviathan (Pt. I, Ch. 13-15), by Thomas Hobbes
Liberty's Daughters: The Revolutionary Experience of American Women, 1750-1800, by Mary Beth Norton
Mr. Sammler's Planet, by Saul Bellow
Notes on the State of Virginia (Ch. 13-14, 17-19), by Thomas Jefferson
The Roosevelt I Knew, by Frances Perkins
The Second Treatise of Government (Ch. 5, 7-9, 11), by John Locke
Statecraft as Soulcraft: What Government Does, by George F. Will
Supreme Court cases: **Lochner** v. **New York**, 198 U.S. 45 (1905); **Wisconsin** v. **Yoder**, 406 U.S. 205 (1972); **United States** v. **Seeger**, 380 U.S. 624 (1943); **Engle** v. **Vitale**, 370 U.S. 421 (1962); **Griswold** v. **Connecticut**, 381 U.S. 479 (1965); **University of California Regents** v. **Bakke**, 438 U.S. 265 (1978); **Roth** v. **United States**, 354 U.S. 476 (1957) Walden and "On the Duty of Civil Disobedience," by Henry David Thoreau
Women of The Republic: Intellect and Ideology in Revolutionary America, by Linda K. Kerber

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