

THE POLITICAL THOUGHT OF WILLMORE KENDALL

John Locke and the Doctrine of Majority-Rule, (Urbana: University of Illinois Press, 1941). There is also a 1965 edition.

Democracy and the American Party System, with Austin Ranney, (New York: Harcourt, Brace, and Company, 1956).

The Conservative Affirmation, (Chicago: Henry Regnery, 1963).

Liberalism Versus Conservatism, edited with George W. Carey, (Princeton: D. Van Nostrand Company, 1966).

The Basic Symbols of the American Political Tradition, with George W. Carey, (Baton Rouge: Louisiana State University Press, 1970).

Willmore Kendall Contra Mundum, edited by Nellie D. Kendall, (New Rochelle: Arlington House, 1971).

By any reasonable standard of measurement, Willmore Kendall would have to be included in a list of the most important political scientists of the post-World War II era. Moreover, as regards the American political tradition, it is easily argued that Kendall is the most original, innovative, and challenging interpreter of any period. I believe these conclusions can be substantiated in this study.

Born in Oklahoma in 1909, Kendall received his undergraduate degree from the University of Oklahoma, and his graduate degrees from Northwestern University, Oxford University, which he attended as a Rhodes Scholar, and the University of Illinois, where he earned his doctorate. Kendall taught at various universities, including fourteen years at Yale. At the time of his death in 1967, he was Chairman of the Department of Politics and Economics at the University of Dallas.

I

With his penchant for dealing with political basics and fundamentals, coupled with his keen interest in the American experience, it is not surprising that Willmore Kendall was drawn to a study of John Locke. In terms of political ideas, invariably John Locke is considered the central figure of the American political tradition. Indeed, when speaking of the American experience often we speak of the "Lockean tradition" or the "Lockean heritage,"

and every schoolboy knows (or is supposed to know) that Thomas Jefferson, the patron saint of American democracy, borrowed extravagantly from Locke in drafting the Declaration of Independence, which is considered by conventional wisdom as the most authoritative and eloquent statement of the theoretical foundations of the American tradition.

Wilmoore Kendall's best known work is his classic *John Locke and the Doctrine of Majority-Rule*. In the world of political philosophy, Kendall was the inveterate dissenter from "accepted interpretations," and this book is a part of that legacy. Kendall contended that the conventional interpretation of Locke, depicting him as an exponent of individualism and natural rights which transcended majority sentiments, was in error. Why had conventional scholarship on Locke been in error? According to Kendall, it was "an illustration of what happens when scholars abdicate responsibility for reading the books they criticize." To put it otherwise (to use one of Kendall's favorite phrases): "[T]he thesis of the present study is precisely that Locke did not say the things he is supposed to have said... ;"²

In the tradition of Leo Strauss, Kendall insisted on reading the original materials and in the "universal confrontation of the text." In Kendall's words, this approach "demands, in principle at least, that we accept no sentence or paragraph from the *Second Treatise* as Locke's 'teaching' without first laying it beside every other sentence in the treatise, and attempt to face any problem, regarding the interpretation of that sentence or paragraph, posed by the presence within the text of those other sentences."³ Kendall contended that conventional Lockean interpreters had operated upon the invalid assumption that the *Second Treatise* "will yield up its meaning to a hasty reader," whereas in fact he insisted the *Second Treatise* was "a book that wants months and months, or even years and years, of poring over."⁴ After close textual analysis of this classic, Kendall challenged the conventional interpretation of Locke. Rather than a thinker wedded to notions of transcendent abstract natural rights and discrete individualism, Kendall found an expo-

¹ Wilmoore Kendall, *John Locke and the Doctrine of Majority-Rule* (Urbana: University of Illinois Press, 1965), p. 132. The first edition of this work was published by the University of Illinois Press in 1941. All citations in this article refer to the 1965 edition.

² *Ibid.*, p. 58.

³ Nellie D. Kendall, ed., *Wilmoore Kendall Contra Mundum* (New Rochelle, N. Y.: Arlington House, 1971), pp. 422-423.

⁴ *Ibid.*, p. 423.

ment of absolute majoritarianism, who contended that the individual had only those rights which society through the political majority wished to bestow upon him. The nature and form of those rights will depend upon social needs *as defined by society*. Thus individual rights are functional and changeable, not abstract and absolute.

Kendall argued that Locke's state of nature was expository, not historical.' He expressly accepted G. E. G. Catlin's observation that:

It is irrelevant to enter into a full discussion of how far the theorists of social contract ever thought of the contract as having taken place at any historical epoch. A study of these writers would seem to lead to the conclusion that . . . they were never guilty of this *naivete*.⁶

Kendall wrote, "[F]or Locke the law of nature and the law of reason are the same thing," and he noted Locke's statement that "no *rational* creature can be supposed to change his condition with an intention to be worse"; therefore, Kendall concluded, "The [Lockean] law of nature is, in short, a law which commands its subjects to look well to their own interests."⁷ With Kendall's Locke, in pursuing its perceived interests through reason, society will define the rights, duties, and obligations of the individual. In this regard, society is antecedent to and controlling over any claimed inalienable or abstract rights of the individual. Kendall found the following representative quotations from the *Second Treatise* unequivocal and controlling on this point:

[The individual] gives up to be regulated by laws made by the society, so far forth as the preservation of himself and the rest of that society shall require; which laws of the society in many things confine the liberty he had by the law of nature.

[T]here and there only is political society where every one of the members has quitted his natural power, resigned it up into the hands of the community in all cases. . . .

Whenever, therefore, any number of men are so united into one society as to quit every one his executive power of the law of nature and to resign it to the public, there and there only is a politi-

⁶ Willmoore Kendall, *John Locke and the Doctrine of Majority-Rule*, p. 75.

⁵ *Ibid.* For some evidence refuting Catlin's contention, see John Locke, *Second Treatise*, secs. 103, 104, 106, 112.

⁷ Willmoore Kendall, *John Locke and the Doctrine of Majority-Rule*, p. 77. For evidence supporting Kendall's conclusion that Locke's law of nature and the law of reason are identical, see Locke, *op. cit.*, secs. 12, 19, 136.

cal or civil society.. . [Anyone a member of a society] . . . authorizes the society or, which is all one, the legislative thereof to make laws for him as the public good of the society shall require, to the execution whereof his own assistance, as to his own decrees, is due.

[E]very man, when he at first incorporates himself into any commonwealth, he, by his uniting himself thereunto, annexes also, and submits to the community, those possessions which he has or shall acquire that do not already belong to any other government... .

[B]eing now in a new state, wherein he is to enjoy many conveniences from the labor, assistance, and society of others in the same community as well as protection from its whole strength, he is to part also with as much of natural liberty . . . as the good, prosperity, and safety of the society shall require, which is not only necessary, but just, since the other members of the society do the like.

[M]en give up all their natural power to the society which they enter into... .

Men, therefore, in society having property, they have such right to the goods which by the law of the community are theirs... .

To conclude, the power that every individual gave the society when he entered into it can never revert to the individuals again as long as the society lasts, but will always remain in the community, because without this there can be no community, no commonwealth..

Kendall's Locke not only rejected any notion that individuals have rights superior to society's demands, but in addition, Kendall found Locke had embraced majoritarianism as the means by which society should order and express its interests and desires. Kendall found the following statements from the *Second Treatise* clear and unmistakable:

When any number of men have so consented to make one community or government, they are thereby presently incorporated and make one body politic *wherein the majority have a right to act and conclude the rest.*

For when any number of men have, by the consent of every individual, made a community, they have thereby made that community one body, with a power to act as one body, *which is only by the will and determination of the majority . . .* and it being necessary to that which is one body to move one way, it is necessary the body should move that way whither the greater force carries it, which is *the consent of the majority*, or else it is impossible it should act or continue one body, one community, which

⁸ Locke, *op. cit.*, secs. 129, 87, 89, 120, 130, 136, 138, 243.

the consent of every individual that united into it agreed that it should; and so *every one is bound by that consent to be concluded by the majority*. And therefore we see that in assemblies impowered to act by positive laws, where no number is set by that positive law which impowers them, *the act of the majority passes for the act of the whole* and, of course, determines, as having by the law of nature and reason the power of the whole.

And thus every man, by consenting with others to make one body politic under one government, puts himself under an obligation to everyone of that society *to submit to the determination of the majority and to be concluded by it*; or else his original compact, whereby he with others incorporates into one society, would signify nothing, and be no compact, if he be left free and under no other ties than he was *in* before in the state of nature.

Whosoever, therefore, out of a state of nature unite into a community must be understood to give up all the power necessary to the ends for which they unite into society to *the majority of the community*....

The majority having, as has been shown, upon men's first uniting into society, *the whole power of the community naturally in them, may employ all that power in making laws for the community* from time to time, and executing those laws by officers of their own appointing: and then the form of government is a perfect democracy. . . .⁹

In sum, Kendall's Locke turned out to be the majority-rule democrat, and the majority had *unlimited* political power. Although not obligated under any notions of inalienable individual rights, is there any guarantee that Locke's majority will be respectful in some form of the individual integrity of the person? In the final chapter of *John Locke and the Doctrine of Majority-Rule*, Kendall discussed Locke's "latent premise," by which Kendall meant that with effort one can tease out of the *Second Treatise* some evidence of limits upon majoritarian action; however, Kendall cautioned that Locke never fully developed the point, and he called Locke's failure to deal in depth with this central issue the "capital weakness" of the *Second Treatise*.¹⁰

Throughout the *Second Treatise*, Locke offered such limitations on governmental actions as "reason and common equity," "the public good," and the avoidance of "absolute arbitrary power" or "tyranny."¹¹ Similarly, Locke concluded, "It [the legislative] is a power that has no other end but preservation, and

⁹ *Ibid.*, secs. 95, 96, 97, 99, 132. Italics added.

¹⁰ Willmoore Kendall, *John Locke and the Doctrine of Majority-Rule*, p. 135.

¹¹ Locke, *op. cit.*, secs. 8, 135, 171, 199.

therefore can never have a right to destroy, enslave, or designedly to impoverish the subjects."¹² However, in these cases it is essential to understand that Locke was referring to limitations placed upon *governmental* institutions, such as the legislature or the executive, and not upon "the people." In the *Second Treatise*, "the people" as a whole is the ultimate and "supreme power," and *everything* else is subordinate.¹³ In Locke's words, "Who shall be judge whether the prince or legislative act contrary to their trust. . . . To this I reply: The people shall be judge. . . ."¹⁴ Lest there be any lingering doubt, Locke put the matter unequivocally in the final sentence of the *Second Treatise*:

But if they have set limits to the duration of their legislative and made this supreme power in any person or assembly only temporary, or else when by the miscarriages of those in authority it is forfeited, upon the forfeiture, or at the determination of the time set, it reverts to the society, and *the people* have a right to act as *supreme* and continue the legislative in themselves, or erect a new form, or under the old form place it in new hands, *as they think good*.¹⁵

Furthermore, on the ultimate matter of revolution, in Locke of the *Second Treatise*, it was not individuals flaunting abstract rights who were granted the right of revolting. In Locke's words, "But if a long train of abuses, prevarications, and artifices, all tending the same way, make the design visible to *the people*, and *they* cannot but feel what *they* lie under and see whither *they* are going, it is not to be wondered that *they* should then rouse themselves and endeavor to put the rule into such hands which may secure to *them* the ends for which government was at first erected.

"¹⁶ How do "the people" express their preferences in the matter? We are back to majoritarianism, for Locke wrote, "Nor let anyone think this lays a perpetual foundation for disorder; for this operates not till the inconvenience is so great that *the majority feel it* and are weary of it and find a necessity to have it amended."¹⁷

It was Kendall's contention in his discussion of the "latent premise" that having placed ultimate power in the majority will of the people, Locke did not give any explicit guidelines as to what

¹² *Ibid.*, sec. 135.

¹³ *Ibid.*, Chapter XI II.

¹⁴ *Ibid.*, sec. 240.

¹⁵ *Ibid.*, sec. 243. Italics added.

¹⁶ *Ibid.*, sec. 225. Italics added.

¹⁷ *Ibid.*, sec. 168. Italics added.

shall limit the majority in exercising its power. That is, individuals and governmental institutions are limited, but what prevents the majority with unlimited power from trampling on the rights of individuals or minorities? In the *Second Treatise* there are no express limitations, according to Kendall, there is only the "latent premise" that the majority is "rational and just."¹⁸

Kendall published no article on Locke between 1941, the publication date of *John Locke and the Doctrine of Majority-Rule*, and 1966 when his article, "John Locke Revisited," appeared in *The Intercollegiate Review*.¹⁹ In this article, which is among the most intensely reasoned and ; intellectually challenging he has written, Kendall re-evaluated his positions on Locke. Kendall adhered to the basic thesis of his earlier work that Locke is not the abstract natural rights theorist of conventional wisdom, but rather is a "majority-rule authoritarian." In Kendall's words, "I find in Locke . . . no limit on the power of the majority to set up any form of government that meets its fancy, and thereby to withdraw any and every supposed individual right."²⁰ Hence, on this crucial point the Kendall of 1966 stands firmly with the Kendall of 1941.

Regarding the problem of "the latent premise," Kendall reversed his position on this matter, and admitted his "embarrassment" at having proposed this premise in his earlier work.²¹ Kendall rejected the "latent-premise" argument that the majority can be counted on to respect individual natural rights and absolute standards of morality because it is "rational and just." He contended that the "latent premise" is simply not in the *Second Treatise*, and "is produced Out of thin air, and *attributed* to Locke in a fashion that can only be called wholly gratuitous."²² In his analysis of the text, the Kendall of 1966 refused to *read into* the text something that is not there solely for the purpose of giving a "sympathetic" treatment to an author in trouble. Thus by dropping the "latent-premise" contention of natural political virtue in the majority, the Kendall of 1966 sealed permanently Locke's fate as a majority-rule authoritarian, who placed no restrictions on majority will.

Moreover, the Kendall of 1966 went beyond the Kendall of 1941 and expressly put Locke in the camp of the enemies of the great

¹⁸ Willmoore Kendall, *John Locke and the Doctrine of Majority-Rule*, p. 134.

¹⁹ Nellie D. Kendall, ed., op. cit., pp. 418-448.

²⁰ *Ibid.*, p. 430, n. 19.

²¹ *Ibid.*, p. 426, n. 12.

²² *Ibid.*, p. 446.

tradition of politics-in the camp of Machiavelli and Hobbes.²³ Kendall concluded that Locke is a progenitor of modern ideology and is not of the enduring tradition of political philosophy. This results from Locke's basic premise in the *Second Treatise* that man "is willing to join in society with others who are already united, or have a mind to unite, for the mutual preservation of their lives, liberties, and estates, which I call by the general name 'property.' The great and chief end, therefore, of men's uniting into commonwealths and putting themselves under government is the preservation of their property."²⁴ It is the "right of self-preservation" then that is at the center of Lockean thought. With this "right of self-preservation" being the first principle of Locke's political science, it naturally follows, argued Kendall, that consent alone becomes the basis of governmental legitimacy. That is, man owes no binding *obligation* or *duty* to anyone or anything, for the *right* of self-preservation is the center and measure of all things political, and society will express and advance this right collectively through unlimited majoritarianism. Kendall contended that this Lockean philosophy contributed to the birth of modern ideology, and the death of the normative tradition of political philosophy, which had made rights correlative to duties. Modern ideology knows nothing of duties, morality, ethics, and obligations; it knows only of the "right of self-preservation," and thereby it is at odds with the biblical and great traditions in political philosophy.²⁵ This was Kendall's final analysis of Locke; he died a year after this important article, "John Locke Revisited," was published.

John Locke and the Doctrine of Majority-Rule is generally considered a classic in the literature on Locke. It is invariably cited in any discussion on Locke, and in any bibliography relating to him. Kendall's view of Locke as absolute majoritarian was unique and clearly at odds with conventional interpretations which pictured Locke as master exponent of the inalienable natural rights of the individual. Kendall's thesis, although always cited, is generally ignored by writers on political thought. Typical are the well-known texts of George Sabine and William Ebenstein. Sabine wrote, "Locke set up a body of innate, indefeasible, individual rights which limit the competence of the community and stand as bars to prevent interference with the liberty and property of private

²³ *Ibid.*, pp. 433, 439.

²⁴ Locke, *op. cit.*, secs. 123, 124.

²⁵ On this point, Kendall is agreeing with Leo Strauss. See Nellie D. Kendall, ed., *op. cit.*, pp. 433, 439.

persons," and he concluded, "The foundation of the whole [Lockean] system was represented as being the individual and his rights, especially that of property. On the whole this must be regarded as the most significant phase of his political theory, which made it primarily a defense of individual liberty against political oppression."²⁶ Similarly, Ebenstein stated, "The text of the Declaration [of Independence] is pure Locke, and the main elements of the American constitutional system—limited government, inalienable individual rights, inviolability of property—are all directly traceable to Locke."²⁷

Sabine and Ebenstein cited Kendall in their bibliographies; however, and this is the crucial point, they did not accept or refute Kendall—they simply ignored him. In view of the fact that everyone concedes that *John Locke and the Doctrine of Majority-Rule* is a classic among works on Locke, this is a troublesome point for students of political philosophy, and it deeply concerned Kendall. In his 1966 article on Locke he wrote, "Judging from . . . the 'mainstream' of political theory scholarship, Kendall's 1941 Locke [has not] had any perceptible impact on the mine-run political theory scholars. The latter's general practice would seem to be either first, to ignore [Kendall's Locke] altogether, or second, to mention [him] *en passant*, . . . but never, third, to enter into public debate with [him]."²⁸ Kendall observed, "I conclude that the political theory profession is suffering from a mortal sickness."²⁹

Kendall has a valid point. It is difficult to explain why an admittedly classic and seminal work would be cited but ignored in terms of the substantive ideas it offered. To accept or refute would be permissible courses of action, but to ignore is mystifying. Kendall was not protesting an imagined slight upon himself; rather, he was questioning why a glacial freeze should make the profession of political theory impervious to serious innovation.³⁰ Kendall was warning us that the study of political philosophy may have succumbed to ideology, and that the inertia of ideology had left us only with ancient symbols which we are expected to accept

²⁶ George Sabine, *A History of Political Theory*, 3rd ed. (New York: Holt, Rinehart and Winston, Inc., 1961), pp. 529, 538.

²⁷ William Ebenstein, *Great Political Thinkers: Plato to the Present*, 4th ed. (New York: Holt, Rinehart and Winston, Inc., 1969), p. 400.

²⁸ Nellie D. Kendall, ed. *op. cit.*, p. 447.

²⁹ *Ibid.*, p. 448.

³⁰ Kendall criticized political theorists for ignoring Leo Strauss's *Thoughts on Machiavelli* (Glencoe, Ill.: Free Press, 1958), and Harry V. Jaffa's *The Crisis of the House Divided* (New York: Doubleday and Co., 1959). See *Ibid.*

without challenge. In particular, Locke is the ideological symbol of individualism and abstract natural rights, and the raising of points to the contrary is declared out of order.

As to the validity of Kendall's thesis, it does challenge anyone to read with care the *Second Treatise* and conclude that it stands as the supreme call for individualism and abstract natural rights. This author agrees with Kendall that it simply will not yield up that conclusion. At most, the *Second Treatise* presents a mixed picture of individualism and majoritarianism, but to find natural-rights individualism as anterior and transcending society, government, and the majority will is to base conclusions on ideological assumption and not on careful textual analysis.

II

The related problems of "the public orthodoxy" and "the open society" were major concerns of Kendall throughout his professional career. In his reappraisal of John Locke in 1941, Kendall's Locke emerged as an exponent of the public orthodoxy as expressed through the majority. As Kendall sees it, in Lockean thought, "In consenting to be a member of a commonwealth, therefore, he [the individual] consents beforehand to the acceptance of obligations which he does not approve, and it is right that he should do so because such an obligation is *implicit in the nature of community life*."³¹ Throughout *John Locke and the Doctrine of Majority-Rule*, the reader can discern Kendall's deep skepticism about constructing an on-going political system on the foundations of abstract-natural-rights individualism; that to attempt to do so would be unnatural, and contrary to the realities of human nature and the human condition.

In Kendall's political science, the public orthodoxy is a "way of life," and is identical to the Greek *politeia*, which refers to "the 'character' or tone of a community."³² More particularly, the public orthodoxy is:

[T]hat matrix of convictions, usually enshrined in custom and "folkways," often articulated formally and solemnly in charter

Willmoore Kendall; *John Locke and the Doctrine of Majority-Rule*, p. 118. Italics added. For the earliest expression of Kendall's interest in the public orthodoxy, see Nellie D. Kendall, ed., op. cit., pp. 103-117.

³² Frederick D. Wilhelmsen and Willmoore Kendall, "Cicero and The Politics of The Public Orthodoxy," *The Intercollegiate Review*, Vol. 5, No. 2 (Winter, 1968-69), p. 85.

and constitution, occasionally summed up in the creed of a church or the testament of a philosopher, that makes a society The Thing it is and that divides it from other societies as, in human thought, one thing is divided always from another.

That is why we may (and do) speak intelligibly of a Greek, a Roman, or an American "way of life."³³

From Kendall's perspective, "the existence of the *politeia* [i.e., the public orthodoxy] is the unquestioned point of departure for political philosophy," for it is the primordial fact of social and political existence.³⁴ The public orthodoxy is antecedent to all other political matters:

Not only can society not avoid having a public orthodoxy; even when it rejects an old orthodoxy in the name of "enlightenment," "progress," "the pluralist society," "the open society," and the like, it invents, however subtly, a new orthodoxy with which to replace the old one. As Aristotle is always at hand to remind us, only gods and beasts can live alone—man, by nature, is a political animal—whose very political life demands a *politeia* that involves an at least implicit code of manners and a tacit agreement on the meaning of man within the total economy of existence. Without this political orthodoxy . . . the state withers; contracts lose their efficacy; the moral bond between citizens is loosened; the State opens itself to enemies from abroad; and the *politeia*³⁵ sheds the sacral character without which it cannot long endure.

As the state is founded upon the public orthodoxy, if the orthodoxy decays and distintegrates, the state itself will inevitably falter. It is an unyielding reality: The good order and health of the political state are dependent upon the vitality and character of the public orthodoxy. In Kendall's political theory, not only is the public orthodoxy inescapably rooted in the order of being, but it is a positive good, for without it there is no society, no state, and civilized man, as we have traditionally known him, is destroyed.

Kendall was strongly at odds with the dogmatic proponents of the "open society," who seemed to be contending that all public orthodoxies are evil—except, of course, the public orthodoxy that there are no public orthodoxies. One of Kendall's principal *bete noires* was John Stuart Mill, who was, as Kendall saw it, leading the attack of the open-society proponents upon the concept of the

³³ *Ibid.*, pp. 85-86.

³⁴ *Ibid.*, p. 86.

³⁵ *Ibid.*, p. 88.

public orthodoxy.³⁶ In his textual analysis of *On Liberty*, Kendall concluded that Mill was in fact an absolutist on the matter of freedom of expression. It is true that Mill made certain concessions on such matters as libel and slander, situations where children were involved, and incitement to crime; however, once these peripheral matters were conceded, Mill assumed an absolutist and dogmatic posture on the question of freedom of expression. Kendall considered the following representative quotations from *On Liberty* as dispelling any possible doubt on the matter:

Protection, therefore, against the tyranny of the magistrate is not enough; there needs protection also against the tyranny of the prevailing opinion and feeling, against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them. [In short, the prevailing public orthodoxy is by definition "tyranny" and must be displaced.]

This, then, is the appropriate region of human liberty. It comprises, first, the inward domain of consciousness, demanding liberty of conscience 'in the *most comprehensive sense*, liberty of thought and feeling, *absolute freedom of opinion* and sentiment on *all subjects*, practical or speculative, scientific, moral, or theological. . . . No society . . . is completely free in which [these liberties] do not exist *absolute* and *unqualified*.

[T]here ought to exist the *fullest liberty* of professing and discussing, as a matter of ethical conviction, *any doctrine, however immoral it may be* considered.

If the teachers of mankind are to be cognizant of all that they ought to know, *everything* must be free to be written and published *without restraint*.

[H]uman beings should be free to form opinions and to express their opinions *without reserve*.³⁷

Mill was unequivocal that his call for "absolute freedom of opinion" included freedom of thought, speaking, and writing.³⁸ Moreover, in his blistering attack upon the public orthodoxy, Mill argued that the existence of any orthodoxy impaired human happiness and impeded progress: "Where not the person's own charac-

³⁶ Kendall's classic work on this matter is "The 'Open Society' and Its Fallacies," *American Political Science Review*, Vol. LIV (1960), pp. 972-979. (It is Kendall's position that a careful reading of John Milton's *Areopagitica* reveals a Milton *not* in support of the unlimited open society. See Nellie D. Kendall, ed., *op. cit.*, pp. 168-201.)

³⁷ John S. Mill, *On Liberty*, ed. Currin V. Shields (Indianapolis: The Bobbs-Merrill Company, Inc., 1956), pp. 7, 16, 20, 47, 67. Italics added.

³⁸ *Ibid.*, p. 18.

ter but the traditions or customs of other people are the rule of conduct, there is wanting one of the principal ingredients of human happiness, and quite the chief ingredient of individual and social progress."³⁹ Finally, Mill lamented, "In politics it is almost a triviality to say that public opinion now rules the world."⁴⁰ It was Mill's unrelenting disdain for the public orthodoxy or, as he called it, "the despotism of custom" that led him to make his best-known remark: "If all mankind were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he₃₇, if he had the power, would be justified in silencing all mankind."

Kendall rejected categorically Mill's absolutist position *on* the "open society," and he repudiated its theoretical underpinnings:

Not only had *no* one ever before taught his doctrine concerning freedom of speech. No one had ever taught a doctrine even remotely like his. *No* one, indeed, had ever discussed such a doctrine even as a matter of speculative fancy. Hardly less than Machiavelli, and more than Hobbes, Mill is in full rebellion against both religion and philosophy, and so in full rebellion *also* against the traditional society that embodies them. . . . To reverse a famous phrase, Mill thinks of himself as standing not upon the shoulders of giants but of pygmies. He appeals to no earlier teacher, identifies himself with nothing out of the past; and his doctrine of freedom of speech is, as I have intimated already, the unavoidable logical consequence of the denials from which his thought moves.⁴²

Kendall charged that Mill's position is at odds with elementary facts of the human condition. It is unnatural and perverse to ask mortal men to accept a posture of absolute relativism, *for* in fact men do have values, in fact they do think some questions are settled, and they do not accept the position that all points of view are relative and equal in value. Kendall contended Mill erred in proposing that any society should and would make absolute freedom of expression its supreme and only value:

³⁹ *Ibid.*, p. 68.

⁴⁰ *Ibid.*, p. 80.

⁴¹ *Ibid.*, p. 21. Kendall found Karl Popper the best contemporary expression of Mill's philosophy as reflected in *On Liberty*. See Karl Popper, *The Open Society and Its Enemies*, 5th ed. rev., 2 vols. (Princeton, N. J.: Princeton University Press, 1966). It is Popper who repudiates the "closed society" based upon "the claims of tribalism" and offers the "open society" as the only "enlightened" and "progressive" alternative.

⁴² Willmoore Kendall, "The 'Open Society' and Its Fallacies," p. 976.

Mill's proposals have, as one of their tacit premises a false conception of the nature of society, and are, therefore, unrealistic on their face. They assume that society is, so to speak, a *debating club* devoted above all to the pursuit of truth, and capable therefore of subordinating itself-and all other considerations, goods, and goals-to that pursuit. . . . But we know only too well that society is *not* a debating club-all our experience of society drives the point home-and that, even if it were one . . . the chances of its adopting the pursuit of truth as its supreme good are negligible. Societies . . . cherish a whole series of goods-among others, their own self-preservation, the *living* of the truth they believe themselves to embody already, and the communication of that truth (pretty much intact, moreover) to future generations, their religion, etc.-which they are not only likely to value as much as or more than the pursuit of truth, but *ought* to value as much as or more than the pursuit of truth, because these are *preconditions* of the pursuit of truth.⁴³

As Kendall viewed it, Mill failed to understand that the *politeia* is the condition precedent to society, and that it is only within the frame of reference or consensus established by the *politeia* that debate, or discussion as Kendall would prefer to call it, can take place. To deny the *politeia*, and to ask for unlimited debate in the abstract as Mill does, is to request that which is not only impossible of achievement-human nature and the human condition dictate otherwise, but indeed, even if attainable, would be undesirable. It would be undesirable:

For the essence of Mill's freedom of speech is the divorce of the right to speak from the duties correlative to the right; the right to speak is a right to speak *ad nauseam*, and with impunity. It is shot through and through with the egalitarian overtones of the French Revolution, which are as different from the measured aristocratic overtones of the pursuit of truth by discussion, as understood by the tradition⁴⁴ Mill was attacking, as philosophy is different from phosphorus.

If the regnant doctrine of Mill is the right to speak *ad nauseam*, without any correlative duties or obligations, we are installing the cult of individual eccentricity as our supreme value; if this is followed to its logical and final conclusion, society will be brought to the brink of disintegration. Mill was an advocate of the cult of individual eccentricity. He wrote, "In this age, the mere example of nonconformity, the mere refusal to bend the knee to custom, is it-

⁴³ *Ibid.*, p. 977.

⁴⁹ *Ibid.*, p. 979.

self a service. Precisely because the tyranny of opinion is such as to make eccentricity a reproach, it is desirable, in order to break through that tyranny, that people should be eccentric. That so few now dare to be eccentric marks the chief danger of the time."⁴⁵

In Mill's "open society," the individual with his absolute right of expression is then instructed that eccentricity is a positive good, and there is a duty to pursue it. That is, there emerges a public orthodoxy of eccentricity, and in Kendall's critique, this will drive individuals to the making of exorbitant and impossible demands upon society. This in turn will lead to confrontation and the disintegration of society, for there is no center that can hold; more importantly, there is no obligation or duty on anybody to hold, for all things political are conceived wholly in terms of individual *rights* and *demands*. Into the vacuum created by disintegration will move force and coercion—in a word, tyranny. As Kendall succinctly put it, "I next contend that such a society as Mill prescribed will descend ineluctably into everdeepening *differences of opinion*, into progressive breakdown of those common premises upon which alone a society can conduct its affairs by discussion, and so into the abandonment of the discussion process and the arbitrament of public questions by violence and civil war."⁴⁶ Kendall queried, "[I]s there any surer prescription for arriving, willy nilly, in spite of ourselves, at the closed society, than is involved in current pleas for the open society?"⁴⁷ He answered, "By asking for all, even assuming that all to be desirable, we imperil our chances of getting that little we might have got had we asked only for that little."⁴⁸

Inexorably then, Kendall argued, Mill's position of dogmatic relativism leads to the emergence of the coercive state. Kendall reasoned, "The proposition that all opinions are equally—and hence infinitely—valuable, said to be the unavoidable inference from the proposition that all opinions are equal, is only—and perhaps the less likely—of two possible inferences, the other being: all opinions are equally—and hence infinitely—without value, so what difference does it make if one, particularly one not our own, gets suppressed?"⁴⁹ Kendall concluded with this admonition: "We have

⁴⁵ Mill, *op. cit.*, pp. 81-82.

⁴⁶ Willmoore Kendall, "The 'Open Society' and Its Fallacies," p. 978.

⁴⁷ *Ibid.*, p. 976.

⁴⁸ *Ibid.*, p. 977.

⁴⁹ *Ibid.*, p. 978. On this point, Kendall expressly cited with approval Bertrand de Jouvenel. See *Ibid.*, p. 978, n. 31.

no experience of unlimited freedom of speech as Mill defines it, of the open society as [Karl] Popper defines it, unless, after a fashion and for a brief moment, in Weimer Germany-an experience no organized society will be eager to repeat!"

Kendall accused the "open-society" proponents, such as John Stuart Mill and Karl Popper, of presenting us with false choices. That is, they force us to choose between the "closed" or the "open" society. As Karl Popper stated it, "We can return to the beasts [meaning the closed society]. But if we wish to remain human, then there is *only one way*, the way into the open society."⁵¹ Kendall challenged that assumption:

Mill would have us choose between never silencing and declaring ourselves infallible, as Popper would have us believe that a society cannot be a little bit closed, any more than a woman can be a little bit pregnant. All our knowledge of politics bids us not to fall into that trap. Nobody wants all-out thought-control or the closed society; and nobody has any business pretending that somebody else wants them. For the real question is, how open can a society be and still remain open at all?⁵²

To Kendall, the "open society" versus "closed society" choices are false choices, for in fact they are not our only alternatives. In the real world of being, there is "an infinite range of possibilities." Indeed, the great irony is that by offering these false choices, the open society proponents actually nudge us closer to the closed society. As the attaining of a completely open society is impossible, and undesirable to boot, the advocates of the open society, by their own process of elimination, leave us with no other alternative than that of the closed society, which unfortunately is attainable. It was Kendall's contention that political philosophers should be seeking realistic and moderate solutions in that "infinite range of possibilities" lying between those purist concepts of the open and closed societies, which political ideologists have been wrongly informing us are our only options.

As political philosopher, Kendall was always pushing to deeper levels of meaning and understanding. One of the most impressive illustrations of this is his carefully honed and brilliantly argued article, "The People Versus Socrates Revisited."⁵³ Kendall

⁵⁰ *Ibid.*, p.977.

⁵¹ Popper, *op. cit.*, vol. 1, p. 201. Italics added.

⁵² Willmoore Kendall, "The 'Open Society' and Its Fallacies," p. 976.

⁵³ Nellie D. Kendall, ed., *op. cit.*, pp. 149-167.

contended that the advocates of the open society had converted Socrates-before-the-Assembly into their fundamental symbol. For example, in *On Liberty* Mill wrote:

Mankind can hardly be too often reminded, that there was once a man named Socrates, between whom and the legal authorities and public opinion of his time there took place a memorable collision. . . . This acknowledged master of all the eminent thinkers who have since lived—⁵⁴whose fame, still growing after more than two thousand years

Similarly, throughout *The Open Society and Its Enemies*, Karl Popper spoke glowingly of Socrates, and he concluded, "The new faith of the open society, the faith in man, in equalitarian justice, and in human reason, was . . . beginning to take shape. . . . The greatest contribution to this faith was to be made by Socrates, who died for it."⁵⁵

Regarding the Mill-Popper symbol of Socrates-arrayed-against-the-Assembly, Kendall wrote:

What symbol? The symbol, of course, of Socrates the Bearer of the Word standing with unbowed head in the presence of his accusers and judges, who hold the Word in contempt of the Servant of Truth being punished, murdered rather, for the truth that is in him; that of the Wise Man being sacrificed by fools who, had they but listened to him, would have been rescued from their folly. That symbol, I contend, lies at the root of the simon-pure doctrine [of the open society] . . . of the Mill-Popper position.⁵⁶

It was Kendall's position that a close reading of the *Apology* and *the Crito* will reveal this to be a spurious symbol. The political theory of the *Crito* does not yield up a limitless open society of the Mill-Popper version; rather, argued Kendall, it offers a society in which the individual is accorded a reasonable opportunity to convince society of the failings and errors of its public orthodoxy. When that reasonable opportunity has been exhausted, and society chooses not to alter its values or orthodoxy, the individual is expected to desist or emigrate. Furthermore, after his hearing the dissenter may encounter punishment for ideas or methods found by society to be utterly repugnant to those things it treasures as fundamental. In short, the teaching of the *Crito* is not that offered by

⁵⁴ Mill, *op. cit.*, pp. 29-30. ,

⁵⁵ Popper, *op. cit.*, vol. 1, p. 189.

⁵⁶ Nellie D. Kendall, ed., *op. cit.*, p. 150.

the open society advocates, for it does not propose a society in which the individual has the absolute and unlimited right to talk *ad nauseam* until society converts itself to the preachments of the dissenter. According to Kendall, this latter theory is, as has been previously noted, unworkable, unattainable, and undesirable; it is a political theory which has its roots in *On Liberty*, not in the *Crito*.

In addition, Kendall charged the open-society advocates with misunderstanding the political lessons of the *Apology*. The lesson is not that Socrates has been denied the opportunity for a reasonable hearing as required by the *Crito*. Indeed, the Athenians had been listening to Socrates for several decades. Nor was the major issue raised between Socrates and the Assembly a demand by Socrates that the Athenians keep all questions open questions and modify the public orthodoxy here or enlarge it there. The heart of the matter was that Socrates wished the Athenians to upend and reorder their entire public orthodoxy and to bring it into conformity with his own. Moreover, this radical demand from Socrates resulted not from the partial truths learned in the market place of ideas of the open-society proponents; rather, it is rooted in an ultimate *religious* Truth. It is to be remembered, warned Kendall, that Socrates spoke of "the greatest improvement of the soul" (to which Socrates has the key, of course), of "the command of God," and Socrates informed the Athenians that "I shall obey God rather than you."⁵⁷ In pressing his case, Socrates is instructing the Athenians that their present way of life is "not worth living. Not only is their way of life foolish and frivolous; it is base and immoral, and Socrates will settle for nothing less than a total rejection of the Athenian public orthodoxy, and its replacement by the *religious* Truth, as perceived and expounded by Socrates. As Kendall summed it up, "There is the model . . . , the situation of every society over against every revolutionary agitator; nor could there be

⁵⁷ *Ibid.*, p. 161. Kendall noted the parallel between the position of Socrates and the story related in the *Gospels*; however, Kendall added, "Plato, who cannot know that the chasm between teacher and neighbor can be bridged by the Atonement, must-unlike the narrators of the *Gospels*-leave it at that." *Ibid.*, p. 163. That is, the latter-day advocates of the open society are not claiming the divinity of Socrates. They are only offering him as the secular saint of perennial dissent, while the Christian is on wholly different grounds, for in fact he is claiming his symbol is divine; consequently, it deserves obeisance from all orthodoxies. In sum, the Christian political philosopher may consistently argue that Socrates is "wrong," and Christ is "right," because the latter is divine; therefore, this one time on this one point all orthodoxies must yield. Of course, the secular defender of the Socratic symbol has no such firm foundation on which to build the faith in the open society.

better evidence of the poverty of post-Platonic political theory than the fact that it has received so little attention."⁵⁸

It was Kendall's contention that students of political philosophy in their understanding of the forces inherent in human society will recognize the unyielding realities which leave the Athenians and the Assembly no choice:

The Athenians are running *a society*, which is the embodiment of a *way of life*, which in turn is the embodiment of the *goods* they cherish and the *beliefs* to which they stand committed... . The most we can possibly ask of them . . . is that they shall keep their minds a little open to proposals for this or that improvement, this or that refinement. . . . To ask of them, by contrast, that they jettison their way of life, that they carry out the revolution, demanded of them by the revolutionary agitator, is to demand that they shall deliberately do that which they can only regard as irresponsible and immoral—something, moreover, that they will seriously consider doing only to the extent that their society has ceased, or is about to cease, to be a society.⁵⁹

As laudable as the thought might seem in certain situations, to ask a society to condemn and repudiate itself is unnatural and contrary to what political philosophy has learned about the *politeia*, that condition antecedent to society and government. In fine, a being, be it an individual or a society, cannot be asked to repudiate itself and to declare its nothingness, for that is unnatural, perverse, and contrary to elementary first principles on the nature of being which we have culled out of our accumulated experience and wisdom. It was Kendall's lesson that we had best understand those unrelenting realities, and thereby be better able to develop the realistic open society, the society of the *Crito*. To ignore those realities, and to attempt to construct the perfected, limitless, and utopian open society of the Mill-Popper school, is to build on infirm foundations and to court society's disintegration with the resulting potential of the closed societies of the authoritarian or totalitarian stripe. In their fervor to obtain everything, the exponents of the open society will end up getting nothing. It is that disastrous end which Kendall wished to avoid. As Kendall viewed it, the Mill-Popper school has read its own *de novo* theories, spun out of wholly new cloth, *into* the works of the ancients—such as the *Crito* and the *Apology*, and they deceive themselves in contending

⁵⁸ *Ibid.*, p. 164.

⁵⁹ *Ibid.*, pp. 165-166. As Publius stated it, "Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob." From *Federalist* 55.

that they are extracting their theories *out of a* proper reading of these classics.

III

In his analysis of the Socrates of the *Apology*, Kendall was hinting strongly at the probability that the contemporary Mill-Popper school in the United States is using the argument of the purist open society as an instrument or weapon to unhinge the existing orthodoxy, not for the alleged purpose of then ushering in the wholly limitless open society, but rather, after having dislodged the existing *politeia* of American society, the dissidents will institute their own orthodoxy, which is antithetical on fundamental points to basic values of the American tradition.⁶⁰ In brief, as viewed by Kendall, there are in contemporary America two fundamentally different orthodoxies, one liberal and one conservative, competing for dominance.⁶¹ The contemporary liberal orthodoxy traces its history to Abraham Lincoln's heretical position on the Declaration of Independence, while the meaning and spirit of the conservative orthodoxy is expressed in *The Federalist*, which document Kendall considered the finest expression of the essence of the American political tradition.

Kendall asserted that the fundamental and distinguishing mark of the modern American liberal is his ardent desire for an egalitarian society.⁶² This liberal genre seeks not merely a society based upon political equality, but in addition, this "commitment to equality means that government should assume the role of advancing equality by pursuing policies designed to make 'all men equal' socially, economically, and politically," and Kendall concluded, "There is, then, so far as one can learn, no reasonably definite stopping point for liberal egalitarianism.. ."⁶³ It was Kendall's position that Lincoln wrenched the equality clause—"all men are created equal"—from the Declaration of Independence and gave it this egalitarian meaning, which has been seized upon by the contemporary liberal. This symbol of equality, argued Kendall, was

⁶⁰ Wilhelmsen and Kendall, *op. cit.*, p. 98.

⁶¹ Willmoore Kendall and George W. Carey, *The Basic Symbols of the American Political Tradition* (Baton Rouge, La.: Louisiana State University Press, 1970), pp. 94-95.

⁶² Willmoore Kendall and George W. Carey, eds., *Liberalism Versus Conservatism* (Princeton, N. J.: D. Van Nostrand Company, Inc., 1966), pp. 66-74.

⁶³ Kendall and Carey, *The Basic Symbols of the American Political Tradition*, p. 94; Kendall and Carey, eds., *Liberalism Versus Conservatism*, p. 68.

not that intended by the drafters of the Declaration. Kendall elaborated:

What does it [i.e., the equality clause] mean? Our best guess is that the clause simply asserts the proposition that all peoples who identify themselves as one—that is, those who identify themselves as a society, nation, or state for action in history—are equal to others who have likewise identified themselves. . . . The Declaration asserts that Americans are equal to, say, the British and French. . . . Specifically, the drafters of the Declaration are maintaining that the Americans are equal to the British and are, therefore, as free as the British to establish a form of government [of their own choosing].

In Kendall's interpretation, the equality symbol of the authors of the Declaration is an equality-of-societies symbol employed for the purpose of justifying separation by the American colonies. The Lincolnian heresy lies in "internalizing" the symbol, and thereby perverting it into a symbol for domestic egalitarianism and leveling.⁶⁵

Moreover, argued Kendall, the legacy of the Lincolnian heresy gives birth to the modern liberal concept that it is the responsibility of the central national government to promote leveling, and in particular, it is the solemn duty of the President to lead the attack. It is a succession of strong Presidents, each looking more deeply into the ultimate meaning of an American tradition rooted in leveling, which will launch the nation on a continuing series of missions.⁶⁶ These missions will entail marshaling majoritarian mandates for the long-term purpose of bringing us finally to the perfected egalitarian society. Those opposing the egalitarian New Jerusalem will have to be labeled for what they are—selfish recalitrants and obstructionists, and with the unrelenting pressure of exposure and "education" their resistance can be overcome.

An integral part of liberal egalitarianism is unshakable confidence in majoritarianism. Majoritarianism is integral to a leveling philosophy, for it itself is rooted in the concept of political equality—one-man-one-vote. As Kendall viewed it, in modern liberal

⁶⁴ Kendall and Carey, *The Basic Symbols of the American Political Tradition*, p. 155.

⁶⁶ *Ibid.*, p. 156.

⁶⁶ Kendall's favorite example of this liberal position on the presidency was Clinton Rossiter's *The American Presidency* (New York: Harcourt, Brace and Company, Inc., 1956). See his review of this work in Willmoore Kendall, *The Conservative Affirmation* (Chicago: Henry Regnery Company, 1963), p. 159.

hands an additional corollary has been added to the majoritarian concept which demands the abolition of all obstacles to the instant expression of the majority will. In specific terms of the American experience, this means the elimination of the seniority system, the filibuster, staggered elections, the amending process, nonprogrammed political parties, and in general, *anything* that inhibits instant expression of majority preferences.⁶⁷ In fine, liberal ideology seeks to establish a system based upon plebiscitary mandates, and it is a cardinal tenet of liberal ideology that *if* the majority will can be unshackled it will vote in an egalitarian society. Thus in Kendall's analysis, all liberal thinking ultimately returns to the touchstone of leveling.⁶⁸

Kendall concluded in 1966 he was "dead wrong" in his 1941 conclusion in *John Locke and The Doctrine of Majority-Rule* that the Framers were concerned about inalienable, abstract, natural rights.⁶⁹ It is in Kendall's analysis of the political thinking of the Framers of the American Constitution that we find his final articulation of the meaning of American conservatism. His last and major work, *The Basic Symbols of the American Political Tradition*, which he co-authored with his close friend, George W. Carey, is the single best expression we have of Kendall's ideas on the Framers. In reading all of Kendall's works, it is clear that this book is the culmination of years of reading, reflection, and thought.

Kendall argued that it is not in abstract, natural rights wrenched out of the Declaration of Independence or the Bill of Rights in which one finds the core of American political thought as envisioned by the Framers; rather, it is to the Preamble and *The Federalist* that one must look. From Kendall's perspective, the Preamble is the "finest statement of purpose" of the American experiment.⁷⁰ Instead of speaking of Rights, Equality, Power, and De-

⁶⁷ Kendall and Carey, eds., *Liberalism Versus Conservatism*, p. 69.

⁶⁸ Kendall said that the original and classic expression of twentieth-century liberal majoritarianism is J. Allen Smith's *The Spirit of American Government* (Cambridge, Mass.: Harvard University Press, 1965), which was first published in 1912. Kendall found latter-day expressions of liberal majoritarianism in such writers as: James MacGregor Burns, *The Deadlock of Democracy: Four Party Politics in America* (Englewood Cliffs, N. J.: Prentice-Hall, Inc. 1967); Currin Shields, *Democracy and Catholicism in America* (New York: McGraw-Hill, Inc., 1958); and David Spitz, *Democracy and the Challenge to Power* (New York: Columbia University Press, 1958). For Kendall's reviews of the latter two works, see Willmoore Kendall, *The Conservative Affirmation*, pp. 149, 143. For Kendall's review of Burns's work, see Nellie D. Kendall, ed., *op. cit.*, p. 282.

⁶⁹ Nellie D. Kendall, ed., *op. cit.*, p. 426.

⁷⁰ Kendall and Carey, *The Basic Symbols of the American Political Tradition*, p. 99. Also see Nellie D. Kendall, ed., *op. cit.*, p. 311.

mands, the Preamble speaks of union, justice, tranquillity, the common defense, the general welfare, and the blessings of liberty.⁷¹ As Publius said of the Preamble in *The Federalist*: "Here is a better recognition of popular rights, than volumes of those aphorisms which make the principal figure in several of our State bills of rights, and which would sound much better in a treatise of ethics than in a constitution of government."⁷²

How are the goals of the Preamble to be achieved? As Kendall analyzed the intention of the Framers, they are to be attained by self-government. In the eloquent words of Publius: "The fabric of American empire ought to rest on the solid basis of THE CONSENT OF THE PEOPLE. The streams of national power ought to flow immediately from that pure, original fountain of all legitimate authority."⁷³ Or as Publius reminded us in another context, it is essential to remember "that honorable determination which animates every votary of freedom, to rest all our political experiments on the capacity of mankind for self-government."⁷⁴ Taking his cue from Publius, Kendall wrote in the year of his death: "[W]hat I do take sides on is the thesis of the *Federalist Papers*, namely: That America's mission in the world is to prove to the world that self-government—that is, government by the people through a representative assembly which, by definition, calls the plays-is possible."⁷⁵

It is then from careful textual analysis of *The Federalist*, that Kendall extracted the basic symbols of the American political tradition, which over and against contemporary liberalism, is the conservative tradition, and the principal competitor of the modern liberal orthodoxy. As indicated, the goals are symbolized in the Preamble, and are to be achieved through self-government. The supreme symbol that Kendall extracted out of *The Federalist* is that showing in what manner we are to achieve self-rule. As Kendall read Publius, self-government is to be achieved by "the deliberate sense of a virtuous people."⁷⁶ Publius spoke of "the cool and deliberate sense of the community," of the importance of "reflection and choice," and of the "fullest and most mature deliberation."⁷⁷

⁷¹ Nellie D. Kendall, ed., op. cit., pp. 370-371.

⁷² From *Federalist* 84.

⁷⁶ From *Federalist* 22.

⁷⁴ From *Federalist* 39.

⁷⁶ Nellie D. Kendall, ed., op. cit., p. 468.

⁷⁶ Kendall and Carey, *The Basic Symbols of the American Political Tradition*, p.

105.

⁷² From *Federalist* 63, 1, 37.

It is then the deliberative process which is the supreme symbol of *The Federalist*. The end product of the deliberative process is consensus on how best to deal with concrete problems at specific points in history in order to achieve, in the words of Publius, "the safety and happiness of society [which] are the objects at which all political institutions aim...." ⁷⁸

In achieving consensus on how to maintain "the safety and happiness of society" through the deliberative process, Publius deplores utopian visions rooted in such doctrinaire abstractions as Rights, Equality, and Mandates. In eschewing utopian schemes, Publius cautioned:

Have we not already seen enough of the fallacy and extravagance of those idle theories which have amused us with promises of an exemption from the imperfections, weaknesses, and evils incident to society in every shape? Is it not time to awake from the deceitful dream of a golden age and to adopt as a practical maxim for the direction of our political conduct that we, as well as the other inhabitants of the globe, are yet remote from the happy empire of perfect wisdom and perfect virtue?

Where is the standard of perfection to be found? Who will undertake to unite the discordant opinions of a whole community, in the same judgment of it; and to prevail upon one conceited projector to renounce his *infallible* criterion for the *fallible* criterion of his more *conceited neighbor*?

I never expect to see a perfect work from imperfect man. The result of the *deliberations* of all collective bodies must necessarily be *a compound*, as well of the errors and prejudices, as of the good sense and wisdom, of the individuals of whom they are composed...: [A] common bond of amity and union, must as necessarily be *a compromise of* as many dissimilar interests and inclinations. How can perfection spring from such materials? ⁷⁹

According to Kendall, the very pen name of Publius is a product of the deliberative process. Kendall considered the controversy concerning who wrote which Federalist paper a "red herring," and it demonstrated that modern scholarship had missed the point of *The Federalist*, for the significant point is that Hamilton, Madison, and Jay were not seeking to force their pet theories of government on one another, and on the country as a whole; rather, they were attempting to achieve a consensus of viewpoints through the deliberative process which would contribute to "the safety and

⁷⁸ From *Federalist* 43.

⁷⁹ From *Federalist* 6, 65, 85. In the second citation, italics in the original; in the third citation, italics added.

happiness of society."⁸⁰ In brief, they were creating the supreme symbol of the American political tradition.

Kendall noted that the deliberative process, as developed by Publius, is characterized by discussion, not debate. The latter conjures up visions of Rights, Demands, Mandates, and winning or losing, while discussion connotes, in Kendall's words, "a cooperative quest for common premises from which discourse can begin, and . . . a cooperative striving not for 'triumph over an opponent, but for truth.'"⁸¹ In the tradition of Publius, Kendall concluded:

I do not like debates-if by a debate we mean the confrontation of two diametrically opposed positions, the trading and parrying of argument and the chalking up of points, in the fashion in which prize-fighters trade and parry blows and chalk up points. I strongly believe that such debates merely confuse issues, that their prevalence in our time is a frightening symptom of a world-wide breakdown of the discussion process, and most important of all, that our only hope lies in rediscovering the art and ethic of discussion as distinguished from debate.⁸²

Kendall contended that Publius preferred discussion over elections, for the same reasons he preferred it over debate. Elections, which unfortunately have become "the central ritual of American politics," elicit visions of bitter debates, confrontations between squared-off political antagonists, winners and losers, not-to-be-denied mandates, and the heavy-hand of abstract majoritarianism.⁸³ In contrast, discussion suggests deliberation, accommodation, moderation, harmony, consensus, and the long-term pursuit of those elusive first principles essential to the well-ordered society.

In seeking consensus through the deliberative process, Publius does not lust after unanimity, because in his words, "To have required the unanimous ratification of the thirteen States, would have subjected the essential interests of the whole to the caprice or corruption of a single member. It would have marked a want of foresight in the convention, which our own experience would have

⁸⁰ Nellie D. Kendall, ed., op. cit., pp. 408-411.

⁸¹ Willmoore Kendall and Mulford Q. Sibley, *War and the Use of Force* (Cambridge, Mass.: Andover-Harvard Library, 1959), p. 5.

⁸² *Ibid.*

⁸³ For representative statements of Kendall's attitude on elections, see Nellie D. Kendall, ed., op. cit., p. 221, n. 40; p. 225.

rendered inexcusable."⁸⁴ In addition, Publius added, "And the history of every political establishment in which this principle [of unanimity] has prevailed, is a history of impotence, perplexity, and disorder."⁸⁵ Hence, unanimity is rejected as unattainable, impractical, unworkable, and in a word-utopian.

Similarly, in Kendall's interpretation, Publius rejected majoritarianism as antithetical to the deliberative process. In contrast to the deliberative process, which fosters discussion, accommodation, and consensus, the philosophy of majoritarianism demands a losing minority. This minority has lost the "debate" and the "election"; now it must submit to the "mandate" of "majority rule." Such theories do violence to the deliberative process as conceived by Publius. "Pockets of irredentism" will arise if the majority forces its mandate upon the minority. That is, if the minority is intensely opposed to the mandate, it will dig in its heels, and it will dream of reclaiming its lost cause. In the political theories of Publius and Kendall, this undermines the well-ordered commonwealth, for it contributes to the ripping and tearing of the social fabric. The deliberative process prevents "pockets of irredentism" from forming by stressing at every stage of discussion the importance of adjustment, accommodation, assimilation, and consensus.⁸⁶

Moreover, as interpreted by Kendall, Publius opposed majoritarianism because it is abstract and inflexible; therefore, it has no theoretical capacity to deal with the real and fluid problems of "intensity." Under traditional majoritarian theory, there is an assumed uniformity of commitment on the part of the majority and the minority; there is a presumed equality of conviction. But often the real world of majority-minority relations is otherwise: In a given situation, the majority may not feel intensely committed to its position, whereas the minority may feel quite intent-or the reverse could be true. In any case, as traditionally conceived, majoritarian theory has no capacity for accommodating that kind of situation; it can only add up raw figures to fifty percent plus one, and then enforce its mandate. As a consequence, majoritarianism can think only in one-dimensional, quantitative terms, while the real world of majority-minority relations must deal with the multi-faceted

⁸⁴ From *Federalist* 43.

⁸⁵ From *Federalist* 75.

⁸⁶ For Kendall's position on irredentism, see Nellie D. Kendall, ed., *ob. cit.*, pp. 369, 374, 388, n. 7; p. 502.

problems presented by the intensity factor. Only the deliberative process, with its suppleness and flexibility, can accommodate and ameliorate the intensity problem, and thereby avoid pockets of irredentism, which those persons, along with Publius, committed to the well-ordered society wish to avoid.⁸⁷

As the deliberative process of Publius eschews unanimity and majoritarianism, it also rejects minoritarianism. Specifically, minorities flaunting Rights and Demands are not allowed to badger and coerce society as a whole. If the majority cannot run roughshod over the minority (and in Publius's view it cannot), certainly the reverse is not tolerable either. The minority can expect a sympathetic and reasonable hearing for its position, but that having been achieved, it can not go on *ad nauseam* in an attempt to intimidate society into submission through obnoxious and offensive methods. Minoritarian coercion, similar to majoritarianism and resulting irredentism, will tear the social tissue by putting men at each other's throats, and such a condition is antithetical to the theoretical underpinnings of Publius's consensus-seeking deliberative process. Kendall stated concisely Publius's position: "What I do take sides on is government by consensus, which, I repeat, requires of minorities demanding drastic change that they bide their time until they have pleaded their case successfully before the bar of public—not merely majority—opinion. . . . They must . . . cool their heels in the ante-room of our basic law until they are admitted to the inner sanctum by a consensus."⁸⁸

In Kendall's analysis, the differences between the American liberal and conservative orthodoxies (let it be remembered that *every* society has a matrix of values called an "orthodoxy") are fundamental. The conservative orthodoxy, rooted in *The Federalist*, is predicated on the notion that the American people will seek their "safety and happiness" through self-government, which means, in the eyes of Publius, consensus achieved through the deliberative process. In contrast, the liberal orthodoxy, anchored in the Lincolnian distortion of the Declaration of Independence, seeks egalitarianism and leveling through mobilized majoritarian mandates. Publius, said Kendall, had nothing to do with Equality as the final end of political society. Indeed, Publius *nowhere* even suggested (the Preamble would have been a fitting place to do so), let alone demanded, that leveling be the ultimate political value. Publius

⁸⁷ For Kendall's analysis of the intensity problem, see *Ibid.*, pp. 469-506.

⁸⁸ *Ibid.*, pp. 468, 379.

and American conservatives even reject the concept of "equality of opportunity." Why this rejection? In Kendall's inimitable style:

The equality of opportunity goal, they would say, is unrealistic, impossible to achieve, *utopian-and* because utopian, *dangerous*. In order to equalize opportunity in any meaningful way you have, first of all-as clearheaded political philosophers have always seen-to neutralize that great carrier and perpetuator of unequal opportunity, *the family*, and you can do that, really do it, only by abolishing the family, which we will not let you do because that would be wrong.⁸⁹

To those nurtured in the tradition of Publius, equality means "leaving people free to equalize their own opportunities . . . to equalize their own opportunities to the extent that they have the ability, the energy, and the determination to do it."⁹⁰

Similarly, the tradition of Publius rejects the egalitarian implications of the liberal's "open-society" interpretation of the Bill of Rights, and in particular of the First Amendment. As previously noted, Kendall took issue with the Mill-Popper school, which contends for the equality of ideas, and thus lays the basic theoretical foundation for the unlimited "open society." That strain of thought need not be re-examined; however, what is worthy of emphasis at this juncture is that Kendall pointed out that Publius never proposed or intended for the Bill of Rights to be interpreted and applied as the contemporary liberal orthodoxy has done. In fine, Publius never intended the Bill of Rights to serve as an egalitarian springboard for the proponents of the "open society." Kendall (in collaboration with George W. Carey) concluded, "We can only conclude as follows concerning the Bill of Rights and the First Amendment: Their adoption did not alter the mainstream of the American tradition which, as the Preamble and *The Federalist* would have it, comes down to rule by the deliberate sense of the community."⁹¹ What did Publius intend by the First Amendment? He intended, argued Kendall, to give each state within its jurisdiction a monopoly on regulating matters encompassed within the Amendment.⁹² That is, Publius never intended for the Supreme Court to impose a national standard on all of the states, and

⁸⁹ *Ibid.*, p. 579.

⁹⁰ *Ibid.*, p. 580.

⁹¹ Kendall and Carey, *The Basic Symbols of the American Political Tradition*, p. 136. For evidence from *The Federalist* supporting this conclusion, see *Federalist 25* (in particular, concluding two paragraphs), 26, 84.

⁹² Nellie D. Kendall, ed., *op. cit.*, pp. 297, 323.

he certainly would be shocked to see that development as it has unfolded in this century. More importantly, Kendall reasoned, the whole thrust of the Madisonian argument for the Bill of Rights was to "bring aboard the Masonite irredentist."⁹³ This goes to the supreme symbol of *The Federalist*-the symbol of the deliberative process. Madison meant that if the Masonites felt strongly on the importance of the Bill of Rights-strong enough to create a pocket of irredentism-then Madison, in the spirit of Publius, argued for accommodation. In sum, Madison never intended by the addition of a Bill of Rights to supersede "the deliberate sense of the community;" rather, he meant to support it by accommodating a minority, and modern liberalism, by wrenching the Bill of Rights out of context and bringing it into the service of egalitarianism, has again weakened the supreme symbol-the deliberative process-of the American political tradition.

IV

It is clear that Publius's deliberative process, with its emphasis upon accommodation, harmony, and consensus, is antithetical to the conflict-oriented majoritarianism of the egalitarians. As a corollary proposition, it is essential to note that as a result of the supreme symbol of the deliberative process, the followers of Publius, with Kendall as their guide, will resist those fundamental institutional changes demanded by the levelers. To illustrate, Publius and his political descendants are negative on the modern liberal conception of the presidency. In one of his classic pieces, Kendall reasoned that in American national politics we have "Two Majorities": the presidential and the congressional.⁹⁴ The former majority, as noted, is rooted in the Lincolnian heresy, and is the focal point of liberal leveling, while the later majority is a product of the conservative tradition as expressed in *The Federalist*. Because of the size of the presidential constituency, and because of the presidency's remoteness from local realities and concretes, presidential politics, Kendall argued, lends itself to a campaign style wedded to generalities and idealism. In contrast, members of Congress represent comparatively small constituencies, which forces them to deal with specifics, and to eschew the quixotism of presidential politics. Consistent with the emphasis upon the deliberative process solving specific case-by-case policy questions, the tra-

⁹³ *Ibid.*, p. 374.

⁹⁴ *Ibid.*, pp. 202-227.

dition of Publius considers the Congress as the pre-eminent branch. In Kendall's words: "The plain language of the Constitution tells us unambiguously that Congress . . . is supreme, and just can't help being supreme because the Constitution places in its hands weapons with which, when and if it chooses to use them, it can completely dominate the other two branches."⁹⁵ Kendall reasoned that Congress, is "the very heart of the system," and although it has the power to emasculate the other two branches, it restrains itself from doing so because of Publius's "constitutional morality" with the emphasis upon harmony and accommodation, and the rejection of harsh and brittle conceptions of Powers and Rights, which invariably play havoc with the development of sound social tissue,⁹⁶

Likewise, Publius and his contemporary admirers will reject out of hand the liberal call for programmed political parties.⁹⁷ Liberal theoreticians have considered the "doctrine of responsible party government" as an indispensable institution to facilitate the realization of Equality through majoritarian mandates. In restructuring our two-party system, the liberal ideologists would create a "liberal" and "conservative" party. The new parties would be centralized and disciplined, and they would offer the electorate a clear-cut choice on matters of philosophy and policy. In liberal thinking, it is anticipated (erroneously, of course, in Kendall's view) that when the American people are confronted with these dramatic choices, they will overwhelmingly pick those candidates favoring liberal egalitarianism.⁹⁸ Hence, under the "doctrine of responsible

⁹⁵ Kendall and Carey, *The Basic Symbols of the American Political Tradition*, p. 139.

⁹⁶ Nellie D. Kendall, ed., *op. cit.*, p. 465; Kendall and Carey, *The Basic Symbols of the American Political Tradition*, pp. 140-142. Some may contend that the liberal is changing his position on the utility and virtue of a powerful, assertive presidency, and thereby has upended Kendall's thesis. More time and evidence will be needed before any firm conclusions can be made; however, I suspect Kendall's thesis will remain intact. The test will come with the election of the next liberal President. If that occurs, it is difficult to imagine liberals not reverting to their traditional commitment to a powerful presidency. I would attribute their current wavering on that commitment as primarily a passing liberal reaction to the "conservative" Nixon Administration. In any case, while it lasts, it is amusing to observe the liberal, who has lauded the emergence of the powerful, modern presidency from Theodore Roosevelt and Woodrow Wilson through Lyndon Johnson, now lecture the nation on the virtues of the classical doctrine of separation of powers.

⁹⁷ See Austin Ranney and Willmoore Kendall, *Democracy and the American Party System* (New York: Harcourt, Brace, and Company, Inc., 1956), pp. 514-533.

⁹⁸ Because of the commitment to the spirit of Publius, Kendall stated there are "no raging seas" of egalitarianism in the American experience "to hold back." Nellie D. Kendall, ed., *op. cit.*, pp. 108, 600.

party government" one of our major parties would become the vehicle for harnessing and implementing liberal egalitarian mandates. In liberal thought, the current decentralized and "undisciplined" parties are "irresponsible" because they serve as institutional obstacles to the realization of liberal leveling. In drawing his nourishment from Publius, Kendall wrote, "Contemporary theories of party discipline and responsibility represent . . . the most comprehensive and systematic possible assault upon the Madisonian system [meaning, of course, the system of Publius]." ⁹⁹ The concept of programmed political parties does violence to that supreme symbol of the deliberative process. With his emphasis upon accommodation, harmony, and the promotion of consensus, Publius would be repelled by an institutional change whose admitted purpose is to create sharp cleavages and to pit the majority against the minority. To structure an institution for the avowed purpose of promoting division, and thereby deliberately tearing the social fabric, is the ultimate affront to Publius, and to his latter-day disciple, Willmoore Kendall."

Nor would Kendall's Publius be pleased with the assertive egalitarian role of the modern Supreme Court. Indeed, the modern activist Court has short-circuited the deliberative process and frequently acts in conscious opposition to it." From Kendall's vantage point, the modern liberal has perverted the doctrine of judicial review as articulated by Publius. Concerning judicial review, Publius wrote:

The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no *ex-post-facto* laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be

⁹⁹ Kendall and Carey, eds., *Liberalism Versus Conservatism*, p. 400.

¹⁰⁰ Ranney and Kendall, *op. cit.*, *passim*.

¹⁰¹ On the surface, it might appear that liberal support of an activist, elitist Court is inconsistent with liberal commitment to mass public majoritarianism; however, the inconsistency is only apparent, not real, for there is the liberal assumption the Court will determine in its superior wisdom that which is best for the majority. True, that is not the same thing as traditionally conceived majority rule; nevertheless, it is close enough for the liberal mind when it is remembered, as Kendall contended, the ultimate liberal value is Equality, and as long as the Court serves that end it will be excused from breaches of lesser corollaries of liberal ideology, such as purist notions of public majoritarianism.

to declare all acts *contrary to the manifest tenor of the Constitution* void.¹⁰²

It is clear from this quotation, and from a careful textual analysis of all of Federalist 78, that Publius intended the Court, in its capacity of exercising judicial review, to have a modest role of declaring void *only* those acts of Congress (for example, as Publius stated, bills of attainder and *ex-post-facto* laws) clearly "contrary to the manifest tenor of the Constitution." Moreover, Publius expressly noted that the Court will have "neither FORCE nor WILL, but merely judgment," and "The courts must declare the sense of the law; and if they should be disposed to exercise WILL instead of JUDGMENT, the consequence would equally be the substitution of their pleasure to that of the legislative body."¹⁰³ Publius expressly warned on the need "to avoid an arbitrary discretion in the courts," and he explained:

Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both; and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution [a product of "the deliberate sense of the community"], the judges ought to be governed by the latter rather than the former.¹⁰⁴

In sum, Publius returns us to the touchstone of the supreme symbol—the deliberative process, and his position on judicial review can only be understood in that context. Unequivocally, no one can extract from *The Federalist* a conception of the role of the Supreme Court which would justify the egalitarian excursions and excesses of the modern Court, where in fact the Court has launched into areas manifestly beyond the scope envisioned by Publius, and where in fact "WILL" has been substituted for "JUDGMENT."

The constitutional morality of *The Federalist*, resting on "the deliberate sense of the community," would not sustain such harsh impositions of judicial "WILL" as the reapportionment decisions, which are based on the "arbitrary discretion in the courts" and are in clear defiance of "the deliberate sense of a virtuous people."¹⁰⁵

¹⁰² From *Federalist* 78. Italics added.

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ Kendall and Carey, *The Basic Symbols of the American Political Tradition*, p. 105.

V

As Kendall read *The Federalist*, the supreme symbols of the American tradition are "rule by the deliberate sense of a virtuous people."¹⁰⁶ It will not suffice merely to have the deliberative process, for a process alone cannot guarantee a moral and just result. In order to insure the integrity of policy decisions, it is essential that "virtue" be the basic component of a people employing the deliberative process. Commencing with *John Locke and the Doctrine of Majority-Rule*, Kendall had expressed an enduring concern for the moral quality of society. Kendall lamented in *John Locke and the Doctrine of Majority-Rule* that "the capital weakness of Locke's *Second Treatise*" was Locke's failure to address himself explicitly to the problem of how we are to insure "rational and just" decisions by the majority.¹⁰⁷ Similarly, Kendall considered the principal defect of *The Federalist* to be its failure to explore this crucial problem of how to keep the people virtuous in order to guarantee the integrity and justice of those decisions made through the deliberative process.¹⁰⁸ In sum, if the public orthodoxy is lacking in virtue, the deliberative process cannot produce a virtuous result.

With profound relief, Kendall proclaimed that this "missing section" of *The Federalist*, a section dealing with how to keep the people virtuous, is provided in Richard Weaver's final book, *Visions of Order*.¹⁰⁹ Kendall spared no superlative in his praise of this work. *Visions of Order*, he wrote, must be placed upon the shelf beside *The Federalist*, and as with *The Federalist*, it must have conferred on it "the political equivalent of biblical status."¹¹⁰ Moreover, Kendall firmly instructed, "Then go read-nay, *live with-the* book, until you have made its contents your own. It will prepare you, as no other book, not even *The Federalist* will prepare you, for your future encounters with the protagonists of the Liberal Revolution, above all by teaching you how to drive the debate to a deeper level than that on which our present spokesmen are engaging the Liberals."¹¹¹ Kendall was a man who took his political philosophy seriously; consequently, when he praises a book as the *summa-and*

¹⁰⁶ *Ibid.*

¹⁰⁷ Willmoore Kendall, *John Locke and the Doctrine of Majority-Rule*, p. 135.

¹⁰⁸ Nellie D. Kendall, ed., *op. cit.*, pp. 399-400.

¹⁰⁹ Richard M. Weaver, *Visions of Order* (Baton Rouge, La.: Louisiana State University Press, 1964). For Kendall's discussion of Weaver, see Nellie D. Kendall, ed., *op. cit.*, pp. 386-402.

¹¹⁰ Nellie D. Kendall, ed., *op. cit.*, p. 393.

¹¹¹ *Ibid.*, pp. 400-401.

he does that with *Visions of Order*-close analysis is in order. To understand this book is to understand Willmoore Kendall's commitment as a political philosopher to the great tradition of the study of politics, to that search for the moral, the good, and the just in things political. Kendall is unequivocal: if men believed as Richard Weaver did, the people would indeed be virtuous, and the end product of the deliberative process would thereby itself be virtuous.

Like Publius and Kendall, Weaver is anti-egalitarian, and this attitude pervades the entire book. Illustrative is the following insight offered by Weaver:

Democracy [that is, political equality] is not a pattern for all existence any more than a form of economic activity is a substitute for the whole of diving.... When democracy is taken from its proper place and is allowed to fill the entire horizon, it produces an envious hatred not only of all distinction but even of all difference.... The fanatical democrat insists upon making [men] equal in all departments, regardless of the type of activity and vocation. It is of course the essence of fanaticism to seize upon some fragment of truth or value and to regard it as the exclusive object of man's striving. So democracy, a valuable but limited political concept, has been elevated by some into a creed as comprehensive as a religion or a philosophy, already at the cost of widespread subversion.¹¹²

Kendall would agree with Weaver that cultural quality involves more than the "consulting of opinions and [the] counting of votes," and he would concur that "[c]ulture is thus by nature aristocratic, for it is a means of discriminating between what counts for much and what counts for little. ..."¹¹³ In addition, Kendall and Weaver were one in agreeing that the canker of egalitarianism was traceable to the quest for the secular utopia. In Weaver's words, the utopians are those "who think that human nature and history can be laid aside" and that "equality must reign, *rust caelum!*"¹¹⁴ Utopians, Weaver cautioned, are forever "postulating an equalitarian natural man as the grand end of all endeavor."¹¹⁵ Finally, Weaver warned of the utopian visions "dreamed up by romantic enthusiasts, political fanatics, and unreflective acolytes of positive science."¹¹⁶

¹¹² Weaver, *op. cit.*, pp. 14-15.

¹¹³ *Ibid.*, pp. 14, 12.

¹¹⁴ *Ibid.*, pp. 105, 130.

¹¹⁵ *Ibid.*, p. 131. For a witty illustration of Kendall's anti-utopianism, see Nellie D. Kendall, ed., *op. cit.*, pp. 625-626.

¹¹⁶ Weaver, *op. cit.*, p. 115.

When we turn to those alternatives Weaver offered to utopianism and egalitarianism, we see emerging those subtle, but profound themes which so attracted and fascinated Kendall. Weaver turned to the great tradition of politics, to those fundamental and enduring principles which he perceives as being rooted in the structure of being and reality. Pervasive in Weaver's analysis was the classical concept from the great tradition of politics which instructs us that in establishing societies and honing out civilization, it is essential we maintain a sense of proportion, balance, harmony, and tone. "Function," signifying change, and "status," suggesting position, form, memory, tradition, and permanence, must be held in balance. Where functions exists without status, there is generated a momentum of mindless change, which wrenches and undermines those qualitative things so indispensable to a society worthy of the name "civilized" or "virtuous." Similarly, where status exists without function, there is the risk of stagnation and sterility, and thereby a fatal blow is struck against civilization, for it is deprived of those essential elements of dynamism and creativity.

Likewise, in Weaver's analysis, it is imperative that an equilibrium be maintained between "dialectic" and "rhetoric." Where dialectic denotes reason, the abstract, and dialogue-Socrates is a dialectician, rhetoric refers to a sense of the unspoken, the felt, the intuitive; and the organic. Dialectic alone will distort reality and magnify alleged virtues and vices, and it will lead to the arid world of the logician and geometer, while rhetoric in isolation will lead to excessive reliance upon the given and the mystical, and society loses the capacity to continually re-examine in a rational method its own basic premises. Similarly, there must be a proportioned relationship between "aesthetics" and "ethics." Aesthetics refers to that sensitivity to created beauty, which without an ethical basis can degenerate into the banal and frivolous at best, and possibly into the sordid and debased. In contrast, ethics, suggesting commitment to moral principle, without the balancing effect of aesthetics, is in danger of running aground upon the bleakness and harshness of puritanism, and consequently of erupting into fanaticism.

In addition to these themes reflecting the classical concern for proportion, balance, harmony, and tone, which contribute to the virtue of the populace, and thereby to the integrity of the deliberative process, Weaver added religion as the ultimate foundation for a virtuous society. With uncommon eloquence, Weaver wrote:

The Greeks could out-argue the Christians and the Romans could

subject them to their"government, but there was in Christianity an ethical respect for the person which triumphed over these formalizations. Neither the beauty of Greek culture nor the grandeur of the Roman state system was the complete answer to what people wanted in their lives as a whole... .

But the road away from idolatry remains the same as before; it lies in respect for the struggling dignity of man and for his orientation toward¹¹⁷ something higher than himself which he has not created.

In full accord with Weaver, Kendall (through George W. Carey) in the final paragraph of his last book stated:

The false myths produce the fanatics amongst us. They are misrepresentations and distortions of the American political tradition and its basic symbols which are, let us remind you, the representative assembly *deliberating* under God; the virtuous people virtuous because deeply religious and thus committed to the *process* of searching for the transcendent Truth. And these are, we believe, symbols we can be proud of without going before a fall.¹¹⁸

At another point, in this his major and final work, Kendall asked:

What is to keep the virtuous people virtuous? The question is as old as Greek philosophy, and Greek philosophy offered, on one level at least, the decisive answer: The people will be virtuous only to the extent that the souls of its individual components are rightly ordered¹¹⁹

Kendall cautioned against the error "of forgetting that the truth of the soul and the truth of society are transcendent truths, and that the function of the basic symbols is to express the relations between political society and God."¹²⁰ Failure to understand that basic proposition "represents a very fundamental derailment [of the American political tradition] and the most dangerous one."¹²¹ The religious dimension is the ultimate guarantee of a virtuous people, for in Kendall's words:

But where the public orthodoxy is guaranteed by transcendence, by the Word of God, then the truths of the soul and of society, the

¹¹⁷ *Ibid.*, pp. 88, 91.

¹¹⁹ Kendall and Carey, *The Basic Symbols of the American Political Tradition*, p. 154.

¹¹⁸ *Ibid.*, p. 58.

¹²⁰ *Ibid.*, pp. 144-145.

¹²¹ *Ibid.*, p. 145.

first principles of the *politeia* and of metaphysics (that is, the very being of both), are theoretically guaranteed. Beyond this guarantee, which can be had only as a gift and as a blessing, there is no other for any human society born upon this earth.¹²²

In Kendall's view, as noted, the tradition of modern American utopianism commenced by wrenching the equality symbol from the Declaration of Independence and perverting that symbol into an instrument for constructing the egalitarian New Jerusalem. This tradition is secular in its philosophical foundations. It has no conception of "sin," "evil" and "tragedy," nor does it concede the imperfectibility of the human condition; rather, it argues that human nature is wholly malleable, and that the perfected good life is attainable through institutional and environmental manipulation. Driven on with this mind's eye view of the perfected egalitarian utopia, this tradition becomes restive, anxious, and on occasion fanatical, when society seems impervious and indifferent to its horatory, and when its Tower of Babel begins to reveal cracks and imperfections. When confronted with the failure to attain instantly the worldly City of Man, instead of reappraising the soundness of their secularism and their view of the nature of man, the exponents of the utopian tradition double their efforts and attribute their continued failures to the ignorance of the populace ("more education is needed"), to the sinister machinations of reactionaries and recalctrants ("greater political organization and effort is needed"), and to the general failure of society to appreciate the clarity of insight and vision of egalitarian utopianism.

From Kendall's perspective, the tradition of Publius, as enhanced by Weaver, draws its nourishment from strikingly different roots. As opposed to the secularism of the egalitarian utopians, this tradition is undeniably religious in temper. Unlike the secularist, the follower of this tradition is impressed (indeed, awed) with the wonder of creation and the mystery of being. He appreciates the relevance of such concepts as "original sin," "evil" and the "tragic sense of life." With St. Augustine, he understands that "pride" is the irradicable canker contributing to the imperfectibility of the human condition in this earthly sojourn. He loves and reveres man as the creature and child of God, yet he has no illusions about the erection of a worldly utopia, for basic human nature precludes it—Man is not God, and the infinite complexity of life, thought; and matter—the handiwork of God—will not yield to the ironcast

¹²² Wilhelmsen and Kendall, op. cit., p. 100.

molds of uniformity-the handiwork of man-which the egalitarians seek to impose.

Moreover, by inoculating against utopianism, this religious temper produces a continuing political mood of moderation, restraint, conciliation, civility, and thereby contributes immeasurably to the deliberative process, and the pursuit of consensus, which are, according to Kendall, the foundation materials of the American political tradition. Where, in its zeal to create *now* the Worldly Paradise, the secular egalitarian tradition sometimes sees its petulance and impatience erupt into a shrill fanaticism, the other tradition-the tradition of Publius and Weaver, by rejecting the reconstruction of society from wholly new cloth, holds steady on course with confidence in the capacity of society for self-government through "the deliberate sense of the community," which community is composed of a "virtuous people"-a people virtuous because religious.

The conservatism of Willmoore Kendall is grounded in the deliberative process, as expounded by Publius in *The Federalist*, and in that concept of a "virtuous people," as articulated by Richard Weaver in *Visions of Order*. It is wide of the mark to conceive of Kendall's conservatism in terms of the conventional contemporary labels: "Traditionalist," "Libertarian," or whatever. His conservatism is an *American* conservatism, and more significantly, Kendall contends it is *the* American political tradition. From Kendall's vantage point, it is the egalitarian utopians, whether they travel under the name of liberal or radical, who are the "outsiders"; it is they who are waging war against the tradition of Publius and the values of Weaver in order to subvert the American tradition to the man-made idol of Equality.

CONCLUSION

The lasting significance of Kendall lies not in whether one accepts or rejects his revisionist theories; that would cast the issue in too narrow of a mold. Indeed, in view of Kendall's own methods as a political philosopher, he would expect-demand-that his theories be carefully examined and tested. Rather, Kendall's basic contribution is in demonstrating the technique of critical analysis: that desire to read, and read carefully, to question, to rethink, and to challenge. We are to read the ancients and the moderns; in fact, we are to pore over them. We are to try to understand them as they understood themselves; then we are to evaluate critically their major premises. No one is too sacred to escape examination and challenge: not even

Mill, Publius, Locke, and Socrates. This emphasis upon careful textual analysis, upon critical evaluation of method and value, is the enduring contribution of Willmoore Kendall, and it is a needed antidote to a profession which in our time too often seems to have succumbed to the narrowness of positivism and the dogmatism of ideology.

JOHN P. EAST

East Carolina University