

Interpretation

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Harry Jaffa's Bridge to Nowhere

Glenn Ellmers, *The Soul of Politics: Harry V. Jaffa and the Fight for America*. New York: Encounter Books, 394 pp., \$31.99.

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We may rightfully speculate about what would have become of Plato, Aristotle, or Xenophon if Socrates had left copious writings of his own. In that speculation we behold the fate of those who write about Leo Strauss and Harry Jaffa. Either they must subside into the background of their subjects' contemplations or they must aspire to precedence above their subjects. Glenn Ellmers's account of Harry Jaffa's "teaching" illustrates well the conundrum and elicits our strongest sympathies. To avoid the fate of Ion (thus merely retelling what Jaffa told), he must explain and consequently problematize what Jaffa taught. In problematizing Jaffa's teaching, however, it is necessary to fill in the gaps, so to speak, and thus to advance beyond Jaffa. Such a fate is qualified, if qualifiable, only by the reflection that there must surely be a need to respond to many who preceded Ellmers and still more immediately illustrate the conundrum. In that case, we might say that surely it is well to "set the record straight." In most of the cases that Ellmers relates, however, Jaffa himself lived long enough to do his own record straightening.

A wonderful example of this occurred in 2014 when Jaffa's colleague and former student Edward Erler gathered a score of Jaffa's former students in a two-day seminar with the then aged professor (95) at Claremont McKenna College to ply him with questions about what he had taught. On this occasion

Jaffa confronted persistent questioning on two themes. First, had his views changed between the publication of *Crisis of the House Divided* and the publication of *A New Birth of Freedom*. He was provided opportunity to state how his teaching(s) bore upon the concerns of politics and teaching in these times. The seminar, accordingly, elicited Jaffa's views on Jaffa's teaching.

I would summarize the record of Jaffa's statements in the following terms. He discovered and taught that natural right retained a necessary and ineradicable place at the center of human politics. This was a discovery on account of the appearance that natural right had been once for all discarded with the advent of modern political philosophy. Leo Strauss had well demonstrated the manner in which modern waves of political thought had prescinded from ancient principles of transcendence with the result that natural right had been discarded. While yet newly initiated in study with Strauss Jaffa "happened upon" a copy of the Lincoln-Douglas debates and there beheld a reenactment of the Socrates-Thrasymachus exchange in Plato's *Republic*. This chance discovery revealed that supervening history had not succeeded in displacing resort to natural right, leaving open only the question whether such resort possessed continuing vitality in the modern era. Because Lincoln centered his argument on the form of natural right expressed in the language of the Declaration of Independence, Jaffa focused on the Declaration as the historical moment in which natural right resurfaced, while focusing on Lincoln as the avatar that breathed life into the form. What this discovery did immediately was to raise the question whether politics in the modern era remained invested with the potentiality for statesmanship informed by true insight. Therefore, Jaffa centered his thinking and teaching on Statesmanship, and what he taught Leo Strauss (one of the questions posed to him) was that politics remained open to those processes by which true reflection could inform not only the conditions for philosophic inquiry but also the conditions of political excellence.

The importance of this discovery lay in the underlying argument Strauss had made (and that Jaffa had accepted) that modern political philosophy was "low but solid." The importance of that observation derived from the distinct meaning of the terms, "low" and "solid." What was low in modern political philosophy was the consummation of the desacralization of politics, epitomized in Thomas Hobbes's declaration that "there is no *summum bonum*." While we typically regard that statement as refuting "metaphysical" claims, it in fact points more specifically to the displacement of the divine from the political. That is why Hobbes goes to great lengths in his *Leviathan* to create

a civil version of the Decalogue. The atheism of Hobbes was founded on a denial of God to accomplish the displacement of the divine. However, that culmination of the process of desacralization of politics failed to engage the historical realities that launched the process of displacement. For those realities originated in Rome, a story to which Jaffa frequently returned. In Jaffa's view, though, the fall of the empire initiated the process that ultimately produced the doctrine of the divine right of kings, which fostered the occasion for complete displacement. It may be considered, however, that a still more fundamental change was that Emperor Julian identified as the emergence of an "atheist" and "Epicurean" Jesus, whose incorporation into the empire by Constantine displaced the plural gods and thus already desacralized politics. At all events, Julian's war against the Christians, in the name of the empire, failed insofar as the empire fell anyway with his line, while Christianity nevertheless grew as a religious empire. What Julian did accomplish, however, was to render tenuous the exercise of civil authority by the popes. The emergence of the divine right of kings, therefore, already signified displacement, God ruling *through* civil authority and not directly or through priests. When Machiavelli blamed the fall of Rome on Christian feminization of the warrior spirit in Rome, he was right, though perhaps not fully understanding what had transpired. Since it was the atheism of other-worldly monotheism (as Julian saw it) that initiated desacralization, the developments of modern political philosophy constituted rather fulfillment of Christianity than the assumed rejection of Christianity.

Harry Jaffa placed great emphasis on the "religious wars" and the Whig revolution in England, in which settlement the premises for modern reform were laid. As a result, his acolytes have greatly stressed the "theological-political problem" as central to his teaching, as it was also for Strauss. But taking the "theological-political problem" as a problem of political struggles misses the point completely. The real theological-political problem is the problem of sacralization versus desacralization. The struggles of churchmen and covenanters is a sideshow by comparison. For desacralization was the precedent condition for the denial of natural right. In short, the theological-political problem consists in identifying the appropriate terms of association between the City of God and the City of Man.

Jaffa's first sailing already appreciated this dimension of the issues at stake, despite still looking at the founding itself as based on modern political philosophy. That readily explains why his colleague Martin Diamond agreed with him on the centrality of the Declaration and he agreed with Diamond

on the leading features of the Constitution—again, “low but solid.” But Jaffa correctly observed Lincoln’s resort to biblical, Shakespearean, and axiomatic terms of reference as pointing beyond the assumed modern beginnings. As a result, he entertained the possibility that Lincoln was rather re-founding than simply perpetuating the original founding. This interpretation may reasonably have been called into question by Lincoln’s argument that temporizers with and advocates for slavery were “blowing out the moral lights among us.” For if there have been moral lights among us since the founding, then the founding was not simply low but solid; it was moral. Yet this inference did not support a sufficiently strong resort to natural right in the founding as something that could reignite the “moral lights.”

What Jaffa derived from this consideration, however, was more than sufficient to justify the fullest elaboration of principles of statesmanship, requiring attentive inquiry into the political deliberations that give opportunity for the expression of practical wisdom. Jaffa, accordingly, applied the methods of Strauss to the speeches and deeds of Lincoln and other participants in the momentous political events, for the specific purpose of discovering an articulate resort to natural right. More generally, he considered the study of politics—of political deliberations—fit material for the pursuit of philosophic inquiry. That was first and last the heart of what Jaffa taught.

This observation cannot be overemphasized. Those who imagine that Jaffa taught “political conservatism” or any other such form of direct engagement profoundly misunderstand him. He participated in no organized resistance or advocacy whatever. Apart from a not insignificant cameo appearance in the 1964 Goldwater campaign, Jaffa did not engage in politics. He often praised those who took righteous stands and berated those who took outrageous stands, but his philippics were as much a part of his teaching as his seminars. He engaged common opinion not from a deliberative but from an evaluative perspective, mindful of contingencies and expediencies but arguing from principles.

THE BOOK

This background (lacking the development that a full account requires) provides the foundation on which to assess Ellmers’s book. It is a good book. It undertakes a dual work, however. It seeks to demonstrate the substances and implications of Jaffa’s teaching and, at the same time, to provide an account of the emergence of the Claremont Institute that has been associated with Jaffa’s name. A problem arises from the fact that the account of the institute is founded on a myth that

actually obscures rather than reveals Jaffa's teaching. As a result, Jaffa's teaching becomes subordinated to the mission of the institute, which bears relation to Jaffa's teaching but is not expressive of that teaching.

The reason Ellmers gets these things out of order is that he lacks familiarity with the origins of the institute. He believes that a work that began in 1977 did not begin in fact until 1979, and that it had an autochthonous origin in the musings of a small group of graduate students. Like any good myth, there is an element of truth in this but only enough to conceal the deeper truth. The institute was founded upon the initiative of a colleague of Jaffa's (a former student who had returned to teach in the Claremont Colleges). Jaffa played no part in the founding and was not initially informed of it (though was subsequently co-opted as its avatar). This relationship led to the misperception related by Ellmers that Jaffa's teaching involved turning "theory into practice," whereas Jaffa's teaching instead conveyed that the study of practice yields principle—above all, natural right. This was reflected in the institute's mission, and the element of truth in the myth of the Claremont Institute is that it would never have arisen at all had Harry Jaffa not taught.

The founding faculty member assembled a small team of senior graduate students to pursue two related purposes, but only one of which was disclosed to those students. The undisclosed purpose was to provide a pathway to professional careers at a time when academic prospects for these very talented scholars were slim indeed. The purpose disclosed to them was summarized in original incorporating documents as "to make available to the public, through the community newspapers throughout the country and other publications, the results of research and study by scholars from all disciplines at the nation's universities and by other professionals, and thus to benefit both Academia and the public." The fuller explanation of that general purpose was that the institute aimed to engender in deliberations on public matters frequent and familiar resort to founding principles not as emblems of piety but as means to analyze important public questions. However, it had been designed early on to advance from that highly discrete undertaking to the broader work of forming an "institute for the study of statesmanship and political philosophy." Thus, the purpose of the institute was to "illuminate the nature of statesmanship...as revealed in the great works of political philosophy and political science and works bearing on the nature and scope of the statesman's tasks," to "promote and cultivate the arts of the statesman (public speaking, writing, debating)," and "to promote the teaching of statesmanship." The study of statesmanship pointed not toward the development

of a catechism (despite the mention of cultivating statesmanly arts) but rather toward reopening the question of the best regime.

Here we may turn usefully to Jaffa's teaching as Ellmers sees it and inquire whether it comports with what we know of that teaching. It will be no surprise that Ellmers identifies Lincoln and the Declaration as central to Jaffa's teaching. That reveals little, however, until we understand exactly what led Jaffa to Lincoln (as mentioned above) and what he discovered once he landed there. To illustrate the matter somewhat cryptically, Jaffa also landed on Churchill as a model of wise statesmanship. Nevertheless, he at no time ever suggested that Churchill was a founder. That suffices to establish that there is an additional element in the Lincoln project that points beyond statesmanship *per se*.

Ellmers fails to see this additional element because he misconstrues two familiar observations/expressions by Jaffa. The first is the concept of "metaphysical freedom," to which Ellmers adverts early and late in his book, albeit without annotation. The second is the question, "What is God?" which Ellmers adduces as Jaffa's ultimate invitation to philosophic inquiry.

I believe that Ellmers misunderstands both of these admittedly pregnant and important Jaffa locutions. To take the second first, I cannot recall a single time in the course of some twenty-five years ever hearing Jaffa pose the question "What is God?"¹ What he did do with regularity was to pose the question, *quid sit deus*? He did so deliberately, because the subjunctive mood is decisive to convey reason's terminus, the point beyond which it can end only in speculation. Ellmers seems to believe that Jaffa promised an eventual answer to that question, which he neither did nor could do inasmuch as he accepted the distinctions drawn between reason and revelation by Leo Strauss. Moreover, he had already signified as much in his earliest work, in which he cites to Aquinas in the *Summa contra Gentiles* to sustain the Aristotelian argument that reason can attain to the necessity of God (the human horizon) but not beyond. The significance of this is that it precisely explains the full meaning of Jaffa's repeated invocation of the "miracle of the common noun" in refutation of the positivist fallacy that human reason is constrained by particularity. Jaffa makes this clear in *A New Birth of Freedom*, and in a way that also clarifies any misperception of what he means by "metaphysical freedom."

¹ Cf. Jaffa's discussion of "what is" questions in "The Case against Political Theory," in *Equality and Liberty* (Oxford: Oxford University Press, 1965), 220–29, in which the question, "What is God?" is never once raised.

Since every common noun stands in the same relationship to every possible particular that it may characterize, the idea expressed by the common noun has no color, form, or size. It is perfectly immaterial, and therefore is apprehended by the mind in abstraction from all sensible qualities. *It is this freedom of the mind from matter, when it thinks the universal, that constitutes the metaphysical freedom of the mind.* The mind can think in the human sense, only because it can abstract or separate what is intelligible from what is sensible. The mind of man, when it thinks, is *emancipated from the matter about which it thinks.* It is the purely abstract character of every common noun that enables the mind to think and to convey in language what it thinks. This is the metaphysical freedom of the mind that underlies all the other freedoms that we, as the heirs of Thomas Jefferson, hold dear. . . . When the Declaration asserts that all men are created equal, it is asserting what is in one sense not merely a truth but a truism. All human beings are equally human beings, in the same sense that all dogs are equally dogs, and all chairs are equally chairs.²

We see in this formulation what might strictly be taken to be a misapplication of the term “metaphysical” by Jaffa. For the term means, if anything, after or beyond *phusis*/nature understood as the matrix of things that are in principle sensible. To be *emancipated from matter*, accordingly, is to be nowhere. Ellmers, however, seems to conceive of “metaphysical freedom” as the freedom to transcend matter. That would not be unreasonable, but as we see above, generalizing or discovering the universal in matter is not the work of transcendence; it is quintessentially rational.

Jaffa’s use of the term “metaphysical freedom” doubtless expands upon his elaborate refutation of “value free” social science, in the essay “The Case against Political Theory.”³ There he criticizes the value-free scientists’ pretense to have escaped “metaphysical” explanation. Jaffa’s argument, accordingly, is a rebuttal of the modern attempt at “metaphysical freedom” (a liberation from metaphysics) and begins by reclaiming the power of human reason itself and, importantly, within the horizon of human nature. The ability to reason from particulars to universals is everything not only for the power it reveals but also for the power it conceals. For if we follow Jaffa’s argument properly, we discover that plurality is fundamental in reasoning—the movement from particulars to universals requires plurality. Accordingly, wherever, if ever, there is singular particularity, reason reaches a limit, a horizon, beyond

² Harry V. Jaffa, *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War* (Lanham, MD: Rowman and Littlefield, 2004), 119–20 (emphasis added).

³ Jaffa, “Case against Political Theory,” 209ff.

which it can no longer advance. It can discover the existence of the singular particularity (even if only by miracle of self-disclosure), but it cannot conclude beyond the observation that it is. Metaphysical freedom, accordingly, turns human attention not away from nature but toward nature.

I have elsewhere argued that what this points to most significantly is that *Crisis of the House Divided* reveals above all the birth of freedom as a political principle itself. Jaffa's students profoundly misunderstand him if they take his teaching as an instrument of liberation (called transcendence) from the history and principles of the Constitution and the founding itself. Because he shows so clearly how the American founding stands as a concrete instance of addressing the question of the human good, the benefit we derive from his work is the discovery that the study of our constitutional past is at the same time the study of the universal claims of human nature in their truest representation. Moreover, from such principles it emerged clearly that the form or structure of government was the secondary element of republicanism. With the vision of a polity in which no adventitious titles would determine the question of ruling, republicanism had emerged as more than a device to prosecute peace between warring classes. It was a way of life in which distinctions of religious profession would lose fundamental political significance.

No human being can confidently deny that he has a superior in all or some of the qualities that constitute humanity. Nor does anyone believe that he has no inferior. But who will concede to his superior a right to govern him without his consent? And who cannot see that to deny his superior this right, he must deny the same right to himself? Here is the equality that the Declaration meant to affirm.⁴

But consider the above in light of the correlative statement in *Crisis*:

All men are created equal, because those who are really superior are *in the decisive sense* above humanity. For them to claim superior rights would be absurd, because such a claim would imply an appetite for those political goods for which they have no desire. "All men are created equal" remains *the decisive political truth*, because those who might with justice deny it have no motive to deny it, while those who do deny it can only do so because of an unjust motive.⁵

This is the claim made by Jaffa that transforms the discourse of natural rights into the reality of natural right. Note that the argument is constructed

⁴ Jaffa, *New Birth*, 300.

⁵ Harry V. Jaffa, *Crisis of the House Divided* (Chicago: University of Chicago Press, 1959), 222 (emphasis added).

without reference to Aristotle. Yet, it is clearly a step beyond Locke. This is the focal point for the numerous responses to Jaffa (many of which Ellmers adduces in the course of his analysis), whether to challenge the subsequent argument that this is consistent with Aristotle's argument for natural right (while incorporating the view that natural right is everywhere changeable) or to challenge the argument that this is in any manner independent of Locke (while insisting that Locke is incontestably non-Aristotelian). The proliferation of such analyses missed the fundamental point, which is an argument not about sources or antecedents but about the discovery of the persistence of natural right as the decisive feature of human nature. Jaffa teaches, in other words, that the distinction between ancients and moderns is fundamentally in error when conceived as requiring the conclusion that the fundamental (as opposed to contingent) conditions of human life have been altered either by history in general or the embrace of any particular theories of human nature.

Moreover, we find here no tension with the teaching of Leo Strauss, which some critics take to be a refutation of Jaffa's analysis.

Since the classics viewed moral and political matters in the light of man's perfection, they were not egalitarians. Not all men are equally equipped by nature to progress toward perfection, or not all "natures" are "good natures." While all men, i.e., all normal men, have the capacity for virtue, some need guidance by others, whereas others do not at all or to a much lesser degree. Besides, *regardless of differences of natural capacity*, not all men strive for virtue with equal earnestness. However great an influence must be ascribed to the way in which men are brought up, the difference between good and bad upbringing is *partly* due to difference between a favorable and an unfavorable natural "environment." Since men are *then* unequal in regard to human perfection, i.e., *in the decisive respect*, equal rights for all *appeared* to the classics as most unjust. They contended that some men are by nature superior to others and therefore according to natural right, the rulers of others.⁶

Now, this was all preceded by Strauss's observation that "since the ultimate end of the city is the same as that of the individual, the end of the city is peaceful activity in accordance with the dignity of man, and not war and conquest." Further, "the morality of civil society, or of the state is the same as the morality of the individual." What all of this amounts to is that there is no real difference between Jaffa and Strauss. Where Strauss points to the

⁶ Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), 134 (emphasis added).

conditions of life in the ancient city, Jaffa plainly speaks from the perspective of what “all men” share by nature and not merely as citizens. For what citizens share must be established on the grounds of what all men share, which includes the distinctions adduced by Strauss and confirmed by Jaffa.

As though by anticipation of reductionist interpretations of his argument, from the beginning Jaffa always situated the argument in the larger perspective of the process set in motion by the fall of the Roman Empire and the rise of Christianity. His work, accordingly, presented two histories, not one. The immediate historical context of the deliberations and events centered on slavery in the United States were examined in the context of the remote history of the process of desacralization that shaped political life from the empire’s fall through the Enlightenment. He punctuated that analysis with frequent reference to the religious wars in Europe, concrete events always being material to considerations of changeable natural right. The point, however, was to underscore the reason for focusing on the regime question as it was revealed in the struggle over slavery. For the regime question in that instance is what provided occasion to consider whether the consummated desacralization of modernity might not have been succeeded by a resacralization. Numerous critiques of Jaffa targeted the regime question independently of the substantial discussion of slavery as the central question informing the debate over the nature of the American regime. Their arguments were arguments of political philosophy and history (natural rights) and not arguments about natural right.

The pertinence of these observations derives from the fact that the possibility of resacralization is distinct from the concept of civil religion, which modern thought turned to on the assumption that desacralization had been consummated. Jaffa himself, contemplating the force of Lincoln’s Lyceum Address, was tempted by something approaching a notion of civil religion (“political religion”). There was nothing unusual in that, inasmuch as it was underscored by many thinkers as the natural evolution of “low but solid” politics. Not only Tocqueville conveyed such implications, but notable colleagues of Jaffa embraced it wholeheartedly, the late Martin Diamond among them. If we may say that Jaffa’s first sailing in *Crisis* was characterized by openness to the argument from “low but solid” politics, then we must say that his second sailing consisted in the discovery that civil religion and all such accommodations are contained within the realm of changeable natural right and cannot, therefore, convey the sacralizing force of what is unchanging.

Jaffa's position, anti-Marxian and founded in natural right, is incompatible with the modern scientific predisposition to view men as being nothing in particular and therefore making themselves and their "values" by the arbitrary concatenation of will and circumstance. In other words, here we behold the two sides of the bad coin to which Jaffa's teacher, Leo Strauss, feared the modern world had reduced itself. When there could emerge from liberal democracy no principled response to Marxist historicism and Communist imperialism—when the *best* defense of liberal democracy could be seen only as a reference to some form of will, present or past, majority or otherwise—it would be the head of this coin, the historicist tyranny, which would determine which will should prevail. In the 1982 preface to *Crisis* Jaffa acknowledges that Strauss's insight provided the thrust for his own discovery that political philosophy (principle over will) and political history (particularity over universality) constitute the unalloyed currency of politics.⁷

The fundamental issue raised by Jaffa's teaching is whether past events will be illuminated for us by their principal movers or subordinated to a universal causal model. The history of American slavery reveals the tensions between these alternatives.⁸ Christopher Flannery spoke eloquently about this in a letter to me in January 1979:

Public sentiment to a statesman is in part a limit. This Lincoln said well. In a democracy, a statesman can only alienate public opinion so far before he will find himself incapable of doing what he wants done. It is a limit, that is, until he is willing to alter the form of government into something less dependent on public sentiment than a *demokratia*.... I quite agree with you that a statesman might sacrifice political success—or popularity—when seeing that approval of public sentiment entailed an injustice....

⁷ Whether any man ought hold property in another can never be answered once and for all—though a single answer be eternally valid—but must ever be answered anew. Slavery as a system can profitably be discussed only in light of the discovery of natural rights. The natural rights which can distinguish men that have known them from men who know them not do not, however, necessarily rule human affairs. Natural rights can be not so much lost as no longer referred to; thus, it seems that the moral judgment must consist as much in moralizing as it understandably consists in a life in accord with those principles than which none higher are possible. Lincoln's vexatious (to his contemporaries) and apparently, but only apparently, anachronistic insistence on the Missouri Compromise as authoritative, even after its repeal, and his relentless quest to embarrass Senator Douglas on the question whether, admitting the fact of slavery, the principle be acceptable, is the guiding example of that kind of moralizing, as, also, is *Uncle Tom's Cabin*. Not historical forces but political action killed American slavery.

⁸ Cf. Bertram Wyatt-Brown, review of *The Problem of Slavery in the Age of Revolution, 1770–1823* by David Brion Davis, *Journal of American History* 62 (Dec. 1975): 675.

It is in part the substance of his work. It is his great duty to shape it for its own good. If he fails at that he has failed mightily. He must attempt to persuade public sentiment of the rightness of those measures that he thinks right....

Whether trying to change public sentiment or merely trying to win its reasoned approval, it behooves a statesman to know, in a democracy, what moves public sentiment, what manner of speech, what association of ideas, what attitude, what appearance pleases, angers, engages, uplifts, calms down the public. That man who endeavors to do some public good without the practical knowledge of such things is likely as not to do some public harm.

What Flannery here called practical knowledge was nothing less than what Aristotle called practical wisdom, and what Jaffa understood and taught was to be understood in light of knowledge even when held only upon a "supposition." How can the articulations of political opinion, taking these objective truths into account, be explained on their own and judged against true standards of political wisdom? Does it not beg the question to oppose to errant opinion true opinion? But it is Jaffa's intention to demonstrate not that Lincoln opposed true opinion *to* errant opinion. Rather, Lincoln opposed errant opinion *on the basis of* true opinion.⁹ Lincoln's eristics eventuated in a political act, an act of statesmanship. In this sense, successful compassing of the tragic action and the establishment of true opinion seem identical.

Now, what is critical in this is to understand the ground on which common opinion stands. The idea that true inquiry originates in investigating common opinion informed Socrates and his students. Aristotle, in particular, made it central to reasoning in ethics and politics. We must not neglect, however, what Jaffa well knew, namely, that this inquiry reveals not only the limits of common opinion but also what lies beyond common opinion. The purpose of the investigation, accordingly, is not political, however much it entails taking politics seriously. In this light, Aristotle's definition of man as a "political animal" instead of as a "rational animal" points necessarily to the distinction between the end of politics and the end of reason. The end of politics is natural right, while the end of reason is knowledge. What is material on this occasion is the observation that the process necessary to advance toward natural right (the discipline of ethics and political participation) is at

⁹ Readers who will consult Jaffa's later work, *How to Think about the American Revolution* and, latterly, "The Doughface Dilemma," will see in his own refutations of Martin Diamond, Irving Kristol, Walter Berns, Robert Goldwin, Arthur Schlesinger Jr., et al. that Jaffa carries on in his own name the very confutations he discovered in the prudence of Lincoln.

the same time the required initiation to advance to philosophy. What distinguishes the two is that the discipline of ethics and political participation reaches a terminus, a beyond which it cannot advance, which is at the same time a point of departure for philosophic inquiry.

As Aristotle evinces in the *Ethics*, virtue is a matter of individual choice, right choice is rooted in habituation, and the focus or subject of choice more often than not is the passions or appetites. Abandoning men to govern themselves by their passions means quite literally to offer no guidance as to the right choice and no initiation into philosophic inquiry. Providing guidance for right choice requires a concern to preserve right conditions and to inculcate habits for judging pleasures and pains by something other than passions or appetites.

This explains why the process of resacralization became necessary. For the process of desacralization had foreshortened men's horizon shy of its natural limit. The rediscovery of natural right not only reestablishes the rightful consideration of the best practicable regime (which becomes the best regime simply insofar as attaining the verge of the human horizon), it also secures the pathway to reflection beyond the human horizon.

The "people" is no longer conceived in the Gettysburg Address, as it is in the Declaration of Independence, as a contractual union of individuals existing in a present; it is as well a union with ancestors and with posterity; it is organic and sacramental. For the central metaphor of the Gettysburg Address is that of birth and rebirth. And to be born again...connoted the birth of the spirit as distinct from the flesh; it meant the birth resulting from the baptism or conversion of the soul. This new birth is not, as we have said, mere renewal of life but the origin of a higher life.¹⁰

The place occupied by the sacred is precisely that realm beyond, and without which neither politics nor philosophy can be grounded. The human horizon, in other words, is not an impenetrable wall but a bridge. Aristotle suggests as much by terminating his ethical and political inquiry with the best practicable regime. A fuller argument would unfold what I term the "*Crito* joke." Here I wish to rest on the proposition that Aristotle takes for granted the premises he relies upon in his ethical and political writings (soul and nature), but that he derives those premises in his *Physics* and *Metaphysics*.

¹⁰ Jaffa, *Crisis*, 228.

It is tale too long to tell how Jaffa came to understand that the subject of his teaching was the best regime. The process occurred over time and was the fruit of continuous dialogue and reflection. That the process took place Jaffa acknowledged in the final seminar mentioned above. While no one succeeded in extracting from him the concession that he had changed between *Crisis* and *New Birth*, he tellingly persisted in responding to the inquiry by repeating the line from Washington's First Inaugural to the effect that "there exist in the economy and course of nature an indissoluble union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity." He had introduced it early in *New Birth* (11) and it became a mantra to indicate that he had centered natural right in the founding itself, thus securing the title of perpetuator for Lincoln. Invoking Washington in this fashion invoked Washington in the larger sense as founding statesman. Some of Jaffa's interlocutors questioned the implied conclusion, on the ground that the inaugural text was Madison's work and wholly congruent with the thought of Locke. Leaving aside the latter claim (as unfounded), it is worth observing that there exists abundant evidence that this was Washington's independent of Madison; that Washington's recruiting of Madison to draft the inaugural was accomplished with specific direction from Washington (including handing him the already existing draft inaugural with which Washington was unsatisfied). Although it was composed by David Humphries almost wholly from a collation of Washington's previous remarks, it was entirely in Washington's own hand and contained sufficient suggestion of the quoted text. Moreover, our familiarity with Washington's methods assures us that what was produced accorded with what Washington wished to say.

The momentous fact, therefore, is that Jaffa discovered Washington as a direct consequence of the effect of his teaching through Lincoln about how to read historical deliberations and events. By this I mean that, whereas Jaffa had consistently regarded Washington's presence in the founding as mainly symbolic, he came eventually to understand Washington as instrumental to the founding. Jaffa never mastered Washington as he did Lincoln, but he acknowledged in this manner that discoveries spawned by his influence answered to his own search—namely, they provided ground to declare natural right in the founding itself as a persistent feature of politics.

Since Jaffa had already made this argument through his interpretation of the Declaration of Independence (on Lincoln's authority), what was added formed little more than a codicil, but with the decisive difference that it

undermined the argument for a founding based on “low but solid” politics. That was the one thing needful properly to restore an understanding of the persistence of natural right. Lincoln rooted the concept of self-government in the meaning of that “abstract truth,” “all men are created equal.” His discovery that the full theoretical or moral implications of that view had been insufficiently affirmed constituted a political truth. In his 1838 Address to the Young Men’s Lyceum of Springfield, Illinois, he maintained that the “true test” of the capacity of a people for self-government had not yet occurred. Jaffa does not fail to show that this startling conclusion seems to contradict Lincoln’s deepest convictions and the conventional view of the heroism of the Revolution. But that conventional view is undisturbed at the surface of the Lyceum address, which is on “The Perpetuation of Our Political Institutions,” and this troubling theory emerges only from careful analysis.¹¹ What is troubling in the theory is the implication it raises about the status of the regime in 1838.

The government of men may be based on force or fraud, in which case it is illegitimate, or it may be based upon consent. Such is assuredly the irreducible meaning of the Declaration of Independence.¹²

The political truth which had been discerned by Lincoln would constitute as much a declaration of independence from the practice of the founders as did the original from British loyalty. For unless the Framers’ argument to construct a regime by “reflection and choice” were construed to concur with the “irreducible meaning” of the Declaration, the founding would not measure up to the standard of natural right.

In a sense, Jaffa’s account of Lincoln’s understanding of political prudence establishes that what happened to American slavery—that is, to the principle of slavery—is that it was submitted to a strict accounting of the requirements of human nature. Modern politics, too, could reveal those distinctions in nature which ennoble human existence. Human appetites or preferences come to be recognized as legitimate or based on consent only as they follow from acceptance of an equality of rights. All other signs of distinction are confounded. While there will ever remain humans who are older, wiser, more pious, wealthier, lovelier, friendlier, stronger, and bolder, and such other claims as men may admit, none of these convey title to rule, as they did theretofore. All have been subordinated to the decisive nod of

¹¹ *Ibid.*, 209.

¹² *Ibid.*, 211.

consent. Yet, so long as men may distinguish themselves by that whereto they give consent—however they are brought to do so—no one may say that humanity has been leveled.

The Declaration of Independence thus not only expresses the central truth upon which free government is based but undermines the possibility of reverence which alone can stabilize government founded upon that truth.¹³

The particularly limiting aspect of the Declaration is its tendency to promote a worldly circumspection about the relationship of government to private ends, a willingness to judge government by “what it’s done for me lately,” rather than the permanent things.

Thus, the Declaration is a problematic foundation of a civilization as distinct from a regime, *until* it has been made venerable. The historical tragedy arises precisely from the necessity of a process of sanctification. Human effort cannot sanctify (the inner logic of the Holy of Holies) but requires sanctification. So far as I know, Jaffa never compares this republic to Athens or Rome, as he compares it frequently to Israel. This striking contrast with the habits of the thinkers of the founding generation suggests a defect, as Jaffa conceives it, of the founding (namely, the *novus ordo seclorum* is rather more secular than consistent with human things). Lincoln, as we have seen, welded the abstract truth of the Declaration into a practical account of human life. In order to do so he had to expand its content. The present-oriented “contractual union of individuals” became a historical entity: “a union with ancestors and posterity; it is organic and sacramental.” The American regime—like the divine regime of Israel—established a mission which its people failed to follow because of a want of “practical influence” upon their conduct.¹⁴

Slavery had to be publicly acknowledged as an exception not only to equality but to the consent of the governed. The failure to do so was seen as a threat to fundamental law and hence a threat to free men. Stated slightly differently, Lincoln insisted that free men be understood as free in relation to their rights as men and not by virtue of their accidental juxtaposition with slaves. This perspective required that no consequence of slavery be considered inevitable, for any accommodations to be made had to be made with the principles of the regime and not with nature.¹⁵

¹³ Ibid., 231.

¹⁴ Ibid., 228, 230.

¹⁵ Ibid., 299.

It made all the difference in the world whether the anti-slavery migrants to Kansas were men who merely thought slavery unprofitable or men who thought slavery a profound moral and political evil.¹⁶

That Lincoln, on the strength of America's universal principles, could make good on the original, moral claim to a particular manifestation of those principles—that is, insofar as Lincoln's victory finally established the moral right to instantiate those universal principles in a particular, exclusive regime, provided for a liberty founded in political right and capable of informing contemporary political judgments. Accordingly, *A New Birth of Freedom* sets forth the case for our consulting the Constitution or regime in order justly to press demands for liberty and equality.

Ellmers derives from this the conclusion that “Jaffa most fundamentally reminds us about the relationship between theory and practice, or between philosophy and politics” because “thought precedes action.” Although he adds a problematic footnote reminder that action is for the sake of thought, he seems in this to identify Jaffa's teaching primarily as architecture for navigating the transit from theory to practice and not the reverse. I hope to have shown above the error of that conclusion. Beyond the obvious pertinence of the opening sentence of the *Nicomachean Ethics*, we can reasonably repeat that the verge at the human horizon is as far as politics shall go, while philosophic inquiry will yet peer across the bridge. Reason and revelation must be understood not as alternatives but as indeterminate characterizations of the single particularity that lies beyond nature.

¹⁶ Ibid., 299–300.

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