

Interpretation

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Discussion

Comment On Colmo

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Reasoned thought and discourse would be impossible were we allowed to contradict ourselves, for if we could both affirm and deny the same thing, our assertions would cancel themselves out and we would get nowhere. Show a man he has contradicted himself and he must willingly give up his position.

This renowned “principle of contradiction”—the very basis of logic—is in turn based not on arbitrary human choice or convention but on the nature of things. Perhaps the most fundamental distinction grasped by the human mind is between existing and not existing, between something and nothing. A thing, quality, condition either exists or does not exist, but it cannot do both. This distinction is known by the clearest and most certain of all methods: immediate intuition. Thus, the principle of contradiction follows from what we might call a principle of being. We cannot both assert and deny the same thing because a thing cannot both be and not be in the same way, at the same time, etc.

Following an argument by Strauss, Colmo tries to make God completely mysterious, thus assuring the victory of religion over philosophy. He maintains that nothing can be known about God. God does not even “exist” in the same way other beings do: He can both exist and not exist. Nor is God subject to the principle of contradiction, which would keep Him from being both God and non-God at one and the same time. Colmo sums up this unintelligibility by calling God the “absolutely other.”

Now if the principle of contradiction does not apply to assertions about God, it would be possible for Colmo to add immediately that God is also the “relatively other,” or the absolutely non-other. But these would cancel out the assertion that God is the absolutely other and make nonsense of it. Are we therefore not compelled to admit that God, like all other beings, is subject to the absolute and inherent necessity of either being or not being? The Supreme Being is the highest and greatest of the beings, not beyond being or superior to being.

Not only is God intelligible as a being, but if His nature is eternally fixed it must be inherently more intelligible—in principle perfectly intelligible, though not of course to us—than that of all the finite and transient beings. Thus, to call God the “absolutely other,” as Colmo does, is to say that His nature is, and

always must be, such. With it, Colmo registers his hardly modest attempt to grasp and assert God's eternal nature—which would be impossible if God's nature were utterly unknown and unknowable to us.

Whether this characterization is itself inherently clear and sound is a question we cannot pursue here, partly because Colmo has furnished neither his reasons for stating his view nor the explication of terms necessary to understanding and judging it. It is obvious, however, that with this characterization Colmo has left the Bible far behind. Where is the God whose anger at sinners he himself fears—a fear confessed to with such engaging candor? For the Bible tells of God's relation to mankind and reveals a being who shares the moral concerns and ends of men. In it God's ways are indeed mysterious, but this does not mean He Himself is inherently and totally mysterious, for if He were, men could not relate to Him. God is mysterious primarily because men can understand neither the paths He has chosen to effect ends He shares with us, nor the miraculous techniques He employs. But He could not be the object of worship and prayer if he were the "absolutely other" Colmo makes Him out to be. The God of the Bible is a God men trust, and they trust Him because He has made them in His image and revealed himself to be a good God. By wanting to maintain both views of God—that God is the absolutely other and that He is also mankind's provider-judge—Colmo contradicts himself. He must go one way or the other—or does he wish to be allowed this contradiction on the ground that God's nature is not governed by the principle of contradiction?

No one has given us a better picture of the stakes involved in the argument between philosophy and religion than Leo Strauss. Strauss knew that philosophy is akin to religion in seeking to understand the universe. He knew that philosophy might even conclude, with religion, that the universe is governed by a cause higher than blind material necessity and chance. But philosophy, relying on nothing but natural evidence and reasoning, cannot follow religion's attempt to succor mankind directly through divine providence.

By settling the argument in favor of religion, Strauss seems to have given his support to the cause of human consolation. He has certainly placed a huge obstacle in the way of those seeking to enter philosophy, while at the same time compelling men of religion to engage in philosophy and experience its humanizing power. The argument itself each must settle for himself, following the example of Strauss and his Socrates in refusing to treat even Strauss as an "authority," whether in arguing for philosophy or against it.

Book Review

Harvey C. Mansfield, Jr., *Taming the Prince: The Ambivalence of Modern Executive Power*. (New York: The Free Press, 1989) 358 pp., \$24.95.

WILL MORRISEY

In his Message to Congress in Special Session on Independence Day, 1861, Abraham Lincoln asked, "Is there, in all republics, this inherent, fatal weakness? Must a government, of necessity, be too *strong* for the liberties of its own people, or too *weak* to maintain its own existence?"¹ These questions have remained urgent, to put it mildly. 'History' most likely will not silence them and thereby conveniently put an end to itself.

Harvey Mansfield, Jr., reminds his readers that "until America, the history of modern republics was modest, inglorious, and spotted" (xvi). Much of republican history since the American founding has remained so. While the Founders provided their country with an executive strong enough to enforce the law but not strong enough to contravene it flagrantly without ill consequences, other republican founders mired their countries in parliamentarism. Parliamentarism reacts too strongly to the monarchic or even despotic strain in modernity, the line that runs, in political thought, from Machiavelli's *Prince* to Hobbes to Hegel and then, democratizing itself with a vengeance, to Marx. "[T]he constitutional executive is an invention of liberalism, of Locke, Montesquieu, and the American founders, rather than of Machiavelli and Hobbes" (xviii). The "ambivalence" of the executive of modern liberalism, and also its "beauty," inheres in its combination of weakness and strength, its subordination to law and with its ability to "reach where law cannot" (xvi), doing so prudently and with consent if the executive knows his business.

The ambivalence of the modern executive plays itself out in political theory as a bifurcation of liberalism into two branches: 'deontological' liberalism, emphasizing rights and rules, and 'teleological' liberalism, which emphasizes utility. Deontological liberalism tends toward parliamentarism and, recently in America, toward collaboration of the legislature with the bureaucracy. To counterbalance this tendency, and to give voice to prudence if not to outright utilitarianism (which also has its legislative spokesmen), one must reconsider the Machiavellian origins of the modern executive.

In his book *Le fil de l'épée* Charles de Gaulle quotes Goethe's Faust: "In the beginning was the Word? No! In the beginning was the act!" Both Goethe and de Gaulle know their Machiavelli, and de Gaulle contrasts the excessive talkativeness of French parliamentarians with the forceful actions needed to defend

republicanism. Mansfield, who may be said with confidence also to know his Machiavelli, observes that “the doctrine of executive power originates in Machiavelli’s proclamation of the sovereignty of deeds over words” (xxii). At the same time, unjustified deeds cause resentment among those they are done to. Therefore, “executive power is power exercised in the name of someone or something else—God or the people or the law” (xxiii). Mansfield expresses this in the oxymoron “legalized lawlessness,” meaning acts of retaliation and anticipation that “would be illegal”—perhaps even immoral—“if they were not performed by the police” under the direction of a legitimate executive (3). Because “laws that are mere demonstrations to the intellect are like prayers to the deaf” (4), and because “the rational appeal to interest is much diluted without a capacity to engender fear” (6), and because “the necessary exactions of any government bring more danger and dishonor to free governments than to tyrannies” (14), a way must be found to enable the executive to act firmly, in good conscience, while saving (so to speak) the pardonable pride of the ruled. If “tyranny” is the “human name” for unreason, and a degree of unreason will always be required to rule unreasoning men (most notably by exploiting the ambition or pride of the few who want most of all to rule and the fear of the many who want only not to be ruled)² then “law can only be executed tyrannically” (18–19). Whereas Machiavelli openly recognizes the necessity of tyranny, even invites the prince to it, Aristotle “transforms the tyrant from the destroyer of law into a king, the guardian of law” (19). Both philosophers find ways to tame tyranny, to use it. Mansfield proceeds to explore the differences in their ways and their purposes.

Aristotle has “little or nothing to say” about executive power (23). In Book VI of the *Politics* he briefly mentions executive or punitive powers, suggesting that they be divided “so that,” in Mansfield’s words, “no one person takes all the discredit” for the perceived injustice of punitive actions (24, 29). “The whole history of executive power depends on understanding why it is absent in Aristotle” (25). Aristotelian rule contrasts sharply with Machiavellian execution, a contrast reflecting “a different attitude toward nature in Aristotle and Machiavelli” (28). For Aristotle, politics is neither simply natural nor simply unnatural. Politics involves human beings’ natural capacity to deliberate, to speak, and to choose, intending or at least claiming to intend the common benefit. Rule (*archē*) also means beginning; it is a principle (again, the Latin root is the same as for ‘prince’) directed toward an end “made visible to the public in a certain order that Aristotle calls its form (*eidōs* 1276b2)” (32). In politics this form is the *politeia* or regime, and forms have a truth-content; there is no “mere relativism of regimes” (33). If regimes had no truth-content, if tyranny were only monarchy disliked, then “all politics is tyranny, and justifiably so, because necessarily so” (33). The end toward which choiceworthy political forms direct us is fully developed human nature. “To begin directly with nature leaves human freedom and choice out of account; but to fail to return to

nature would leave freedom an arbitrary quirk and without a guide” (33). When Aristotle calls man a political animal, he means both words. The best man “wills nature’s kingship as his own. Thus his will is neither arbitrary nor un-free” (42).

Because the best man is rare, and because even ordinarily spirited men resent the rule of the best, or of anyone, laws are needed in order to win their consent. These laws are relative to the regime and need a statesman’s prudence to remedy their generality, their inability to address themselves to each circumstance in all its particulars. The prudent man will give every appearance of strictly reverencing the laws—even (especially) as he quietly supplements them with his own judgment—in order to protect himself and others from tyranny.

The best man chooses according to nature as if nature were his own will. He also chooses as if human choice, especially past human choices bound up in custom, were nature’s (1287b 5–8). This assumption of nature, law, and custom, which is part deference, part presumption, is what it means for men to rule; they make themselves the beginning principle (*arche*) of themselves and of things. This is the very opposite of executive power, in which the ruler presents himself as an agent of some other power (human or not), or as one who is forced into action by brute necessity. We see the distinction in the very words used: in Greek to rule means to begin; but to execute, from the Latin *exsequor*, means to ‘follow out’ what has been begun by someone else. (43)

There is, then, a certain relation between Christianity and modernity.

A philosopher is sometimes a prudent man. Perhaps “out of philanthropy, but also for the sake of his own understanding . . . about human resistance to reform and how to overcome it,” the philosopher will consider and recommend political institutions and share in political deliberation (46). He discovers that it is in the spirited nature of men to resist rule, even beneficial rule; more, he discovers that nature itself is “more ornery than the most ornery of men” (49). Human excellence, which alone “can rescue human freedom from the willfulness which disguises the submission of freedom to lower nature,” seems tyrannical because it “looks like willfulness to willful men, as they attribute the principle of their own conduct to the government of nature,” running “from the appearance of tyranny to the reality” (49). Aristotle recommends the mixed regime or “polity” combining democracy and oligarchy, natural necessity and human choice, lot and choice. The three parts of this regime correspond to the three parts of the human soul: deliberating, ruling (based on the spirited defense of the body), and judging. Only through the soul “can we understand how reform in politics is possible.” “[H]uman stubbornness,” which resists reform, must be made the foundation of reform, through arbitration and “sophisms” (50–51). The modern divisions of government (legislative, executive, and judicial) “do not describe rational functions of the soul” but instead to refer to law (divine, natural, or conventional) regardless of how it is made (53). In modern-

ity “wary calculation” tends to replace deliberation. While for Aristotle deliberation is sovereign, for moderns legislation is sovereign, with the significant proviso that the executive may need to do more than simply “execute” laws, and may thereby become sovereign in fact if not formally.

Aristotelian deliberation “join[s] the human good that [men] choose with the nonhuman necessities or good they must accept”; to learn to deliberate, “we must be abstracted from our own concerns,” relax our spiritedness (56). (In modernity, prudent men often find they must encourage or “inspire” citizens to defend the laws vigorously). Aristotle commends a plural magistrate in order to maintain dialogue or the sovereignty of deliberation. “Men are not under the rule of nature or god such that their own rule merely reflects a grander principle ruling them” (59). To establish a regime on the foundation of “a single natural law” would lead to passionate, partisan misinterpretation of that law. Aristotle’s way, requiring a “momentary separation of judging from the standard of judgment,” teaches moderation (62–63). John Locke’s assertion of the individual’s natural power to execute the law of nature whenever it seems threatened risks ill-judging of one’s own case. Nor would Aristotle countenance the religious persecution Locke intended to make impossible: “There is no court for cases of impiety because Aristotle does not want divine anger executed on humans” by humans (64). Both the religious regimes and some of the modern liberal regimes that overthrew them take an oversimple approach to law, directly applying it to political life and thereby making it prey to passion, instead of filtering it through prudential judgment. This is as important for the rulers as it is for the ruled:

The offices do not govern men as if they were external powers or laws from nature guaranteeing the regularity if not the perfection of human behavior. Rather, men must assume the offices and make the potentialities actual in their own virtuous activity. (68)

Because “justice can be ignoble, especially in the execution of penalties” (66), and because he wants to preserve the political man’s sense of his own nobility and the nobility of political life in order to moderate them, keep them “occupied in wholesome or at least constructive activity,” Aristotle lists only one executive office among the seventeen magistral offices mentioned in the *Politics*. “He does not expand the office into the awesome modern executive by taking advantage of its odium to make it more powerful and efficient” (69). On the contrary, he divides it, assigning its function to several courts—his own version of separation of powers. He seeks “to awaken virtue rather than stimulate fear and the desire for gain, as Machiavelli was to do” (69), attracting base souls to office and comprehending all offices “in the office of jailer” (70).

Nature understood as unfriendly to man gives human justice no support and compels human government to imitate angry gods, to rely on fear as the motive for ob-

edience, and to loose hatred against its enemies. This was Machiavelli's way but not Aristotle's. (70)

Thus does Paul's Letter to the Romans anticipate Machiavelli's "letters" to the remnants of the Romans.

Rome and the Holy Roman Empire are said to feature purely executive offices, but that illusion comes from viewing them after Machiavelli's selective unveilings. Rome substituted the tension between republic and monarchy for the Greek tension between democracy and oligarchy. This substitution was practical, not theoretical. Aristotle regards monarchs as ideal rulers, not realistically to be hoped for, and there is much in Roman history to confirm his caution. Polybius' mixed regime relies less on reason, more on fear, than Aristotle's does. But Polybius would also correct Rome by referring Romans to nature, and less to "fear, superstition, and imperialism" (82). The office of dictator in the Roman constitution was magnified by Machiavelli and Bodin; the Romans themselves, notably Livy and Cicero, minimized its role.

The Holy Roman Empire presents a somewhat different, but still premodern, aspect of the executive. The pope rules by the grace of God, not natural right, and the Holy Roman Emperor "was not a modern executive, whose effectual actions are designed to end all dispute, but a theologico-political executive, whose claim to grace is essentially contestable" (89). Thomas Aquinas, Dante, and Marsilius of Padua are the great commentators on that executive, "attempting to restore and adjust the Aristotelian argument for ruling, in which men take responsibility for governing themselves" (91). Aquinas conceived politics "as *guided* by God's commands but not merely *executing* them" (92). Aquinas combines Scripture and philosophy by emphasizing natural law. Prudence derives human law from natural law, which does not imitate divine law. With respect to human spiritedness, Aquinas arranges "a friendly compromise" between Aristotle's effort to ennoble it and the Bible's attempt to humble it (95).

Dante claims that the secular prince owes his authority directly to God, not the Church. (In this he made himself resemble Paul.) His prince aims at human happiness, leaving spiritual instruction to the clergy. This is no modern sovereign, although Dante does suppose, unlike Aristotle, "that Aristotle's kingship can be actualized, that one prince might be made ruler of the whole world" (97). However, his proofs "seem more physical or metaphysical than political" (97), raising questions about how Dante means some readers to understand his argument.

Mansfield takes particular care with Marsilius. "For the first time 'execution' and 'executive' become a theme in political science" (100). Yet Marsilius does not take Machiavelli's final steps. "Why does Marsilius *almost* come to the modern executive?"

Marsilius does not rely upon nature, as Aristotle and even the Roman historians and philosophers do. He does not seem to say that human nature is politi-

cal. He emphasizes prudence and human law founded upon popular consent, a curious combination. “Marsilius is the first to conceive the ruler entirely as an executive for the people” (103). “[T]o prevent the pope from ruling,” Marsilius revised Aristotle in order to save him, “redefining ruling as executing by distinguishing ruling from legislating, the function of the people” (103). Marsilius stops short of Machiavellianism because he wants to keep the executive “within the orbit of law, or—when that is not possible, thanks to the defects of law—under the control of virtue” (106). His executive is weak, an executor of the popular will “that creates the ruling part of the city,” the regime (108). Marsilius thus democratizes politics, weakening the claims of monarchs, aristocrats, and oligarchs to rule. He locates the form of the city in the law, not in the regime. “The result, if we compare Marsilius to what we have seen in Aristotle, is to separate the city from the soul—Marsilius’s purpose being to prevent the ordering of the soul [the aim of priests] from determining the ordering of the offices” (109). The order of the offices will aim at protecting the body.

To retain the rule of prudence, Marsilius assigns it not to some dubious “wisdom of the people” but to the executive. He advocates an elective monarchy, not a representative democracy, in an attempt to make the rule of prudence more likely. As guidance for his executive, Marsilius metamorphoses Christian doctrine into “natural right” (111), teaching political men “to respect Christianity without yielding to its claims to rule,” and “sav[ing] the Christian sect” from “simultaneously prizing and despising worldly honor” (113), that is, from claiming title to rule while despising worldly power. In this Marsilius retains something like Aristotelian virtue, as against both Machiavellian necessity and Christian charity. Judges may be ministers of God’s wrath (just ones, if they are prudent), but priests are not. And, in a most noteworthy formulation, Marsilius has his executive act almost like a philosopher: “As knowers, they renounce rule over others: since rule requires executive force, which can only come from the consent of the legislator [i.e., the people], knowledge does not entitle one to rule” (114). A knower has “a claim to rule on natural grounds”; the flaw in Aristotelian kingship is that it has been claimed by the pope (114). For both Aristotle and Marsilius, “the difficulty is that political men are in need of philosophy; but if they use philosophy, they are in danger of surrendering to it” (115). A still greater practical danger is the one opened by the modern call to applaud uncritically man’s natural, spirited resistance to being ruled. This “leaves no accommodation between knowing and freedom, between the realm of necessity and that of choice” (116). Marsilean natural right is an accommodation between philosophic knowledge and political consent. His executive is “Aristotle’s kingship in a different guise” (117). Marsilius shares Aristotle’s regard for prudential adaptation to circumstances by statesmen and political philosophers alike. He commends no “new modes and orders” for systematic introduction and perpetual use.

Mansfield devotes his central chapter to Machiavelli. Machiavelli appropri-

ates Christian modes and orders, artfully perverting them. Observing “that the central event in Christian revelation is an act of execution” (124), Machiavelli politicizes a father’s sacrifice of his son. The pious cruelty of Christianity is half right; Machiavelli retains the cruelty, the imperialism. Execution will now be guided by “the decrees of natural necessity” instead of divine commands (127). Natural necessity differs from Aristotelian natural right in being below, not beyond or above, conventional law. Therefore good arms, not good souls, yield “good” laws. Nature is “the necessity that forces us to seek nutriment, safety, and glory”; virtue is “the habit or faculty or quality of anticipating that threefold necessity” (129), and will strive to conquer nature by making use of nature’s own necessity. “Your virtue is both strong and weak: strong because you have chosen to do what you would eventually have been forced to do, weak because you had no other choice” (130).

To accomplish this ambition the modern executive needs seven characteristics: He must use punishment politically, and therefore needs broad powers; he must put war and foreign policy above peace and domestic affairs; he must govern indirectly; he must employ techniques applicable in all regimes, and does not much worry about differences among regimes; he must act suddenly and decisively; he must act secretly, surprising all the others; there must be only one of him. It should be needless to say that conventional law will be supplemented by selected illegalities, made easier by the lack of any independent judiciary. “[F]ear replaces justice as the ground for politics” (136); princely ambition replaces divine providence as the sky. No more cyclical history, and no more consideration of the best regime: Machiavelli considers only survival, expansion, and glory. “[N]ecessity is stronger than principle,” and executions loose the “primal fear” that is “the first mover of politics” (140). “Consent” means involving the people in crimes, making accomplices out of mere citizens. The prince does not merely react to necessity. He creates (a deliberately godlike term) necessity for others, eschewing Aristotelian public deliberation for conspiratorial planning and sudden action. Rulership rightly understood is tyranny.

Thomas Hobbes attempts to reduce Machiavellianism to a (modern) science, borrowing the concept of “power” from physics. He makes Machiavellian execution “legal” by classifying it as an expression of a natural necessity termed a natural law. This enables him to publicize his executions. The science that discerns natural law/necessity is perfect reason. Science conquers fortune or nature, but, in keeping with the more public character of the Hobbesian executive, it assuages popular fear more than it satisfies the spiritedness of princes. Peace, not glory, is the Hobbesian objective. There is a problem with this: “The very union of legislative and executive power weakens the executive by leaving the impression that government consists in passing laws that obey the laws of justice” (177–78). Despotism issues, theoretically at least, in democracy.

The potential instability of the modern project (seen in the history of seven-

teenth-century England, of France from 1789 to 1958, and of Russia since 1907) has made philosophers consider how the new executive might be given some constitutional restraints. “Locke’s political science shows that the modern constitution and the modern executive are mutually dependent and yet antithetical” (181). Unlike James Harrington, that “eager but incompetent guide” to Machiavelli who “could not figure out how to combine the state of nature with constitutional government” (183–84), Locke formulated a rule of law that is “the rule of a legislative power that each [individual] has constituted out of the state of nature” (186). The state of nature is a state of scarcity; constitutional law governing civil society will aim at self-preservation, including the preservation of the property needed to preserve oneself. Because each individual is the best judge of his own needs, Locke “constitutionalizes the necessity of tyranny” (187) by putting necessity on an individualistic and egalitarian foundation. Natural liberty and equality issue in constitutional or civil liberty and equality, reconciling self-preservation with government by consent. Locke therefore limits the executive by dividing and separating its powers, in recognition of the potential threat to self-preservation posed by tyrannical executives.

Consistent with this democratization, Locke is no less atheistic than Machiavelli and Hobbes, but far more discreet about it. Atheism can comport easily with egalitarianism because it denies the existence of the Creator-created hierarchy. ‘The people’ are seldom atheistic themselves, however. Locke first claims that all human beings are God’s property; he later asserts that “every man has property in his own person,” thereby attacking patriarchal natural and divine, replacing it with the “very strange”—but also very useful—“doctrine that we establish governments by the execution of a law of nature” (195). This requires Locke to give the people a somewhat more spirited character than does Hobbes. To encourage them to resist tyranny he moralizes the state of nature a touch, making it a place not of war (which maximizes necessity) but of scarcity (more amenable to planned remedies that may be thoughtfully defended). “Freedom as the foundation makes government by consent; reason as the ground denies the legitimacy to governments wrongly consented to” (198). Lockean reason can make mistakes, for “[i]f Locke were to insist on the correct use of reason, he would have to give government over to the best reasoners, as Aristotle does,” or to “one reasoner, following Hobbes” (198). “Tacit consent” combines reason with freedom.

In civil society, Locke advises, the legislative and executive powers should be separated but not formally balanced. Executive power will apparently follow the legislative will. “Executive power is subordinate, but the executive person may not be” (201); that person enjoys the “tacit consent” of the people, particularly in matters concerning their preservation, such as war and the punishment of criminals (203). “By gradually introducing his readers to the scope of executive power, Locke uses reason to help them appreciate that element in humanity which is not amenable to reason” (204). The tension between legislative and

executive powers will constitute “a structure for self-criticism within the regime” (204–5). This tension will be expressed in the struggle between a rhetoric of rights and a rhetoric of interests, foreshadowing the debate between deontological and utilitarian liberals today. Prudence itself will divide along the lines of “claiming one’s right” and “following one’s interest” (209). Locke “builds a divided mind into constitutional government” (210). A divided mind cannot rule in the Aristotelian sense. It give scope to individual liberty but is prey to ideologues who would dialectically overcome the division to satisfy the mind’s natural craving for unity. “For Locke, right and necessity were held together by the convention of Property, in which the need to work was answered by the virtue of industry, and in which the right of each depends upon the right of everyone else” (210). Predictably, “totalitarians” attack property as vehemently as they attack the divided mind.

Mansfield rightly describes Montesquieu’s *The Spirit of the Laws* as “the most comprehensive modern book on politics, exceeding in range and complexity any that appears before or since, excepting Aristotle’s *Politics*” (215). Montesquieu does not lay down the law, natural or conventional. He considers regimes in order to bring out the “spirit” of each. This procedure enables Montesquieu to move away from spiritedness toward moderation, albeit a moderation quite different from any found in Aristotle. Montesquieu’s moderation has its natural foundation in a mean between two vices, Hobbesian domination and Hobbesian fear. Montesquieu’s moderation is timidity. Moderation’s foundation in civil society is “reason,” that is, a people’s “disposition” (219). Consent is no longer so necessary, because natural freedom is not an issue. Opinion replaces it, but not opinion as Aristotle conceived it. Opinion for Montesquieu is no longer an indirect reflection of rationally knowable truth. Opinion expresses emotions—fear or confidence. “Virtue” is not a passion; “moderation” is dilute passion, possible only in civil society.

All of this leads Montesquieu to recommend a new kind of executive. “If liberty need not be asserted, free government need not be based on fear, and the executive need not terrify” (222). An independent judiciary becomes possible and desirable. A version of classical virtue may be retained, but it is strictly politicized or conventionalized. Liberty is not in nature. It is in England, an England thoughtfully reformed by Montesquieu to enjoy separation of powers. Political liberty is the feeling-opinion of security. Commerce brings both political liberty and moderation; it dilutes partisan ambitions by rendering them impotent, making Machiavelli’s spectacular punishments unnecessary. “The partisan representative executive is both more perfectly constitutional and more reliably self-executing than the natural prerogative held by Locke’s executive—not to mention Machiavelli’s prince” (246).

The American Founders established a regime embodying many of the principles elaborated by modern political philosophers. But there was no mere discipleship at work. The Founders recognized natural necessity without “draw[ing]

the Machiavellian conclusion" (252). They constitutionalized necessity, designing a republican or representative government and a new republican executive as part of it. This executive represents the public while exercising deliberate choice. No Machiavellian prince, neither is he a philosopher-king. "Madison specifies the reason of the *public*, not of philosopher-kings, as that which ought to prevail" (256). Whereas Aristotle distinguishes deliberation (choosing, taking political responsibility for actions) from judging ("disengaging from politics in order to call these choices into account" [261]), Publius, with other moderns, doubts that this distinction is real, because men are not reliably capable of "the required detachment from their own interests and necessities" (262). Institutional structures are needed to control popular passions and to engage the virtues and abilities of the best. Energy and stability are terms Hamilton borrows from physics (even as Hobbes borrows "power"); however, they do have a moral effect, namely, the public virtues that can develop when political men take responsibility for their actions and have scope for their better ambitions. "In the Constitution, virtue appears not in its own name but under the rubric of qualifications for office" (274). The very struggle for office the Constitution encourages and limits is "an incitement to excel" (278). Mansfield edifyingly goes so far as to contend that the Constitution encourages public virtue so effectively that America can become, in practice and over time, "an Aristotelian regime formalized in writing" (276). The American regime has moral foundations well concealed by founders who wanted to escape the opprobrium of the epithet "moralist," and even more wanted to escape the exactions of those who deserve that epithet.

Mansfield concludes with some observations on the modern executive. "[W]e know now that Machiavelli was wrong: religion is not liberty's worst enemy" (280). Avowed atheists who execute in the name of the people and with the ready compliance of bureaucrats who only follow orders are liberty's worst enemies. Or perhaps the philosopher who replaces prudence with cunning is liberty's worst enemy. Even regimes that retain a republican shape have tended to become mere democracies, complete with passive demicitizens and charismatic leaders. "[T]he same tendency to sacrifice form to end" that characterizes totalitarian regimes may be seen in contemporary democracies, fortunately in much less virulent form, for now (291).

"[W]e need a political science capable of discerning responsibility," an "essentially Aristotelian" political science that "seeks a reconciliation between nature and choice (or end and form), not Machiavellian mastery of nature that turns out to be submission to necessity" (291–92). Contemporary philosophers fail to provide any such reconciliation, alternating instead "between not enough freedom—realism—and too much—idealism" (293). A reconceived executive will understand its "natural law basis in monarchy which it both reflects and attempts to repress" (295). In thus reconceiving the executive we shall begin to rediscover that philosophic monarchy that strives for "the perfection of the soul" (297).

NOTES

1. *The Collected Works of Abraham Lincoln*, Roy P. Basler, ed. (New Brunswick, NJ: Rutgers University Press, 1953), 4: 426.

2. The journalist C.L. Sulzberger asked Charles de Gaulle, "What is the primary force governing men in their actions?" "One must draw a distinction," de Gaulle replied, "between the individual and the collective masses. For the individual it is ambition and a taste for adventure. I think the real motivating force for the individual is ambition, but for the masses it is fear. And this applies to masses of all countries." (C.L. Sulzberger, *An Age of Mediocrity: Memoirs and Diaries, 1963–1972* [New York: Macmillan, 1973], 189.)