Duty to Revolt

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> Being deeply loved by someone gives you strength, while loving someone deeply gives you courage.
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> –Lao Tzu

1. Introduction

Edmund Burke is credited with saying "all that is necessary for the triumph of evil is that good men do nothing."[1] The Universal Declaration of Human Rights not only prescribes universal rights but also individual duties, stating "everyone has duties to the community in which alone the free and full development of his personality is possible."[2] The declaration fails to establish the scope of these duties or whether they are equal for all individuals. It fails to explain how a "good man" should respond when he encounters human rights violations condoned by state authority.

The introduction of the Universal Declaration explains "it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law."[3] This passage suggests that when human rights are violated or left unprotected by the law, the citizens of a nation may rebel against oppression under a right to revolution. Black's Law Dictionary defines the "right of revolution" as the "inherent right of a people to cast out their rulers, change their polity, or effect radical reforms in their system of government or institutions, by force or general uprising, when the legal and constitutional methods of making such changes have proved inadequate or are so obstructed as to be unavailable."[4] This essay examines the nature of the right to revolution and considers whether an individual's duty to uphold human rights includes a moral duty to revolt when the current social structure permits or requires intolerable systematic human rights violations and the powers that be are unwilling to respond appropriately to take steps to stop the violations even after the people have voiced their discontent.

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[1] John F. Kennedy, "Address Before the Canadian Parliament in Ottawa" (May 17, 1961), available online at URL = <http://www.presidency.ucsb.edu/ws/?pid=8136>.

[2] "Universal Declaration of Human Rights," G.A. Res. 217(III) A, U.N. Doc. A/RES/217(III), art. 29 (Dec. 10 1948).

[3] "Universal Declaration of Human Rights,"art 1.

[4] *Black's Law Dictionary*, 1521 (910th ed. 2014).

The rest of this essay is divided into five subsections. Section 2 examines the development and nature of disciplinary power that a government imposes on citizens in order to force conformity to the laws. Section 3 explores the power of the individual to resist the state's ubiquitous disciplinary power and provides examples of citizen resistance in the Arab Spring protests. Section 4 analyzes the problem of distinguishing revolutionary acts from acts of terrorism. It considers whether it is possible or desirable to justify the human rights violations that result from revolutionary actions, including both civilian casualties referred to as "collateral damage" and the limiting of previously recognized rights for the privileged in order to enhance rights for the disadvantaged in the interest of achieving greater equality and alleviating oppression. Section 5 analyzes the issues of building a new post-revolutionary society, without the use of disciplinary power and oppressive hierarchical structures, where "the free and full development of [all citizens' personalities] is possible."[5] Finally, section 6 concludes the essay.

2. Disciplinary Power

Lay-persons often perceive state power as a mysterious, permanent, and unquestionable structure, giving little thought to its development or perpetuation. The power of the state to impose punishment and uphold justice influences the actions of a citizen in many facets of his life. In its ideal form this power protects potential victims from the actions of others by limiting the actions of potential violators.

In his book, *Discipline and Punish*, Foucault describes disciplinary power as a product of psychological conditioning. He quotes Joseph Servan:

> the ideas of crime and punishment must be strongly linked and follow one another without interruption… when you have thus formed the chain of ideas in the heads of your citizens, you will then be able to pride yourselves on guiding them and being their masters.[6]

Just as Ivan Pavlov paired two unrelated stimuli to train dogs to salivate at the sound of a bell, masses of individuals are brought into submission to act and react as the hegemony deems necessary or desirable; whether their position in society requires military service, mastering a craft for the financial benefit of his superiors, or even molding the behavior

[5] "Universal Declaration of Human Rights," art. 29
[6] M. Foucault, *Discipline and Punish*, trans. A. Sheridan (New York: Vintage Books 1979), p. 103.

of other citizens. Thus on the "soft fibers of the brain is founded the unshakable base of the soundest empires."[7]

Through the use of docile bodies as agents of the state, disciplinary power eliminates the need for public displays of state power such as public executions or flogging. This conditioning method depends on the citizens' constant surveillance and assessment of each other. Foucault compares this structure of control to Jeremy Bentham's Panopticon. In the Panopticon, individuals are placed in isolated cells around a central tower where their actions are constantly subject to surveillance by a guard they cannot see who may (or may not) be watching them. There is no central guard in disciplinary panopticism: instead all members of society play the role of the guard as well as prisoner at different times.[8]

Foucault refers to this surveillance and assessment of other citizens as "normalizing judgment" and defines it as

> the interrelated practices of defining appropriate and inappropriate behavior of conduct by establishing gradations between the former and latter and by imposing micro-penalties to discourage non-conformity as well as a system of reward to encourage internalization of the norms.[9]

Those in power have the privilege of determining which behavior is "normal" for each individual and, predictably, they shape the citizens to behave in a manner that cements their position as leaders in society.

After an individual experiences regular punishment for trying to change her position in society she eventually stops trying to deviate from the norm, even if the "norm" is a constant state of oppression. Martin Seligman observed the phenomena of "learned helplessness" in a study where an animal is repeatedly subjected to electric shocks that it cannot escape from.[10] He discovered that eventually the animal stops trying to avoid pain and instead behaves as if it is utterly helpless to change the situation. When the animal is later given an opportunity to escape the torture, learned helplessness prevents evasive action. The animal remains stoic and accepts the discomfort, no longer expending energy trying to fight or escape the shocks.[11]

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[7] Foucault, *Discipline and Punish*, p. 103.

[8] Foucault, *Discipline and Punish*, p. 207.

[9] A. Piomeli, "Foucault's Approach to Power: Its Allure and Limits for Collaborative Lawyering," *Utah Law Review* 395 (2004): 395-482, at p. 433.

[10] M. Seligman, "Learned Helplessness," *Annual Review of Medicine* 23 (1972): 407-412, at p. 407.

[11] Foucault, *Discipline and Punish*, p. 407.

Foucault explains that

> he who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of his power; he makes them play spontaneously upon himself; he inscribes in himself the power relation in which he simultaneously plays both roles, he becomes the principle of his own subjection.[12]

Acting as both the guard and prisoner, subjects restrain their will to behave in a way that could change norms. Just as, as Seligman observed, free dogs will accept shocks to their feet rather than attempt to escape, the subject of disciplinary power eventually loses his will to resist normalcy and resorts to living out of habit, no longer expending energy trying to change his situation. The subject becomes a consenting slave, bound by the memory of former restraints.

The constant punishment and fear of punishment that the docile body represses is transformed into the subjugator's power. Elaine Scarry describes this process in *The Body in Pain*: "intense pain is world destroying as the prisoner's world is reduced to the room he resides in and the body that torments him."[13] Pain undermines one's ability to love and connect with others, hence it is

> used in torture to bring about confessions against an individual's loved ones because in moments of pain the world where those bonds exist disappears.[14]

When the prisoner submits to the torture and finally confesses the "torturer and his regime have doubled their voice since the prisoner is now speaking their words."[15] The relationship is simple: the greater the prisoner's pain, the larger the torturer's world.[16] The same process occurs when disciplinary power elicits the desired response from the oppressed. This creates a power structure similar to the feudal system where the majority labors according to the instructions of their master and for his profit.

Removing the voice and willpower from the oppressed allows the oppressor alone to explain the suffering to the public and enables his power to be "understood in terms of his own vulnerability and need, deflecting the natural reflex of sympathy away from the actual sufferer."[17] This keeps the masses content with the status quo (and desensitized

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[12] Foucault, *Discipline and Punish*, p. 203.
[13] E. Scarry, *The Body in Pain* (Oxford: Oxford Univ. Press, 1985), p. 29.
[14] Scarry, *The Body in Pain*, p. 29.
[15] Scarry, *The Body in Pain*, p. 36
[16] Scarry, *The Body in Pain*, p. 37.
[17] Scarry, *The Body in Pain*, p. 58.

to the harms around them) as they see the violations to be necessary and unavoidable sacrifices if a stable society is to be maintained.

3. Personal Power

The effect of disciplinary power, in removing the free will of the oppressed and programming their behavior in accordance with the interests of the ruling class, is incompatible with the human right of self-determination, which "requires a free and genuine expression of the will of the people's concerned."[18] The Latin maxim, *cessante ratione legis, cessat ipsa lex* means "when the reason for law ceases to be, the law ceases to exist." According to the Universal Declaration of Human Rights the law should protect human rights. When the law requires human rights violations in order to fulfill the goal of maintaining current power structures, the law ceases to exist and rebellion is permissible.[19]

Individuals have the power to counteract disciplinary conditioning and influence others' behavior. Scarry describes the role sympathy plays in preserving a prisoner's place in the world:

> an act of human contact and concern, whether occurring [in the prisoner's presence] or in private contexts of sympathy, provides the hurt person with worldly self-extension

and

> in giving the pain a place in the world, sympathy lessens the power of sickness and pain, [and] counteracts the force with which a person in great pain or sickness can be swallowed alive by the body.[20]

The simple act of sympathy can be viewed as a revolutionary act that can disturb the state's hierarchical power structure that once seemed indestructible. To each subject repressing great pain while helplessly living with regular human rights violations "the most powerful and healing moment is often that in which a human voice, though still

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[18] J. Paust, "The Human Right to Participate in Armed Revolution and Related Forms of Social Violence: Testing the Limits of Permissibility," *Emory Law Journal* 32 (1983): 545-581, at p. 562

[19] "Universal Declaration of Human Rights," art. 1.

[20] Scarry, *The Body in Pain*, p. 50.

severed, floating free somehow reaches the person whose sole reality had become his own unthinkable isolation, his deep corporeal engulfment."[21]

In order to practice sympathy, an individual must first be willing to see the pain that exists in the world, a painful task that most choose to avoid on a daily basis. Ralph Waldo Emerson insisted that the highest calling of the democratic individual, and the supreme obligation of the democratic citizen, is moral and intellectual awakening, meaning an honest confrontation with reality.[22] This is a deceivingly difficult task because humans are prone to self-servingly selecting the reality they recognize; psychologists refer to this inclination as "confirmation bias."[23] Or in the words of Ludwig Wittgenstein, "what the eye doesn't see, the heart doesn't grieve over"[24]; choosing to see the pain of others means choosing to expend time and energy grieving over their pain as well. There is also guilt that one must reconcile with when she realizes the suffering she (or rather her docile body), as an individual in society and agent of the state's panopticon, has allowed and produced. Recognizing the process whereby an individual's power is given to those who exercise dominion over a group "tends to excuse from responsibility those we commonly think of as powerful or privileged. There is no basis for asking anything, nor blaming anyone for a failure to act differently, on account of the power that they wield."[25]

Awakening to the human rights violations existing in an individual's social network and the role he has played in perpetuating them allows him to begin to make constructive changes in his own behavior. Jordan Paust says that

> the limits of the individual's role are as much a function of his passive acquiescence and ignorance of the potentialities of his participation as of the structures of the complex human organizations of the contemporary world.[26]

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[21] Scarry, *The Body in Pain,* p. 50.

[22] J. Turner, "Awakening to Race: Ralph Ellison and Democratic Individuality," *Political Theory* 36 (2008): 655-682, at p. 656

[23] E. Jonas, S. Schulz-Hardt, D. Frey, and N. Thelen, "Confirmation Bias in Sequential Information Search After Preliminary Decisions: an Expansion of Dissonance Theoretical Research on Selective Exposure to Information," *Journal of Personality and Social Psychology* 80 (2001): 557-571.

[24] L. Wittgenstein, *Remarks on the Foundations of Mathematics*, trans. G.E.M. Anscombe (Cambridge: s., MIT Press, 1978), p. 205.

[25] Piomeli, "Foucault's Approach to Power: Its Allure and Limits for Collaborative Lawyering," p. 478

[26] Paust, "The Human Right to Participate in Armed Revolution and Related Forms of Social Violence: Testing the Limits of Permissibility," p. 576

An individual can choose to break habits and refuse to act in any manner that allows or encourages human rights violations. The actions of a single individual may seem insignificant at first in the context of revolutionary change but

> nothing in society will be changed if the mechanisms of power that function outside, below and alongside the state apparatuses, on a much more minute and everyday level, are not also changed.[27]

For example, on the 17th of December 2010, a Tunisian street vendor used his individual will-power to respond to being given an arbitrary fine, slapped by corrupt policemen and humiliated in public by stepping in front of a government building and lighting himself on fire. This solitary act of refusal to accept the life of oppression offered to him was videotaped, went viral and started the Arab Spring movement.[28]

Using knowledge from their experience of acting as an enforcement agent of the state, an individual can turn the attention of the panoptic surveillance mechanisms away from the violations of "normalcy" and onto human rights violations, thus inviting other eyes to see and hearts to grieve over the atrocities they have been desensitized to. There is a quote of unknown origins, attributed to George Orwell that states: "in times of universal deceit—telling the truth is a revolutionary act."[29] On June 6, 2010, an Egyptian, Khaled Said, was beaten and murdered by Egyptian police after he posted a video showing police corruption online. Photos of Said's swollen face went viral, contradicting police reports and an official autopsy that claimed Said choked to death on a bag of drugs. In response to the murder the Facebook page "we are all Khaled Said" grew to over 800,000 members.

Disciplinary power tends to atomize individuals and prevent horizontal conjunctions thus dividing groups and individuals who could become allies and make control more difficult. A conscious individual can counteract this effect by uniting those with similar grievances against their actual oppressor. Protesters in the Arab Spring movement used social media to share their political goals and organize protests. The government responded by blocking social networking—an act the movement easily found ways around. The Egyptian government then escalated its use of force and blocked text messaging as well as Internet access. The Egyptian government's abusive use of force

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[27] Piomeli , "Foucault's Approach to Power: Its Allure and Limits for Collaborative Lawyering," p. 429.
[28] J. Browning, "Democracy Unplugged: Social Media, Regime Change, and Governmental Response in the Arab Spring," *Michigan State Journal of International Law* 21 (2013): 63-86, at p. 65.
[29] *Quote Investigator*, available online at URL= <https://quoteinvestigator.com/2013/02/24/truth-revolutionary/>.

notified and inconvenienced Egyptians who had previously been uninvolved in protests and ultimately increased engagement in the uprising.[30] This is a successful example of "killing with a borrowed sword," a winning stratagem that consists in turning an enemy's strength against him.[31]

What began as a solitary act of defiance ultimately inspired major revolts that have thus far resulted in three nations replacing their old regimes. The first successful revolution was in Tunisia, followed by Egypt. Finally, Libya toppled its oppressive regime after Libyan citizens reacted to their leader, Gaddafi, who approved the systematic use of force against protestors, by taking up arms against him and fighting a violent civil war.[32] John Liolos describes the Arab Spring resistance as the collective voice of the people stating what they will and will not tolerate in their society. He says that

> in the past, some Arab leaders and intellectuals tried to legitimize the abandonment of democracy and individual freedoms by arguing that autocratic regimes were necessary to strengthen economic development and national sovereignty… but the Arab Spring demonstrates the people deemed the need for repressive autocracy has passed."[33]

If the people do not, at some point, act to limit the state's oppressive power it seems idealistic indeed to expect the bourgeoisie to limit themselves in favor of greater equity and true democracy.

4. Justifying the Negative Consequences and Human Right Violations Resulting from Revolution

Every action performed in resistance to the existing social structure results in various consequences that can be deemed as either "positive" or "negative," depending on the perspective of the observer. A revolutionary is often simultaneously perceived as both a freedom fighter to those with similar interests and also a terrorist to those with opposing interests. In choosing to act in opposition to those in power, an individual must decide at what point a revolutionary action unjustifiably violates the human rights of

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[30] Browning, "Democracy Unplugged: Social Media, Regime Change, and Governmental Response in the Arab Spring,", p. 68.
[31] Y. Gao, *Lure the Tiger Out of the Mountains: The Thirty-Six Stratagems of Ancient China* (London: Piatkus, 1991).
[32] J. Liolos, "Erecting New Constitutional Cultures: The Problems and Promise of Constitutionalism Post-Arab Spring," *Boston College International and Comparative Law Review* 36 (2013): 219-254, at p. 228
[33] Liolos, "Erecting New Constitutional Cultures: The Problems and Promise of Constitutionalism Post-Arab Spring," p. 230.

either innocent bystanders or the hegemony in attempting to achieve greater rights for those he perceives as oppressed.

According to Bentham, a man is allowed to

> enter into measures of resistance, when according to the best calculation he is able to make, the probable mischiefs of resistance (for the community in general) appear less to him than the probable mischiefs of submission.[34]

This standard gives wide deference to the individual's calculations, allowing his personal biases to influence his designations of what constitutes "mischief." Naturally, because one knows the full extent of one's own tribulations and only a fraction of the burdens of others, there will always be bias in any person's measurement of mischief, with the mischief he has experienced being overestimated and the mischief others are experiencing being underestimated.

Aleksander Marsavelski finds that an analysis of the historical foundations and developments of the right to revolution provides the following criteria for when the use of force in resistance is acceptable.[35] First, the majority must support the use of force, or alternatively, the revolutionary must reasonably believe that the majority would support the use of force if they knew the relevant circumstances. Second, the use of force must be the last resort and not excessive. Third, the rebellion must be a reaction to governmental oppression, specifically either a violation of the constitution or a violation of fundamental human rights. Finally, the use of force must be directed against the government. The right to revolution is based on necessity and therefore ceases once the violation ends.

Even if the use of force against the government is in fact justifiable there remains the issue of civilian casualties. Revolutionary change necessarily involves inflicting pain on innocent people. How does one distinguish between the hardships caused by a revolutionary movement and the hardships caused by a terrorist attacks? One may be able to distinguish the two by analyzing the sacrifice of human rights within the framework of the ethical dilemma known as The Trolley Problem.

American philosopher Judith Jarvis Thomson developed the trolley problem where a bystander sees a runaway trolley going down a track towards five people. Next to the subject there is a switch he can throw to detour the trolley onto a sidetrack where

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[34] A. Marsavelski, "The Crime of Terrorism and the Right of Revolution in International Law," *Connecticut Journal of International Law* 28 (????): 243-295, at p. 270.

[35] Marsavelski, "The Crime of Terrorism and the Right of Revolution in International Law," p. 278

it will hit and kill only one person. The subject has seconds to decide whether to flip the switch and sacrifice one life to save the five or do nothing and let the trolley hit the five as a matter of fate.[36] In a popular variation of the dilemma the subject is standing on a footbridge over a trolley track where a runaway trolley is heading towards five people who will be killed unless he throws a heavy weight in front of the trolley to stop it. The only heavy weight close by is a very fat man standing next to the subject on the footbridge. The question presented is whether the subject should push the fat man off of the bridge onto the tracks where the mass of his body will stop the trolley and save the five people.[37] Most people believe it is morally impermissible for the subject to push the fat man, even if they think it is acceptable for him to flip the switch.[38]

In both of these scenarios the individual must decide whether to sacrifice one life to save five. The primary difference is that in the initial scenario the man sacrificed is simply in the wrong place at the wrong time, he could have been anyone. Whereas the fat man was selected for his physical attributes alone and his body was used as a tool to achieve what the subject perceived as a moral end. The fat man scenario is comparable to the way discipline produces and uses docile bodies to achieve their ends and the way independent terrorist groups will sacrifice innocent victims in order to gain power, while revolutionary actions based on necessity might be compared to flipping the switch and choosing to violate certain human rights because it is the lesser of two evils.

This comparison can easily be dismissed as an attempt of the revolutionaries to display their motives for violating human rights, framing the pain they cause in a manner that shifts the sympathy from the true victims to themselves and the difficult decision they had to make to "pull the switch" for what they perceive as the greater good. This leaves the haunting issue of what differentiates the human rights violations caused in trying to create a better world from any other independent human rights violations caused while trying to dismantle the current regime. What distinguishes the "good guys" from the "bad guys" when it comes to justifying other's suffering caused by their actions? Perhaps the only articulable difference is that the "good guys" struggle over this question.

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[36] C. Chelini, A. Lanteri, and S. Rizzello, "Moral Dilemmas and Decision-Making: an Experimental Trolley Problem," *International Journal of Social Sciences* 4 (2009): 174-182, at p. 176.

[37] Chelini et al, "Moral Dilemmas and Decision-Making: an Experimental Trolley Problem," p. 176.

[38] Chelini et al, "Moral Dilemmas and Decision-Making: an Experimental Trolley Problem," at p. 179: 87.64% of those studied said they would pull the lever in the first scenario, and 19.19% said they would push the "large fat man."

5. Rebuilding Post-Revolution

There is a pattern in history of revolutionary success defaulting, over time, to similar oppression and human rights violations as existed prior to the revolution. In order to protect the rights of adversaries and prevent a new hierarchical disciplinary system from being established, the revolutionaries must create a novel social order. The new community, in accordance to the duty described in the Universal Declaration of Human Rights, must be one where "the free and full development" of all citizen's personalities is possible.[39]

The Merriam Webster Dictionary defines a revolution as either "a fundamental change in political organization," or "a fundamental change in the way of thinking about or visualizing something; a change of paradigm."[40] In creating a free state, citizens must revolutionize their concept of power and societal control. Successful revolutionaries are burdened with the task of creating a new constitution that embodies the revolutionary aims and alleviates the inequalities that led to the use of force. An effective constitution will express widespread consensus on the aspirational aims of the nation.[41] These goals must be practically achievable, and the constitution must establish institutions that will work to fulfill them.[42] The focus should shift to building a better society and uniting all under the constitutional ideal of equality rather than reflecting on past violations or retributive justice.[43] A free society where the development of all personalities is possible will value the search for truth over political stability. The institutions would consistently evolve as humanity itself evolves to embrace greater compassion towards others.

An optimal power structure for human rights protections would be what Foucault called "pastoral power." In pastoral power, the citizenry is analogous to a flock of sheep with leaders acting as shepherds who serve to "ensure, sustain, and improve the lives of each and every citizen."[44] This is basically an inversion of the feudal system where the overseers are the servants rather than the masters. Pastoral power does not seek to shape the individual's conduct but rather to shape individual self-identity. The "shepherds" in

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[39] "Universal Declaration of Human Rights," art. 29.
[40] *Webster's Third New International Dictionary of the English Language* (Springfield, MA: Merriam-Webster, 1993).
[41] Liolos, "Erecting New Constitutional Cultures: The Problems and Promise of Constitutionalism Post-Arab Spring," p. 231.
[42] Liolos, "Erecting New Constitutional Cultures: The Problems and Promise of Constitutionalism Post-Arab Spring," p. 231.
[43] Liolos, "Erecting New Constitutional Cultures: The Problems and Promise of Constitutionalism Post-Arab Spring," p. 231.
[44] Piomeli, "Foucault's Approach to Power: Its Allure and Limits for Collaborative Lawyering," p. 442.

this system provide guidance by encouraging individuals to reveal their thoughts then assisting them in interpreting them.[45]

Scarry states that "torture is the inversion of the trial, a reversal of cause and effect. While one studies evidence that may lead to punishment, the other uses punishment to generate evidence." Pastoral power is likewise the inversion of disciplinary power, in pastoral power an individual's own thoughts are used to determine which actions he should take whereas in disciplinary power an individual searches for justification for his conditioned reactions. Unlike disciplinary power, pastoral power is truly democratic because it depends on willing subjects. Citizens may choose to resist "the endless and ongoing nature of self-realization" and instead settle for "ready made identities to put the question of who they are fully to rest."[46]

Foucault refers to a "specific intellectual" who analyzes the central assumptions and bases of current thought and practice to reveal the weak spots ready for change.[47] He believes that once the intellectual forms the group necessary for effecting social change, and helps them to recognize problems, the next step is for the intellectual to retreat from, rather than engage with, the group.[48] It is for the citizens themselves to develop a plan of action and move forward on their own. Instead of a few intellectuals micromanaging and becoming new masters of docile bodies individual creation is encouraged among the citizens, something that is unappreciated in disciplinary systems.

Scarry said the following about creation:

> Is it not peculiar that the very thing being deconstructed [in torture and war]—creation—does not in its intact form have a moral claim on us that is as high as the other's low, that the action of creating is not, for example, held to be bound up with justice in the way those other events are bound up with injustice?[49]

One's power of creation allows him to establish his place in the world, and is therefore fundamental to the development of his personality and his pursuit of happiness. It is reasonable to conclude that a society where the individual talents of the citizens are valued and utilized will be more productive than one where they are trained and used as machines. Adam Smith explains in his work, The Wealth of Nations, "nothing can be

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[45] Piomeli, "Foucault's Approach to Power: Its Allure and Limits for Collaborative Lawyering," p. 442.
[46] Turner, "Awakening to Race: Ralph Ellison and Democratic Individuality," p. 666.
[47] Piomeli, "Foucault's Approach to Power: Its Allure and Limits for Collaborative Lawyering," p. 418.
[48] Piomeli, "Foucault's Approach to Power: Its Allure and Limits for Collaborative Lawyering," p. 418
[49] Scarry, *The Body in Pain*, p. 22

more absurd… than to imagine that men in general should work less when they work for themselves than when they work for other people."[50]

Some might think that, without disciplinary structures individuals will not work together as a society but rather carry out their own personal missions. Adam Smith explains that this fear is irrational because

> man has almost constant occasion for the help of his brethren, and it is in vain for him to expect it from his benevolence only. He will be more likely to prevail if he can interest his self-love in his favor and show them that it is for their own advantage to do what he requires of them.[51]

For

> it is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest. We address ourselves, not to their humanity, but to their self-love, and never talk to them of our own necessities but of their advantages.[52]

Individuals will benefit from others' personal creation as well as their own, and will work together when it is for the benefit of all.

6. Conclusion

If ever the Universal Declaration of Human Right's ideal of a "community in which alone the free and full development of [each person's] personality is possible" is to become a reality individuals must be willing to act in resistance to what may seem like indestructible power structures. In order to recognize the true oppressor each individual must exercise sympathy for all human rights violations and determine which are particularly anachronistic in the current state of society. They then must bring the attention of others to these violations and create social connections amongst those most affected by them. If it is reasonable to assume that the majority of citizens would agree that these violations are too atrocious to tolerate in society and that force is justifiable and necessary in stopping them, then the use of force may be used towards the oppressor's in order to stop the violations. Once the oppressor acquiesces, the right to revolution ceases.

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[50] A. Smith, *The Wealth of Nations* (London: J.M. Dent, 1910), p. 71.
[51] Smith, *The Wealth of Nations*, p. 12.
[52] Smith, *The Wealth of Nations*, p. 71.

Even if a right to revolution exists, there is an insoluble problem in differentiating the harms resulting from the use of force by various independent actors with diverse motives and trying to determine which acts are justifiable and which are intolerably destructive. This makes it seem unwise to claim that this right is also a moral duty, because of varying opinions on what counts as a human rights violation and what justifies the use of force. For example, some may take it upon themselves to use force against abortion providers for violating the rights of the fetus, assuming that if everyone knew what they know about human development or God's plan they would support the use of force as well.

Those who feel called to revolutionary action must reconcile with the risk that their actions could produce greater harm than existed beforehand. In Shakespeare's *Hamlet*, Hamlet asks

> For who would bear the whips and scorns of time,
> The oppressor's wrong, the proud man's contumely,
> The pangs of despised love, the law's delay,
> The insolence of office and the spurns
> That patient merit of the unworthy takes,
> When he himself might his quietus make
> With a bare bodkin? who would fardels bear,
> To grunt and sweat under a weary life,
> But that the dread of something after death,
> The undiscover'd country from whose bourn
> No traveller returns, puzzles the will
> And makes us rather bear those ills we have
> Than fly to others that we know not of?[53]

Until after a revolution is fought and won there is no guarantee that the outcome will not result in different, perhaps worse, ills for the oppressed than they already endure. For a good man to engage in revolutionary action and risk being the direct cause of heightened human suffering takes a great deal of faith and hope that suffering can be lessened and his chosen course of action will ultimately ease the torment of those who suffer.

A society where the free development of each individual's personality is possible would be a community where creation is supported and change is encouraged. The leaders would maintain their power through popular approval instead of discipline. The truth would be highly valued and Foucault's "specific intellectual" would consistently

[53] Hamlet, act 3, scene 1, ll. 71-83.

labor to recognize all suffering and determine which suffering can be alleviated through community action. The citizens would be given broad deference in determining when the time is ripe to end the suffering and developing a plan for improvement. This type of society, with a power structure founded on truth rather than torture and disciplinary power, is what all valid revolutionaries will be hoping for when acting in resistance to the current regime; otherwise they are simply new oppressors who would like to replace the old. This, I believe, is what separates the terrorists from the good men who are no longer doing nothing.