

## The Legacy of 1789

by Thomas Fleming

One man, one vote. It seems such an obvious, such a simple principle. What can possibly hinder its implementation in South Africa, where blacks are barred from the exercise of citizenship rights, or Israel, where West Bank Palestinian children take to the streets demanding self-government and civil rights, or New York City, where the Board of Estimates (responsible for zoning, awarding contracts, and helping to draw up the city budget) is elected by a system that gives Staten Island's 377,600 people over six times the representation given to Brooklyn's 2,309,600? In declaring the Board of Estimates unconstitutional, the Supreme Court unanimously upheld a lower court decision that found the structure of representation "inconsistent with the Equal Protection Clause of the 14th Amendment."

It goes without saying that the Supreme Court has absolutely no constitutional right to involve itself in New York affairs, any more than it had when it interfered in the constitutions of states that gave added weight in their legislatures, by their districting plans, to rural areas. In the early 1960's the Supreme Court struck down any districting plan that was not based on population. As Allan Carlson comments in his recent book, *Family Questions*: "Freed from the rural yoke, state legislatures in the farm states and South began implementing a new set of values. They tossed out the Blue Laws, lifted restrictions on alcohol sales, loosened divorce and sodomy statutes. . . . Gone, for better or worse, were the last political barriers against modernity and secularity. . . . Gone too, in any instrumental sense, was a vision of the farm community as the reservoir of familism and virtue."

Progressive urbanites rejoiced in the downfall of rural America. Now it is New York's turn to feel the lash. If Ed Koch had even half the nerve he claims to have, he would tell the nine self-appointed tyrants on the Court exactly what they could do with their decision.

There is no chance of a mayor, even the mayor of New York, standing up to the unelected guardians of public order. However, some governors have, in recent years, made a stab at resisting the even greater power of the federal bureaucracy. Several states have enacted legislation banning treatment and disposal of toxic wastes within their borders, and some governors have taken emergency measures to prevent entry of hazardous materials into their states. In March, South Carolina Governor Carroll Campbell issued an executive order banning the shipment of toxic wastes from states that do not allow treatment or disposal on their own soil. *The New York Times* described the governor's action as "a clear challenge to the Federal Government's authority to regulate hazardous waste."

What the New York and South Carolina cases have in common is not simply a conflict with the authority of the national government. They once again raise the question of unitary democracy and its consequences, and in 1989 this brings us inevitably to reflections on the events of 1789.

The legacy of the French Revolution might be summed up in the phrase "democratic revolution." Under that title, all nondemocratic regimes—monarchist, oligarchic, military, etc.—are implicitly deprived of their legitimacy and become fair game for revolution. Edmund Burke was inspired to write his famous *Reflections on the Revolution in France* partly in response to a sermon delivered by the English democrat, the Rev. Richard Price.

Burke was outraged by Dr. Price's repudiation of all the complicated forms of social and political life that had evolved in Britain and France. Custom, tradition, and all the nice adjustments to local character and particular need—all of these were to be swept away and replaced by Lockean regimes based upon simple principles: kings and other rulers owed their position to the choice of the people; the people had the right to "cashier" their governors on any supposed

grounds of misconduct and to form a government for themselves.

Burke tells his French correspondent that in their revolution they had had the chance of reforming a somewhat dilapidated constitution. All the necessary elements were present: "In your old states you possessed that variety of parts corresponding with the various descriptions of which your community was happily disposed; you had all that combination and all that opposition of interests, you had that action and counteraction, which, in the natural and in the political world, from the reciprocal struggle of discordant powers draws out the harmony of the universe."

It does not take a doctrinaire Burkean to recognize that his brief passage contains more political prudence than can be found in most of even the best books of political sociology. What Burke knew—and radical democrats apparently do not know—is that the complexities and intricacies of human social arrangements cannot be reduced to the moronic formulas of majoritarian rule. Otherwise, the people of Brooklyn will overtax Staten Island to the point that its citizens will either rebel or depart. The dark-haired will discriminate against the fair; men of affluent and moderate means will consign the poor to poverty and despair. North will oppress South; Protestants persecute Catholics; hypocrites bully nonbelievers. This defect in majority rule has been well understood in America since the time of John C. Calhoun, and it has received serious attention from more recent political thinkers as Joseph Schumpeter and James Fishkin.

**I**ronically, many American journalists who pretend to repudiate the bloody deeds of the French Revolution support nearly all of its basic principles, including those tenets that J.L. Talmon summed up in the phrase "Totalitarian Democracy." In the name of majority rule and the principle of one-man one-vote, enlightened and virtuous leaders like Robespierre, Babeuf, Franklin Roosevelt, and deputy secretaries at the Department of Education will undertake to guide the national destiny until the day arrives when the indoctrination of the masses will have rendered them sufficiently pliable. It is the Western version of the dictatorship of the proletariat and the state that simply refuses to wither away.

I have yet to meet one of these great democrats who did not recoil in fear and loathing from ordinary Americans, and I have yet to read one of their celebrations of democracy that included anything like a working definition that could be applied to real political situations. They are no less willing, however, to call for global democratic revolution in accents that would have warmed the hearts of the Jacobins.

Both the Americans and the French were pleased to describe the respective regimes of George III and Louis XVI as tyrannies and grounded their rebellion on the right to resist despotism. But while the French eventually came to base their claims on a theory of radical democracy, few American "patriots" could stomach the word. The exception that proves the rule is Thomas Jefferson. Jefferson claimed to be a democrat, but what he understood by democracy was a broad franchise that included the responsible elements of society, a severely limited national government, and vigorous state and local governments. He, far

more than Hamilton, was the quintessential federalist.

How does a rebel know if his cause is just? Burke thought that "the speculative line of demarcation, where obedience ought to end and resistance must begin, is faint, obscure, and not easily definable." If Burke had been a political philosopher, he might have undertaken such an exercise in definition. As it is, few philosophers have done much better. Since Herodotus, writers on the subject (notably, Aristotle) have been content to draw up a list of the despicable acts in which tyrants engage: they deprive citizens of their liberties, make war on the virtuous and well-to-do (remember, the French Revolution began as a revolt of the nobles and the bourgeoisie), commit sexual excesses, trample upon traditions. This tradition was echoed, to a very great extent, in the complaints directed against Louis XVI.

Theorists writing in a more theological vein would say that tyrants are rulers that systematically violate natural law, and that is as good a way as any of characterizing the excesses of Hitler and Stalin. But a religious treatment of political questions will hardly do for a pluralist society like the US, and so much of natural law theory is entirely speculative that it hardly gives grounds for action in concrete circumstances. The cavalier manner in which anti-abortion protesters invoke natural law as justification for their law-breaking is a further indication of its inutility.

But even supposing that we agreed to define a tyrant as a ruler (or ruling class) that murdered the innocent, severed the bonds between parents and children, and deprived people of the fruits of their labor, we should still face the inevitable problem of how to go about overturning such a regime without at the same time undermining the foundations of law and order.

Whatever the sins of Louis XVI, it can hardly be said either that he waged systematic war against natural law or that his successors were not a great deal guiltier than he on every count of the indictment drawn up against the Bourbons. There are other causes for the instability of French politics for the past two hundred years, but one of them, surely, was the disorderly manner in which they went about the business of revolution. Highly irregular.

**O**ur own ancestors, while they occasionally indulged themselves in the rhetoric of natural rights, went about their revolution—if it may be so called—in quite a different manner. In the first place, there was no American Revolution per se. As M.E. Bradford has shown convincingly, there were 13 separate revolutions, each with its own character and leaders. This fact—and it is a fact—has serious consequences that go beyond the question of whether the American Revolution was liberal or conservative.

"When in the course of human events, it becomes necessary for one people to dissolve the political bands that have connected them with another . . ." How often we recite the first clause of the Declaration, without realizing that it constitutes a denial of all the ideological interpretations of the Revolution. Here was no repudiation of a regime, but a separation of one people from another. If our revolution had been engineered by a cabal of individuals in Philadelphia, claiming to speak on behalf of the individual citizens of British America, we should have ended up

establishing the sort of unitary democracy envisioned by Robespierre. What actually happened was quite different. The 13 separate dominions of the British crown, in defense of their charters and local self-government, as corporate bodies undertook to separate themselves from the authority of the Crown and Parliament.

What took place, in other words, was a war of secession rather than a revolution in the ordinary sense, and while what emerged was a limited democratic republic on a plan consistent with our ancestors' New World (and British) experiences, the specific political arrangements were not foreordained by any political theory; they were the results of trial and error. There is nothing in the Declaration of Independence that would have prevented Americans from setting up a House of Lords or even a monarchy—as Mexico almost did, when it separated from Spain. We might well have made George Washington our first king, although that would have left a succession problem. (It's amusing to speculate on whether royalist Americans would have conferred the crown upon the descendants of Martha Washington. By marriage, Robert E. Lee might have been king. It's enough to reconcile a small-d democrat to monarchy.)

Federalism, and not democratism, was the legitimating principle of our "revolution," and it is federalism—the allocation of local authority to local government, jurisdiction over more than one county or municipality to state governments, and responsibility for defense, affairs of state, and matters that involve more than one state to the national government—that American Jacobins are bent on destroying as an obstacle to their political ambitions. This war against (to use Burke's phrase) every man's "little platoon" is fought under the red flag of democratic revolution.

Like Louis XVI, Robespierre, and Napoleon, most American politicians believe that the second object of politics (the first is, of course, to stay in office) is the concentration of power in a centralized, bureaucratic state, and in their mouths "democracy" is simply a code word for the consolidation of power at the expense of states, towns, and families. There is, however, another side to this consolidation of power, and that is the muddling of the balanced powers of the Constitution. The Supreme Court now not only interferes in local government and in the most difficult matters of private life and state law (e.g. abortion); it claims the authority to bring Presidents to heel. At the same time, the Democratic majority in Congress has increasingly come to see itself as an executive force to rival the President.

Of course, the real beneficiary of the shenanigans of Court and Congress is the permanent government, the bureaucracy. Government agencies that were set up as arms of the executive branch have, over the years, succeeded in gaining such autonomy that American Presidents must content themselves with picking figurehead politicians who pretend to run them. Any attempt to change policy is attacked on the grounds of "politicization." One view of Watergate, put forth at the time by Nicholas von Hoffman, was that in the struggle between Mr. Nixon and the bureaucracy he had attempted to curb, the weaker party—the President of the United States—was the loser.


"In Parliaments men wrangle on behalf of liberty, that do as little care for it, as they desire it." Halifax's maxim on the knavery and servility of Parliament might have been written

by a journalist who had observed the Senate's debate on the nominations of John Tower, Robert Bork, Ernest Lefever, and a host of other victims to the virtuous republicanism of Howard Metzenbaum and Edward Kennedy. What a spectacle it was, to see the leading members of the nation's Hellfire club clucking sanctimoniously over John Tower's drinking and Robert Bork's "insensitivity." It brought back happy memories of those delightful rogues in the Watergate era who ran the risk of becoming famous by diving into what Senator Montoya always called "the pit of Watergate."

In retrospect, the Watergate affair was the beginning of a revolution against the constitutional executive power that is vested in the office of the presidency, and in our lifetime we may see that office degraded to the ceremonial status of the Queen of England, its powers assumed not by Congress (whose members are much too muddleheaded to act as an executive) but by the permanent government for which the Congress has agreed to stooge.

We brought it on ourselves, of course, liberals and conservatives, Republicans and Democrats, all of us who did not stand up and denounce the whole farcical proceeding against a President who had done his best to hold the country together in what may have been the worst crisis of our history. But Mr. Nixon was not a likable political leader; he lacked that fine quality of buncombe, Chataquah rhetoric, Transcendental idealism, and religious fanaticism displayed by the greatest Barnums of our political life: Lincoln, Wilson, and Roosevelt. Even a second-rate showman like John Kennedy—for all his womanizing and dishonesty—was able to bring tears to the eyes of loan sharks and college deans, men not ordinarily given much to sentiment or sacrifice.

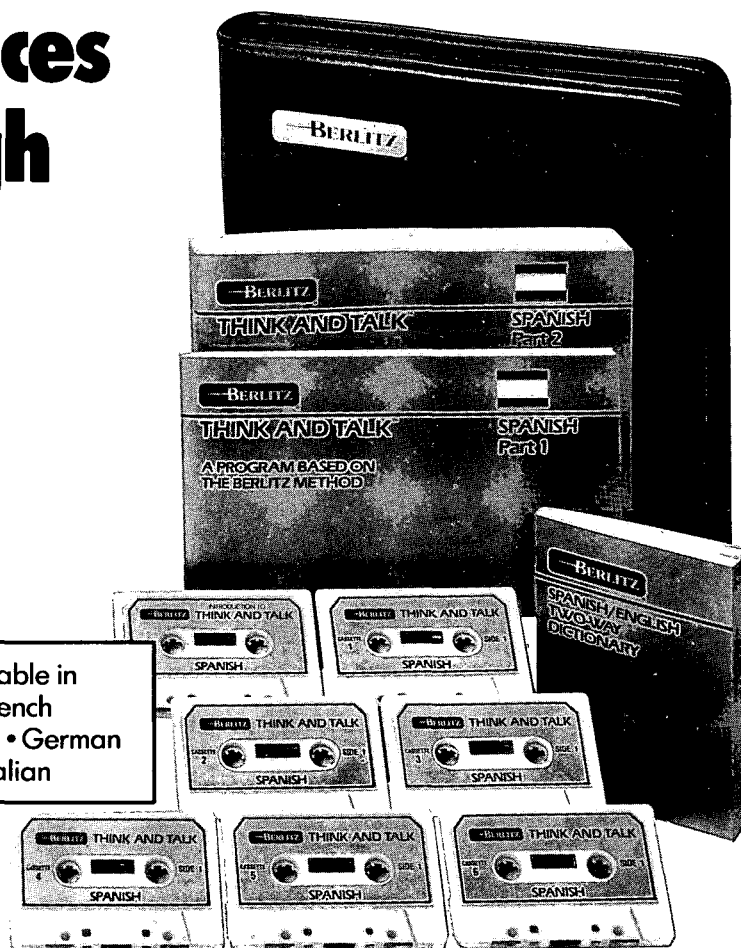
Of all the hallmarks of revolution that one can name, I think the truest sign of a genuine revolutionary movement is hypocrisy. It is not only that Robespierre "the incorruptible" finds himself making common cause with common scoundrels like Danton; what is worse is the profession of virtue itself, as if being above bribery was a guarantee of anything but the lust for power. Years ago in a *Mad Magazine* parody of *Batman*, the Boy Wonder asks his boss why anyone with so much money would waste his time and risk his life fighting crime. "There are some things more important than money," explained the Caped Crusader. "Power."

If the character of the American rebels was the firm conviction that they should be left alone to run their own lives, it is the character of the French and Puritan and Marxist revolutionaries that no one can be trusted with the conduct of his life. Cities and states are run by directives from politicians who cannot be trusted to keep their hands off Senate pages. Families must see to it that their children are indoctrinated into orthodoxy, and—if we are to follow the instructions of whoever wrote Mr. Reagan's farewell address—if we don't teach Junior about the glories of democracy, by God, he has a right to demand the reason why. Why stop there? Why not have Junior turn in his parents to his civics teacher or local youth leader? Charles I preferred death to the fanatical hypocrisy of Cromwell, and what a contemptible people we must have become to endure these endless sermons on the Democracy that has destroyed democracy. 

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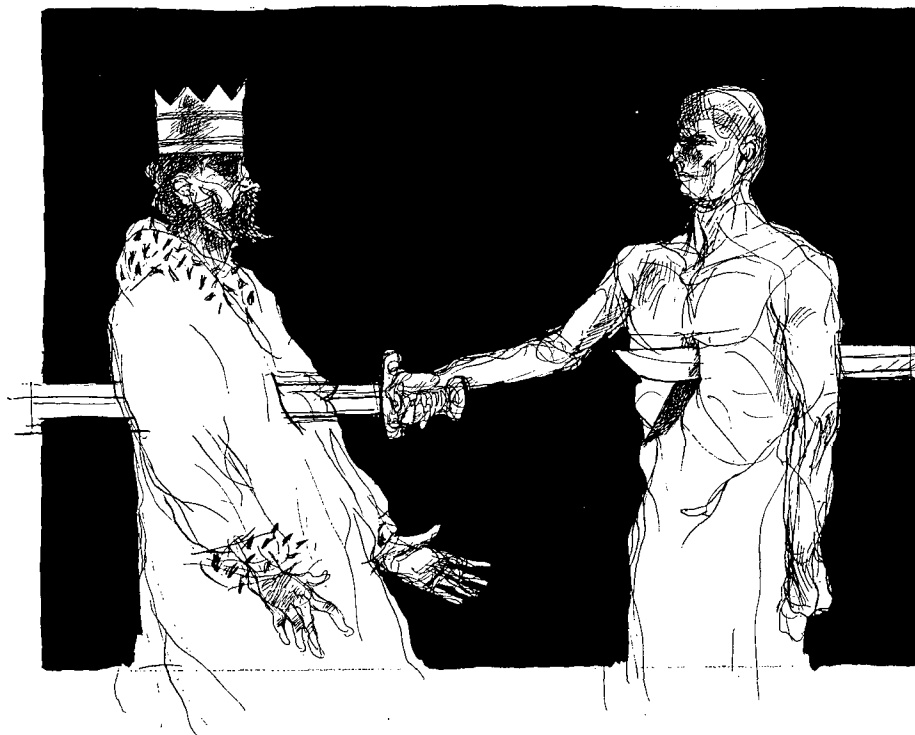
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## The Cost of Revolution

England & 1789

by George Watson

**T**he twin centenaries of the English and French revolutions are now upon us—1689 and 1789—and they seem fated to coincide with a moment when the word “revolution” has lost all its prestige and even much of its point.

In 1987, for example, Paris was shaken by a book expressively called *The Cost of the French Revolution* by René Sédillot. Its title, to an extent unusual in historical studies, tells the whole story. Sédillot argues that the French Revolution was a game not worth the candle. Some two million Frenchmen are thought to have died in it—some dramatically, in the Terror of 1793-94, most in the revolutionary wars down to Waterloo in 1815. The number is more than France lost in the First World War a century later, and the nation was only one-third as populous as the France of 1914. Some 17,000 are thought to have died in the Terror—some by the guillotine, some by prison massacres, some by mass drownings. That total is modest in relation to the great political massacres of the 20th century—Hitler’s and Stalin’s—but Sédillot argues disturbingly that it may have been the French Terror that presaged the great holocausts of recent times. The thought is embarrass-

ing. The rhetoric of the modern French state is wholly based on the revolution, and it now stands accused by a Frenchman of reviving the dire notion of killing-by-category which had ended in Europe over a century earlier with the close of the wars of religion. The revolution hunted heretics in its own way, after all—disbelievers in itself. More than that, Sédillot argues that the revolution turned France into a centralized state; an administrative malady from which it still suffers. And its first cause was meaningless. When the Bastille fell after three-quarters of an hour of fighting on July 14, 1789, it contained only seven prisoners, of whom four were convicted forgers (common criminals, in fact, and in no way political prisoners) while another two are thought to have been of unsound mind. By 1794, by contrast, at the end of Robespierre’s Reign of Terror, there may have been some 400,000 languishing in French prisons for political offenses. And so on . . .

The book that shook Paris—a city notoriously easy to shake—may leave London and Washington unmoved. Sédillot’s point, after all, is much like Burke’s in the *Reflections* of 1790—that you cannot make, or try to make, a “complete revolution,” as he called it, without self-degradation and tyranny; that civil liberty depends not on the promises of written constitutions like the French, but on sustained stability, the slow and assured progress of societies quietly determined to have more and more of it, bit by bit

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