*FRANCIS G. WILSON*

# Reclaiming the American Political Tradition

**The Basic Symbols of the American Political Tradition,** by Willmoore Kendall and George W. Carey. Baton Rouge: Louisiana State University Press, 1970. 163 pp. $6.00.

KENDALL and Carey have given us a notable work. It is a fresh and vigorous interpretation of the American tradition, the *traditio* of beliefs and judgments that has been handed over to us as the American truth. The interpretation of tradition may easily run aground on the shoals of contemporary ideology, for it seems that the ideologist cannot let tradition alone. It must be captured, rewritten, and inserted into the mass media and educational systems. Indeed, as the authors say: "Up to a recent moment . . . the American political tradition did not constitute a problem, whereas today it does." The issue itself has been precipitated by a liberal attempt to capture our tradition and to use it as the buttress of the political policies that have been insistently urged as liberal since the onset of the great economic debacle after World War I. Ever since the emergence of conscious political conservatism in the United States around 1940 there has been an effort to cull out the distortions in tradition, or at a more profound level there has been an effort, as in this volume, to inquire into the meaning of our tradition, or its symbolism in American history.

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## I

WHAT the "thesis" and "question-begging" books on our tradition say is that our tradition is one of freedom and equality, including the natural rights of the individual guaranteed in the Declaration of Independence and in the Bills of Rights in the national Constitution and in the state constitutions. Such a summary of doctrine has lent itself to radical, even revolutionary, efforts at reform. In our time the revolutionary meaning of America has been the attainment of equality through whatever political strenuosities may be necessary. A former Justice of the Supreme Court has defended their unhistorical decisions by asking: "How else can we attain equality?" To Kendall and Carey the primary symbols of the American tradition are not liberty and equality. To argue as the liberals have done in making our tradition itself an issue is simply to derail the whole American constitutional enterprise.

One may note here at least a couple of propositions. First, it is unlikely that any tradition of a continuous political body is of a single-shot simplicity. A tradition grows, or, as the authors note with Eric Voegelin, the symbols of being become differentiated. The tradition grows unevenly in different directions. It is always a mixed bag, but that does not mean it is impossible to work through the larger statements of the



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tradition. It is not impossible to say just what are the basic symbols or doctrines of the political tradition. As our authors say: "We have come to have two traditions: one which holds to a rather extreme view of equality; the other, an older one, which holds that our supreme symbol is to rule [by] the deliberate sense of the community. This accounts for the fact that we are somewhat schizophrenic today about our tradition. Beyond this is a grave matter; the two

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traditions are not compatible with one another, and the manifestations of this are quite apparent in our contemporary world (p. 94)."

Second, we are led to recognize that since the French Revolution especially, there has been notable emphasis on the principles of liberty, equality, and fraternity. One of the first statements in Alexis de Tocqueville's *Democracy in America* is that the trend of political history for centuries has been toward equality. Equality, he said, is of such force in the modern world that we must recognize it as a Providential Fact which can hardly be resisted successfully. On the other hand, the idea of equality itself runs deep into the ancient world, to some of the Greek defenders of democracy, to the Roman Law principle that public statutes must be general and equal in application, in the whole discussion, classical and modern, of the problem of citizen participation in government, and in the Augustan discussions in England of the equal rights and treatment of men. It is part of the doctrines of *jura naturae* in medieval times. Inevitably, equality, liberty, and participatory citizenship from Aristotle through Cicero is bound to be part of the tradition of any society when it asserts its self-interpretation and its own identity. Obviously, freedom and equality are part of the American tradition; it could not be otherwise.

Contrariwise, the rise and fall of the pressure, the temperature and the relevance of ideas and parts of ideas will vary from time to time. It was reasonable that equality should flower as an idea-force in our tradition in the bitter debates over slavery and race. Today those who believe in the inapplicability of egalitarian principles are almost excluded from saying so in a forensic sense. The issue is precluded from the range of public examination. There are times when equality is a dominant idea in American communication, but there are times when it is not, as in the discussion of economic organization, taxation, and fiscal assistance to private enterprise. But it would be hard to deny Kendall and Carey when they assert that government by consent, by the deliberate sense of the community, by the supreme representative bodies, is always there as the older, more fundamental and basic symbol.

## II

IN the more arcane regions of scholarship there is much elaboration of method and methodology in the examination of suitable matter in politics. Debate on method has, indeed, been but one of the divisive forces among the contemporary writers in this area. While empirical method and behavioral science have been the general subject of debate in social science as a whole, it has been rather different in the issues of political philosophy which concern us here.

Of the two most important recent inquiries into the study of political ideas, one has been associated with Leo Strauss and the other with Eric Voegelin. The Straussian idea has been to give a *text* or a *document* of political thought in its original

language of composition a most thorough analysis. It is only after such an analysis that the meaning of the text begins to appear. Then, instead of letting the historical context say what a text means, the text itself throws light on history, and on the whole circumambient context of the document. Of course, the interpretation of a document depends upon a thorough knowledge of the language in which it is expressed. Strauss himself was notably forceful in his writings and seminar lecturing on Greek texts, and he has had a following of superior students, some of whom have been writing in the field of theory. The method itself has its deepest roots in the Judeo-German context in which Strauss received his training. One of the most forceful uses of this method has been inquiry into the writings of a number of the better known quantifiers of behavioral political science, in which the confusion and philosophical contradictions of empirical data and taxonomic nomenclature have become apparent. Kendall and Carey have been impressed with this text-analysis method, and it is one of the structuring forces in the development of their study. What this has meant specifically is that a large documentation of the historical context of American political theory has not been treated; rather, the careful exploration of the primary documents chosen has thrown a bright light on the basic symbols of our political-intellectual history. In this we have an explanation of the condensed character of the volume under review.

The second method, that inspired by Eric Voegelin, is engrafted in this book on the Straussian approach. It seeks to find through philosophical study the historical meaning of the symbols used in the crystallization of a tradition, in this case the American political tradition. The authors explain their reasoning by noting that there has been an ". . . eruption, into the political vocabulary and intellectual apparatus of political philosophy, of such concepts as *symbols, symbolization, symbolic forms;* and of such related concepts as *myths, constitution of being, the self-interpretation of a political society, representation,* etc." Thus, under the Voegelian impact we have a new task which is "the identification and understanding of the symbols and myths that 'represent' the American people in their experience as a political society" (pp. 17-18). It occurs to me that such a combination of method is one of the lucid originalities of the work at hand. It offers in Kendall and Carey a new approach which purifies the historical and comparative methods with which political science has been nurtured in the nineteenth century. It has offered to our writers an opportunity of which they have taken full advantage, and it seems to me to have scattered like chaff much of the liberal and left-wing mythology through which an effort has been made to capture the American tradition for partisan purposes. It enables us to prevent the exaggeration of one symbol "in the context of a cluster of symbols," such as equality or majority rule; it enables us to scoff at the idea that the ideal society of the saints can be built here and now in the American Promised Land. What this conscious symbolization of the American tradition means, for one thing at least, is that a form of Greek-Latin mind realism has been saved for the student of American political ideas. Indeed, much of the significance of this volume is in its venture into creative methodology.

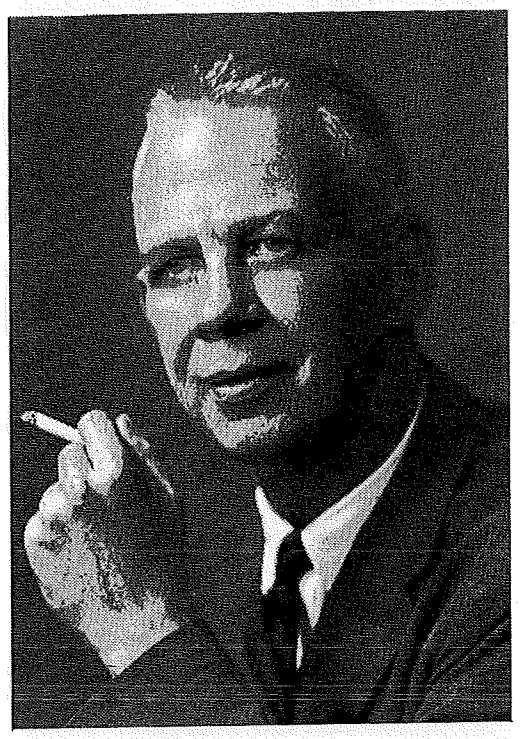
## III

THIS volume is composed of eight chapters. Chapter One begins with an inquiry into the nature of the American political tradition, and it criticizes the failure of the liberals to use available studies of what has been traditional amongst us. The authors undertake to illuminate the problem that has been generated by liberal domination since the Great Depression. That interpretation has attempted to show that the only American tradition has been "liberal" and that the liberal view has been the basis for the utopianism of contemporary reform. For the liberals, the interpretation of the American tradition has created a unified myth that America stands primarily for liberty, equality, and the rights of man, making the Declaration of Independence the foundation stone of the new edifice. In Chapter Two the authors discuss the Mayflower Compact as a foundation for government based on consent and representation, which leads to government by due deliberation. Chapter Three continues with the symbols of political order found in The Fundamental Orders of Connecticut and the Massachusetts Body of Liberties. Both of these are documents of consent, and they may not be used to suggest that rights stand above the orderly government

of the community through due deliberation. Behind this symbolization there is a kind of mythologizing of the idea of unanimous consent. The possible conflict between the higher law and the supreme legislator is resolved by the principle of the virtuous people, an idea which continues to function in the American political tradition; it is one of the constants of American self-identification.

At this point the discussion moves on to the theory of rights found in the Virginia Declaration of Rights, the first bill of rights adopted in the new statements of our fundamental law. In the authors' interpretation of the rights listed in Virginia, rights become the rights of the people, the people in a community, but the specification of rights shows that we have arrived at the concept of democratic government. The listing of rights states in effect the conditions of good government; the rights listed are the rights of the people in community. To say that one may not be deprived of his liberty except by the law of the land or the judgment of his peers puts the matter of liberty up to the legislature, and so becomes an affirmation of legislative supremacy (p. 70). In Chapter Five the question is asked: Was the Declaration of Independence a derailment of our tradition? What the authors want to show is that the Declaration is that of thirteen united states of America claiming an equal place among the nations of the world. Thus, one interpretation is surely that each people as a people has an equal right with other peoples (pp. 155-156). Our authors attack the overemphasis on the idea that the Declaration is talking individual rights, and more particularly the illegitimate use of the Declaration by Abraham Lincoln. Such a use was a derailment of our tradition, not its proper interpretation. And this leads to the problem of definitions of equality. The authors affirm that there is no foundation for saying on the basis of the Declaration that individuals have rights that stand above the government of their community by a virtuous people.

Chapter Six inquires into constitutional morality and *The Federalist. The Federalist* is the great formal statement of the principles of our political tradition as it has emerged and matured. The morality it embodies may be considered of a binding character. But in a formal sense, and as part of the Constitution, the Preamble still serves as our finest statement of purpose as a political community. There is no mention of equality in the Preamble or in the Constitution. Though neither the Declaration of Independence nor the Preamble are of constitutional law status, the Preamble should be considered of higher and more binding significance. As Kendall and Carey say: "The main features of the Constitution and the theory underlying it are best understood in the light of the teaching of *The Federalist,* wherein we find the supreme symbols of the American tradition, rule by the deliberate sense of a virtuous people, held up to us" (p. 105). And we



**Willmoore Kendall**

have lived by the belief that the Constitution will control minority factions; however, we have also believed that the nature of American political society will prevent the rise of oppressive majority factions.

Chapter Seven then faces the issue of the place in our tradition of the Bill of Rights. Our authors insist that the Bill of Rights (the first ten amendments) is not a mere reading into the Constitution of the Declaration of Independence. With the possible exception of the Second Amendment, none of them "can impinge on our basic commitment as a people since they are not directed as limitations on the people" operating through their representatives and

other institutions to enact the deliberate will of the community. "Most of the rights in the Bill of Rights . . . bear no resemblance to the 'unalienable rights' of the Declaration but rather to the 'rights' that 'We the People' have devolved upon for our better ordering – rights, that is to say, which are part and parcel of a tradition that has its origin well before the Declaration" (pp. 121-122). Even though the late Edward S. Corwin once said that rights are not fundamental because they are in the Constitution, they are in the Constitution because they are fundamental, it is still true that they are subject to modification by the same process through which they became parts of the Constitution.

In my opinion, Chapter Eight, the final chapter in the book, is the most provocative. It does not deal with a specific document, but it does involve the historical interpretation of the symbols of self-interpretation in American tradition. The derailment of our tradition has caused a certain schizophrenia among us; we are not always sure who we are or where we are going. The discussion of the American crisis is a problem of a thousand theories, and it is more than difficult to say anything new about "crisis." However, our authors have come close to achieving the impossible. There has been from the early years of the Republic a conflict between the new utopia in the Promised Land (on the analogy of Moses) and the principle of political realism based on the consent of the governed or the due sense of a virtuous people under a constitutional order. Against the idea that we are a people who can make laws for ourselves, there is the notion that the Declaration of Independence and the Bill of Rights have provided us with a permanent revolution for the attainment of a happy society of equals. Yet the permanent revolution is one that has to be interpreted by the Supreme Court, like a group of eighteenth century *philosophes* who may order the people along the way they should go. That is judicial supremacy against legislative supremacy. Yet why do we permit the Supreme Court to have its way? This, to Kendall and Carey, is the mystery of our system; why has the intellectual community offered no resistance?

There are reasons why there has been no serious confrontation in the system, other than the Civil War. First, one reason is the idea that time will take care of the aberrations of the Court, because other judges will achieve a Supreme Court leather chair. Secondly, because Congress could win, the Court has sometimes followed the election returns (page Mr. Dooley). Thirdly, we live under the "Federalist Papers Constitution," which gives us our tradition as to how we ought to live under the American system. It is our constitutional morality not to have a showdown between the three branches of the government. Our system, say Kendall and Carey, cannot survive such confrontations. But the new morality of the judges does not want us to go through the laborious process of gathering the deliberate sense of the community: We march instead toward an "open society" of equality (pp. 143-144).

At this point our authors return to Voegelin's theory of social truth. Voegelin argues that sets of basic symbols throughout the West tend to be variants of the myth of Moses, or the symbols of Egypt, that is, the Desert, the Covenant, and the Promised Land. As the Old Testament recounts, all of these symbols are subject to derailments of various kinds. One of the most fundamental is to forget that the truth of the soul and the truth of society are transcendental truths, "and that the function of the basic symbols is to express the relations between political society and God." If this forgetting is the deepest of all the derailments, there are others of great importance, such as exaggerating one symbol (say equality, or the Promised Land) or believing that our utopia can be built in this world without postponement. But utopia implies another error, that it is easy to remake human nature, or that the political bosses can remake man in the image of the immodest politician. On the contrary, if one turns to the symbols of our tradition, such as *The Federalist*, we find a morality of political conciliation and moderation. *The Federalist's* morality would teach that especially Congress should avoid a showdown with the other branches of the Government, because such a showdown would destroy the whole political system itself. In other words, the American political system works through a tradition of restraint, through refraining from doing what can be done, but must not be done.

There is yet another derailment: The God of the liberals is dead, but the American people are still the chosen people, and we the chosen people will build our society here on earth. Its construction will be led by the "apostolic succession" of great leaders who stand above us. Indeed, the leaders especially stand outside the Constitutions

(state and national), *The Federalist,* and the other symbolic documents this book has examined. Thus, America becomes not so much the "suffering servant" of mankind, but "the arbiter of mankind, the supreme judge of all people, with a special insight into Divine Providence that no other people can match." In effect, to those who have turned to charismatic leadership (mostly liberals in recent years), God (who perhaps is not dead after all) has taken over America as his own private stock-fattening ranch land. Kendall and Carey conclude:

> *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* (p. 154).

**George W. Carey**

## IV

AS we look reflectively at the insights of this volume, we can see more clearly the nature of the American political crisis. Our crisis is the result of the derailments of tradition through which we have passed. It means that more and more people are ignorant of the constitutional morality upon which we as a people have been based. More and more barbarians are seeking confrontations in our political life which will make the public order of this nation impossible. Obviously, the constitutional order can be destroyed, just as particular institutions like universities can be denied the conditions under which they can function. But if we cannot function under the Constitution we will function somehow, even if it is only functioning under the sword.

Back in the 1930s when the whole European economic and political order was disintegrating, people asserted they had alternatives. And in alternatives there is a trend toward polarizations and the hard political crystallizations. In the 1930s before World War II there was a tendency to assert that only two ultimate choices lay before us: communism and fascism. Many serious-minded people began to say that parliamentarianism was impossible. What some of our people meant was that the principles of the *Federalist* morality were no longer usable under the circumstances. I think it is clear that the breakdown of tradition, the substitution of the sword, or merely violence, for a search for unanimity (not merely majorities) was far more advanced from 1920 to 1940 than it is today. But this does not mean that we cannot advance in our crisis to that point where the sword of the Duke of Wellington will govern us.

There is a curiously submerged and unwritten history of leaders in America who, after the beginning of the Great Depression and before "democracy" had been hit upon as the new symbolism, were cautiously beginning to urge that the American constitutional system would no longer work. But the dominating leadership of the "New Deal," the temporary surrender of Congress to the strong President and the bureaucracy, and the revolution in the adoption of public social and economic measures, all made it unnecessary to adopt in America any imitation of European anti-parliamentary government. The extreme movements favoring such an imitation of Europe did not catch on. One remaining symbol of what might have been the greater madness of an age is the liberal intellectual affection for the strong, domineering President, a symbol that is easily revived during war and could be revived in the catastrophic breakdown of public order.