

# Interpretation

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Charles R. Kesler, *Crisis of the Two Constitutions: The Rise, Decline, and Recovery of American Greatness*. New York: Encounter Books, 2020, 481 pp., \$34.99 (cloth).

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In the genre of the genealogy of cultural decline there seems to be no shortage of books. At the risk of being simplistic, they usually go something like this: Once upon a time in the distant past of our civilization there lived a collection of thinkers, statesmen, philosophers, and so on who got everything just about right. Because the influence of these Wise Men was nearly ubiquitous, virtually all institutions in our civilization were shaped by their ideas. But then there arose Unwise Men harboring different and subversive beliefs. Having the temerity to raise critical questions about our culture's received wisdom, the ideas of the Unwise Men began to displace those of the Wise Men. Eventually, before anyone could realize it, our culture and its institutions had dramatically changed for the worse. The Wise Men's contemporary disciples now lament, "If only our ancestors had not listened to the Unwise Men and had not accepted idea X, our culture would not now be in decline." Depending on the story and who is telling it, the Unwise Man could be Constantine, Dun Scotus, William of Ockham, or John Locke, and the idea could be integralism, univocal predication, nominalism, or liberalism. Among the most well-known genealogists of decline are Brad Gregory (*The Unintended Reformation*), Patrick Deneen (*Why Liberalism Failed*), Robert Reilly (*America on Trial*), Richard Weaver (*Ideas Have Consequences*), and Alasdair MacIntyre (*After Virtue*).

Whatever one thinks of the quality of the arguments made by such writers, there is no doubt that each tells a great story. It is the sort of story only

an intellectual can love. (I confess that I gravitate to these grand tales and indeed find some of them plausible). But the notion that ideas, the currency of the academic economy, are the primary causes of cultural and civilizational change—rather than something less manageable like boredom, disordered passions, geography, dumb luck, naked self-interest, willful statesmen, or pandemics—confirms what we professors already believe about the pre-eminence of our vocation, and perhaps that is why we find such accounts so attractive and eager to propose.

Entering the fray, with his own genealogy of decline, is the renowned American scholar Charles R. Kesler, long-time professor of government at Claremont-McKenna College. In his new book, *Crisis of the Two Constitutions: The Rise, Decline, and Recovery of American Greatness*, Kesler offers an account of the origin of America's present political and cultural troubles. Although most of this book first appeared as chapters in books and articles in other venues over several decades, Kesler manages to create a unified tome by combining revisions of the older material with newer work that speaks directly to our contemporary situation. Neatly divided into three main sections consisting of six chapters each, this book takes us on a journey from the American Founding through the Civil War and the Progressive Era to the Age of Trump.

To understand Kesler's genealogy of decline, one must begin with part 2 ("The Progressives' Constitution"). In six chapters he tells us that over the past 120 years or so America's original constitution—the one composed by its drafters and ratified in 1788—has been largely supplanted by a rival constitution, one that arises from early twentieth-century progressivism. (Kesler calls it "the living constitution," a phrase first coined in the 1920s). Impatient with the deliberative mechanisms of the original constitution, and enthralled by the German administrative state, progressives like Woodrow Wilson set out to fundamentally change the American regime. They did not, of course, immediately succeed. But over time—from the New Deal through the Great Society to the Obama presidency—the progressive constitution has more or less conquered the institutions and political reflexes cultivated under the original constitution (or what Kesler calls "the Founders' Constitution"). To be sure, there are vestiges of the original constitution, and many of us still believe in it and conduct our politics with the hope that we can fully recover it, but the fact is, argues Kesler, we are all living in Woodrow Wilson's world now.

When Kesler refers to the original constitution he does not mean merely the written text—though, to be sure, it must include that—but also the philosophical beliefs by which the American Founders read the text: “grounded in the natural rights and practical wisdom of the Declaration [of Independence], interpreted in *The Federalist*, and expounded in their best moments by subsequent American jurists and statesmen” (x). Kesler cashes out this understanding in the six chapters of part 1 (“The Founders’ Constitution”). He begins in chapter 1 with a discussion of the Founders and the classics, addressing questions about what works may have influenced the Founders and what theory of the Constitution and politics they may have held. He moves on to discuss relativism and the Declaration of Independence (chapter 2) and the true meaning of *Federalist* 10 in response to contemporary interpreters that Kesler maintains are off the mark (chapter 3). George Washington’s understanding of civil and religious liberty is the focus of chapter 4. Kesler continues with a discussion of the relationship between moral formation and good republican government (chapter 5) followed by Harry Jaffa’s account of the American Founding and Abraham Lincoln’s call for restoring its true meaning (chapter 6).

In part 3 (“Conservatism and the Two Constitutions”) Kesler explores the successes and failures of American conservatism, a movement that arises in the mid-twentieth-century for the purpose of restoring the Founders’ Constitution. Kesler begins his exploration with the presidency of Ronald Reagan and its aftermath, moving chronologically from the Gipper’s years in the oval office (chapter 13), the Gingrich revolution (chapter 14), the Bush doctrine (chapter 15), American nationalism in a post-9/11 world (chapter 16) and, finally, Donald Trump (chapters 17 and 18).

While I often found myself agreeing with much of what Kesler says in this book, some of his claims raise more questions than they answer, especially in the light of some of the contrary genealogies of decline that have become popular in recent years in the conservative circles in which Kesler runs (e.g., the works by Deneen and Gregory). Like other members of the Claremont clerisy, Kesler maintains that the American Founders, though well-educated modern men in a Newtonian age, were able to found a nation, draft a constitution, and establish a political regime intellectually formed almost exclusively by classical writers while remaining largely exempt from the influence of the bad parts of modern thinkers like Locke and Hobbes. Grounding their project on the “self-evident truths” of the Declaration, and guided by the virtue of prudence, the Founders, according to Kesler, were able to institute a government

by consent that was intended to preserve and protect the natural rights of the citizenry through its design of separated departments and enumerated powers. Although Kesler, in several places, offers citations from the writings of various Founders (including the *Federalist Papers*) in which they list their literary influences, advocates of contrary genealogies (such as Deneen and Gregory) will likely suggest that intellectual formation is not merely a matter of reading important books and explaining their lessons in partisan pamphlets to advance pragmatic political projects. Rather, in the minds of practical men like the Founders, intellectual formation is primarily driven by the unconscious appropriation of the metaphysical and epistemological presuppositions of one's age, even while one may be consciously embracing lessons from another age that one may not fully appreciate and that are at bottom inconsistent with the philosophical pieties of the present. For this reason, the rise of progressivism and all its attendant beliefs about history, the administrative state, and the obsolescence of Kesler's original constitution is exactly what one would expect from a nation with leaders whose minds were marinated in the metaphysics and epistemology of the modern world. That is, when push came to shove, the words of ancient texts—or the intentions of the drafters and enactors of the Constitution—by themselves were no match for the habituated intellectual reflexes of their contemporary readers.

Take, for example, Kesler's comments about equality: "Members of the human species stand in a natural equality with one another, which means that each is naturally free of any other human's authority. From this natural equality arise natural rights to life and liberty, and to the enjoyment of life and liberty 'in the pursuit of happiness'.... As a consequence of humans' equality and freedom—the lack of natural or divinely appointed rulers within the human race—we must choose our own rulers" (231). There is nothing in these comments that a good contemporary progressive would dispute. For it does not take much imagination to move from these highly abstract principles to the regime we have today, one that advances a whole panoply of rights, all in the name of equality, liberty, and happiness. Moreover, some of Kesler's fellow originalists would reject the idea that each of us "is naturally free of any other human's authority." According to most religious traditionalists, parents have a natural authority over their children until the latter reach the age of reason,<sup>1</sup> and adult children have an unchosen natural obligation to care for

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<sup>1</sup> It should be noted that John Locke, in chapter 6 of his *Second Treatise on Government*, takes this same position, arguing that "children...are not born in this full state of equality, though they are born to it. Their parents have a sort of rule and jurisdiction over them when they come into the world, and for some time after, but it is but a temporary one.... The power, then, that parents have over their

their aged parents that they do not have for their elderly neighbors down the street. But this means that certain types of relationships cannot be reduced to equality and choice. The obligations attendant to these relationships indeed arise from the *natural law*,<sup>2</sup> but that just means that the natural law should inform our understanding of natural rights (if there are such things) but not vice versa.

There is, of course, much more that can be said about this book. Kessler, as I have already noted, deals with a wide variety of topics and figures, each of which is deserving of its own review. For example, his apologetic for Trump and Trumpism (in chapters 17 and 18) in the light of his appeal to the intellectual and personal virtues of the Founders (in part 1) is the sort of juxtaposition that I am sure others will find too delicious to pass up. But, because I want to keep my friends and perplex my enemies, I have no interest in offering an opinion. Nevertheless, *Crisis of the Two Constitutions* is an important contribution to contemporary discussions of American politics. I highly recommend it.

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children arises from that duty which is incumbent on them, to take care of their offspring during the imperfect state of childhood. To inform the mind, and govern the actions of their yet ignorant non-age, till reason shall take its place and ease them of that trouble, is what the children want, and the parents are bound to." Thomas Hobbes, on the other hand, in *Leviathan*, chapter 20, grounds parental obligations on contract: "The right of dominion by generation is that which the parent hath over his children, and is called paternal. And is not so derived from the generation, as if therefore the parent had dominion over his child because he begat him, but from the child's consent, either express or by other sufficient arguments declared. . . . [In the state of nature], either the parents between themselves dispose of the dominion over the child by contract, or do not dispose thereof at all. If they dispose thereof, the right passeth according to the contract."

<sup>2</sup> Here I am referring to an understanding of *natural law*, one often associated with St. Thomas Aquinas, that maintains that our natural inclinations to procreate and care for our own offspring reveal good ends to which we are ordered, and thus one's obligation to one's children does not ultimately depend on contract or consent. Of course, most modern thinkers reject the normativity of such natural teleology and thus need to ground parental obligation in something else, like contract, sentiments, utility, or positive law.

