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NOTES

CONSTITUTIONALISM AND THE QUIXOTIC

Rationalism may be taken to refer to the belief that logical processes are relevant in some discoverable way to the problems of life; that man is a rational creature able to discover the relevancies between logic and life; that man is able to know what actions are in his own and society's best interest; and that man is able to realize these best interests through the use of reason in life situations. Rationalism holds that man is somehow able to submit the world to the rule of reason.

Scientific technology and constitutionalism represent two prominent areas of rationalist effort. Scientific technology refers to a special class of rationalist efforts by man to control his material environment. Constitutionalism refers to a special class of rationalist efforts by man to control his social environment.

Only a few cultures have produced rationalism. But almost every culture which has become highly articulated has produced some form of rationalism. No previous rationalism, however, has approached the degree of refinement and extensive application that has been known in Western culture between the seventeenth and the twentieth century. As twentieth century Western culture enters the stage of full-scale bureaucratization, rationalized controls are being given more extensive application than ever before. Some general observations about rationalism and religion will be helpful in preparing for a discussion of rationalism and constitutional democracy.

One of the stipulated preconditions of rationalism is the assumption that it is possible for man to manipulate his environment. All men have assumed that their environment could be *influenced*, but there is a difference between manipulation and influence. One influences something which has its own will and could do otherwise, but for the influence exerted. One manipulates something which is not aware of the manipulation, or not able to be aware of being manipulated. One influences other things in a relationship which is basically political. One manipulates other things in a relationship which is basically scientific. Most men have approached their environment in a political relationship. Primitive men often attempt to influence their material environment politically through contracts with gods, demons, anthropomorphic spirits, and animistic nature forces. A universe of political relationships and influences is an animistic universe in which everything is alive and willful. Even culture "lives," and law "lives" (the "living law" of familiar Anglo-Saxon tradition) in such a universe.

In a culture in which everything lives there is no such thing as "death" in the modern sense of absolute nothingness. As primitive worlds are peopled with spirits of winds and forests, they are also peopled with spirits of departed mem-

bers. Men "die" and their death is terrible, but it is also a transition to another mode of life. So long as this is true the persistence of life after death is observable in nature. Life after death might be called a datum of empirical "science" in animistic cultures, and not a matter of faith.

The change occurs with the development of rationalism. For what rationalism does characteristically is to exhaust "life" from nature and from "science." That is, rationalism creates a new form of death, a death which is a final nothingness. Rationalism thus scientifically "disproves" the possibility of life after death. This line of argument is one of the central points in the philosophy of Unamuno. From this he proceeds to the proposition that rationalist man, having created life as a short interlude between two nothingnesses, concludes that this being so, man's short interlude of life is absurd and meaningless. The absurdity of life might not be apparent for all cultures developing rationalism, but it has had an especially acute impact on Western man with his lingering nostalgia for the primitive tranquillity of prior animistic beliefs. The result is that rationalistic man, especially in his Western form, resurrects as a matter of faith the immortality he has disproved as a matter of science. It is the only thing which can make life meaningful for him.

Even though rationalistic Western man can never convince himself of the validity of his faith in immortality — even though he always suspects that the belief is unwarranted by the facts — Western man collectively holds to this faith and even creates a special God whose primary function is to insure immortality. This necessity of believing, in the face of its overwhelming improbability, is what Unamuno called the "tragic sense of life." He drove these thoughts to their logical conclusions. One of these conclusions was that even though faith in immortality and in God appears untenable, the necessity of this faith is observable in all sorts of ways.

For one thing, faith in immortality is logically necessary to most men if they are to follow a rationalistic life. This is so because life must hold some ultimate meaning in order to warrant meeting the rigorous demands made on man by rationalism. It is so because men who have faith in immortality and God will behave differently because of that faith. They will engage confidently in projects which cannot bear fruit until long after their death. The more complex Western culture has become, the more immediately fruitless have become the functions of each man. Each worker in a huge rationalized enterprise must engage in functions which are pointless unless the indefinite success and survival of the enterprise (as distinguished from the people in it) appear to be important to him. Moreover, as all life functions become more routinized and more drab, man is increasingly dependent on elements apart from his own life functions to make his routinized life seem valid. The conclusion follows that faith in some form of immortality and in some form of immortality-insuring God becomes a functional necessity for rationalistic industrial man in an even deeper sense than for other types of men. Though such faith might be intrinsically indefensible to the rationalistic intellect, it is socially and functionally necessary to the rationalistic intellect as a "myth" without which he could not function rationally.

Unamuno's tortured cry echoes that of Senancour's Obermann when he writes that "if it be that nothingness is the fate which awaits us, we must not

so act that it shall be a just fate." Each man must, according to Unamuno, play out during his life a grim and cheerless dare to a probably nonexistent God, proving by the excellence of his life (or the intensity of his sense of guilt) that he does not deserve the nothingness which probably awaits him.

As one looks at such men from above, so to speak — from the philosopher's lonely and farseeing vantage point — it is clear that although it is necessary for men to play out this role, the role is nonetheless absurd, ludicrous, and Quixotic. Men must tilt against sins which do not really "exist" except in the sense that the Quixotic tilting is what creates them as sins. But as this "creation" is necessary to man, Unamuno rescues the Quixotic role from its traditional position as atypical, insane, and hallucinatory ludicrousness and identifies it with the fundamental absurdity of rationalism in a life leading to nothingness. The Quixotic thus becomes the noblest and most "rational" heroic model for rationalistic bureaucratic man.

Oedipus had revealed the form of tragedy appropriate to Hellenic man; Sisyphus, as the archetypal Quixote, reveals the form of tragedy appropriate to Western bureaucratic man. It follows that for men in general rationalism and faith — or naturalism and supernaturalism — are not opposed, but are mutually interdependent. Supernaturalism cannot exist without rationalistic naturalism. Supernaturalism, immortality, and God were "created" by rationalism and depend for their continuing vitality on the maintenance of rationalism. However, rationalism in its turn, is dependent for its validity and its functional applicability to the problems of life on the vitality of supernaturalism. Science, in its "collective" sense, if not in the case of each individual scientist, demands supernaturalism. This is the conclusion at which contemporary existentialism has arrived — Christian and non-Christian alike. Existentialism says: Let us assume that God is dead. But this makes a rational life absurd and meaningless. What can make a rational life meaningful and valid? The answer is to live *as if* there were a just God and immortality. For such beliefs validate actions which otherwise would be absurd, but which are necessary to the enhancement of life even if there is neither God nor immortality. "God" becomes the guarantor and validator of rationalism. "God" becomes the projection of the functional and structural necessities of the culture. "God" becomes the farsighted Copernican (as distinguished from the shortsighted Ptolemaic) principle in human relations.

This is not really a novel maneuver. It is merely the social counterpart of the maneuver by which the physical sciences developed their theoretical integrity. The existentialist approach to the social sciences is comparable to the Baconian-Cartesian approach to the physical sciences, but in the opposite sense to what is usually understood by positivism. For the theoretical foundation of the physical sciences was the expulsion of animism ("God" as well as "life") as a principle of causation external to the relationships under investigation. "God" was supplanted by a theoretically autonomous independent variable intrinsic to the system of relationships. Though often incapable of being perfectly understood, such principles — gravity and evolution are examples — made possible the solution of theoretical problems not previously solvable.

In theology as well there is some reason for suggesting that the existentialist maneuver is quite old. Several years ago, in *Persecution and the Art of Writing*,

Leo Strauss investigated the esoteric tradition in Judaic philosophy attempting to prove the presence of a consistent unwritten teaching. Though he presented evidence which warranted assuming the presence and consistency of the tradition, Leo Strauss remained true to the teaching he had uncovered and did not reveal the content of the esoteric teaching. His own book continues the tradition with which it deals and is in this sense comparable to the documents in esoteric Judaism. And if *Persecution and the Art of Writing* is submitted to the same analytical scrutiny that its author gave to the Judaic esoteric tradition, one way of solving the puzzle of the book is to interpret esoteric Judaism as containing the existentialist teaching that even though a religious ethic cannot be grounded on a belief in God, it may be validated as a necessity of existence. It was this train of thought which led Unamuno to agree with A. J. Balfour's proposition that although each society must re-create in its members the ethic essential to its preservation, highly rationalistic cultures create conditions such that the denial of ethical validity in general may become widespread. In becoming widespread it destroys the foundations of high culture. Balfour and Unamuno call the anomic destroyers of ethics "parasites": "sheltered by convictions which belong, not to them, but to the society of which they form a part; . . . nourished by a process in which they take no share. And when those convictions decay, and those processes come to an end, the alien life which they have maintained can scarce be expected to outlast them."

Conceptions similar to these apply also to the Heavenly City on earth: the world of rationalist constitutionalism. Rationalism has come into such ill repute during the twentieth century that discussions concerning it have come to have a slightly archaic aura. Belief in rationalism, like belief in supernaturalism, has been scientifically undermined. Since the nineteenth century there has developed an entire family of social sciences which proceed from assumptions of irrational or nonrational behavior. These newer social sciences are rationalistic and scientific in themselves, so they are not opposed to science as such. They are opposed only to the rationalistic social sciences which were founded on the assumption that man himself tends to behave rationally and scientifically. Democracy and constitutionalism, which were founded on rationalistic assumptions about human behavior, appear to be discredited by discoveries that man is predominantly an irrational, or nonrational, animal.

In the wake of these newer social sciences another development occurred. Not only was there the novel discovery of a substratum of human irrationality; there was also a considerable redefinition of rational behavior. For example, when one looks at human behavior from an assumption of irrational behaviorism, all behavior appears to be irrational, and even compulsive. All behavior can in theory be traced back to some stimulus-response on the individual level, and/or a conformity-or-aggression response to cultural norms on the social level. Behavior which once would have been deemed eminently rational and logical becomes converted into individually or culturally determined behavior which is then rationalized by the human mind. This leads into the social science variant of the old free will-determinism problem.

For example, classical economic theory contained the famous economic man assumption. It was assumed that men in general strove rationally to better themselves economically. Even in the beginning this was recognized as being a distortion and an oversimplification. But it was believed to be sufficiently true of empirical behavior to be valid as a tenet of operational theory.

There are two points to be made here. In the first place, it seems true that during the eighteenth and the nineteenth century men actually did behave more in accordance with the economic man assumption than they did before or after. The empirical situation is different in the twentieth century from what it was in the eighteenth and the nineteenth. One need only compare the nineteenth century Horatio Alger literature with the twentieth century Organization Man literature to get a quick illustration of the empirical differences in behavior between the two periods.

Secondly, the same behavior is interpreted and evaluated differently in the two periods. The industrial moguls of the nineteenth century — men like Andrew Carnegie, Jay Gould, John D. Rockefeller, J. P. Morgan, and Henry Ford — appeared in their times to be eminently rational economic men. But twentieth century biographies of these men invariably portray them as compulsively psychopathic and culturally determined illustrations of the behavioral determinism characteristic of their times. A man who, in the twentieth century, behaves like a nineteenth century economic man tends to be regarded as being sick and needful of psychiatric care. Such a man, told he is sick at every hand, tends to believe himself to be sick also, and goes dutifully to a psychiatrist seeking a cure for his strange and compulsive economic behavior.

The same thing is true in politics. The greatest twentieth century biographies of eighteenth and nineteenth century political leaders “explain” their strange and compulsive behavior according to the “psychopathology of politics.” Such are the conclusions of prominent studies of Napoleon, Alexander Hamilton, Abraham Lincoln, William Jennings Bryan, and Woodrow Wilson.

In the twentieth century we apply to mass behavior the same approach. Studies in the behavioral sciences reveal that when the same commodity is packaged in several different colors housewives will uniformly choose one color over the others. When asked why, they will reply that they prefer the product chosen and think it is “better” than its differently colored competitors. Students in the behavioral sciences conclude that this consumer behavior is “irrational,” even though the consumers are obviously making preferential choices on the basis of the only distinctions available to them — behaving in a perfectly rational manner from one point of view. Yet, so widespread is the conviction that consumer behavior is fundamentally irrational that consumers in general come also to believe that they behave irrationally.

A comparable development has occurred in mass politics. Modern democratic and constitutional theory was founded on the assumption that the average man would behave rationally in politics: he would study the issues presented by candidates and participate actively in political affairs. There appears to have been considerable validity for these assumptions during parts of the eighteenth and nineteenth centuries. However, the twentieth century has brought almost complete disillusionment to students of political behavior. Political apathy is

widespread. Interest in and knowledge about political candidates and issues is absent. Voters, like consumers, tend to choose candidates on the basis of their positions on the ballot or the ethnic connotations of their names. Voters tend to behave conservatively during good times and radically during bad times. If a crisis occurs, whoever is in office is likely to be deposed regardless of his connection with the crisis. If the weather is dismal on election day the "ins" will fare worse than if the day is bright and cheerful. People in general know that politics is often controlled by bosses who short-circuit the functioning of democratic institutions. Yet voters rarely exhibit any dissatisfaction with boss control, and they seldom display any real devotion to democratic principles. In the twentieth century democratic theory appears to have lost all foundation in theory and practice.

However, this too is partly a matter of appearances rather than of reality. In most elections the difference between the candidates is like the difference between boxes of soap on a grocery shelf. The general cultural homogeneity of the people and the selection and filtration system at work in political parties have seen to that. To become fanatically aroused over the normal American election would be quite irrational. The fact that most voters answer "don't know" to public opinion polls about issues such as inflation and foreign policy is as much a testament to their integrity as it is a revelation of political apathy. All educators know that even their brightest scholars will forget important facts and specific analyses shortly after their examinations are over. To expect average voters to keep complex public issues in the forefront of their minds is in itself irrational.

Nor does the fact that voters appear uninformed according to public opinion polls mean necessarily that they will behave irrationally on election day. For in some cases mass information will become sharpened just before election day, as does the information of scholars just before an examination. But in most cases this is not what happens. For the voter tends to realize that no matter how much he studies a complex political issue he will still not be able to master it. As a result his vote may be decided on other criteria. He may "anthropomorphize" the issues presented to him, interpreting them on the basis of his reaction to the characters and personalities of the antagonists on both sides of the question. But usually he does neither. Usually the characters and personalities of the competing candidates are not markedly different. In such a case the average citizen either stays at home on election day, or votes as he has in the past. His judgment is that either way it will not make a great deal of difference, and so he engages in a form of "coin flipping" by staying at home; or he follows the only attraction the process offers him: "betting" on the "team" he has grown to identify himself with.

Nonetheless, it is clear that rationalistic constitutional theory expected too much of the human being. People are incapable of and uninterested in living up to the requirements demanded of them in theory. And even if this were not true, constitutionalism still would not work according to theory, for constitutional systems do not present people with operating conditions conducive to the mass exercise of rationality in politics.

Developments comparable to this had also occurred in the democracies of Athens and Rome. In these, as in the twentieth century democracies, the con-

viction that democracy was unworkable became widespread. Political, economic, and military emergencies contributed to the success of anti-democratic movements. The conditions which had been devised to foster activist political rationalism failed in that task and instead permitted the growth of irrationalist and anti-democratic movements. However, none of the complex cultures which abandoned democracy long survived that abandonment.

One reason for this is that complex, highly articulated cultures must elicit the rational and creative participation and coordination of large numbers of people in order to function well. The most efficient device for achieving this has always been some form of democracy. The only alternatives are the dictatorial application of police terror and the maintenance of aggressive militarism. Terror and militarism are functional over a long period only if they can provide material progress for the culture. However, in mass cultures, which have previously developed highly articulated and rationalized conditions under democratic institutions, this has proved almost impossible to achieve because of the inordinate investment which must be made in maintaining large terrorist and military organizations. There is some evidence that twentieth century innovations in the behavioral sciences and behavioral drugs may render the manipulation of masses of people in a bureaucratic culture more economic, but this has yet to be demonstrated. In the present state of the arts of organizing and controlling large numbers of people in highly complex cultures it is still true that anti-democratic institutions are dysfunctional. Yet, as we have seen, democratic cultures contain conditions which tend to produce anti-democratic movements. There is in this a social paradox analogous to the ethical paradox previously attributed to Balfour and Unamuno.

The survival of a highly complex rationalistic culture requires that it maintain the vitality of democratic institutions, and yet democracies produce environments conducive to the discreditation of democracy and the development and success of anti-democratic movements. This raises a further question. Is it possible that in such cultures belief in democratic rationality must be maintained as a myth, if nothing else, in order for them to be preserved and to flourish?

We are familiar with the Sorelian argument about myth. It was based upon the assumption that collectively men do not engage in rational behavior. After analyzing the Christian revolution Sorel concluded that its appeal had been irrational rather than rational. And yet, because men in general came to believe in the irrational tenets of Christianity, the Christian revolution succeeded. Sorel applied this same line of reasoning to the socialist revolution and argued that the workers would not respond to rationalistic revolutionary programs of the sort being devised by the socialist intellectuals of his day, but instead would respond to an irrational program — a secular-socialist counterpart to the Christian myth. The myth of the general strike was to take the place of the chiliastic Christian paradise. The general strike was irrational and empirically unrealizable, but in Sorelian theory this was the source of its mass efficacy. Masses could be galvanized into revolutionary action by faith in an unrealizable irrational creed, not by conviction of the practicability of a rational program. Mannheim's analysis of the creative function of utopian theory had a similar foundation. A variation of these approaches can be applied to rational participational democracy.

Actual practices in democracies appear to demonstrate that masses are incapable of behaving according to the "myth" of rational participational democracy. In fact, seen from a deterministic, behaviorist viewpoint, all rational action tends to dissolve into irrational behavior. However, much the same behavior may also be interpreted from a rationalist point of view. We have already considered examples of this for economic and political behavior.

Moreover, it makes a difference in the behavior of individuals in a culture how their culture interprets their behavior. In a slave culture with a slave morality, individuals tend to behave like slaves. In a free culture with a rationalist morality, individuals tend to behave like free and rational men. The human being is often capable of doing "impossible" tasks if he believes that he can and should do them. This is the basis on which morale is engendered in all organizations.

There seems little doubt that in eighteenth century America — the America that made the *Federalist Papers* into best sellers — there was a much higher level of mass rational political participation than there is in twentieth century America. Men were no different then, save for their belief in rationalism. We now claim that the rationalism they believed in was a myth. But as with myths in general, it was a self-fulfilling myth. The belief tended to elicit the behavior it described.

When science and religion are viewed from Unamuno's standpoint their opposition disappears and they become mutually interdependent. Similarly, deterministic behaviorism and rational participational democracy are also mutually interdependent.

Mass cultures cannot persist except through some form of democratic consent; social science cannot persist except in some form of constitutional order. Though from one aspect the social sciences concerned with irrational behavior tell us that constitutional democracy is empirically unrealizable, from another aspect they teach us that constitutional democracy is a functional necessity and can find approximate realization as a vital myth.

We may call this the "utopian" sense of constitutionalism: constitutionalism as a self-fulfilling myth which can be approximated if it is believed in and which is to that extent "scientifically" valid. Constitutionalism and the rationalistic tradition of the "Higher Law" have a relationship to the social sciences comparable to that of God to the physical sciences before Bacon and Descartes. Scientifically we can prove that they do not "exist." Yet the social sciences also teach us the existential and functional validity of such principles as myths. To believe in and to follow the tenets of constitutionalism is as Quixotic as to believe in God and immortality. But it is equally necessary, especially when considered collectively. This is not the same as saying that one must believe in constitutionalism "because it is impossible." On the contrary, as with belief in sin, believing and acting on beliefs "creates" the object of belief. 'Even if there were no such thing as rational constitutionalism, bureaucratic man would have to invent it in order to make his complex culture work.'