

interpretation

A JOURNAL OF POLITICAL PHILOSOPHY

May & Sept. 1987 Volume 15 Numbers 2 & 3

- | | | |
|-----|-------------------|--|
| 157 | K. L. Yeager | Man and Nature in Plato's <i>Phaedo</i> |
| 179 | David Bolotin | The <i>Theaetetus</i> and the Possibility of False Opinion |
| 195 | James C. Leake | Tacitus' Teaching and the Decline of Liberty at Rome (Chapters 3 to 7) |
| 309 | Richard Burrow | Credulity and Curiosity in <i>A Tale of a Tub</i> |
| 323 | Kenneth L. Grasso | Pluralism, the Public Good and the Problem of Self-Government in <i>The Federalist</i> |
| 347 | Chaninah Maschler | On the Wisdom of Nathan |
| 367 | Will Morrisey | Robert H. Horwitz, 1923–1987 |
| 373 | Will Morrisey | Review of <i>The Fate of the Self</i> by Stanley Corngold |

interpretation

Volume 15 numbers 2 & 3

Editor-in-Chief Hilail Gildin

Editors Seth G. Benardete • Charles E. Butterworth • Hilail Gildin • Robert Horwitz • Howard B. White (d. 1974)

Consulting Editors Joseph Cropsey • John Hallowell • Wilhelm Hennis • Erich Hula • Harry V. Jaffa • David Lowenthal • Arnaldo Momigliano • Michael Oakeshott • Ellis Sandoz • Leo Strauss (d. 1973) • Kenneth W. Thompson

Associate Editors Wayne Ambler • Maurice Auerbach • Fred Bauman • Michael Blaustein • Patrick Coby • Christopher A. Colmo • Edward J. Erler • Maureen Feder-Marcus • Joseph E. Goldberg • Pamela K. Jensen • Grant B. Mindle • James W. Morris • Will Morrissey • Gerald Proietti • Charles T. Rubin • Leslie Rubin • John A. Wettergreen • Bradford P. Wilson • Hossein Ziai • Michael Zuckert • Catherine Zuckert

Manuscript Editor Laurette G. Hupman

Design & Production Martyn Hitchcock

Annual
subscription rates individual \$15; institutional \$18; student (3-year limit) \$7.50. There are three issues of INTERPRETATION a year.

Address
for correspondence INTERPRETATION, Queens College, Flushing, N.Y. 11367, U.S.A.

Authors submitting manuscripts for publication in INTERPRETATION are requested to follow the *MLA Style Sheet* and to send clear and readable copies of their work.

Copyright 1987 • Interpretation

Pluralism, the Public Good and the Problem of Self-Government in *The Federalist*

KENNETH L. GRASSO

Southwest Texas State University, San Marcos

INTRODUCTION

In recent years, American public life has been increasingly afflicted by a mood of anxiety, by a pervasive, albeit vague, perception that somewhere along the line something has gone wrong. In the political arena, this perception has manifested itself in a crisis of public confidence, in a widely held feeling that the American political system no longer “works.” But although the suspicion that something is amiss is widespread, there is no agreement as to precisely what has gone wrong and why.

George F. Will, one of the nation’s most articulate and erudite journalists, gives over a goodly portion of his recent volume, *Statecraft As Soulcraft*, to what promises to be a widely read examination of these very questions.¹ Will believes that one need merely survey recent American political and cultural history to verify the accuracy of the widely shared intuition that something is seriously amiss. American culture, he believes, is drowning in the sea of an aggressively hedonistic ethic, subversive of the minimal norms of civility necessary to a functioning public order, not to mention the higher spiritual aspirations of Western Civilization. Our political life has fared no better. Absent an overarching sense of community and conception of the common good, our polity has splintered into a plethora of narrowly self-seeking “interest groups.” The result of this fragmentation of the body politic is something approaching political paralysis. Our government has become increasingly incapable of taking decisive, purposive action to

This paper was delivered at the 82nd Annual Meeting of the American Political Science Association, The Washington Hilton, Washington, D.C., August 28–31, 1986.

I want to acknowledge my debt to Dr. Francis Canavan, S.J., of Fordham University, whose advice and encouragement were indispensable in the preparation of this paper. I also wish to express my gratitude to Dr. Charles Kesler of Claremont-McKenna College for commenting upon several drafts of this article; to Mark L. Wilkinson and Cathy Regalado of the Political Science Department of Southwest Texas State University for their work in typing several of its drafts; and to Public Research, Syndicated for providing a fellowship which greatly facilitated my work. Needless to say, I alone bear responsibility for the views expressed.

1. George F. Will, *Statecraft As Soulcraft* (New York: Simon & Schuster, 1983). I should stress here that despite the strong reservations expressed in this paper about certain aspects of its argument, I nevertheless believe this to be an important and, in a number of respects, invaluable work. Will’s main thesis, namely, the relationship of “statecraft” to “soulcraft” and the roots of many of our contemporary problems in the failure to appreciate this relationship seems to me entirely sound, and makes this work essential to an understanding of the malaise afflicting our public life. That the work did not issue in a public debate of significant proportions is itself a disheartening commentary on the state of American public life.

advance the common good of the whole community, and instead has fallen prey to the very interests it was intended to direct. Indeed, the very idea of such a common good has all but vanished from our political consciousness.² Thus, we now have a government “that is big but not strong; fat but flabby; capable of giving but not leading.”³

Will’s analysis of the crisis confronting the American polity is rather commonplace; what is striking is the source to which he attributes blame for this cultural and political malaise. In what he half-jokingly—but only half-jokingly—describes as an act of “filial impiety,”⁴ Will places the blame squarely upon the shoulders of the Founding Fathers whose “defective philosophic premises”⁵ are “inadequate, and, in the long run, dangerous”⁶ to the health of the body politic. The cornerstone of Will’s analysis of these “defective philosophic premises” is his reading of the famous examination of the problem of faction in *The Federalist*, written by Alexander Hamilton, James Madison, and John Jay under the pseudonym of Publius. Publius, Will argues, saw the goal of political life in entirely “negative” terms: politics was not conceived in terms of the advancement of the common good, but simply of the avoidance of tyranny. To avoid the form of tyranny peculiar to democratic regimes—the tyranny of the majority—Publius affords free rein to material self-interest so as to encourage the endless profusion of narrowly self-seeking interest groups. In a large and extremely diverse society such as the United States no one of these groups would constitute a majority. This profusion of interest groups would thus obviate the threat of majority tyranny by simultaneously submerging “dangerous passions in the pursuit of gain,” and assuring that no one interest group would be able to acquire political power.

It would scarcely be an exaggeration to suggest that in Will’s view Publius ingeniously solves the problem of majority tyranny by unleashing a veritable plethora of small, self-seeking interest groups and thereby abolishing majorities. According to Will, the political teaching of Publius is designed to preclude majority tyranny by preventing the formation of strong, cohesive and stable majorities capable of purposive action; instead, by unleashing a profusion of small and nar-

2. Will is certainly not alone in calling attention to this disconcerting phenomenon. For an examination of contemporary political science’s loss of any conception of a common good, and its consequent inability to conceptualize political life in terms other than “the politics of interest,” see Clark E. Cochran, “Political Science and ‘The Public Interest,’” *Journal of Politics* 36 (May 1974), 327–54. As Cochran notes, this inability is a result of a whole series of implicit metaphysical and epistemological presuppositions. For an incisive critical analysis of these presuppositions, see Roberto Mangabera Unger, *Knowledge and Politics* (New York: Free Press, 1975). If this eclipse of the idea of a common good was simply an academic phenomenon, it would be disturbing enough; this phenomenon, however, is not restricted to academic discourse, but has come to characterize American political culture as a whole. Cf. Walter Lippmann, *Essays in the Public Philosophy* (Boston: Little, Brown, 1955).

3. Will, pp. 158–59.

4. *Ibid.*, p. 168.

5. *Ibid.*, p. 164.

6. *Ibid.*, p. 18.

rowly self seeking groups, Publius seeks to assure that political power would be exercised only by loose, feeble and everchanging alliances of interest groups whose very character precludes such action. Tyranny, in short, is to be avoided by pitting opposite and rival interests against one another.⁷

In essence, Publius' politics was intended to give free rein to material self-interest in the belief that self-interestedness alone "is sufficient to keep society's clockwork mechanism ticking . . ." His goal was to utilize "clever" institutional devices (e.g., checks and balances) to manipulate self-interest into a "social equilibrium." Writes Will:

Madison's attention is exclusively on controlling passions with countervailing passions; he is not concerned with the amelioration or reform of passion. The political problem is seen entirely in terms of controlling the passions that nature gives, not nurturing the kind of character that the polity might need.⁸

Publius, like Kant, believes he has devised a solution to the political problem that would work even for a nation of devils. The moral character of the citizenry is thus utterly irrelevant to Publius' solution to the problem of majority tyranny. An ongoing concern for the moral character of the community is no longer important: "soulcraft" is unnecessary.

The result is a crass and highly mechanistic conception of politics resting upon the unleashing of man's acquisitive passions, and shockingly bereft of any concern for the moral dimensions of political life, or any conception of a common good transcending the shifting alliances of selfish interests. Indeed, Will accuses Publius of adhering to "the Cuisinart theory of justice." For Publius and the intellectual tradition he represents, Will contends,

A good society is remarkably independent of individuals willing the social good. A good society is a lumpy stew of individuals and groups, each with its own inherent "principle of motion." This stew stirs itself, and in the fullness of time, out comes a creamy puree called 'the public interest'. The endless maelstrom of individuals pursuing private goods produces, magically, the public good.⁹

Politics is thus reduced to "divvying up the spoils"—"the allocation of values" to which "value-free" political science so genteelly refers—by everchanging coalitions of narrowly self-seeking groups. The question, Will believes, is whether a nation so conceived and so dedicated can long endure: will not the absence of a majority capable of purposive action and a conception of a common good transcending the selfish machinations of factions inevitably lead to political paralysis and collapse?

Now if all this sounds faintly familiar it is because this conception of how the American political system was intended to operate is widely shared. Far from being eccentric, in its main outlines Will's "pluralist" reading of *The Federalist* is

7. *Ibid.*, p. 37.

8. *Ibid.*, p. 39.

9. *Ibid.*, p. 35.

commonplace.¹⁰ Will's conception of the political system bequeathed to us by Publius, moreover, bears a striking resemblance to the portrait of American politics painted by the highly influential "pluralist" or "interest group" school of American politics, many of whose members trace their genealogy back to Publius.¹¹ The principal difference is that whereas the pluralists stand in raptured admiration of the clockwork regularity of Publius' engineering marvel, Will believes the machine to be ill-conceived, and does not hesitate to censure it upon both moral and prudential grounds. Whereas the pluralists see something approaching a perpetual motion machine, Will sees the machine as headed towards an inevitable and catastrophic breakdown. That such a breakdown has not yet occurred, Will believes, is not so much a testimony to the ingenuity of its inventors, as it is a result of a felicitous accident: the system has been able to trade upon "a dwindling legacy of cultural capital which was accumulated in sterner, more thoughtful eras."¹² The system bequeathed to us by Publius does not replenish this capital, and, indeed, acts to erode it. This is our peril and our problem.

By and large, I have no quarrel with Will's portrayal of the current workings of the American political system, or with his description of this situation as a crisis of the first order. Furthermore, I fully concur with his assertion that the immediate cause of this crisis is the erosion of the cultural capital of which he speaks. The issue I would raise with Will is whether or not the contemporary practice that he so rightly deplores is a development or a distortion of the teaching of *The Federalist*. It is my contention that although the Founders can not be completely absolved of responsibility for the malaise afflicting our body politic, Will's reading, by focusing narrowly on one aspect of Publius's solution to the problem of majority tyranny, namely, the diversity of an extended republic, obscures important dimensions of Publius' statecraft; and that when these dimensions are brought into view, the practice that Will deplores can only be seen as a systematic perversion of Publius' teaching. Since the "facts" upon which Will bases his indictment of *The Federalist* are found largely in Numbers 10 and 51, I will begin by briefly sketching the main outlines of their famous argument.

PUBLIUS' REPUBLICAN REMEDY

The Constitution in whose defense Publius writes is intended to be the charter of a self-governing community. Publius is well aware, however, that such re-

10. The late Martin Diamond was perhaps the leading exponent of this "pluralist" interpretation of Publius. See, for example, Martin Diamond, "The Federalist" in *History of Political Philosophy*, 2nd edition, edited by Leo Strauss and Joseph Cropsey (Chicago: Rand-McNally, 1963), pp. 631-51. A particularly good recent presentation of this interpretation is found in Edward J. Erler's "The Problem of the Public Good in The Federalist," *Polity* 13 (Summer 1981), 649-67. Also important in this regard is David E. Epstein's *The Political Theory of The Federalist* (Chicago: University of Chicago Press, 1984).

11. See, for example, David Truman, *The Governmental Process* (New York: Knopf, 1951); and Robert A. Dahl, *A Preface to Democratic Theory* (Chicago: University of Chicago Press, 1956).

12. Will, p. 165.

gimes have not fared well historically; as a matter of fact, it is “impossible” to read their histories without “feeling sensations of horror and disgust” at their perpetual vacillation “between the extremes of anarchy and tyranny.”¹³ Such regimes consequently have been “as short in their lives, as they have been violent in their deaths” (10, 46). Publius concedes that there is much truth in the allegation made by many reputable and patriotic citizens that popular governments are

too unstable; that the public good is disregarded in the conflicts of rival parties; and that measures are too often decided, not according to the rules of justice, and the rights of the minor party; but by the superior force of an interested and overbearing majority (10, 43).

These dangerous proclivities are symptomatic of a disease to which popular regimes are peculiarly prone: faction. By a faction, Publius means,

a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the right of other citizens or to the permanent and aggregate interests of the community (10, 43).

The vices to which faction gives rise in popular governments are so profound that unless a remedy can be found we would be “obliged to abandoned the cause of that species of government as indefensible” (9, 38).¹⁴

Now, the causes of faction are by no means peculiar to popular government. The “latent causes of faction are sown in the nature of man.” More specifically, faction has its origins in man’s fallibility and the “diversities in the faculties of men from which the rights of property originate.” Man’s fallibility results in differing opinions in religion and politics; and so long “as the connection subsists between [man’s] reason and self-love, his opinions and passions will have a reciprocal influence on each other.” The upshot of this is the division of mankind into parties “inflamed . . . with mutual animosity . . . and much more disposed to vex and oppress each other, than to cooperate for their common good.” The most common cause of faction, however, is the “various and unequal distribution of property.” By virtue of this, the community is divided into a variety of distinct “interests”:

Those who hold, and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under

13. Alexander Hamilton, James Madison, and John Jay, *The Federalist*, with an introduction and commentary by Garry Wills (New York: Bantam Books, 1982), No. 9, p. 37. Hereafter all citations of this work will be given parenthetically in the text of the article; the page of reference will follow the number of the paper cited.

14. Publius writes: “To secure the public good, and private rights, against the danger of . . . faction, and at the same time to preserve the spirit and the form of popular government, is . . . the great object to which our enquiries are directed: Let me add that it is the great desideratum by which alone this form of government can be rescued from the opprobrium under which it has so long labored, and be recommended to the esteem and adoption of mankind” (10, 45). Thus, the task at hand is to make popular government consistent with justice; if it cannot be made consistent with the demands of justice, its adoption as a form of government cannot be recommended.

a like discrimination. A landed interest, a mercantile interest, a monied interest, with many lesser interests, grow up of necessity in civilized nations . . . (10, 43–44).

Given factionalism's roots in human nature, there is no reason to expect America to be immune to it.¹⁵

But, if the seeds of faction are sown in human nature, their "activity" will vary "according to the different circumstances of civil society." Inasmuch as the "regulation" of conflicting interests constitutes "the principal task of modern Legislation," the spirit of "faction" is necessarily introduced into the "ordinary operations of Government." Furthermore, liberty gives free rein to faction: "liberty is to faction, what air is to fire, an aliment without which it instantly expires." A society in which men are free to organize and take steps to translate their views into public policy can do little if anything to arrest the development of factions; hence, the peculiar vulnerability of popular regimes to this mortal disease.

The problem of faction in relation to self-government now admits of precise definition. Although "justice ought to hold the balance between them," in a popular regime the parties to a factional conflict "are and must be themselves the judges." Despite the fact that no man should be a "judge in his own case because his interest would certainly bias his judgement" and perhaps even "corrupt his integrity," in a popular system men are "judges and parties at the same time" (10, 44). How then can the ascendancy of factions at the expense of "the public good and private rights" be prevented? How is self-government to be made compatible with justice? This is "the great object to which our enquiries [must be] directed."

In the case of a minority faction, the principle of majority rule itself provides an efficacious remedy. The true difficulty arises when a faction comprises a majority of the populace: "when a majority is included in a faction, the form of popular government . . . enables it to sacrifice to its ruling passion or interest, both the public good and the rights of other citizens" (10, 45).

Since the elimination of the causes of faction is not a plausible possibility, a means must be discovered of controlling their effects. This choice of means, moreover, is circumscribed by the fundamental principle of popular government "which requires that the sense of the majority should prevail" (22, 106). Thus, alternatives which contravene this principle by establishing "a will in a community independent of the majority" must be rejected without further consideration. Several possibilities consistent with the basic principles of popular government are rejected as inadequate to the task at hand. To begin with, the "parchment bar-

15. "There is a sufficient diversity," writes Publius, "in the state of property, in the genius, manners, and habits of the people of the different parts of the union to occasion a material diversity of disposition in their representatives towards the different ranks and conditions in society. And . . . there are causes as well physical as moral, which may in a greater or less degree permanently nourish different propensities and inclinations . . ." (60, 304). In a large heterogeneous country such as America, "pluralism" is an irremediable fact of life. This pluralism, in turn, provides a fertile soil for the growth of factionalism.

riers” of written Constitutional rights alone are clearly insufficient. Likewise, Publius rejects a simple reliance upon “moral or religious motives” as a barrier to majority tyranny. Such a proposal smacks of the utopianism which he earlier had disdainfully dismissed: “we . . . are yet remote from the happy empire of perfect wisdom and perfect virtue” (6, 26). If the “impulse and opportunity coincide” neither moral nor religious concerns will alone suffice. Nor is a reliance upon “enlightened statesmen” alone adequate. Such statesmen may “not always be at the helm.” Furthermore, the adjustment of these “clashing interests” to the demands of “the public good” cannot take place “without taking into view indirect and remote considerations.” Such considerations “will rarely prevail” in the face of the immediate advantages that may accrue to factions from “disregarding the rights of another or the good of the whole” (10, 45).

The remedy which we are seeking, Publius contends, consists in extending this sphere of the regime and introducing a scheme of government by elected representatives. The effect of the latter is to:

refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary and partial considerations. Under such a regulation it may well happen that the public voice pronounced by the representatives of the people, will be more consonant to the public good, than if it was pronounced by the people themselves convened for that purpose (10, 47).

What advantages accrue from extending the sphere of the community?

Extend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a motive exists it will be more difficult for all who feel it to discover their own strength, and act in unison with each other (10, 48).

The larger the territory, Publius maintains, the wider the range of interests likely to be found within it. Since no single interest will be able to command a majority, the making of public policy will require the formation of a coalition comprising several groups. No one group will be able to get all that it wants. The hallmark of such a system will be log-rolling, negotiation, and compromise. Thus, “by comprehending in the society many separate descriptions of citizens,” Publius contends, we thereby

render an unjust combination of a majority of a majority of the whole, very improbable, if not impracticable . . . [T]he society itself will be broken into so many parts, interests and classes of citizens, that the rights of individuals or of the minority, will be in little danger from interested combinations of the majority. In a free government, the security for civil rights must be the same as for religious rights. It consists in the one case in the multiplicity of interests, and, in the other, in the multiplicity of sects (51, 264).

Thus, in an extended republic embracing a “great variety of interests, parties and sects . . . a coalition of the majority . . . could seldom take place on any other principles than those of justice and the general good . . .” (51, 265).

In the representative principle and the extended sphere it makes possible, Publius concludes, we find “a Republican remedy for the diseases most incident to Republican government” (10, 49).¹⁶

THE DELIBERATE SENSE OF THE COMMUNITY

At first glance, this cursory examination of Publius’ teaching might seem to bolster Will’s case. After all, Publius seems to disavow any reliance upon either statesmanship or moral character as a solution to the problem of self-government with justice. Far from neutralizing the effects of factions, he appears to reduce public policy to an outgrowth of shifting alliances among factions. If public policy is nothing more than a product of an agreement among the various factions as to how the spoils are to be divvied up, how can it be seen as advancing the permanent and aggregate interests of the community? Does Publius mean to suggest that the public good would emerge “as if by an invisible hand” from this clash? Does he not, in other words, embrace “the Cuisinart theory of justice”? Moreover, will not his “remedy” have the effect of producing an impotent government controlled by the very interests it was intended to regulate, and thus incapable of decisive action in behalf of the common good?

Tempting though it might be at this point to acquiesce in Will’s “pluralist” reading of *The Federalist*, even the foregoing cursory examination of Publius’ argument raises insurmountable obstacles to the acceptance of this interpretation. To mention only the most obvious, Will’s reading of *The Federalist* completely ignores both the centrality of representation to Publius’ solution to the problem of faction and the role accorded the representative in the previously cited passages in Number 10. How can the pluralist interpretation’s insistence that statesmanship and moral character are irrelevant to Publius’ “republican remedy” be reconciled with his insistence that a solution to the problem of majority tyranny requires the existence of a representative assembly consisting “of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and

16. Publius’ distinction between democracies and republics figures quite centrally in a number of interpretations of *The Federalist*. I have glossed over this distinction because, on my reading of the text, by a republic Publius means nothing more than a representative democracy. Cf. Martin Diamond, “Democracy and The Federalist: A Reconsideration of the Framers’ Intent,” *American Political Science Review* 52 (March 1959), 52–68. Diamond argues that Publius’ statecraft is both democratic and rooted in a break with the Classical and Christian tradition in favor of the tradition of which Locke was an exponent. For a thoughtful rejoinder to Diamond’s reading, see Paul Eidelberg, *The Philosophy of the American Constitution*, (New York: Free Press, 1968). Although his contention as to the nondemocratic, or even anti-democratic, character of the framers’ statecraft is not, in the final analysis, persuasive, Eidelberg brilliantly demonstrates the inadequacies of Diamond’s pluralist reading of Publius, while simultaneously illuminating the non-Lockean nature of the founders’ enterprise.

whose patriotism and love of justice, will be least likely to sacrifice it to temporary and partial considerations”? And how, moreover, can Will’s claim that Publius reduces public policy to an outgrowth of shifting and everchanging alliances among factions be reconciled with his insistence that it is the function of this representative assembly to “refine and enlarge the public views” so as to secure “the public good”? Surely this implies that public policy is to be something other than the product of an agreement among self-seeking interests regarding the divvying up of the spoils.

If we are to arrive at a satisfactory alternative to the pluralist interpretation, a deeper penetration into Publius’ solution to the problem of self-government with justice is essential. To begin with, since the accent of Publius’ discussion falls so heavily upon faction, and the conflict among what we today call “interest groups,” a word or two is necessary regarding the larger context within which this conflict occurs. The conflict Publius anticipates takes place within the horizon of a “people” constituting a “community” possessing “permanent and aggregate interests.” We ought not allow the fact that Publius’ polity is “pluralistic” to obscure the fact that it is a community—“one united people”; “a band of brethren united to each other by the strongest ties” (2, 7); “members of the same family” bound together by “chords of affection” (14, 66)—organized for action in history. This community, to whose common good both the programs and the conflicts of factions are strictly subordinate, is the ultimate locus of political authority.

To appreciate how Publius hopes to utilize the republic’s extended scope to advance the public good of the whole community, we must investigate more carefully its influence upon political decision-making. The very difficulty in forming a majority that results from the republic’s extensiveness (and consequent diversity of particular interests), reinforced and amplified by certain institutional expedients (the famed “auxiliary precautions” of bicameralism, staggered elections, separation of powers, checks and balances, etc.) acts so as to drastically slow the decision-making process. What effect does slowing the pace of the decision-making process have upon the quality of the decisions arrived at? It is a “misfortune,” Publius observes that “public measures are rarely investigated with that spirit of moderation which is essential to a just measure of their real tendency to advance or obstruct the public good” (37, 176). He writes:

The oftener a measure is brought under examination, the greater the diversity in the situations of those who are to examine it, the less must be the danger of the errors which flow from want of due deliberation, or of those missteps which proceed from the contagion of some common passion or interest (73, 373).

Likewise, Publius contends that “promptitude of decision” in the legislative branch is “oftener an evil than a good” because “the differences of opinion, and jarring of parties” generally act so as to “promote deliberation and circumspection” as well as checking “the excesses of the majority” (70, 358). Slowing the

pace of decision-making, Publius contends, will serve to engender the spirit of moderation he deems essential to good government.

We can now more fully appreciate the importance attributed by Publius to the republic's extensiveness and resulting diversity. The diversity prevents the formation of a majority around a single particular interest and so makes the consideration of the good of the whole community possible. Simultaneously, by drastically slowing the decision-making process, the republic's diversity allows for, indeed, encourages, intensive and prolonged deliberation and discussion on public policy initiatives. Not only does the republic's extensiveness militate in favor of a thorough airing of the issues of the day, but by slowing the process lends itself to their dispassionate consideration. The delay it necessitates helps assure that decisions are not made in the heat of passion; the public is assured an opportunity to "calm down."¹⁷ The result is a greater likelihood that issues will receive a "dispassionate review," and that they will be decided in accordance with the spirit of moderation Publius deems so essential:

The republican principle demands that the *deliberate sense* of the community should govern the . . . management of their affairs; but it does not require an unqualified complaisance to every sudden breeze of passion, or to every transient impulse which the people may receive from the arts of men, who flatter their prejudices to betray their interest. It is a just observation that the people commonly intend the PUBLIC GOOD . . . But their good sense would despise the adulator, who should pretend that they always reason right about the means of promoting it . . . When occasions present themselves in which the interests of the people are at variance with their inclinations, it is the duty of the persons whom they have appointed to be guardians of those interests, to withstand the temporary delusion, in order to give them time and opportunity for more cool and sedate reflection (71, 363).¹⁸

Publius does not seek government by the will of the people, but rather governments by "the cool and deliberate sense of the community." The distinction is a crucial one.¹⁹ The latter is preferable because "it is the reason of the public alone that ought to control and regulate the government. The passions ought to be con-

17. Cf. Willmoore Kendall and George W. Carey, *The Basic Symbols of the American Political Tradition* (Baton Rouge: Louisiana State University Press, 1970), p. 112: "The mere extensiveness of the republic 'forces' us as a people or nation to heed the very advice that we would probably give to a friend, who, in a moment of passion, seems intent upon doing something we are sure he will later live to regret, namely, cool off, calm down, reflect about the situation at hand before acting."

18. Cf. *The Federalist*, 63, 320.

19. For a discussion of this distinction and its importance cf. John Hallowell, *The Moral Foundations of Democracy* (Chicago: University of Chicago Press, 1954). Writes Hallowell: "[T]he essence of tyranny is unrestrained will . . . What is demanded by the democratic form of government is not submission to the will of the majority . . . but rather submission to the reasoned judgment of the majority. We are obligated to submit to the decision of the majority, not because the decision represents a numerically superior will, but because it represents the best judgment of society with respect to a particular time . . . The majority vote does not precede the discussion but concludes it; it is the recording of a decision reached through deliberation and is not conceived to take the place of deliberation" (pp. 120–21).

trolled and regulated by the government” (49, 258). Publius seeks to establish a democratic system in which public policy reflects not the public will but rather the public reason; he seeks government not by the will of the people, but by the reason of the people, by the cool and deliberate sense of the community.

Implicit in Publius’ line of argument therefore is a distinction between demands emanating from mere desire, from sheer acts of will, and those resulting from reason and deliberation. Factions are dangerous precisely because they have their source in the perverting influence of interest and passion upon the judgment and thus are examples of the former. All of Publius’ efforts are designed to assure that the place of reason is not usurped by mere desire or self-interest. He thus seeks to establish a decision-making process which will act as a barrier to factious majorities by filtering out proposals originating in either interest or passion. The republic’s extensive scope plays a crucial role in this process by creating conditions conducive to the “dispassionate review” of issues; conditions, that is to say, which favor reasoned decisions emanating from a deliberative process rather than decisions made in the heat of passion. Simultaneously, the long and drawn-out character of this deliberative process affords ample opportunity not only for the thorough airing of all points of view, but also for the give-and-take of public debate, criticism, fact-finding, and the assessment of long-range effects. It thus acts to bring proposals before the bar of reason; and thus provides a formidable barrier to self-interested proposals at odds with the permanent and aggregate interests of the community. Factious proposals—proposals having their origin in the perverting effects of interest and passion upon the judgment—will be unable to stand the test of this deliberative process. In an atmosphere characterized by the primacy of reason, the numbers supporting a position become of secondary importance to its reasonableness. The dispassionate review Publius seeks will act so as to expose the fallacious nature of factious proposals.

Hence, the republic’s diversity not only prevents the machinery of government from being captured by partial interests, but, by slowing the decision-making process, facilitates deliberation on how the common good of the whole community might best be advanced.

Slowing the decision-making process, however, does not itself guarantee that serious and dispassionate deliberation about how the good of the whole community might best be advanced will actually take place. It merely creates the potential for such deliberation. Whether or not this potential for “refining and enlarging the public views” through a deliberative process is realized will depend upon the member of the representative assembly. One could, for example, imagine a representative assembly whose members were nothing more than bargaining agents for particular interests; in such an assembly, deliberation of the type Publius wished to foster is unlikely to take place, regardless of how much the republic’s diversity might slow the decision-making process. There is, as Paul Eidelberg points out, a difference between deliberating and bargaining; and

Publius' solution to the problem of self-government with justice required representatives who would engage in the former than the latter. Hence, the character of the representatives is of crucial importance. The deliberative process Publius envisions presupposes, as we have seen, a representative assembly that will consist of "a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary and partial considerations" (10, 46).

But what assurance is there that the members of the representative assembly will be men of this caliber? Won't the very factions whose designs Publius seeks to frustrate dominate the electoral process? Publius' answer is that the republic's very diversity not only slows the decision-making process, but also tends to secure the selection as representatives of the type of men he is seeking, as well as assuring them, once in office, of the freedom to exercise independent judgment required by this deliberative process.²⁰ To begin with, since the representative assembly's character as a deliberative body sets sharp limits to its numbers, in a large republic the very size of the districts from which representatives will be chosen will act to assure, all other things being equal, a larger "proportion of fit characters," a larger proportion of the type of men Publius is seeking. This, in turn, will issue in "a greater probability of fit choice." At the same time, the size of the legislative districts will make it "more difficult for unworthy candidates to practise with success the vicious arts by which elections are too often carried" (10, 47). Their size, in other words, will act as a barrier to both bribery and other forms of outright corruption, while simultaneously, as George W. Carey has suggested, acting as an impediment to the success of mere demagoguery. As Robert J. Morgan has pointed out, moreover, it was Publius' view that representatives chosen by the large, heterogeneous districts found within an extended republic would be more likely to be independent of particular interests than those chosen by smaller and consequently more homogeneous districts. Such large and consequently heterogeneous districts would contain a multiplicity of small interests, which would, in turn, cancel each other out. With factionalism thus neutralized, men of the character Publius seeks—"men who possess the most attractive merit and the most diffusive and established characters," men of integrity who can play the roles of impartial arbitrators—will tend to be elected to office; and once elected will have the independence to engage in the deliberative process he envisions. Hence, the republic's very extensiveness and diversity will tend to facilitate "the election of proper guardians on the public weal" (10, 47): representatives who will be able to stand above factional strife and uphold the "permanent and aggregate interests of the community."²¹

20. Implicit in Publius' desire to secure the freedom of the representative to exercise independent judgment is a rejection of what Yves Simon disparagingly termed "the coach-driver theory" of representation. Simon's theory of representation invites comparison with Publius' comments on the subject. Cf. Yves Simon, *Philosophy of Democratic Government* (Chicago: University of Chicago Press, 1951), pp. 144–94.

21. For insightful discussions of the role of representation in Publius' "republican remedy," see Robert J. Morgan, "Madison's Theory of Representation in the Tenth Federalist," *Journal of Politics*

Thus, Publius believes that this representative system will refine and enlarge the public views by filtering them through a group of men “who possess [the] most wisdom to discern and most virtue to pursue the common good of society . . .” (57, 289). The “aristocratic” overtones of this conception of representation are unmistakable. Publius dismisses as “altogether visionary” the idea of the “actual representation of all classes of the people by persons of each class . . .” (35, 166). The representative assembly is not intended to be a demographically accurate microcosm of society at large: rather it is intended to be an elite excellence, a natural aristocracy. Because the republic’s diversity will serve to neutralize factionalism, the voters (who, let us not forget, are to be “the great body of the people of the United States”) can be expected to vote not with an eye towards choosing partisans to advance their interests, but with an eye towards selecting men of extraordinary merit to engage in an ongoing dialogue on the common good. A representative’s views, one might say, were to be of less importance than his character.

Now, Publius certainly expected these representatives to be advocates, in some sense, for the particular interests of their constituencies.²² Nor, it should be stressed, is there anything inherently reprehensible in this: “The good of the whole,” Publius informs us, “can only be promoted by advancing the good of each of the parts or members which compose the whole” (64, 329). Indeed, since determination of the common good itself demands the appreciation of particular goods, the articulation of these goods is an indispensable part of the deliberative process. But since he expected the members of the representative assembly to be among the republic’s wisest and most public-spirited citizens, he believed that they would possess an overarching commitment to the common good, and thus a willingness, in the final analysis, to subordinate “partial interests” to it. His representatives were to be more than mere bargaining agents seeking to “cut” deals conducive to the interests of their constituencies: they were to be an elite of merit

37 (November 1974), 852–85; George W. Carey, “Majority Tyranny and the Extended Republic Theory of James Madison,” *Modern Age* 20 (Winter 1976), 40–53, esp. 45–50; and Gordon S. Wood, *The Creation of the American Republic* (Chapel Hill, N.C.: University of North Carolina Press, 1969). Writes Wood: “Although an impassioned and factious majority could not be formed in the new federal government, Madison had by no means abandoned the idea that the public good was the goal of government, a goal that should be positively promoted. He did not expect the new federal government to be neutralized into inactivity by the pressure of numerous conflicting interests. Nor did he conceive of politics as simply a consensus of the various groups that made up the society. The peculiar advantage of the new expanded national republic for Madison lay not in its inability to find a common interest for such an enlarged territory, but rather ‘in the substitution of representatives whose enlightened views and virtuous sentiments render them superior to local prejudices and to schemes of injustice.’ In the new federal scheme power would be ‘more likely to centre in men who possess the most attractive merit and the most diffusive and established characters,’ men who would be able to pursue vigorously what they saw to be the true interest of the country free from the turbulence and clamors of ‘men of factious tempers, of local prejudices, or of sinister designs’”(505).

22. Here again Publius’ remarks invite comparison with Simon. See Simon, pp. 41–57. “That particular goods be properly defended by particular persons,” writes Simon, “matters greatly for the common good” (p. 41). The defense of particular interests is necessary to the determination of the common good of the whole community because they constitute integral parts of this good.

gathered to deliberate on common good. Publius' model of such a deliberative assembly, and perhaps the reason why he held such high hopes for this actualization in practice, was the Philadelphia Convention. Publius' representatives, in summary, were to be less lawyers pleading for a client, than judges, impartial arbitrators, weighing the competing claims of "interest groups" from the vantage point of the public good.²³

Publius' refusal to rely upon either "enlightened" statesmanship or moral and religious motives alone does not mean that they are irrelevant to the republican remedy he proposes. As Publius' conception of the representative's role makes clear, he does indeed presuppose that enlightened statesmen will usually be at the helm. And, as he is aware, his solution to the problem of faction presupposes a particular type of citizenry. It presupposes a citizenry capable of producing the type of wise or virtuous men he expects to see serve as representatives. It presupposes a citizenry willing to forgo utilizing elections merely as an opportunity to select clever and zealous bargaining agents for their particular interests, in order to use elections to select the community's wisest and most virtuous men to engage in an ongoing deliberative process about the public good. It presupposes, in the final analysis, a citizenry aware of the distinction between justice and injustice, and committed to doing justice. In short, it presupposes what Willmoore Kendall and George W. Carey have termed "a virtuous people."²⁴ As Publius himself put it:

As there exists a certain degree of depravity in mankind which requires a certain degree of circumspection and mistrust: so there are other qualities in human nature, which justify a certain portion of esteem and confidence. Republican government presupposes the existence of these qualities in a higher degree than any other form. Were the pictures which have been drawn by . . . some among us faithful likenesses of the human character, the inference would be that there is not sufficient virtue among men for self-government (55, 284).

A debased populace, in other words, cannot govern itself with justice; the enterprise of self-government requires moral virtue.

23. Cf. Carey, pp. 49–50. Publius believed, writes Carey, that the republic's extensiveness and consequent plurality of interests acts to secure the presence of "a group of decision makers sufficiently detached from the immediate interests of any given controversy which would serve more or less as a jury to judge the relative merits of the arguments and proposals advanced by interested and contending parties."

24. Kendall and Carey, p. 112. and *passim*. As Kendall and Carey observe, from the fact that the republic's extensiveness facilitates a thorough airing of the issues of the day, it does not necessarily follow that the appeals of factions will be rejected. Publius' confidence that if given the opportunity to deliberate the American people will recognize and reject the appeals of factions is a product of two prior assumptions, namely that: "(a) The American people, unlike perhaps other people, have a sense of right and wrong; they do have in other words, a feeling for justice and doing that which promotes the true interests of the community. (b) Off at the end, if given sufficient opportunity (which involves time to deliberate and meditate), the vast majority of the American people will opt for that which is designed to promote the permanent and aggregate interests of the community . . ." In short, Publius' confidence that the deliberative process he seeks will issue in justice and advance the common good is rooted in his favorable assessment of the moral character of the community within which this process is to occur.

Publius is thus well aware that the republic's size and diversity in itself *guarantees* neither the election of wise, virtuous and public-spirited men to the representative assembly nor the establishment of the deliberative process he envisions; it merely serves to *facilitate* these objectives. In the final analysis, Publius' confidence regarding the realization of these objections rests upon his ultimately favorable estimate of the virtue and intelligence of the American people. By weakening the perverting influence of faction, the republics' diversity allows this virtue and intelligence to come to the fore.

At this point, the inadequacy of what we have termed Will's "pluralist" interpretation of Publius becomes readily apparent. Indeed, this reading fails to grasp even the fundamental problem to which Publius addresses himself. Rather than taking its bearing from the narrow and purely "negative" goal of the avoidance of majority tyranny, Publius' political science takes as its goal a broader, more positive and nobler objective: self-government with justice. Rather than seeking merely to establish a democratic system which can avoid the *summum malum* of tyranny, Publius seeks to establish a democratic system which can effectively secure justice and the common good.

Throughout *The Federalist* Publius repeatedly stresses the energetic character of the government whose establishment he is seeking. Indeed, in Number 10 after having observed that a multitude of diverse and often conflicting interests "grow up of necessity in civilized nations," he notes that the "regulation of these various and interfering interests forms the principle task of modern legislation" (10, 44). The proposed Constitution is superior to the Articles of Confederation precisely because it will result in a strong government capable of decisive action in behalf of "the permanent and aggregate interests of the community"; capable in other words, of effectively regulating these "various and interfering interests" so as to secure "the public good." Publius does not believe that the public good will emerge "as if by an invisible hand" from negotiations between the various factions. Rather he seeks a decision-making process that can transcend factionalism. His goal—an energetic government capable of effective action in behalf of the common good—thus requires majorities that will be more than loose and shifting coalitions of self-seeking groups, but which, on the other hand, will not seek tyrannical objectives. To achieve such majorities he puts his faith in a way of making decisions which will avail itself of the country's diversity, along with certain auxiliary precautions—certain "inventions of prudence"—so as to secure majorities which are the outcome of a deliberate process whose participants will be "a chosen body of citizens whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary and partial considerations." Publius is confident that the majorities which emerge from such a decision-making process will transcend factionalism and thereby assure a government capable of effectively advancing the common good of the whole community.

Far from basing his teaching upon the presumed sufficiency of material self-interest, Publius' republican remedy ultimately rests on his faith in the moral

character of the American people. And far from being a sufficient condition in and of itself for good government, Publius' "pluralism" is a means to an end; as Eidelberg observes, the guiding principle of the Founders' pluralism was *divide et impera*. Given a profusion of factions Publius believed that interest would check interest, and thus secure the capacity of the government to act purposively for the common good. Pluralism was thus only half the solution to the problem of self-government with justice; the other half of the solution had to do with enlightened statesmanship and moral character which, although insufficient alone, when taken together with the diversity which Publius wished to encourage, constituted a remedy to the mortal diseases of faction.²⁵ Ironically, it was the republic's very diversity which enabled enlightened statesmanship and the virtue of the American people to come to the fore. Rather than securing the government's subservience to the demands of factions, the country's pluralism, the fact that it contains a plethora of opposed interests, assures the independence of the government from any one interest, and thus its capacity to advance a public good transcending the machinations of factions.

THE UNANSWERED QUESTIONS

Will's analysis thus reveals a surprising insensitivity to the full dimensions of Publius' statecraft. Yet it is undeniable that the picture Will paints of the contemporary politics of American pluralism is uncomfortably close to the truth. Indeed, contemporary American political practice might be viewed as consisting of Publius' teaching minus its moral dimensions. Contemporary practice thus constitutes a distortion of Publius' teaching. The question that suggests itself is whether the seeds of this distortion are not somehow present in Publius' argument. Could it be that Publius' teaching itself is in some way responsible for fostering, albeit unintentionally, a political practice bereft of important aspects of that teaching? The whole notion of a "virtuous people" (and the corresponding distinction between virtuous and debased citizenries) is obviously pregnant with both ontological and political implications; implications, however, which Publius leaves curiously unexplored. Indeed, despite its importance as the ultimate *conditio sine qua non* of his whole program, the moral character of the citizenry is a topic touched upon only briefly in Publius' argument. Equally mysterious is the nature of the public good which he continually invokes. Unfortunately, Publius did not avail himself either of the opportunity created by his notion of the virtuous people, or of his conception of an enduring common good transcending the machinations of factions, to unfold the theoretical presuppositions of his statecraft. Publius' inability—or perhaps, in view of his forum and the practical

25. Cf. Paul Eidelberg, *A Discourse on Statesmanship* (Urbana, Illinois: University of Illinois Press, 1974), pp. 179, 214. Here, as in his earlier *The Philosophy of the American Constitution*, Eidelberg provides a compelling rejoinder to the "pluralist" reading of Publius.

nature of his endeavor, his unwillingness—to pursue the theoretical issues raised by the ethical dimensions of his argument imparts a certain shallowness to *The Federalist*. And the theoretical lacunae in the Founders' thought have had inestimable, and by no means laudable, ramifications for the future development of the American polity. Publius' failure to articulate the theoretical presuppositions of his teaching both renders portions of his thought obscure and helps explain the eventual disappearance of important aspects of that teaching from the American political consciousness.

To begin with, without an explicit account of the good life for man—the fundamental political question—it is difficult to ascertain what Publius deems to be the ultimate goals of the regime he is defending, or even to grasp the meaning of some of the key terms of his discourse. Publius, for example, sometimes speaks in the cadences of the social contract liberalism of Hobbes and Locke. He speaks, for example, of the reasons which impelled men to leave the “state of nature” (51, 265), and the necessity of their divesting themselves of a portion of their “natural rights” in order to do so (2, 6). When discussing the dangers of faction he frequently adverts to the dangers they pose to the rights of other citizens. Publius certainly sounds Lockean when he tells us that government is “instituted no less for the protection of property than of the persons of individuals” (54, 278). Lockean resonances are perhaps also found in his famous assertion that “the protection” of “the faculties of men from which the rights of property originate . . . is the first object of government” (10, 44).²⁶ Are we therefore to conclude that Publius was a thorough-going individualist who viewed political life as a mere artifice created by the contract of naturally apolitical men in order to secure conditions of peace wherein they might pursue their subjective self-interest, understood in a narrowly acquisitive sense? The whole tenor of *The Federalist* militates against this view.

Even waiving the obvious objection that Publius' central preoccupation, the problem of faction, or more broadly, self-government with justice, is not a major concern (if a concern at all) of contractarians such as Hobbes and Locke, the fact remains that his references to the organizing concepts of the social contract tradition are relatively few, and largely rhetorical. They are not central, in other words, to his argument. That he employed this language at times ought not give us pause; after all, this idiom was so pervasive in the intellectual climate of that day that even Burke, its principal contemporary critic, sometimes availed himself of it. To realize the gulf that separates Publius from the contractarians, one need only contrast his thought with that of a genuine representative of that tradition such as Paine.²⁷

26. I say “perhaps” because although this particular passage is widely cited as proof of Publius' “Lockeanism,” the Lockean reading is not the only possible interpretation of this passage, nor is it necessarily the most plausible. See Eidelberg, *Philosophy*, p. 307.

27. Cf. Thomas Paine, *The Rights of Man* (Garden City, N.Y.: Doubleday, 1973). For an excellent exposition of Paine's contractarianism, see Francis Canavan, S.J., “The Burke–Paine Controversy,” *The Political Science Reviewer* VI (Fall 1976), 389–420.

Indeed, passages abound which attest to the influence of an older tradition which asserted the priority of justice and the common good. For example:

Justice is the end of government. It is the end of civil society. It will be pursued until it is obtained, or until liberty be lost in the pursuit (51, 265).

The aim of every political Constitution . . . ought to be . . . to obtain for rulers, men who possess [the] most wisdom to discern and most virtue to pursue the common good of society . . . (57, 289).

the public good, the real welfare of the great body of the people is the supreme object to be pursued, and no form of Government whatever has any value, than as it may be fitted for the attainment of this object (45, 233).

Unfortunately, since Publius nowhere explains exactly what “the common good,” “justice,” or “the real welfare of the people” consist in, no definitive answer is possible to the assertion that the meaning of these phrases is reducible to the protection of the “rights” of the individual in the Lockean sense. Suffice it to say that such an interpretation is not fully consistent with the tenor of the text. The text, for example, is littered with references to the threat posed by factions to “the public good and private rights,” as well as their propensity for “disregarding the rights of another or the good of the whole.” These statements only make sense on the condition that the common good consists in something more than safeguarding individual rights. The burden of proof rests with those who would insist that we read Lockean concepts into Publius’ teaching, when both the language and thrust of the argument appear to point in a different direction.²⁸

Still, the question remains: what is the common good of Publius’ commercial republic? A close reading of the text yields the conclusion that it consists in something more than the maintenance of conditions conducive to the individual’s pursuit of his subjective self-interest. The fact remains, however, that Publius provides us neither with a clear answer nor with the philosophical anthropology from which we might derive one. Publius’ whole focus is upon instrumental goods; thus, we obtain a very detailed account of the powers of the new government without ever obtaining an entirely clear portrait of the ends which these

28. Of particular significance in this context is Alexander Landi’s recent study of James Madison’s thought. Writes Landi: “If one attended exclusively to Madison’s use of social contract rhetoric, it would appear that he shared in the political vision of . . . Hobbes and Locke, whose identification of the ends of political society with its primitive motivational origins was tied to a rejection of traditional political teleology However, Madison’s political vision in fact transcended the image of a market society oriented solely to security and prosperity, for which reason he also used a more traditional language to describe the ends of political society . . . [H]e considered virtue to be an object of government, both directly and indirectly Madison’s understanding of the ends of political society extended beyond security and prosperity to include justice, virtue, and the common good appropriate to a free people.” Alexander Landi, “Madison’s Political Theory,” *The Political Science Reviewer* VI (Fall 1976). 83–84. Landi’s conclusion as to the ultimately noncontractarian character of Madison’s thought as a whole substantially parallels my conclusion regarding Publius’ political theory.

powers are ultimately intended to serve. The character of the society which these powers are meant to create and sustain is never clearly explicated.

A partial explanation of Publius' vagueness upon this crucial point might be found in Madison's "Notes" on the Philadelphia Convention. Madison records Gouverneur Morris' observation that

Life and liberty were generally said to be of more value than property. An accurate view of the matter would, nevertheless, prove property was the main object of society. The savage state was more favorable to liberty than the civilized; and sufficiently so to life. It was preferred by all men who had not acquired a taste for property; it was renounced for the sake of property which could be secured only by the restraint of a regular government. These ideas might appear to some new, but they were nevertheless just . . . [P]roperty then, was the main object of government.²⁹

James Wilson, however, responded that

he could not agree that property was the sole or primary object of government and society. The cultivation and improvement of the human mind [their] most noble object.³⁰

It is interesting in view of the alleged pervasiveness of the social contract tradition's influence on the Founders that Morris expects his attempt to ground political life in the desire for comfortable self-preservation to sound so novel to his associates, and his fellow delegate from Pennsylvania explicitly rejects it. This disagreement among the Founders may explain why Publius is vague on the ultimate ends of government, and the nature of the common good. He may have been treading gently on a potentially controversial point in order to avoid ruffling feathers, and thereby narrowing the Constitution's base of support. The most that can be conceded to the advocates of a Lockean reading of Publius is that Lockeanism is present in his writings along with another older strain of thought; in my view, a compelling case can be made that the non-Lockean strain predominates.

This is not the only aspect of Publius' teaching that remains somewhat obscure. As we have noted, Publius' solution to the problem of faction presupposes a virtuous citizenry: A citizenry capable of both recognizing "wicked and improper" projects and rejecting them; a citizenry capable of producing the men of character and ability—the natural aristocracy—required by Publius' program; and, finally a citizenry capable of discerning and choosing to be governed by these men, rather than demagogues willing to pander popular passions, and parochial interests. Are the American people such a people? Writes Publius:

I must own that I could not give a negative answer to this question without obliterating every impression which I have received with regard to the present genius of the people of America, the spirit which actuates the state legislatures, and the principles which

29. James Madison, "Debates in the Federal Convention of 1787," in *The Papers of James Madison*, vols. 2–3 (Mobile: Allston Mygatt, 1842), p. 1034.

30. *Ibid.*, p. 1094.

are incorporated with the political character of every class of citizens. I am unable to conceive that the people of America in their present temper, or under any circumstances which can speedily happen, will choose . . . men who would be disposed to pursue a scheme of tyranny or treachery . . . (55, 282–3).

Despite the centrality of the notion of a virtuous people to Publius' line of argument, it receives only a brief mention and its implications remain undeveloped. To begin with, beyond asserting that the American people are such a people, Publius nowhere provides us with the criteria that will enable us to distinguish virtuous from debased peoples, much less justifying those criteria.

Without even entering into the complex philosophical issues raised by Publius' premise that there exist objective moral norms discernible by reason, and hence that his distinctions between virtuous and debased peoples, and just and factious majorities, are something more than mere subjective and arbitrary "value preferences," it must be stressed that his program has definite cultural preconditions. Concretely, it assumes a citizenry whose characters have been formed in a cultural tradition embodying these norms. Publius' solution to the problem of self-government and justice would be unworkable with a populace informed by a cultural tradition indifferent to the distinction between right and wrong, or operating with a radically defective conception of the two. It presupposes, in short, a citizenry united in their allegiance to a wholesome moral tradition. This, in turn, presupposes limits to the degree of heterogeneity desirable in Publius' extended republic. And this agreement, it must be emphasized, is not merely procedural: without deeper substantive agreement, procedural agreement alone cannot achieve the goals self-government is instituted to realize. In view of the foregoing considerations, it is not surprising that Publius believes it is auspicious that we constitute

one united people, a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government and very similar in their manners and customs . . . (2, 7).

The American people can be said to be one people by virtue of the fact that they share a common culture, i.e., a common way of life. Underlying this way of life is a set of shared judgments about the good life for man and the meaning of human existence. To use John Courtney Murray's phrase, these truths are the "*entelechy*," the "vital form," which transforms an aggregation of individuals into a community organized for action in history, and which gives this community its particular and enduring identity.³¹ The American people's status as a virtuous people stems from the deep formative influence this culture—and hence the ethic which finds expression in it—has exercised on their collective and individual characters. By virtue of this shared culture, they possess a shared conception of right and wrong, a common conscience, which enables them to recognize,

31. John Courtney Murray, S.J., *We Hold These Truths* (Garden City, N.Y.: Doubleday, 1964), p. 21.

and assures that they will reject, the “wicked” projects of factions. The maintenance of this common cultural tradition—whose presence is a necessary precondition of self-government with justice—would appear to pose sharp limits to the extent and type of “pluralism” which can be encouraged. This raises the question of whether or not there exists a latent tension between the diversity which must be encouraged to assure the independence of the government from the domination of factions, and the preservation of a virtuous community and thus the ongoing public commitment to justice. It raises, in short, the question of whether there is not a latent tension between the two halves of Publius’ republican remedy. There is a limit, after all, to the amount of diversity a community can contain, while still remaining a community at all, much less a virtuous one.

Publius does not raise these questions. Nor does he inquire as to how this tradition might be preserved and transmitted. As a matter of fact, immediately after reassuring the reader that the American people are indeed a virtuous people, Publius raises the question as to whether they will remain such a people, only to dismiss it by commenting: “what change of circumstances time and fuller population. . . may produce, requires a prophetic spirit to declare which makes no part of my pretensions” (55, 282–83). How, as Kendall and Carey inquire, are the virtuous people to be kept virtuous? It is obvious that Publius’ commercial republic is neither a modern version of the Platonic/Aristotelian polis nor a Protestant version of the medieval *respublica christiana* which, animated by visions of human excellence, sought to inculcate virtue. As a commercial republic it aims to produce neither mystic-philosophers nor gentlemen nor saints. The government whose establishment Publius is advocating is animated by much more modest objectives. The Constitution whose ratification Publius seeks entrusts to the national government a sharply limited set of objectives:

The principal purposes to be answered by the Union are these—The common defense of the members—the preservation of the public peace as well against internal convulsions as external attacks—the regulation of commerce with other nations and between the states—the superintendence of our intercourse, political and commercial, with foreign countries (23, 112).

But, as Publius reminds us, the government he champions is “partly federal and partly national.” Publius fully expects that the states and localities as the levels of government nearest the people would exert the most direct influence on their lives. Precisely what role however, they were intended to play in the formation of character, in the preservation of public virtue, and how they were to go about performing this role remains unclear.³²

32. For the relevant provisions of the state constitutions at the time Publius wrote, see Eidelberg, *Philosophy*, pp. 264–71. As Eidelberg’s synopsis makes apparent, at least at the state level, the formation of moral character and even the promotion of religious truth were widely viewed as legitimate public concerns. Thus, the role of the states in moral education might conceivably constitute the missing piece of the puzzle. Even if this is indeed the case, however, in view of its centrality to his solution of the problem of self-government with justice, Publius’ failure to explicitly address the

Publius seems vaguely aware that America's decision to be an extended and diverse commercial republic would not be without implications for the national character. Yet, he remains surprisingly uninterested in just what these implications might be over the long run. Despite its status as the *conditio sine qua non* of self-government with justice, Publius seems unconcerned with either the nature of the cultural capital upon which he draws or the conditions of its perpetuation. What if any public status he would accord to it is unclear. His failure to forthrightly confront the cultural preconditions of his political teaching and the political implications of these preconditions may justifiably be viewed as the capital weakness of *The Federalist*. Indeed, as Kendall and Carey note, the "failure to meet this problem head on has been perhaps the greatest failure of the American political experience . . ." ³³

CONCLUSION

The old saying "out of sight, out of mind" contains a good deal of political truth. Publius' failure to clearly articulate the moral dimensions of the practice he advocates has had far-reaching consequences. To begin with, it has helped create a situation in which the dominant academic interpretations of *The Federalist* either minimize these dimensions of its argument or ignore them altogether. More importantly, the absence of a clearly defined notion of the ends of man and political life, and hence of the common good towards which his government is charged with directing the community, anticipated and helped precipitate their erosion in the American political consciousness. His cursory treatment of the moral presuppositions of his politics, in other words, has played a role in engendering a practice indifferent to these presuppositions. Today, the diversity of our extended republic has grown to the point where morally and spiritually we can scarcely be considered one people. While the institutions which Publius bequeathed to us remain, they are animated by a radically different spirit; the forms remain, but the substance has changed. The substance has changed because the common cultural capital whose existence Publius presupposed as an essential ingredient in his program for self-government with justice (and upon which, as Will rightly notes, we continue to trade, our protestations to the contrary notwithstanding) has become highly attenuated, and may soon cease to exist altogether.

It is the erosion of this capital that constitutes the immediate cause of the malady afflicting the American body politic. This erosion constitutes the most important event of contemporary American political life; it decisively separates our sit-

questions raised by his notion of the "virtuous people," and, in particular, the question of moral education, is astonishing.

33. Kendall and Carey, p. 59.

uation from that of the founders. And it is undeniable that this new situation and the crisis in which it has issued necessitate the development of a new and more profound theoretization of the problems of “pluralism” which will center upon the nature of this capital and the conditions of its preservation and renewal. Nevertheless, this new theoretization must necessarily begin by explicating the often forgotten moral dimensions of the Founders’ statecraft.