

## THE DEMOS AND THE DICTATOR

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In the Spring semester of 1988, before strongman Antonio Manuel Noriega of Panama was forced out of office by the intervention of the United States forces, I was trying to find a provocative way of introducing college students to some basic concepts for a course in "Social and Political Philosophy." When I noticed the papers carrying stories of a political crises in Panama it occurred to me that by following the unfolding of events there, one might be able to gather sufficient materials and resources to provide a compelling method for our students to appreciate the intimate connections in political theory, political structures, and political actions. The benefits derived from this approach are threefold: 1) Students are introduced to a discipline through events which parallel and which may intersect with their own lives. 2) As students and instructors try to understand such events, they master the traditional concepts and metaphors of the discipline with their respective limitations. Finally, 3) Students develop a deep appreciation of the dynamics of history as well as an historical perspective, a contrast to the ahistorical consciousness pervasive in contemporary culture.

In addition to the above consideration the concepts and distinctions treated are intimately connected with the articles in this issue of *Educational Change*. Furthermore, the issues are critical or as William James would say, "living hypothesis" and, thus, should go some way in provoking additional reactions of the kind found in the "Notes and Comments," the new feature initiated with this issue of our journal. At any rate, the following are the meager fruits of that small project which in part captivated my attention and energies in 1988.

On Thursday, February 25, 1988, the President of Panama, Eric Arturo Delvalle, appeared on his country's nationwide television and publicly requested the voluntary resignation of General Manuel An-

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tonio Noriega, as head of Panama's Defense Forces.<sup>1</sup> Without losing the momentum of events Panama's National Assembly, at the behest of Noriega, gathered 38 of its 67 members and voted in unison to remove, not only President Delvalle but his Vice President Roderick Esquivel as well. Manuel Solis Palma, Education Minister, was sworn in to replace Delvalle before the sun rose on Friday, February 26, 1988.

Delvalle, Panama's ex-president and Manuel Solis Palma, the declared president by Panama's National Assembly, acting on behalf of Noriega, represent the two sides of the struggle of which the above events are a symptom. The action of the National Assembly transfers, or is an attempt to transfer, Delvalle's authority to Manuel Solis Palma.

The extra-ordinary circumstances surrounding the action of Panama's National Assembly clearly indicate that no routine transfer of power had occurred. After asking Noriega to step down, Delvalle found himself virtually under house arrest;<sup>2</sup> while his efforts to name a successor to Noriega, Marcos Justines, served only to underscore the *de facto* decorative function of his office. Justines simply refused the appointment and declared his support for Noriega.

These considerations focus on one of the most recalcitrant problem and central concern which arises in the study of this all pervasive human association we call political, namely, the source and the justification of political authority.

Plato (427-347 B.C.) and Aristotle (384-322 B.C.) considered political associations as the natural consequences of human contingency; and the very word political derived from *polis*, the Greek word for city and the major political unit of the Hellenic world suggests dependency. Aristotle (exhibiting the cultural bias of a male oriented society) argued that "man is by *nature* a social and political being"<sup>3</sup> which also suggests a living organic relationship among the members (citizens). He favored a *polity* because its constitution distributes political sovereignty among many in contrast to only one in king-

ship and a few in aristocracy. For him, these three constitutional arrangements are of the right kind because they aim at the common good in contrast to the deviations from these, democracy, tyranny, and oligarchy which aim at the good of only the sovereign part of the population. Consequently, the two primary considerations which legitimize the political authority are: (1) the authority must be consistent with a right kind of a constitution which implies that (2) the authority is exercised in pursuit of the common good. This second principle or corollary is sometimes referred to as the *cui bono* or for whose good (interest) principle.

Aristotle was obsessed with the frequent upheavals, a familiar occurrence in the cities of the ancient Greek world. Thus, it is not surprising that he attaches so much importance to constitutional continuity, his criterion for the identity of the state (*polis*). At the same time, one should note that the duration of a constitution is an indication of its viability. A point that is often made with respect to the U.S. constitution. Besides the general desire for knowledge, Aristotle's analysis of the causes that preserve and dissolve constitutions was intended to help avoid violent change. Aristotle considered force and fraud among the primary methods used in effecting changes while he listed among the primary causes profit, dignity, cruelty, fear, excessive power, contemptuous attitude, and disproportionate aggrandizement.

These causes as he analyzed them, are the conditions that result from equality or inequality of one form or another. Here one is tempted to wonder aloud: How is it that the state which is the final cause (end) of a natural process that enables man to secure "the good life" exhibits both proper and improper constitutional forms? For Aristotle, both are consistent with his organismic world-view, which affirms the continuity of the state, with the rest of the natural world. Consequently, the state, the *polis* or the political association is subject to the processes of growth and decay which Aristotle found present in nature.

In contrast to Aristotle, Thomas Hobbes (1588-1679) viewed

the political association (the state) as an *artificial body* which he named the Commonwealth. As such, the state was conceived as an *agreement* of self-interested individuals who act in unison through a *sovereign*. The individuals that form part of the *social contract* (agreement) are bound by it as long as the Leviathan<sup>4</sup> (sovereign) is able to fulfill his part of the *covenant* (contract), i.e., maintain civil order. Should the sovereign be unable to preserve civil order, the rights (especially the right to violence) revert back to the individuals and the political relations between the sovereign and the subjects (individuals) dissolve. The power concentrated in the sovereign through the social contract is again dispersed to the original source, the individuals.

In Panama's affairs, one finds that, in spite of the action of its National Assembly, the attempt to effect a smooth transition of *authority* - from Delvalle to Solis Palma—did not turn out as Noriega would have hoped. Rather than relinquish his power, Delvalle went into hiding, pushing his *de jure* claim as the legitimate President of Panama.<sup>5</sup> Furthermore, he has issued a proclamation ordering Panamanian embassies to withhold all payments owed to Panama. "Mr. Delvalle's proclamation... calls for all funds, taxes, and fees owed to Panama to be placed in an escrow account."<sup>6</sup>

The conflict between Panama's National Assembly, which pushed Noriega's case through Solis Palma against Delvalle represents the classic case of *de facto* rule versus *de jure* rule. Noriega's claim depended on the control of the military, i.e., force, whereas Delvalle's claim depended on the legitimacy of his office as specified by the Panamanian constitution. It is this very constitutional claim which Noriega tried to undermine by hastily re-convening the National Assembly in a manner that guaranteed a vote favorable to his wishes. The reports<sup>7</sup> at the time indicated that Noriega still controlled the armed forces and Panama; but Delvalle, through his proclamation, caused not only an internal *authority crisis* but a severe financial one. In part, the proclamation's force resided in the United States' recognition of Delvalle as the legitimate and lawful president

of Panama. One cannot doubt that United States' policy did not have some effect on the consular offices in New York, West Germany, Britain, and Italy to withhold funds from the Noriega regime. The freezing of Panama's assets in the U.S., as well as U.S. plans to withhold fees for the use of the Panama Canal strained Panama's finances to the breaking point. The questions in the Spring of 1988 were: How long will Noriega control events in Panama and be the *de facto* ruler? Will the *de facto* ruler turn into the *de jure* ruler?

The distinction between *de facto* and *de jure* rule, which the Panamanian conflict illustrates, goes to the very heart of political theory, i.e., who *should* have the *authority* to rule? As one answers the above question, one also provides an outline for the kind of society one recommends.

Ever since the appearance of Plato's *Republic* in which he analyzed five different forms of governments<sup>8</sup> and in which he suggested a direct relationship between the rulers of a society and the form which that society exhibits, the question of who should exercise rule has been foremost with political thinkers of every persuasion. In our own country, contestants in both Democratic and Republican primaries speak to the same concern. In part, each contestant is asserting the possession of those qualities that a president ought to have; and each claims that he should rule, or he should exercise the president's function which to a large extent sets the direction of the country.

Some remarks on democratic government in the tradition of John Locke (1632-1704) will sharpen one's appreciation of the above issue and provide additional contrast in political processes. In Locke's tradition there is a claim that law rather than force should be the basis of government. Furthermore, human beings have rights (such as life) which do not depend on government and cannot be usurped by it. Of no less importance is the principle that government is to be responsible to the will of the people, which is determined through the vote. The rights of the governed and the governors are protected through the social contract which theoretically form and control the social

relations of all the parties of the political community.

In general, the above tenets form the foundations of Lockean democratic theory and are distinct from Hobbes' views. Though, both Hobbes and Locke originate government through the social contract, which specifies the expectations with respect to the rulers and the ruled, Hobbes is closer in both time and sympathies to Machiavelli whereas Locke seems in many respects closer to the historical constitution which characterizes that of the United States. It should be borne in mind that the social contract theory may be adopted to both autocratic as well as democratic governments.

Due to man's egoistical nature, Hobbes argued against the possibility of democracy. Accordingly, what one may reasonably expect from government is security from the violence of other individuals. It is the fear of such violence that leads reasonable men to opt for *civil order* rather than continue in a precarious *state of nature*. For Hobbes, though, civil order is impossible unless human beings turn over their individual and natural right to violence (state of nature) to one designated as a sovereign (Leviathan). The sovereign in turn guarantees civil order and its attendant security through the concentration in his person of all individual violence. Such concentration accounts for the Leviathanal powers which according to Hobbes holds sway and bring about order. Though, the sovereign may abuse his power in individual cases and particular applications, Hobbes tolerated such abuses in return for the benefits of civil order over the lawlessness of a chaotic state of nature. These terms (social contract, state of nature, civil order, etc.) occurring in Hobbes' *Leviathan* refer to parts of the conceptual model which Hobbes constructed in order to examine political relations and structures within the social *fabric*, and as such these need not have a spatio-temporal reference. On the other hand, once these concepts are added to the lexicon of political discourse a *social body* may reflect behavior which is organized as though there is a social contract intended to preserve order and avoid degeneration into disorder.

Locke and Hobbes represent what are called the democratic and the anti-democratic tendencies in government respectively, though both justified the legitimacy of government through the mechanism or instrument of a social contract.

The United States' experience as an independent nation provides one with a unique example in the study of modern democratic theory and institutions. In the unfolding of its democratic ideas the U.S. exhibits an ambivalence (tension) between liberty and security reminiscent of the contrast between Locke and Hobbes. On the U. S. soil this contrast has been associated with the concrete personalities of Thomas Jefferson representing liberty and equality and Alexander Hamilton representing security and energy. Historians have portrayed George Washington's cabinet largely dominated by the personalities of Jefferson and Hamilton with the former arguing the case for the common man, which meant the farmers, and the latter urging the need for a strong central government. The former's priorities were on the side of equality and liberty at the expense of a strong central government (efficiency) whereas the latter valued security and efficiency over equality and liberty.

These two men with their individual proclivities exhibit the longing that human beings have for both freedom as well as security. Yet, in concrete everyday cases one compromises one or the other depending upon which specific need is most pressing under the circumstances. In cases of external threats or extreme internal disruptions liberty or freedom is likely to suffer and security takes pre-eminence in the minds of the leaders or the people or perhaps both. Some actions may even involve abuses of the customary freedoms and constitutional civil rights such as privacy, private property, etc.

In the Spring of 1988 General Noriega's regime through President Manuel Solis Palma decreed a "state of urgency" whereby the "constitutional guarantees, including those governing freedom of expression, private property, search and seizure, and habeas corpus"<sup>9</sup> were suspended. It appears as though Noriega acting through Solis Palma was trying to tighten his control over Panama in the face of

extreme economic pressures by the U. S. as well as civic pressure from the opposition in Panama. The question that must be examined is whether such maneuverings were for the people of Panama or only for Noriega and his closest associates.

Following Aristotle's *cui bono* (whose good) rule a distinction may be made which sheds some light on the above issue. In Aristotle's discussion of the right (legitimate) forms of constitutions in contrast to wrong (illegitimate) forms he stated that a right constitution will have as its goal the good of the entire state rather than the good of only one part or individual of the state. As an example, one could even use the U.S. tax reform act of 1986. The act could be studied in terms of how the specified tax rates affected the different parts of the U.S. population through analysis of the various incomes and the consequent effect the tax rates had on such incomes. Such analysis would provide a partial answer to the *cui bono* question with respect to that specific legislation. The same kind of analysis with respect to the "state of urgency" declared in Panama, though much more problematic, should yield some insights to the *cui bono* issue with respect to the Panamanian people. However, given the state of affairs in Panama such detached analyses are not likely to be forthcoming.

In his investigations of the moral life, William James<sup>10</sup> distinguished three basic kinds of ethical questions which apply quite neatly to the study of politics and consequently political philosophy. The basic questions around which James organized his inquiry are the psychological question, which investigates the *origins* of moral values; the metaphysical question, which investigates the *meaning* of fundamental ethical terms such as "good," "obligation," "duty," etc., and the casuistic question which investigates how to *measure* good or obligation. One should add that this third question is concerned with ethical standards. Consequently, the use of the word measure is not intended as implicit approval of a purely quantifiable ethic of the sort attempted by the utilitarian Jeremy Bentham in his hedonic calculus. In short, this last question focuses on the analysis of the standards or norms that have been used in judging or evaluating human

actions and traits of character or what some ethical thinkers have called *normative ethics*. These same thinkers classify as *meta-ethics*, the inquiry into the meaning of ethical terms, and generally regard the study of the origins of values as only a *part of descriptive ethics*, which makes use and includes all the special disciplines concerned with the human being. These include the humanities such as literature, religion, languages; the social sciences such as history, psychology, economics, and even the natural sciences such as biology and chemistry may have some relevance.

In political discourse, the above triadic distinction quite often is collapsed into a distinction between *descriptive political inquiry* and *prescriptive political inquiry*, which is analogous to the distinction in ethics between descriptive and normative ethics. As an example of descriptive political inquiry one could inquire into the background of General Noriega.

Through historical research one is informed that Noriega was trained and backed by the U.S. until the development of the above events. One could go as far as to say that the U.S. supported his *de facto* rule and only since the early summer of 1987 was there a concerted effort by the U.S. to force Noriega out of office.<sup>11</sup> In view of these considerations, this state of affairs takes on a different dimension.

As one pursues the various strands of the Panamanian issue, one finds that what initially seemed to be a clear cut case of a two bit strongman imposing his will on his people, turns out to be riddled with collusion and corruption of some American officials<sup>12</sup> which may have facilitated drug distribution by the Medellin cartel, the very charge brought against Noriega by U.S. federal grand juries. The problematic and ambivalent nature of the Noriega affair is illustrative in general of the tension and ambiguities inherent in political life and in particular in American foreign policy. Such difficulties, if anything, should make one even more assiduous in the pursuit of the factual. The additional confusion that external forces such as the

economic pressures that the U.S. exerted in the case of Panama, only serves to underscore the immense difficulty faced in organizing and making sense of the subject matter of politics.

For the most part, factual consideration of this kind would be treated by William James' psychological question. The attempt to determine the origin of any political order or rule involves one in providing an account of the focus that brought about that particular rule or order. In the case of Panama, one cannot render an adequate account of the Noriega regime without considering the dimension that the U.S. economic factor had on Panama's internal affairs. The same would hold if one were investigating Hungary's or Poland's regime. In those cases one would have to assess the role of the Soviet Union's economy in those countries as well as other pertinent forces. At this juncture, a warning is in order i.e., the attempt to achieve conceptual clarity, a clear grasp of the key ideas that form the skeleton of the discourse, which is the primary concern of James' metaphysical question plays a significant role in determining the factual. For the most part, James' psychological and metaphysical questions focus on descriptive inquiry, but James' analysis adds a dimension to the discourse that would ordinarily be lost if treated only as one topic. On the other hand, what William James investigates under the label of the casuistic question would be considered prescriptive inquiry. Of course, it goes without saying that considerable spillage will result from the prescriptive to the descriptive and vice-versa.

As one reviews the U.S. policy towards events in Panama since June 1987 one is faced with what appears as a divided consciousness among the various departments and agencies of the U.S. government. In Miami, the U.S. Department of Justice brought charges against Noriega for drug trafficking and other criminal activities; on the other hand the State Department attempted a deal to drop the charges for his agreement to step aside. In this process, one observes the conflicting demands of the prudential (the quick fix) with the those of the moral (the genuine practical). During the preceding years (since the late 1960's) in dealings with Noriega and his cohorts the U.S. had

turned a blind eye and a deaf ear towards their clandestine and not so clandestine activities. This policy had finally caught up with the U.S. to a degree that "U.S. credibility is in tatters,"<sup>13</sup> both at home and abroad; consequently, making policy recommendations (prescriptive inquiry) with respect to Panama had been made nearly impossible. Flirting somewhere between the prudential and the legal had left the U.S. open to charges of using both force and fraud to get its own way and reduced its moral stature to Noriega's level. One cannot continue to preach democracy and at the same time use techniques worthy of Machiavelli's prince (e.g. Oliver North) to achieve one's goal.

Such considerations bring one clearly within the area of prescriptive inquiry. As already indicated this aspect of political inquiry provides analyses of processes and recommends courses of action. In short, it inquires into the methods to be used in accomplishing specific political goals. It is no secret that U.S. wanted Noriega out of power and preferably out of Panama. Still the U. S. had refrained from the use of military force in Panama although it did not hesitate to use it in Grenada to remove a despotic regime. Noriega's regime appeared no less despotic and in many ways far more dangerous to the well-being of the U.S., undermining its youth with drugs and threatening its future as a viable society.

One cannot help but sense frustration in face of U.S.'s inability to clearly articulate a course of action; at the same time one cannot help but wonder why? Could it be that the U.S. derived some benefits in return for cooperation with Noriega during his long and problematic presence in Panama. Elliott Abrams had claimed that there was no deal or exchange of something for something ("no quid pro quo" - Abrams words).<sup>14</sup> Such a claim mystifies rational discourse, and one cannot help but wonder at the relative silence of the U.S. administration during the Panamian conflict as well as previous administrations. Sheer ignorance on the part of the entire staff of diplomatic foreign officers in not a convincing explanation.

An attempt has been made to discuss prescriptive and descrip-

tive inquiry through an examination of an abnormal case on the international scale. The reason for the choice is that the study of the aberrant exhibits much more clearly the principles and procedures underlining everyday political behavior. The case also focuses on the ultimate concern of politics provided one has not become so cynical as to find the concept of legitimate rule totally meaningless. The use of force and deception are among the most recalcitrant aspects of the human political experience. In whatever form, these threaten and compromise democratic processes and institutions. Collusion with such non-democratic means to achieve short or long range goals also compromise democracy.

Noriega's Panama is a grim illustration of force and deception. It is an example of how a self-serving and ruthless regime hoodwinked the U.S. with small favors.<sup>15</sup> In return, the U.S. turned a blind eye to the regime's criminal activities and abuses of the human rights (touchstone of President Carter's administration) of Panama's citizens.

As the process of interaction between the U.S. and Panama is unraveled one notes a peculiar game of hiding and seek. Both the U.S. and Panama tried to add a veneer of respectability to political activities in Panama. In 1979 when the Shah of Iran needed a place to stay, President Carter's chief of staff Hamilton Jordan bypassed Panama's "civilian president," who had been installed at U.S. insistence,<sup>16</sup> and went directly to General Omar Torrijos, who in the privacy of his house approved Jordan's request in seconds. Jordan clearly recognized and used the distinction between *de facto* rule (General Omar Torrijos) and *de jure* rule (legitimate civilian government) to avoid the slow unpredictable legitimate civilian channels of the recognized representatives of the people of Panama. These maneuverings were not lost on Noriega. As it has already been pointed out when President Delvalle requested Noriega's resignation he (Noriega) immediately effected the election of a new civilian president, Manuel Solis Palma.

Both the U. S.'s insistence on a civilian president for Panama as

well as Noriega's immediate convocation of Panama's National Assembly for the election of a new civilian president were motivated by the recognition of Panama's legitimate constitutional institutions and procedures. These were attempts at following the letter of the law without adhering to the spirit. It was important for Noriega to project a definition of himself as a general under a legitimately constituted government that represented the legitimate aspirations of its people. This projection was a form of lip service to legitimate institutions. However, it was a straw that the people of Panama could cling to in order to reclaim their human and civil rights which had no *de facto* existence.

On this view lip service was the remaining trace of a people's *de jure* rights and a hope on which to stake their claim to those rights as well as a motivation for future champions (be they individuals or groups of individuals) of those rights. Noriega and his generals understood the uses of lip service as the closing of the opposition newspaper *La Prensa* so well illustrates. For the Panamanian *demos* the fundamental question was how to turn the *de jure* into the *de facto*. It is also the fundamental consideration and the heart of prescriptive inquiry.

This analyses was terminated before the intervention of U.S. forces and the removal of Noriega from Panama.

Of the articles that follow one was presented at the 1995 N.Y.S.F.E.A. meeting at SUNY Cortland ("Likely Implications of the Thought of Dewey and James Regarding a School Prayer Amendment" – Norman J. Bauer) and another is an outgrowth of the presentation at that meeting ("Preparing Teachers for the 21st Century: Connecting Preservice Teachers with Community" – Magnus Basse).

The remaining articles were presented at the 25th Anniversary Meeting of N.Y.S. F. E. A. at SUNY Oneonta. At that meeting John Marciano delivered the keynote address, "Civic Illiteracy and Education" with which this issue of *Educational Change* opens.

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**ENDNOTES**

1. John Greenwald, "Still In Charge," *Time*, March 7, 1988, pp. 26-27.
2. Greenwald, *loc. cit.*
3. Aristotle, *Nicomachean Ethics*, I. 7, 1097b10. My emphasis.
4. Thomas Hobbes, *Leviathan*, (Collier Books: New York, 1971), p. 134.
5. Neil A. Lewis, "Ousted Panamanian in Counterattack," *New York Times*, March 1, 1988, p. A 3, reports, "Mr. Delvalle's ... assertion that he remains the lawful president of Panama."
6. Neil A. Lewis, "U.S. Backs Panamanian Tactic and Weighs Canal Funds Cutoff," *New York Times*, March 2, 1988, p. 1.
7. The report by Larry Rohter, "Banks in Panama Ordered to Close," *New York Times*, March 5, 1988, p. 1 and p. 4, indicates that there is still order in spite of the *de facto* government's edict to close banks. This action created a liquidity crisis which forced large number of businesses to close while those that opened accepted only cash for purchases.
8. Plato, *Republic VIII*. After the analysis of aristocracy, in Book VIII Plato analyzed timocracy, rule by valor, oligarchy, rule by wealth, democracy, rule by the general citizenry and tyranny, rule by the despot.
9. Larry Rohter, "Noriega Widening Shift in Military," *New York Times*, March 20, 1988, p. 16.
10. William James, "The Moral Philosopher and the Moral Life," in Max H. Fisch (ed.), *Classic American Philosophers*, (Appleton-Century-Crofts, Inc.: New York, 1951), pp. 165-180.
11. In Larry Rohter "America's Blind Eye," *New York Times Magazine*, May 29, 1988, p. 25, we find the observation, "But even if an arrangement requiring the corrupt and repressive dictator to step down or leave the country is made, it would not necessarily end a political system that, many Panamanians and Americans agree, was created, nurtured and sustained with United States help."
12. In T. Morganthau, "Anatomy of a Fiasco," *Newsweek*, June 6, 1988, it was reported that "Oliver North once tried to enlist Noriega in a scheme to fake a Sandinista arms shipment." p. 36.
13. *Newsweek*, June 6, 1988, p. 39.
14. Larry Rohter, "America's Blind Eye," *Op. cit.*, p. 34.
15. Rohter provides the account that "Jordan flew to Panama and bypassing the civilian president who had been installed at American insis-

tence, went straight to one of Torrijos's homes to ask him to take in the Shah." *Ibid*, p. 26. We also find that Torrijos within the confines of his "private house in Panama, puffing on his cigar, had made his decision in seconds." The Shah spent three months in Panama.

16. Rohter, loc. cit.