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Review Essay

Edward J. Erler and Ken Masugi, eds., *The Rediscovery of America: Essays by Harry V. Jaffa on the New Birth of Politics*. Lanham, MD: Rowman and Littlefield, 2019, 342 pp., \$46.44.

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Harry Jaffa (1918–2015) was one of the foremost scholars of American political thought over the past century, focusing especially on Abraham Lincoln, on whom he wrote two classic books, forty years apart: *Crisis of the House Divided: An Interpretation of the Lincoln-Douglas Debates* (1959) and *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War* (1999). The interpretation that Jaffa offered of Lincoln's thought, particularly in its relation to the American Founding, differed significantly between the two works—representing Lincoln, in *Crisis*, as having corrected a gap in the Founders' essentially Lockean thought by adding an Aristotelian admixture that emphasized the primacy of duties over the Lockean rights proclaimed in the Declaration of Independence, while in *New Birth* maintaining that Lincoln's teaching was already implicit in (how the Founders understood) Locke, whose doctrine they read as embodying rather than opposing the principles of classical and biblical thought.

Setting aside the differences between Jaffa's two Lincoln books, both were major accomplishments: the first, demonstrating the depth of Lincoln's thought and the principled yet prudent character of his statesmanship from his 1838 Lyceum Address to his debates with Stephen Douglas; the second, articulating the principles that guided Lincoln's speech and actions from the election of 1860

through his Message to Congress of July 4, 1861, highlighting the fundamental issues between the Union cause (upholding, as Lincoln emphasized, the doctrine of natural human equality expressed in the Declaration of Independence) and that of the Confederacy (as exemplified by the apostle of the “positive good” view of slavery, John Calhoun).¹ Jaffa was a man of broad learning, as displayed also in his first book, *Thomism and Aristotelianism*, which brought out the crucial differences between Aristotle’s ethical teaching and the Thomistic modification of it; his valuable article on Aristotle in the first two editions of the Strauss-Cropsey *History of Political Philosophy*; his essay “The Shakespearean Universe”; and the capsule analysis of the doctrine of divine right of kings as portrayed in Shakespeare’s history plays that he presents as counterpoint to the distinctively American principle of popular sovereignty, linked with the rule of law, that he provides in *New Birth*.

The great mystery of Jaffa’s career is the focus of his many polemical writings (aside from *New Birth*) from the early 1970s until the end of his life. During that period Jaffa conceived himself—a professed conservative who served as speechwriter in the 1964 Goldwater campaign—as a scourge of other members of the American conservative movement, accusing writers and jurists of various stripes, from the “paleocons” exemplified by Russell Kirk and Mel Bradford, who harbored a barely veiled nostalgia for the Old South; to the “neocons,” whose professed godfather was the journalist and essayist Irving Kristol; to conservatively inclined judges such as Robert Bork, William Rehnquist, and Antonin Scalia, whom he identified as legal positivists rather than adherents of the doctrine of natural rights expressed in the Declaration, betraying Lincoln’s, hence America’s, legacy. He also quarreled with those he labeled “East Coast Straussians,” former students (as Jaffa had been) of the great political philosopher Leo Strauss, charging them with a similar betrayal. Most remarkably, the targets of Jaffa’s denunciation came to comprise a number of his former friends and acknowledged benefactors, including Kristol, whose “benevolence” Jaffa credits for securing a commercial book contract for *Crisis*, as well as arranging publication of his first Lincoln article (300); Allan Bloom, who included Jaffa’s brilliant essay on *King Lear* in his 1964 book *Shakespeare’s Politics*; Harvey Mansfield Jr., son of the man who provided Jaffa with his first tenure-track and then tenured

¹ While admiring both books, I doubt the editors’ unsubstantiated claim that *Crisis* “is justly regarded as the best book written by a student of Leo Strauss” (1), in view of the many profound works on political philosophy authored by dozens of Strauss’s pupils. I do, however, share with many the regret that Jaffa never produced what was to have been the concluding volume of his Lincoln trilogy, on the war years themselves.

teaching position, at a time when academic positions for Jews were rare; Martin Diamond, like Bloom and the junior Mansfield a pupil of Strauss's, who in the 1960s brought Jaffa to Claremont Men's College (now Claremont McKenna) and Claremont Graduate School, which would remain Jaffa's academic home for the remainder of his teaching career; and Walter Berns, a leading Straussian scholar of constitutional law.²

This book's ten chapters, all but two (including an extended exchange with Harvey Mansfield) previously published, date from 1986 on, reflecting what the editors call the "turn" in Jaffa's career that began that year and was bisected by the publication of *New Birth*. That turn is summarized in the opening, 2001 essay (the only one printed out of chronological order), "Aristotle and Locke in the American Founding," in which (as the authors summarize it) Jaffa "described his reassessment of both America (and its place in the modern world) and of Leo Strauss" (1).

JAFFA'S DISCOVERY? RECONSIDERING LOCKE'S RELATION TO THE FOUNDING

The key discovery Jaffa reports having made is that despite Strauss's demonstration in *Natural Right and History* that Locke's underlying, but largely hidden, teaching regarding human nature, morality, and religion amounted to a gussied-up (for public consumption) version of Hobbes's notorious doctrine, and despite the manifest connection between Locke and the Founders (most obvious in Jefferson's cribbing of crucial passages in the Declaration from Locke's *Second Treatise*), it does not follow that the Founders read Locke as Strauss did. Rather, Jaffa cites such texts as Washington's First Inaugural Address (asserting the "indissoluble union between virtue and happiness") and *Federalist*, No. 43, where Madison refers to the "transcendent law of nature and of nature's God, which declares that the safety and happiness of society are the objects at which all political institutions aim," to demonstrate that in the Founders' view, while "the pursuit of happiness" would be an individual concern in a (hypothetical) state of nature, within civil society it becomes "a social or political happiness." In other words, Jaffa's argument runs, even if at the deepest level Locke was a Hobbesian individualist, such that in his view private gain always comes first (hence requiring channeling by well-designed institutions to translate it into the public good), the

² The relation between Jaffa's and Berns's work is ably analyzed by Steven Hayward, a Jaffa student who blurbed the present volume, in *Patriotism Is Not Enough: Harry Jaffa, Walter Berns, and the Arguments That Redefined American Conservatism* (New York: Encounter Books, 2017).

Founders as a whole, no less than Aristotle (or later, Lincoln), prioritized duties over rights, and the common good over selfish interest. Notably, Jaffa points out, whereas the opening lines of the Declaration portray government as a means to such individual rights as life, liberty, and the pursuit of happiness, the peroration—in which the authors pledge their lives, fortunes, and “sacred honor” to the cause of independence—expresses the primacy of one’s country’s good, and one’s own honor, over self-interest.

This review is not the place for a detailed assessment of Jaffa’s thesis. It must be stressed, however, that competent scholars, including the junior Mansfield, have long recognized in Locke’s political teaching, most obviously in the concluding chapters of his *Second Treatise*, a powerful appeal to the sense of honor, as in the ringing answer to the question of who is to judge whether a ruler has violated the lawful limits of his power to the point of deserving to be overthrown: “The People Shall Judge!” In other words, despite his appeal (rooted in Machiavelli) to the passion of acquisitiveness to expand the economic “pie” for all, thus diverting human beings from violent conflict in the name of glory or salvation towards the peaceful pursuit of gain, Locke was not a *mere* materialist. And Jaffa acknowledges (9–10, 230) that Strauss himself, even while uncovering the Hobbesian nerve at the core of Locke’s teaching, never maintained that the Founders were Lockean in that sense: Strauss begins *Natural Right and History*, the book in which he develops his controversial Locke interpretation most fully, by celebrating the “weight and elevation” of the Declaration’s statement of “self-evident truths,” the belief in which he, like Jaffa, represents as under assault from the forces of German-born historical relativism. Nor does Jaffa provide any substantiation of his claim that “‘Eastern’ Straussians have almost without exception assumed that the Founding Fathers read Locke as Strauss read him [as a closet Hobbesian] in *Natural Right and History*” (262n32). In sum, Jaffa’s supposed great discovery, at least to this point, does not look particularly novel.

Jaffa, however, further maintains in the first chapter of the present volume that the Lockean teaching, as adopted by the Founders, was simply a necessary adaptation of classical thought to the transformation that Christianity had engendered in the political world by erecting a supranational, divine authority over civil governments and thereby causing centuries of persecution and religious strife. The core of Locke’s influence, on this understanding, lies in his *Letters concerning Toleration and Reasonableness of Christianity* (309). (Note, however, that it was Locke’s *Two Treatises* that were the most widely owned political book in colonial America.) Had Aristotle, in Jaffa’s

account, lived at the time of the Founding, he too would have supported the principle of freedom of conscience, and the concomitant denial to government of any role in enforcing religious dogma.

Much more needs to be said about Jaffa's application of Locke to America, inasmuch as it downplays certain aspects of Locke's teaching—his liberation of the peaceful pursuit of economic gain from moral and political restraint, for the aforementioned reasons (*Two Treatises of Government*, II.v), along with his Machiavellian teaching regarding the need of a powerful chief executive (II.xiv), that have no clear parallel in Aristotle's writings, but whose influence can clearly be seen in *The Federalist*. But far more troubling is the amount of space occupied in the present volume by extreme, distorting attacks that Jaffa makes on erstwhile friends. The first such attack occurs in chapter 3, a critique of Bloom's 1987 bestseller *The Closing of the American Mind* titled "Humanizing Certitudes and Impoverishing Doubts."

JAFFA VS. BLOOM

At the outset, Jaffa indicates a concern he shares with Bloom (as with Strauss): the debilitating impact of dogmatic relativism. Disconcertingly, however, the first objection Jaffa raises to Bloom's book is its failure to address what Jaffa calls "the most radical and sinister challenge...to all morality" to have emerged in America since the sixties (a decade to which Bloom devotes an entire chapter): "the so-called 'gay rights movement'" (50). However one judges that movement—few people, whatever their judgment of the homosexual "life style" or its broader influence on American mores over the past half century, would defend the sort of violent police attacks on homosexuals that culminated in the Stonewall riots of 1969—Jaffa, judging from his frequent references to homosexuality, which he prefers to call "sodomy," exhibited a curious fixation on it (28, 124, 208, 219, 226, 228, 229, 259, 267). He even represents the AIDS epidemic as a sign of divine retribution on homosexuals, and seems anxious (in 1988) at the prospect that science will devise a means to alleviate God's curse (contrast Locke, *Two Treatises*, ed. Laslett, I.v.47, lines 8–25) (51). One wonders how Jaffa reacted to Bloom's passing.³

³ Jaffa explains the failure of other conservative spokesmen to join in his condemnation of homosexuality, and his objection to the likelihood that a cure for AIDS will have to be "paid for by all of us, whether we approve or disapprove," by the fact that "the conservative ranks are shot through with homosexuals," who have "frightened into silence" the "rank and file conservatives" who lack their "sympathy" (226).

Regardless of Jaffa's reason for placing this discussion at the forefront of his critique of Bloom's argument, it occasions Jaffa's reference to the phrases that give this essay its title: Bloom's contention that Americans' greatest need is to learn to replace the "impoverishing certitudes" of moral and cultural relativism, almost universally embraced by entering college students, with "humanizing doubts" that would generate serious inquiry into the *grounds* of their beliefs—an undertaking that would best be advanced by renewed, serious study of the greatest texts of the Western philosophical and literary tradition.⁴ By contrast, Jaffa maintains—claiming as his authority Aristotle's *Nicomachean Ethics*—that Americans need to be inculcated with "true arguments" that provide "enriching certitudes," "not merely Bloom's 'humanizing doubts.'" He laments Bloom's failure in *Closing* to make the Aristotelian case that morality is the necessary means to genuine happiness (51–52). Instead, he accuses Bloom of offering a "prurient" denunciation of immorality (49; along with most readers, I must have missed that part).

All of this amounts to scolding Bloom for not producing a book with a different theme and purpose from the one he wrote. Bloom never represents *Closing* as a moral handbook. While he and Jaffa agree in rejecting relativism, that rejection is largely based on different concerns. Although Bloom does discuss and lament the debilitating effect that the spread of moral relativism has had in America since the sixties, the express aim of his book is to criticize the *intellectual* laziness that dogmatic relativism embodies—not to engender a moral revival. For Jaffa, by contrast, the ultimate purpose of studying political philosophy is to *inculcate* morality. Lacking space to pursue this theme further, I must observe that most of the remainder of Jaffa's critique of *Closing* follows from this difference in intention. And I can illustrate the extreme character, and the weakness, of his critique by citing his claim that "Bloom has completely misread not only the American Founding but all of political life" by attributing the different courses taken by the American and French Revolutions largely to the fact that the former was guided by Locke's influence, the latter by that of Rousseau. Jaffa surely knew there was a great deal of historical evidence to support this claim; but to acknowledge it would weaken his "patriotic" endeavor to represent the Founding (and by extension, Lincoln's enterprise) as simply the product of *phronesis*, the practical wisdom of educated statesmen (64–65).⁵

⁴ Allan Bloom, *The Closing of the American Mind: How Higher Education Has Failed Democracy and Impoverished the Souls of Today's Students* (New York: Simon and Schuster, 1987), 25, 229.

⁵ Contrast Jaffa's citation of John Maynard Keynes's oft-quoted remark regarding the long-term influence of "the ideas of economists and political philosophers" on the actions of "practical men, who

JAFFA VS. DIAMOND

Although Jaffa devotes far fewer pages to it than to Bloom's book, the most crucial (for reasons to be mentioned later) of his attacks on ex-friends is his critique of Diamond's 1975 bicentennial lecture on the American Revolution titled "The Revolution of Sober Expectations," part of a series sponsored by the American Enterprise Institute of which the first two lectures were initially published in (Jaffa takes care to tell us) "a fantastically expensive edition" (303). Jaffa's critique of Diamond's remarks—in contrast to what he calls the latter's "brilliant early work on *The Federalist*"—focuses on his alleged claim that the Declaration of Independence "gave 'no guidance' either to the framing or interpretation...of the Constitution." Jaffa represents this remark as a "direct denial of the Republican party platform of 1860...which had quoted the text of the Declaration and affirmed that its principles had been incorporated into the Constitution" (302).

In fact, in his essay, Diamond is paraphrasing Madison, who in corresponding with his friend Jefferson regarding the required reading list for the University of Virginia law school, remarks on the difficulty of finding books that will inculcate "the true doctrines of liberty" that are "exemplified" in the American political system, since even the works of Locke, prime source for the principles of the Declaration, "gave insufficient guidance regarding the nature of our republican institutions," while the Declaration itself (still quoting Madison) "though rich in fundamental principles...falls under a like observation." But far from disparaging the Declaration's principles, Diamond describes it, with the Constitution, as one of "the two springs of our existence," their "never-to-be-severed relationship" constituting "the political core of our being," adding that "only in the unity of the Declaration's principle

believe themselves to be quite exempt from any intellectual influences," such that "the world is ruled by little else" (147).

I have consigned to this note an even more lamentable charge that Jaffa renders against Bloom and his then-colleague Walter Berns (a four-year combat veteran of World War II), that of cowardice. Reporting his unsuccessful exhortation to a spineless Claremont administration not to succumb to threats of violence emanating from the Black Student Union in 1969 (paralleling similar events at Cornell that same spring), Jaffa boasts, "unlike some of our famous friends, I did not run away to Canada!" (216). Neither Berns nor Bloom "ran away" from the threats of violence made against them (and Berns's family) on account of their resistance. They resigned in protest of the Cornell administration's shameful surrender, but finished out their contractual commitment before accepting jobs at the University of Toronto the following fall. Their resignations, made out of principle, were submitted when neither had yet received a job offer elsewhere, and thus risked considerably more sacrifice than Jaffa's decision to stay in place. This charge of cowardice is, to my knowledge, the lowest that Jaffa ever sank. (That he makes it in response to Mansfield's criticism of his subsequent failure to stand up against the academic Left rather than pick fights with fellow conservatives—and then cites his fearless campaign against homosexuality [218–19]—is no excuse.)

and the Constitution's institutions does the American Republic achieve its complete being," a unity that Lincoln "never ceased" from endeavoring to "sustain or restore."⁶ By emphasizing the inseparability of the Declaration and the Constitution, Diamond thus expresses the *very same view* that Jaffa accuses him of denying.

But there is more. Let us turn to Jaffa's 1970 APSA essay "Political Obligation and the American Political Tradition" (published in his 1975 book *The Conditions of Freedom*). There Jaffa observes that America's status as a "popular regime" derives from the dependence of all its authority on the acknowledgment of the people's natural, inalienable rights. It is the implied consent of *all* citizens to a system of government that secures those rights that constitutes the primary ground of their obligation to obey its dictates. By contrast, Jaffa observes, "the consent to government...through elections is a small and derivative part of the [more fundamental] consent" (since being on the losing side of a popular election under a constitutional government does not absolve one from the duty of law-abidingness). Jaffa elaborates that while the Declaration embodies "a certain presumption in favor of democracy...[it] *also contemplates nondemocratic forms* [such as, I add, a 'balanced' monarchy like the English one], to which consent may reasonably be given."⁷

Returning to Diamond's citation of Madison's exchange with Jefferson, Diamond quotes Madison's recommendation of the *Federalist Papers* "as the most authentic exposition of the text of the federal Constitution," and concludes that Jefferson and Madison "agree with Lincoln...in their understanding of the noble but limited work of the Declaration," which reached its "completion" only in the Constitution.⁸ Directly *echoing Jaffa's argument*,⁹ Diamond adds that contrary to the customary misreading of the phrase "consent of the governed" in the Declaration "as meaning rule by majorities, that is, democratic government...the Declaration does *not* say that consent is

⁶ "The Revolution of Sober Expectations," in *As Far as Republican Principles Will Permit: Essays by Martin Diamond*, ed. William Schambra (Washington, DC: American Enterprise Institute, 1992), 211–12.

⁷ Harry V. Jaffa, *The Conditions of Freedom: Essays in Political Philosophy* (Baltimore, MD: Johns Hopkins University Press), 114 (emphasis added).

⁸ Diamond, "Revolution," 212.

⁹ I do not mean that Diamond borrowed his argument from Jaffa, especially since Jaffa's paper was not published until 1975, the same year Diamond presented his lecture. Of course, the kinship in their positions might have grown out of informal discussions prior to the break that occurred between them in 1970, mentioned below.

the means by which government is to operate. Rather, it says that consent is necessary only to institute the government” in the first place.¹⁰

In sum, Jaffa’s denunciation of Diamond as somehow unfaithful to the principles of the Declaration (and of Lincoln) is unjustified, since Diamond’s interpretation of the Declaration and its relation to the Constitution is identical to his own. Yet Jaffa, remarkably, depicts Diamond’s lecture as a betrayal of his previous “pathbreaking scholarship,” resulting from his having reinvented himself, following his 1970 departure from Claremont, to accommodate an Eastern “reactionary conservatism” that was “profoundly hostile to Lincoln and the Declaration of Independence” (302). (Actually, Diamond’s departure took him no farther east than Northern Illinois University, and one can search his collected essays in vain for any espousal of reactionary views—or even admiration for Goldwater.)

JAFFA VS. KRISTOL

Jaffa then gives an equally unsupported, graceless, careerist explanation of Irving Kristol’s having been chosen to present the inaugural lecture in the AEI bicentennial commemoration, claiming that Kristol’s selection was meant “to confirm and enhance his eminence as the spokesman of American Conservatism” (303). He criticizes the lecture essentially for similar reasons, and with similar distortions and rhetorical denunciations, as he did Diamond’s—to the point of claiming that Kristol’s “mindless” interpretation of the American Revolution puts him in the same camp as Calhoun (303).

Kristol’s stated aim in the lecture, titled “The American Revolution as a Successful Revolution,” was to *restore* the reputation of that revolution, and with it the principles of the Declaration and Constitution, against the disparagement of “Progressive” historians and political theorists, who denied that it was a “true,” or world-historically significant, revolution by comparison with the French, Russian, Chinese, and Cuban ones. Employing Hannah Arendt’s distinction between “rebellion” and “revolution,” Kristol observes that using her terminology, the American Revolution was more properly a rebellion than a revolution—the latter, in her account, being “a meta-political event, emerging out of a radical dissatisfaction with the human condition as experienced by the mass of the people, demanding instant ‘liberation’ from this condition, an immediate transformation of all social and economic circumstance, a prompt

¹⁰ Diamond, “Revolution,” 214 (Diamond’s emphasis).

achievement of an altogether ‘better life’ in an altogether better world.”¹¹ Given their utopian expectations, all such revolutions, Kristol observes, culminate in terror, and in the myth of “the revolution betrayed.” By contrast, a “revolution” in its proper (Arendtian) sense, exemplified by the American one, is solely “a political phenomenon,” not aimed at the total, abrupt transformation of all social and economic arrangements, and requires the sort of “prudence” and “spirit of sobriety” manifested in the Declaration, a “calm, legalistic document.” It cannot, in sum, “be governed by the spirit of the mob.”¹²

Jaffa purposefully misrepresents Kristol’s lecture as an account of “what the [American] revolution ought to have been rather than anything it actually was,” supposedly reflecting his youthful Trotskyite “preconceptions” (303)—when Kristol’s point is precisely the opposite. “The American Revolution was successful,” Kristol observes, “in that those who led it were able, in later years, to look back in tranquility at what they had wrought and to say that it was good,” since “this was a revolution which, unlike all subsequent revolutions, did not devour its children.” He points out “how extraordinarily self-conscious and reflective a revolution it was,” being exceptional in its participants’ capacity to subordinate revolutionary passion “to serious and nuanced thinking about fundamental problems of political philosophy.” Not only were the Revolution’s leaders capable of such reflection; the American people of that era merit respect for their capacity—in contrast to those who nowadays let themselves be deceived by populist flatterers (both Right and Left)—to listen to frank talk in the *Federalist Papers* about “the frailties of human nature and the need for a political system to take such frailties into account” in its design—as well as its dependence on specific republican virtues (238). In consequence, the Revolution (as completed by the Constitution) was in one sense *too* successful, Kristol argues, making politics seem “unproblematic,” encouraging a decline in the study of political theory, including that of the Founders, that has left Americans “incompetent to explain this revolution to the world, and even to ourselves” (240). Does any of this sound Calhounian or Trotskyite?

Jaffa’s only response to Kristol’s argument (which he initially claimed cited “hardly a single fact” [305]) is to carp, as he did with Bloom’s, about what it does *not* discuss. First, Jaffa cites the political controversies that

¹¹ In fact “rebellion” rather than revolution was Locke’s preferred term for the sort of removal of a tyrannical government that the Americans undertook in 1776—although he identifies the tyrant, not the people themselves, as the true “rebel,” who restores the condition of *bellum* that would exist in a state of nature (*Two Treatises*, II.xix.226).

¹² Irving Kristol, “The American Revolution as a Successful Revolution,” in *Neo-Conservatism: Selected Essays 1949–1995* (New York: Free Press, 1995), 241–42.

occurred in America in the decades following the Revolution's end (the XYZ Affair, the Alien and Sedition Acts, the election of 1800) to show that the Revolution did not *immediately* issue in tranquility. Then, he observes that the principles of the Revolution did not achieve their full actualization until the end of the Civil War and its result, emancipation. Kristol would surely not have denied either of these points; but neither, it seems to me, belies his fundamental argument about the superiority of our revolution to its successors elsewhere; about the great achievement of the Founders; and about the dangers of taking their success for granted. But how much history could he be expected to cover in a single lecture devoted to the Revolution? And why would a true, professed conservative like Jaffa object to any of this?

JAFFA VS. MANSFIELD

The last victim of Jaffa's verbal assaults to be considered here is the great Harvard political theorist, constitutionalist, and conservative Harvey Mansfield Jr. In the longest chapter of *Rediscovery*, "The Decline and Fall of the American Idea: Reflections on the Failure of American Conservatism," after giving such early acolytes of the American conservative movement as Kirk and T. S. Eliot a deserved berating for their anti-Semitic bigotry, and adding to his tirade against Kristol, Jaffa identifies Mansfield (along with Diamond and Kristol) as "another defector from the 'ancient faith' of Abraham Lincoln," and hence from what Lincoln called the "central idea" of human equality from which (in Jaffa's words) "all the minor thoughts of the American Founding radiate" (195).

Although Jaffa acknowledges that his accusation of Mansfield as, in effect, an intellectual traitor to his country is "not a grateful task" (considering how the senior Mansfield had launched his career), the junior Mansfield's cardinal sin was to call the Declaration's claim that all human beings are created equal a "self-evident half truth."¹³ Since, according to Jaffa, "'a half-truth' is not merely a falsehood, but a deceitful falsehood," in using that term Mansfield was not only "demeaning...the Declaration and the Gettysburg Address," but was thereby joining the "defender[s] of slavery," led (once again) by John Calhoun (195)—although Calhoun, of course, denied that the claim, as applied to the human race as a whole, had any truth whatsoever. Later in the same

¹³ Mansfield used the term in a review of the Library of America edition of *The Debate on the Constitution* in the September 1993 issue of the *New Criterion*. Jaffa's denunciation of the remark, and subsequent exchange with Mansfield, reproduced in this chapter, took place at a conference at Claremont in 1996 (where Mansfield was an invited speaker).

chapter, Jaffa goes further, claiming that Mansfield's remark entails either "divid[ing] the human race into different 'natures,'" as apologists for slavery would wish to do, or else denying "that there is a human nature"—both alternatives containing "the potential for unlimited evil" (231).

Jaffa's scandalous charge was not merely ungrateful; it was false. Again, Jaffa blamed a fellow scholar for espousing the same views he himself maintained. Only a few pages after the accusation last quoted, Jaffa acknowledges that in asserting natural human equality, the Founders "did not assert or imply *the obvious untruth* that there were no differences at all within" the human species, "or that none of those differences were irrelevant in deciding who should rule, or for what ends," citing Jefferson's 1813 letter to John Adams arguing for government by the "natural aristocracy." He recognizes that neither Jefferson nor Adams saw any contradiction between this proposition and the doctrine of natural human equality: while some human beings are best fitted by nature and education to rule, legitimate government requires that they use their power only to secure the equal rights and common benefit of their fellow citizens (241–42, emphasis added).¹⁴ But Jaffa ignores Mansfield's Tocquevillean concern (238–39) that contemporary

¹⁴ See Locke's *Two Treatises*, II.vi.54, for a similar acknowledgment that the principle of natural human equality in no way entails denying that human beings are unequal in various faculties and attributes—none of which however gives any of them the right to rule their fellows without their consent. In the end, Locke grounds the principle of equality of rights on what human beings are *most likely to consent to* (II.viii.103, lines 19–21; thanks to Peter Josephson for pointing out the significance of this passage), just as Hobbes does (see *Leviathan*, chap. 13, first two paragraphs, with the reasoning for the ninth law of nature in chap. 15). Both thinkers, in this respect, conform to Leo Strauss's account of their endeavor to refound political communities on "low but solid" principles that would eliminate the occasion for conflict arising from religious disputation or the quest for glory. (Jaffa points out that the phrase "low but solid" originated with Churchill.) It is in this respect that one indeed finds support for Jaffa's portrait of Locke's principles as an adaptation of Aristotle to the new situation generated by Christianity (and its use to elevate the "elect" over the rest of us): note that Locke's intended popular slogan of equal rights rests on a premise not fundamentally different from Aristotle's (*Politics* VII.14), once one recognizes the politically irrelevant character of the latter's account of "natural" slavery in book I, as noted by Jaffa (along with other scholars such as Strauss and Mary Nichols) in his essay on Aristotle in *History of Political Philosophy*, ed. Leo Strauss and Joseph Cropsey, 1st ed. (Chicago: Rand McNally, 1963), 75–76, and in *Conditions of Freedom*, 20–21.

The best explanation of what the authors of the Declaration meant by calling the doctrine of natural equality "self-evident[ly]" true (as Locke did not) was supplied by Michael Zuckert in an essay that Jaffa disparages by misinterpreting it: in composing that document, Zuckert points out, Jefferson was not stating what *he* individually believed to be self-evident (recognizing that its doctrines were in fact dependent on prior reasoning) but what "we," that is, the (rebellious) American people—not being students of philosophy—"hold," that is, take for granted. See Michael Zuckert, "Self-Evident Truth and the Declaration of Independence," *Review of Politics* 49, no. 3 (Summer 1987): 319–39, with Jaffa's dismissal, culminating in a typical (for him) insult, at 259. (Zuckert, I add, nonetheless had the magnanimity to organize a symposium in the same journal on Jaffa's work on the occasion of his ninetieth birthday.)

academics “who should form the elites [who are best equipped by nature to serve their country] deny any rational ground for the claims of elites”—a problem even more apparent today, I note, as those occupying the highest positions in American government, business, journalism, and nonprofit institutions, as well as academia, fall over themselves to apologize for their “privilege.”¹⁵ Just as Jaffa maintained that Aristotle’s political teaching required adaptation in view of the new political situation generated by Christianity, one might expect him to sympathize with Mansfield’s contention that since the issue of slavery has long been settled in America, the time has come for political theorists to redirect their concern to the greatest domestic threat to liberty in our time—the tendency of the principle of equality to extend itself into areas of life never intended by its original liberal authors (economic, social, intellectual). Yet Jaffa’s only response to Mansfield’s argument is to beg the question by charging him with “fail[ing] to understand” that “to degrade equality rightly understood” would necessarily entail “degrading that recognition of merit which is inequality rightly understood” (250).¹⁶ The principle of equality “rightly understood” was just what Mansfield was advocating—but for which, he maintained, Jaffa failed to provide adequate support in light of the *current* threats to it.

Beyond his mistreatment of Mansfield,¹⁷ it must be said that Jaffa’s own behavior did not consistently conform to his stated principles. Notably,

¹⁵ See, on the roots of this problem, Mansfield’s insightful essay “Liberal Democracy as a Mixed Regime,” in *The Spirit of Liberalism* (Cambridge, MA: Harvard University Press, 1978).

¹⁶ One of Jaffa’s most distinguished students, Steven Hayward, observes that constitutionalists such as Berns and Mansfield, without rejecting the Declaration’s principles as conservatives such as Willmoore Kendall had done, judge that it “has severe limits as a practical guide to political life,” being particularly “susceptible to misinterpretation by radical egalitarians” who extend the equality principle to domains of life that its authors never had in mind. Hence, he observes, “Berns and Mansfield worry, with good reason, that appeals to equality and natural rights [especially by activist judges] can do more to harm than help the cause of limited constitutional government” today (*Patriotism Is Not Enough*, 149). That decay in understanding of the original doctrine of natural rights was recently exhibited by the “ridicule” with which the July 2020 report issued by a US State Department commission charged with highlighting the importance of unalienable rights in American foreign policy was greeted by the progressive media, which demanded that vaguely defined “economic and social rights” be put on the same plane (or higher?) as such old-fashioned rights as freedom of speech and equality before the law. (“The Left’s Rights Distortions,” *Wall Street Journal* editorial, July 20, 2020, A18). Jaffa does not address the problem identified by Hayward, Berns, and Mansfield by arguing that the leveling “equality feared by Tocqueville was grounded in Rousseau,” while the equality of rights “propounded by Jefferson and Lincoln was grounded in Locke” (217), since the issue is precisely the tendency of the principle of equality in its Lockean sense to erode, unless checked, into a more radical (Rousseauian) egalitarianism.

¹⁷ In this context I cannot overlook Jaffa’s lowering himself to attribute Mansfield’s failure to respond to some one hundred pages of follow-up letters to his indefensible “interests” (254)—perhaps connected to Mansfield’s “neo-papal status in...eastern Straussianism” (216), thereby explaining Jaffa’s

although he twice takes Mel Bradford to task for his sympathies for the Lost Cause (172, 253), it was widely reported in 1981 that Jaffa tried to pull political strings to have Bradford, rather than the eventual appointee William Bennett, chosen to head the National Endowment for the Humanities. Apparently, Bradford's Confederate sympathies mattered less to Jaffa than Bennett's connections to the feared neocons. (His only criticism of Bennett in this book is the undocumented assertion that he remained a "relativis[t]," despite Jaffa's having endeavored to "rub [his] nos[e]" in that fact [225–26].)

THE GENESIS AND LEGACY OF JAFFA'S CRUSADE

In sum, Jaffa's speech and conduct towards Bennett, Bloom, Kristol, Diamond, and Mansfield, along with several prominent conservative judges, justify Mansfield's charge (quoted from a dialogue with Jaffa at Claremont) that instead of effectively championing the conservative cause, Jaffa consistently stood "behind the front lines, . . . point[ing] his weapon" and shooting it at his friends' backs (195–96). Why Jaffa undertook this perverse crusade of over four decades cannot be fully explained, but Jaffa himself mentions the event that initiated it. For several years, as he reports, there was a close friendship between the Jaffa and Diamond families, culminating in Diamond's securing Jaffa an appointment at Claremont in 1964. (Jaffa mentions this appointment as the consequence of unspecified "happy events," without attributing any agency in it to Diamond.) "Unfortunately," as he puts it, "the story of the two families does not have a happy ending," since shortly after *Time* magazine featured Diamond in a cover story as one of America's "ten greatest college teachers," "the Diamond marriage ended in a blaze of ferocious hostility and violent recrimination that left no room for their bewildered friends who tried to remain loyal" (303–4).

I lack knowledge of the events that led to Diamond's divorce. Nor, I suspect, was Diamond entirely without fault in the subsequent break with Jaffa—since an entirely innocent friend of mine, a Claremont graduate student at the time whose one vice was gossip, was denounced for years by

failure to "get any east-coast invitations" (213)—just as he previously cited the high price of the AEI bicentennial book and questioned AEI's motives in choosing Kristol as keynote speaker. Despite the great eminence and influence Jaffa achieved, such complaints reek of the sort of envy expressed by a much lesser figure, Paul Gottfried, in *Leo Strauss and the Conservative Movement in America: A Critical Appraisal* (New York: Cambridge University Press, 2012), which I have critically reviewed elsewhere. I consider it unlikely that Mansfield's refusal to engage in further polemics with Jaffa stemmed from his "recognition of Jaffa's superior dialectical skills," as the editors suggest (145)—rather than his having better things to do.

Diamond and his second wife as a Jaffa partisan, an extraordinary case of a renowned scholar somehow becoming fixated on the alleged disloyalty of a novice academic. All this pales, however, before the following fact: having reacted with moral outrage against Diamond for the breakup of his marriage, Jaffa proceeded, over subsequent decades, to pursue quarrels with a series of Diamond's friends and associates (most of them his own former friends and benefactors, as I have noted)—Berns, Kristol, Bennett, Bloom, and Mansfield, whose only "sin" was to retain their friendship with Diamond. (Who the "bewildered friends who tried to remain loyal" were, or whom they remained loyal to, Jaffa leaves unspecified.) In each case Jaffa's strategy was to *dress up* his personal quarrel with Diamond and his friends as a purely academic one—even when this entailed repeatedly taking them to task for things they had never said, or for things that he himself had said not long before. In time, apparently, the crusade took on a life of its own, extending to Jaffa's endeavor to uncover "relativism" among some leading conservatives on the judiciary, who would normally have been expected to be Jaffa's political allies.¹⁸

Although Jaffa asserts in his exchange with Mansfield that "some 'Straussians' have become a sect, more concerned to cultivate and perpetuate their sectarianism, than to pursue the truth" (proceeding to demonstrate this claim by attributing to them such nonsensical beliefs as that "the American Founding...can be consummated only by the extinction of all influence of biblical religion—and religious morality" [254]), it is Jaffa himself who created a sect of followers, as evidenced in this book by his accusing dissenters from his claims as Calhounians, "defectors," or worse, while boasting how his students "carr[ied] the torch of the convictions they have drawn from my teaching...into the academy and into the affairs of our nation" (219).

¹⁸ Although Jaffa rightly criticized extreme statements of legal positivism on the part of conservative justices such as Rehnquist (155–56) and even Scalia (272), who was certainly no moral relativist in his private life, such remarks are best understood as an overreaction against efforts by activist liberal judges since the Warren Court era to read their own "moral" preferences (such as for abortion rights) into the Constitution, without regard to what that document actually says—thus usurping the people's constitutional right of self-government. By contrast, Jaffa's own effort to identify the Jeffersonian natural-rights teaching with the principles of Thomistic natural law (273–74)—contrary to his emphasis on the distinction between Thomism and a political philosophy grounded strictly in reason in his first book—presupposes, unrealistically, that judges who think themselves thus empowered to read the Constitution in light of a true understanding of happiness (rather than the right to "pursue" it) will use that authority to promote Aristotle's, rather than (say) Harry Blackmun's, moral views. It was the use made by the Warren Court and its successors of the constitutional doctrine of substantive due process to read all sorts of unenumerated "rights" (e.g., abortion, welfare, and in our time, gay marriage) into the Fourteenth Amendment that led Berns, as Hayward reports, to renounce his earlier support of that doctrine (*Patriotism Is Not Enough*, 152–54; Walter Berns, "The Illegitimacy of Appeals to Natural Law in Constitutional Interpretation," in *Democracy and the Constitution* [Washington, DC: AEI Press, 2008], 17–28).

Jaffa could justly take pride, as he did, in quoting a letter from Justice Clarence Thomas expressing gratitude for what he learned from two of Jaffa's students when he headed the EEOC (219–20). But if anyone created an image of Straussians as sectarians, it was Jaffa—in part by groundlessly using religious terms like “heresy” to describe the manner in which other Straussians supposedly viewed his arguments (9). (Maybe that is why a job announcement from the political science department at a major college in southern California that I saw posted at my graduate alma mater, back when searches were conducted that way, carried with it the caveat “No Straussians Need Apply.”)

Harry Jaffa fortunately lived long enough to accomplish a number of admirable things: publishing his two Lincoln books, the Thomism book, the Shakespeare essays, and various essays on Lincoln; helping found the Claremont Institute (and thereby the formidable *Claremont Review of Books*), major forces for good in American political and intellectual life; and inspiring numerous students, through his combination of intellect and passion, to pursue significant careers in academia, law, and politics. He was a proud and devoutly loyal American and Jew. But while several essays in this volume that I lack space to discuss—a challenge to Francis Fukuyama's “end of history” thesis; a prescient valedictory warning against the rise of intolerance and intimidation (today's “cancel culture”) in the academy; a new analysis of *Dred Scott*; and an excellent account of “the American Founding as the best regime,” based on its “bonding of civil and religious liberty”—are noteworthy, with all respect to the editors, the book as a whole is unlikely to enhance Jaffa's reputation.