Aristotelian Politics:  
*Does the Patriot Act Negate Civic Virtue?*  

Brenda Cheeks  
Purdue University Calumet

**Introduction**

I will discuss whether or not the USA Patriot Act intimidates civic participation or if the controversial policy is a necessary defense against threats to the common welfare. For many, the Patriot Act symbolizes a usurpation of the rights and liberties of Americans while others hold a more pragmatic view: times of crisis call for decisive measures to ensure national security. Whatever stance one takes, if a democratic form of government is to triumph against imminent threat or potential destruction, a civil environment which facilitates the free exchange of ideas is imperative in times of crisis or calm. This discourse attempts to shed light on the impact that the USA Patriot Act may exact upon the American civic psyche.

In this writing, I endeavor to present a summary of civic virtue which may be most conducive to fundamental American values. While the diverse character of our populace coupled with our individualized ideals could necessarily make for an exhaustive theoretical listing, I will make an effort to ground my discussion within a more generally accepted philosophical context. Aristotle states: “…the man who is truly concerned about politics seems to devote special attention to excellence, since it is his aim to make citizens good and law abiding…an examination of virtue is part of politics…”1 According to Aristotle, our study of political science necessitates a knowledge of virtue as an end of government. Any policy or practice that presents itself as a possible impediment to that conclusion is worthy of political theorists’ discussion. I have focused on Aristotelian principles as a backdrop to provide a comprehensive description of political fundamentals which bind together and project society toward the achievement of virtue. These themes may prove significant in their correlation to the American democracy; the structure of our political system facilitates the participation of citizens as an example of the ‘active virtue’ which Aristotle espouses.

**What is virtuous?**

In this manner, liberty obliges virtue within the soul of American civic society. Without liberty, what remains to motivate civic virtue? Within a good city where every soul possesses an unassailable liberty that is their private possession to cherish, this right is secured through citizens’ acquiesce to the rule of law. This legal compact substantiates their collective goals and unites them one to another as political animals. Together they share their individual thoughts, ideals and physical possessions in order to achieve and enhance their common good. The ability to express individually heartfelt desires in manners which synchronize with the collective goals of society resounds like fine jazz in the soul of such a city; creating a harmony of diverse rhythms. These free expressions may result in a concert of virtuosity to serenade the collective beneath the ethereal horizons of law. This is a replica of American civic friendship; the result of a naturally occurring political phenomena where citizens possess a negative right to pursue a self defined happiness.

Aristotle asserts that the key to the good life or happiness is when a person lives a complete life marked with excellence. Although the definition of

---

1 Aristotle, Nichomachean Ethics, Martin Ostwald translation, Prentice Hall, 1999, BK I.13. 7-10
happiness may be viewed by some as subjective; Aristotle contends that happiness can be achieved by individuals through their striving for distinction in whatever activities they pursue. In a model example of a polity, the resultant compact takes on the form of a constitution. This allows for the free flow of ideas; facilitating the development and progress of individuals, families, villages, and local governments. The fabric of this charter must be flexible enough to enable expansiveness, resilient enough to support the protection of virtuous ambitions of dissimilar citizens, and finely woven, so as to shield the sanctity of personal privacy from communal view. Succinctly, an effective constitution as well as a successful polity will not only highlight and safeguard the concerns of its citizenry, but will also promote their positive participation. Both should bind together the people into a living affirmation of their commonly held principles: “A city is the partnership of families and villages in a complete and self-sufficient life.” The basis of government should cause individuals to want to live together not simply for the convenience of proximity, but for the sake of their collective commitment to their ideals.

Additionally, the condition of such a government will be akin to the circumstance of its citizens: “The courage, justice, and prudence of a city have the same power and form as those things human beings share in individually who are called just, prudent, and sound.” The spirit of government should mirror that of the people. Under the auspices of our particular system of government, the desire to be free serves to commit both government and governed to ideals which promote that freedom. If freedom is an American virtue, civic virtue provides for the assurance of that freedom.

**Virtue within Civic Society**

Politics is concerned with action. Political thought embodies action as a means toward development. Political science advocates for the application of knowledge and not just for the acquisition of knowledge alone. It is not enough for us to simply know what virtue is, but it is incumbent upon us to act upon it; to habituate it by incorporating it into our daily lives. Virtue, whether intellectual or moral must be taught and/or practiced; “Thus, the virtues are implanted in us neither by nature nor contrary to nature: we are by nature equipped with the ability to receive them, and habit brings this ability to completion and fulfillment.” We must actively live a virtuous life in order to obtain the most practical benefit from it. Understanding what is essential to the good life or happiness is paramount in being able to design a society that allows for individuals to achieve the civic virtue of friendship. Aristotle’s key to the good life / happiness is a virtue which is essential in its realistic applications toward the achievement of the mean; a balanced society most successfully representative of a diverse population. Virtuous citizens are happy and that happiness causes them to be friendly. It is the acquisition of this ‘happiness’ to which many who broach American borders aspire.

Friendships amongst satisfied citizens posit common moral values. Aristotle’s theory of friendship is an important factor in causing citizens to more readily accept their roles within the state, thereby facilitating a more powerful and effective state. A balanced human soul equates to a balanced human state. The objective of this balance for the state is the acquisition of justice. A balanced soul for the individual is analogous to a balanced society of individuals for the state. The stability of one determines the strength of the other. A good government applies practical reasoning to the understanding of the humanistic and soulful elements of the governed and consequently effects measures to subdue the vain appetites of the citizenry utilizing the spirit of justice. However, the definition of justice can be tenuous in the hands of the exploitive.

---

3 Ibid, BK VII.7.1323b.1.33-35
4 Aristotle, Nichomachean Ethics, BK II.1.23-25
Legitimate government is based on a system of law that reflects the aspiration of its populace. In democracies, these laws become the sovereign authority as they are essential to the continuation of virtue as a motivating force which drives the spirit of the people to reasonably honor the laws set before them. The nature of effective government is that which strikes equilibrium between what citizens want and what they need in order to promote the welfare of their majority. The differentiation between the governments’ methods of meeting its overall objective and the achievement of citizens’ ambitions can be broad or narrow depending on political circumstances. It is when the breach between the two goals becomes incapable of bridging that virtue can plummet into the gap of inequity. With virtue at stake, the achievement of the mean becomes paramount for a society’s continued existence.

**What means to the Mean?**

Good government is the result of balancing what is between reasonable and non rational; the median difference between what is temperate and intemperate. The mean is relative; according to the diverse personality of the populace, and it is oftentimes necessary for government to incorporate elements of both extremes in order to reach the mean or the most excellent balance. This excellent balance will produce happy, virtuous citizens; the object of which is to be integral parts of a just state. The balance between what is reasonable and non rational is the median difference between what is temperate and intemperate. The mean is subjective according to the varying personalities of citizens and their tolerances and levels of understanding of what is rational and is coupled with factors which correlate to the unique culture in which they reside. In order to achieve virtue, it is sometimes necessary to incorporate extreme elements in order to reach the mean. One extreme may be closer to the mean than the other. At any rate, virtue can swing in the balance like a pendulum between the extremes.

The achievement of the mean necessitates a multiplicity of ideas for cities. In *The Politics*, Aristotle infers that Platonist concepts which advocate for complete unity obliterate the designation of a city (society), “And yet it is evident that as it becomes one it will no longer be a city. For the city is in its nature a sort of multitude…” Thus, divergent people and thoughts are what comprises a city. Amongst dissimilarity of the American public arises an equal variance of feelings and expressions. So long as these conveyances are privately held or shared amongst those with whom the owner of the thoughts concerns themselves, why should they not remain their personal possessions? At what point should they be relegated to public ownership without the consent of their author? It is also fair to note that personal private property such as family relationships are held important in their exclusivity. What is the balance between what is considered communal or private property? Revenues and real property under eminent domain may well be fair game but there is a line which distinguishes what humans have a right to covet and what must be shared in order to maintain the common welfare. If man is not expected to involuntarily share his wife or his sons; considered external to his existence, it can not be reasonably expected that man should involuntary share thoughts, aspirations and opinions derived inherently from within his own mind. To wrest away an individual’s right to any and all of the above is to deny, “…things above all which make human beings cherish and feel affection, what is one’s own and what is dear…” Taken together, these seemingly separate concerns for the inviolability of family ties and for the freedom of expression compel us to conclude that the private and personal expressions of our ideals are not only to be held dear as an embodiment of self love, but that the ability to convey mixed opinions is also essential for society’s subsistence.

---

5 *Politics*, BK II.2.1261al.16-17
6 *Politics*, BK II.4.1262bl. 21-22
Critique

Without the possibility for dissention, political growth is mitigated if not destroyed in its entirety. If fear of reprisal has a chilling effect on imagination or independent thought then both must be secured against the invasion of privacy. Does a man’s possession of his private thoughts extend to his verbal or written expression of them or only to the point where one begins dialing a phone number or to placing their fingertips to a keyboard / keypad? At what point does the private possession of ideas and ideals dissolve into public property? A good government must tread gingerly along the fine line that separates what citizens would be willing to offer up to the common cause and what they would battle to retain for themselves.

"The Tragedy of the Commons"

Is the demand for individual liberty in time of war or other national crisis commiserate to a “…Tragedy of the Commons”? Is the abeyance of liberty during such a time contributory to the disaster itself? Many would argue that the occurrence of unforeseen events which constitute a state of emergency necessitates a redefinition of justice / liberty. Others counter that it is just such times which oblige government to hold fast to the securing of fundamental rights. This suggests that government can either enact policies which function at a level commiserate with the violence of the suspected perpetrators or decrease the rights of the citizenry to a level which posits the citizenry as suspected perpetrators. Augustine wrote, “Remove justice, and what are kingdoms but gangs of criminals on a large scale?”

Special circumstances call for special measures; the events of September 11, 2001 immobilized the nation with an unprecedented fear that caused an exponential heightening of emotions amongst many. Although none would argue against the need for governmental measures to ensure the safety of citizens during a time of such peril; many balk at the intrusion of the government into their private affairs as a means to provide security. In his work on this issue, Richard Posner addresses this inconsistency: “The American public worries more about invasions of privacy than about summary proceedings against suspected terrorists, curtailments of the freedom of speech of the law-abiding, or the right of the media to publish government secrets.”

According to Posner’s assertions, Americans care less about what happens within the public realm so long as such occurrences do not permeate the sanctity of what they consider their private domain.

While it is the opinion of an overwhelming number of Americans that encroachments upon their liberties without substantial probable cause, is a denial of their constitutionally guaranteed right to privacy, Posner counters that these protests are fundamentally baseless; that the Constitution does not protect individual rights to personally held ideas and ideals, “Although seclusion and secrecy…were well-understood aspects of privacy in the eighteenth century, the concern of the Constitution’s framers, …was with protecting property rights and political rights rather than with protecting seclusion and secrecy for their own sake.” Posner’s interpretation of the First, Third, Fourth and Fifth Amendments is a replication of a widely held view that individual rights disintegrate under the weight of the common welfare, whether in times of crisis or calm. This view likely promotes the aims of those who authored and sponsored the USA PATRIOT Act.

Are Patriotic Acts Virtuous?
The Patriot Act is described as, “AN ACT To deter and punish terrorist acts in the United States and around the world, to enhance law

---

9 Posner, chapter 6, page 128
enforcement investigatory tools, and for other purposes.” One can question whether or not the ambiguous description of ‘other purposes’ would promote or negate civic virtue. Some argue that the Patriot Act facilitates civic virtue through a practical application of the ideal of patriotic duty, notwithstanding the remuneration one may receive in exchange for their efforts or information which may promote its cause. Section 501 of Title V of the Act stipulates: “Funds available to the Attorney General may be used for the payment of rewards pursuant to public advertisements for assistance to the Department of Justice to combat terrorism and defend the Nation against terrorist acts, in accordance with procedures and regulations established or issued by the Attorney General.” This infers that civic virtue is compensational. The idea of purchasing morality is civically oxymoronic.

Others assert that the insertion of government into private, non-public self expression strips away the principles behind individuals’ civic participation along with their envisioned civil liberties. This implies a selfish sacrifice of national security. If national security is necessarily a concern of the general welfare of society, then foregoing individual ambitions (liberty) in deference to the greater good would in this respect, constitute an Aristotelian virtue. What then of the individual’s natural right to private property as it relates to thoughts and expressions which comprise their intellectual existence?

The line which divides private from public property returns us to the question of the mean. In order for individuals or societies to perform well, both excess and deficiency must be avoided. In light of the unforeseen tragedy of the 911 events, citizens must be prepared to endure the expansion of political policies that may in fact usurp some of their individual liberties. When encountering lines at airport security checkpoints it may be a civic virtue (if not a prudent decision) to patiently remove our shoes when requested to. When in crowded venues, it may be virtuous (if not life saving) to be vigilant for abandoned bags or packages. However, we should stop short of targeting the local, hardworking, Hindu business owner in our neighborhood watch programs. We can forego Dragnet questioning of every ‘foreign sounding’ name on the PTO roster. In a society virtuous by Aristotelian standards, we should embrace the diversity that exists against the homogeneity that Aristotle cites as counterproductive to cities.

Simultaneously, if those whom we deem ‘enemy combatants’ are consumed by hatred for our particular way of life – one touted as embracing liberty, shouldn’t we then expand the very thing which they hate as a more effective means of battle against them? Rather than restrict humanitarian type aid to foreign countries we should increase monetary assistance; thereby expanding our cultural influence. The result could be an international illustration of the civic virtue we claim to espouse. How satisfying it must be for our so-called enemies to view the denigration of the liberties we hold so dear and for which they hold in such contempt. The imposition of an Orwellian atmosphere upon our lives and culture is exactly the proscription of freedom that those involved in actions against us advocate. In a civic society based upon principles of liberty, how does a negation of that liberty redefine that society?

A tyrant would pledge the acquisition of increased sovereignty to the followers, only to exact upon them tactics that serve to repress their rights. How noble is an ignoble lie? Government agencies set to deny the citizen’s civil liberties and spy on them without cause or provocation are a prime example of this. The aim of these tactics is to ultimately usurp citizens of all independence and individuality. Citizens in the contemporary model attempt to “overthrow” the tyrant through an electoral system; however, the offender has by then, succeeded in establishing a system of governance that will likely endure even when the tyrant’s physical presence is no longer discernable. His spiritual presence remains

---

10 USA Patriot Act H.R. 3162
11 Ibid, Sec. 501.a
Critique

indefinitely through the life of his policies. The effects of policies reach far beyond the popularly held ideologies. The liberties that many feel are simply inherent to their existence only exist so long as there is a system in place to ensure them. Privacy can only be as “private” as the system which is shielding it will allow. The question at hand here is, whether or not we are discussing a newly established despotic government of our enemies or the republican form of government under which we presently live? The death of civic virtue is the birth of tyranny. If the Patriot Act in its liberty restricting elements serves as a detour on the path to civic virtue what is the reasoning which leads towards the road to political recovery?

Language as a Virtuous Expression

The term, USA PATRIOT Act is an acronym which means: Unit ing and Strengthening America by Providing Appropriate Tools Required to Intercept and Ob struct Terrorism Act of 2001. So, exactly what is behind the label, “Patriot Act”? Does it connote that to ascribe to such an Act is synonymous with being a “Patriot”? Conversely, are those who resist acquiescence to the Act “Non Patriots” or in more adversarial terms, enemies to “Patriots” specifically and to the state more generally? Francis Bacon and Antoine Destutt de Tracy held the common belief that if it was possible to either eliminate all judgment or to start with a completely fresh mental state that negative aspects of society could be resolved. At the heart of such theories is the belief that language plays an integral part of the manner in which erroneous knowledge and misconceptions are shaped and expanded throughout societal cultures. Labels are descriptive terms that are often misapplied to people and circumstances and taken from face value to fallacious conclusions. Many believe that the war in Iraq has been waged and hundreds of thousands of lives lost due to misinformation and the impact that language has had as a result of prevailing ideologies on both sides of the issue. The word “terrorist” is fraught with subjectivity and is currently applied within varied cultures as a result of the threat of oppression, either literal or imagined.

That is not to say that contestability is not viable or even necessary, perhaps not within the context or military action, but certainly as it relates to the free exchange of diverse ideas and beliefs. Contestability creates tension, an essential conduit for the evolution and further development of political ideologies. Contestability allows for a theory to be challenged and for multitudes of other theories to be presented as well. Without multiplicity, there is no room for growth and without expansion, societies tend to whither on the vine.

Language as a tool for power and control of the many by the few can be an effective tool against anarchy; however, it also holds an inherent danger to the exercise of individual expression. The ability to control language and its uses is to establish a nearly irreversible legacy. Old habits and ideologies die hard and to paraphrase Max Weber, changing an ideology is a “slow boring of hard boards”.

Language constructed into a play on truth constitutes irony. Irony not only provides an obtuse view of information, but irony can often provide a plethora of hidden meanings, as in the case of Platonist theory. A skewed presentation of facts can cause the listener to engage in a deeper introspection; this can oftentimes be more educational than a straightforward instruction because it causes the student to employ additional steps within the learning process: first, to recognize the irony, then to strip the irony away and finally to ponder what truth is inherent within the irony. In this view, ideologies can be ironic.

Specifically, the ironic term ‘Patriot Act’ contains pejorative assumptions for a diverse civic society. Language as a tool in a modern, mature, setting should be indicative of what is inclusive rather than exclusive about a respective society. Language should assist in promoting virtues which balance the desires of the citizenry with the requirements of government to secure those needs. Does the Patriot Act Negate Civic Virtue? The answer is contingent upon whether or not the

---

12 Public Law 107-56
inherent themes of the Act are habituated in a divisive or unifying manner by the government as well as by the governed. The existence of the Patriot Act as a negation of civic virtue threatens the healthy life of our democracy and rewards our enemies with the sacrifice of our rights. If the goal of so-called terrorists is to cause us to implement measures which denigrate our system of governance to tyrannical levels, then indiscriminate eavesdropping and warrant less wiretapping have achieved the terrorist’s objectives. Why should an enemy act further to oppress us when we have carried out his handiwork for him through self oppressing policies? Someone once said, “When your enemies are fighting each other, do nothing.” The cure may be found through a re-focusing on the founding principles and inherent values of our democracy which ultimately relate to Aristotelian virtue. To borrow from President Barack Obama: “As for our common defense, we reject as false the choice between our safety and our ideals.”13 Perhaps the current administration will reconsider the viability of the USA Patriot Act.

13 President Barack Obama, Inauguration Speech, January 20, 2009