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## **LIBERTY AND VIRTUE IN THE AMERICAN FOUNDING**

Liberty and virtue are not a likely pair. At first sight they seem to be contraries, for liberty appears to mean living as you please and virtue to mean living not as you please but as you ought. It does not seem likely that a society dedicated to liberty could make much of virtue, nor that one resolved to have virtue could pride itself on liberty. Yet liberty and virtue also seem necessary to each other. A free people, with greater opportunity to misbehave than a people in shackles, needs the guidance of an inner force to replace the lack of external restraint. And virtue cannot come from within, or truly be virtue, unless it is voluntary and people are free to choose it. Americans are, and think themselves to be, a free people first of all. Whatever virtue they have, and however much, is a counterpoint to the theme of liberty. But how do they manage to make virtue and liberty harmonious?

### **Locke and the American Founding**

The answer is: in their Founding. The American Founding is an historical period that runs from the outbreak of the American Revolution in 1775 to the end of George Washington's presidency in 1801. This is a period of 25 years punctuated by two great events at which two great documents were produced: the Declaration of Independence in 1776 and the Constitution in 1787. The United States of America has a written founding, of which the Declaration provides the principle and the Constitution the formal structure. Behind the Declaration and the Constitution stands

the political thought of John Locke, an Englishman who is America's philosopher. To Locke, or to Locke's contemporary audience, virtue seemed always to be in the company of religion; and, favored by this association, virtue seemed to have the upper hand over liberty. Locke's task was to promote liberty, giving it priority over virtue, while not destroying virtue or denying religion. If he could accomplish this feat, his readers, first among them Americans, could frame a free constitution and found a free country in good conscience with the aid and comfort of God, or, in the less pious words of the Declaration, "nature's god".

For Locke, then, the harmonizing of liberty and virtue begins from the harmonizing of liberty and religion. In the face of the apparent fact that the Christian religion tells men how to live, he must show, if he can, that it actually permits them to live in freedom. How does he proceed?

Locke gives two descriptions of the character of men in their fundamental relation to liberty. He says that they are the "workmanship" of God, that men are "his [God's] property" and so belong to God; but he also says that "every man has a property in his own person."<sup>1</sup> These appear to be direct contraries because the "workmanship argument" (as it is called by Locke's interpreters) would make man a slave of God,<sup>2</sup> while the idea of property in one's own person sets him free to do with himself what he wishes. Thus Locke says, in accordance with the former, that men have no right to commit suicide ("everyone is bound [...] not to quit his Station wilfully"<sup>3</sup>), but in accordance with the latter, though saying nothing directly about a right of suicide, he pronounces that in the state of nature man is "absolute lord of his own person and possessions."<sup>4</sup> Yet Locke does not make a point of the contradiction between these two descriptions. It is rather as if he had forgotten what he said earlier or perhaps lost his train of thought. Yet Locke does not seem to be a woolly-minded fellow, and his reputation shows that both his friends and his enemies take him seriously. His political thought typically contains contradictions, of which this one is perhaps the most important, but he leaves the reader to do the work of establishing the contradictions and working out their implications. In this case and in others, Locke does not simply leave the contradiction as flat as I have reported it; he teases the reader with possible routes by which it might be harmonized.<sup>5</sup> But most of all, Locke lets the reader do his own harmonizing by allowing

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<sup>1</sup> See: J. Locke, *Two Treatises of Government*, Ch. II 6, p. 27; also: Ch. I, p. 30, 52–54, 85–86; Ch. II, p. 56.

<sup>2</sup> See: Aristotle, *Politics* 1254a, pp. 10–12: a slave is one who belongs wholly to his master.

<sup>3</sup> J. Locke, *op. cit.*, Ch. II, p. 6.

<sup>4</sup> *Ibidem*, Ch. II, p. 123.

<sup>5</sup> Locke deprecates the power of fathers over the children they beget; a father gets no right over his child by "the bare act of begetting." ("That's a joke, son," as Senator Claghorn of Allen's Alley used to say.) Children are not the property of fathers. One wonders, therefore, what the power of the Creator is over his creatures. Man being made in the image of his maker, he cannot but suppose he follows the will of his maker when he seeks his own self-preservation. Man has a self to preserve, and preserving it is in accordance with God's will. Well, then: God cannot have property in the image He made of Himself any more than a parent can have property in a child. Even if man is the workmanship of God, he cannot be the property of God; and in fact he follows the

him to combine two things he wants to believe. Almost all of Locke's readers would have wanted to believe in the truth of Scripture, and many of them would have liked to think, or might be persuaded to think, that their belief is compatible with, or even entails, the notion of liberty that Locke sets forth.

The difference between belonging to God or to oneself is not a small one. The opening question of the Heidelberg Catechism, a Reformation statement of Calvinist doctrine, says: "Q: What is your only comfort, in life and in death? A: That I belong – body and soul, in life and in death – not to myself but to my faithful Savior." Locke is sometimes said to have been a Calvinist, and here is evidence of it; but the trouble is that he also shows evidence to the contrary. When he says that "every man has a property in his own person" he is starting the chapter on private property and opening his argument on the labor theory of value. Private property, it turns out, means property that belongs to human beings and not to God. When Locke speaks of charity from the rich to the poor, he does not make it a duty commanded by God, but a right of the starving poor to the "surplusage" of the rich.<sup>6</sup> Here again he leaves a point to be noticed by those who can and want to notice, but he does not insist on it. How wise of him not to do so! The peace and prosperity of America depend on the peculiarly successful equivocation that Locke initiated between man's looking up to God and his striking out on his own. What suffers somewhat is America's reputation for philosophical study and awareness of its principles.<sup>7</sup> "But a nation of philosophers is as little to be expected as the philosophical race of kings wished for by Plato."<sup>8</sup> This truth from the pen of Publius is a kind of guarantee that the harmonization between religion and liberty drawn from Locke by Americans was not the reasoning that Locke had in mind for himself.

Let us summarize the problem and its solution as Locke saw them. The workmanship argument makes man the work of God and thus establishes a divine right over man, who though made in His image remains the property of God, hence a slave. The self-ownership argument, by contrast, asserts that man is his own property, thus free and not a slave. The workmanship argument needs a notion of the soul to serve as the conduit from God to man and the window through which man can see God (indistinctly of course). But Locke hardly speaks of the "soul" in his work on

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will of God when he regards himself as his own property. This is harmonization, not in the interest of religion, that submits the Bible to an argument for human liberty. See: J. Locke, *op. cit.*, Ch. II, p. 65, and the references in note 1 above.

<sup>6</sup> *Ibidem*, Ch. I, p. 42. See also: T. L. Pangle, *The Spirit of Modern Republicanism: the Moral Vision of the American Founders and of Locke*, Chicago 1988, p. 144.

<sup>7</sup> "The Americans have no philosophic school of their own, and they worry very little about all those that divide Europe; they hardly know their names." A. de Tocqueville, *Democracy in America*, transl. H. C. Mansfield and D. Winthrop, Chicago 2000, Ch. II 1.3, p. 403. In extenuation of Americans, however, it should be said that most Locke scholars today, for all their study and awareness of Locke, and despite their own lack of Christian faith, believe credulously in the credulity of Locke as if he in his harmonizing of faith and reason were no more perceptive than the average American.

<sup>8</sup> J. Locke, *The Federalist*, p. 49.

political principles, the *Two Treatises of Government*<sup>9</sup>. For Locke, it seems, soul is the instrument of man's enslavement to an entity above himself insufficiently concerned with man's necessities, the necessities that require him to leave the state of nature and enter civil society. If man has a soul, then in Locke's view it would follow that he is neither free nor virtuous (for a slave has no virtue since virtue requires freedom). Instead of a soul, Locke supposes that man may have a "self," for the strongest desire in man is the desire for self-preservation.<sup>10</sup> And in the desire for preservation, the self is concerned with the body and seems limited by the wayward attractions of the bodily senses. The senses are passive and receptive rather than active, and they seem to lack any direction or integrity of their own. Every time we think we are attending to something we are actually merely being distracted by it, bombarded by impressions of sense. Just as the soul is questionable because it yearns for something divine invisible to us, so the self is dubious because it seems to be not a whole but a bundle of distractions. But Locke in effect declares the self to have the substance that previously was claimed for the soul, and in this way he combines divine right and non-divine right. He seems to say: you can have self-preservation without risking the salvation of your soul – or even instead of it. Whichever. It is up to you.

Locke left a twofold legacy to America in regard to virtue and liberty, offering compatibility and substitution. Virtue and liberty could be compatible even if virtue is understood as obedience to religion, because man can be seen both as the workmanship of God and as owner of himself. This appealed to the many devout people and to their preachers who wanted to both believe in God and live in liberty. But also, as the self began quietly to substitute for the soul, religion came to be subordinated to liberty. At the time of the American Revolution several American colonies, turned into states, abolished the established Church in their domains. Following Locke, they could understand this measure as a requirement of true Christianity or an undermining of true Christianity.

I will leave to others the description of Christian virtue as it evolved to fit the requirements and enticements of Lockean liberty.<sup>11</sup> It must be stressed that the American virtue I am going to discuss was not the only, the average, or the majority virtue at the time of the Founding. It was, however, the most typically American virtue because it was created by Americans at the time of the Founding. Later on, this virtue was called by Tocqueville "self-interest well understood" and attributed to Americans as theirs.<sup>12</sup> In its private aspect we find it in Benjamin Franklin's *Autobiography*; the public virtue can be seen in *The Federalist*.

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<sup>9</sup> The two uses of the word in the *Two Treatises* refer to the soul of the legislature (Ch. II, p. 212) and to "mean souls" of slaves (Ch. II, p. 239).

<sup>10</sup> J. Locke, *op. cit.*, Ch. I, p. 86, 88; Ch. II, p. 56.

<sup>11</sup> See especially: B. Shain, *The Myth of American Individualism: The Protestant Origins of American Political Thought*, Princeton 1994.

<sup>12</sup> A. de Tocqueville, *op. cit.*, Ch. II 2.8, p. 502.

## Benjamin Franklin's Bourgeois Virtue

“Bourgeois” is not a word that Benjamin Franklin used to describe virtue. If he had, it would have been one of the few times that “bourgeois” has been used as a term of praise.<sup>13</sup> Bourgeois virtue was subjected to withering criticism from left and right throughout the nineteenth century, and the origin of it was a footnote in Jean-Jacques Rousseau's *Social Contract*, published in 1762, just nine years before Franklin started writing his autobiography. In the footnote Rousseau distinguished a bourgeois from a citizen – a bourgeois being a town-dweller in the Middle Ages who received his freedom from a royal charter, and a citizen being one who gave himself his own laws and who therefore had true, republican virtue.<sup>14</sup> Whereas republican virtue is honest, straightforward and naïve (and thus requires much strict education), bourgeois virtue is based on self-interest. Self-interest, according to Rousseau, sees itself as single-minded, sober and sure, but in fact it is not. Self-interest is not one thing. If you think about it, you see that it is divided between what you yourself really want and what others want for you – and the latter tends to dominate. Thus, says Rousseau, you live for the sake of reputation with others rather than for self-satisfaction. A society devoted to self-interest actually turns into its opposite. You end up living in a society characterized by hypocritical politeness and pretence as opposed to liberty and virtue.<sup>15</sup> Now, although Franklin did not refer to Rousseau, his *Autobiography* constitutes a kind of answer to him. For Franklin thinks it is possible to be both self-interested and public-spirited.

Franklin's *Autobiography* is a book designed to teach moral lessons. It is not merely an account of Franklin's life, and as such would be quite inadequate. It is written with reports and stories, mixing narration and dialogue like Franklin's favorite John Bunyan's *Pilgrim's Progress*; and like that work it is also full of moral lessons, though much more worldly ones.

Following John Locke, who besides his political and philosophical works wrote *Some Thoughts Concerning Education*, Franklin believed in liberty but did not leave to chance how liberty would be exercised. He saw that liberal society needed virtue and that for virtue it needed an education. One could not simply set men free and let them choose uninstructed. And while Locke argued for a private

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<sup>13</sup> I once remarked to my late colleague Judith Shklar that Americans' virtue is merely bourgeois virtue – to which she responded: “Is there any other kind?” I do not know whether she meant to praise the bourgeois or to denigrate virtue.

<sup>14</sup> J.-J. Rousseau, *On the Social Contract*, Ch. I, p. 6.

<sup>15</sup> Two subsequent haters of the bourgeoisie, Max Weber and D. H. Lawrence, were virulent critics of Franklin's *Autobiography*. See M. Weber, *The Protestant Ethic and the Spirit of Capitalism*, ed. S. Kalberg, Los Angeles 2002 (German text originally published in 1904–1905), pp. 14–20; D. H. Lawrence, *Studies in American Literature...* For fine recent studies of the *Autobiography*, see R. Lerner, *The Thinking Revolutionary; Principle and Practice in the New Republic*, Ithaca 1987, pp. 41–59, and *Revolutions Revisited; Two Faces of the Politics of Enlightenment*, Chapel Hill 1994, pp. 3–18; S. Forde, *Benjamin Franklin's Autobiography and the Education of America*, “American Political Science Review” 1992, No. 86, pp. 357–368.

education by tutors for gentlemen, Franklin wanted a public education in public schools.<sup>16</sup> A private citizen, he takes it upon himself – a free act of public spiritedness – to set himself up as an example, his book being addressed at first to his son but then, we see later, when Franklin includes two letters from friends praising what he had written in extravagant terms, intended for everyone (“think of bettering the whole race of men,” says one friend).<sup>17</sup> A touch of vanity in Franklin, perhaps, to set himself as an example for mankind? But Franklin had anticipated this objection and had said at the beginning that he gives vanity “fair quarter wherever I meet with it,” as it is “often productive of good” to the possessors and to those around him in his sphere of action.<sup>18</sup>

With this apology that is not an apology but a lesson, Franklin goes back over his life, just as a printer goes back over a book looking for typographical errors. It is customary to speak of the *sins* of one’s past life, but Franklin calls them *errata*, finds five of them, and corrects them. He performs the office of St. Peter (or of God), judging his life and finding errors that were not so bad that they cannot be – not forgiven, but corrected. There is no display of vanity by Franklin, but also no show of humility.

What sort of virtue does Franklin teach, then? He features sociability and public-spirited projects. He does not teach religion, though he does not oppose the teaching of religion. As a youth he wrote and printed a dissertation against religion, but luckily – or providentially – he did not suffer for it. He began to “suspect that this [necessitarian] doctrine tho’ it might be true, was not very useful.”<sup>19</sup>

Franklin had “some religious principles”; he “never doubted” (despite what he admitted about his youthful disbelief) the existence of God, and other essentials.<sup>20</sup> But he also had an objection to religion as such: that it is contentious and polemical. He noticed that from the first he was infected by books of “polemical divinity” in his father’s library that gave him a “disputatious turn,” a very bad habit making people often “very disagreeable in company.”<sup>21</sup>

In short, religion tends to be unsociable. It sets people at odds and sends nations to war. By contrast, human virtue is this-worldly, which means mundane; it is about how to live in this world with a view not to the next world but to this world. Virtue is not harsh; it is sociable and conversational.

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<sup>16</sup> For Franklin’s educational writings see L. Smith Pangle and T. Pangle, *The Learning of Liberty: the Educational Ideas of the American Founders*, Lawrence 1993, Ch. 4.

<sup>17</sup> B. Franklin, *The Autobiography and Other Writings*, ed. K. Silverman, New York 1986, p. 84.

<sup>18</sup> *Ibidem*, p. 4.

<sup>19</sup> *Ibidem*, p. 63.

<sup>20</sup> *Ibidem*, p. 89; the five essentials specified are the existence of God, God’s Providence, that man’s most acceptable service to God is doing good to man; that souls are immortal; that crime will be punished and virtue rewarded here or hereafter. Note public spirit sitting comfortably and inconspicuously in the center of the list.

<sup>21</sup> *Ibidem*, p. 15.

Franklin says he learned how to converse by reading about Socrates, who, he observed, preferred to ask questions rather than contradict his interlocutors.<sup>22</sup> But Franklin, going one better on Socrates, sought rather “information” than learning, and while hiding his own view and raising sly objections to another’s, he made philosophy compatible with, or even tantamount to, sociability. This modesty that is not really modesty is just the sort of politeness that Rousseau detested.

Franklin’s subtle modesty is on view in a passage where, soon after admitting that he would have been “a very bad poet,” (14) he presumes to correct the lines of the greatest poet of the age, Alexander Pope. Pope had written:

Immodest words admit of no defense,  
For want of modesty is want of sense.

Franklin suggests that they would read better as:

Immodest Words admit but this Defense  
That Want of Modesty is Want of Sense.

With this change modesty receives “some apology,” he says. In agreement with Socrates, Franklin implies that virtue is knowledge, and in disagreement with Socrates, that knowledge is about how to be sociable, and so virtue is sociability. Sociability is useful, like religion.

There are many more beauties in Franklin’s *Autobiography* that ought to be left to the reader to discover. Its theme is utility, and the constant way to utility is through the suppression of one’s ego, for that is the way to satisfy one’s ego. Utility means utility to oneself, but not only to oneself – also to the public and to mankind. In his exemplary book Franklin recounts a marvelous variety of useful projects in which he took the lead or provided the inspiration. It is as if he wanted to illustrate what Tocqueville was going to say about the art or science of association in America.<sup>23</sup> He could not have done all these things successfully, however, if he had done them out of crude, unadorned utility in the rule-bound manner of later utilitarians. When swimming, he said that he was “always aiming at the graceful & easy, as well as the Useful.”<sup>24</sup> He himself was a man of style, and he wanted to give style to utility, or combine style with utility, lest life be made dull and crass.

The best part of style is not to attract attention. Franklin learned the impropriety of “presenting one’s self as the Proposer of any useful Project”; it is much better to keep out of sight. “The present little Sacrifice of your Vanity will afterwar-

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<sup>22</sup> *Ibidem*, pp. 18–19. And Socrates never embarrassed or exposed the ignorance of anyone while asking his questions? And was never put on trial and sentenced to death? Franklin, unlike Socrates, was able to embarrass foolish acquaintances without risking death; see the incident in which he used the “Socratic method” with Keimer, pp. 39–40.

<sup>23</sup> A. de Tocqueville, *op. cit.*, Ch. I 2.4; Ch. II 2.5–8.

<sup>24</sup> B. Franklin, *op. cit.*, p. 53; see R. Lerner, *The Thinking Revolutionary*, p. 43.

ds be amply repaid” when people find out that the credit belongs to you.<sup>25</sup> Yet three pages after saying this Franklin presents as his own “the bold and arduous Project of arriving at moral perfection.” He had intended to write a book on the Art of Virtue, but instead he inserts only a couple of pages on twelve or thirteen virtues and precepts. He is no pompous Mr. Perfect, for these virtues are designed to improve him as well as others. They are formed on a method that seeks to prevent the usual fault of such a list that in focusing on one virtue a person tends to forget the other virtues. Franklin has a little book in which to record his faults, methodical fellow that he is. His list consists of bourgeois virtues to be sure, but also of citizen virtues such as justice and sincerity – thus spanning the distinction between bourgeois and citizen on which Rousseau insisted.

If we compare Franklin’s list to the eleven virtues that Aristotle discusses in his *Ethics*, we see that Franklin has omitted courage, ambition, generosity, magnificence, magnanimity (Aristotle’s magnanimous man, possessed of all the virtues and aware of it, would not keep a little book in which to write down his faults), friendliness and wit. These are the virtues of nobility (together with friendliness and wit, virtues of sociability for its own sake rather than for utility), virtues that are out of the ordinary. To Aristotle’s list Franklin adds virtues that are instrumental, such as order and cleanliness, which are beneath Aristotle’s moral virtues. Franklin replaces Aristotle’s generosity with frugality, the bourgeois virtue par excellence. Why so? He was a generous man, and if he was frugal it was so as to be generous. He was more than generous; he was a great man. But he does not “present himself” as such. His seventh virtue is sincerity, defined as “Use no hurtful deceit.” Hmm. Is harmless or well-intended deceit what we usually mean by “sincerity”?

The *Autobiography* is stock full of deceits that Franklin found not hurtful but useful.<sup>26</sup> It stops at 1757, just when Franklin was about to become a great man, and entering the period of his life on which a *biography* would say the most. For Franklin’s purpose it stops just at the right moment, for he did not want to look back on his life as from above. Even the scientific experiments he records show the human side of science – the vanity of scientists.<sup>27</sup> Franklin’s cure for the vanity of the great man is to be kind and humane by disguising one’s greatness. His book records what is today called the American Dream, a peculiar dream that can be realized. You make it real when you rise from poverty and obscurity by doing good to your fellow citizens. Franklin records the *method* for realizing the dream, which is to relax strict morality, not so much as to get ahead by fair means or foul, as with Machiavelli, but to get the approbation of other citizens, finally the public, who in general do not find strict morality attractive. Thus can a great man manage to survive among so many who are not great, and also benefit the community with many useful insights and inventions. But are these many useful benefits *great* be-

<sup>25</sup> B. Franklin, *op. cit.*, p. 87.

<sup>26</sup> R. Lerner, *op. cit.*, pp. 50–53.

<sup>27</sup> B. Franklin, *op. cit.*, pp. 172–173.

nefits? On the first page of *The Federalist* it is said that America is an experiment for mankind to see whether good government can be established by reflection and choice, meaning republican government, rather than by accident and force. Here America is a great country because it provides a great benefit to mankind. We need to see how greatness presents itself in republican government.

### Montesquieu on Republican Virtue

It might seem that republican government is not hospitable to greatness. Greatness is rare and great men are few; but republican government puts power in the hands of many rather than few. Republican government is above all distinguished from monarchy, which is government by one person. Traditionally, it was thought that republics would have to be small, because only in a small country could the people run the government directly by meeting in a single popular assembly. The Anti-Federalists, who opposed the Constitution, accepted this “small-republic argument” while modifying it to allow a representative assembly elected by the people. So long as the terms of representatives were short and the turnover high, government would be close to the people, if not identical with the people. To support their modified version of traditional republicanism, the Anti-Federalists relied for intellectual authority on Montesquieu, who in his *Spirit of the Laws* described the Greek cities as the paradigm of republicanism. In order to live peacefully these cities had to be united, and for unity they needed to have one homogeneous people without ethnic or national divisions and a strict education to prevent factions from arising. Republics depend on virtue to stay united and to defend themselves against enemies, in contrast to monarchies that have their unity in the monarch and do not require virtue either from their subjects or, for that matter, in the monarch.

What is this republican virtue? Montesquieu defined it as being strict, stern, austere, and even ascetic. He compared the virtue of republican citizens to the love that monks have for their order. Just as monks subordinate their particular interests when living together, so do citizens for the general good of the republic.<sup>28</sup> Virtue in this view is self-sacrifice, the very contrary of self-interest. After praising the republican virtue of the ancients, Montesquieu begins at this point a critique of it that the Anti-Federalists failed to notice. Self-sacrifice, Montesquieu shows, requires an education that hardens citizens against enemies, producing martial virtue that he goes so far as to call “ferocity,” followed by a counter-education in music that softens these same bellicose citizens so that they can live with one another.<sup>29</sup> Montesquieu’s idea of republican virtue perfects it by contrast to the virtue spoken of in the classical sources, because Plato and Aristotle always left room for a virtue above anything that could be achieved in politics. Montesquieu, making a similar

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<sup>28</sup> Montesquieu, *Spirit of the Laws*, Ch. IV, p. 6; Ch. V, p. 2; Ch. XIV, p. 7.

<sup>29</sup> *Ibidem*, Ch. IV, p. 8.

point for a different end, shows through careful stages of his argument that republican virtue cannot sustain itself, and in the end destroys itself by trying to renounce and repress human interests and passions.<sup>30</sup> His solution is not to show the way to the higher virtue of philosophy, but rather to lead his readers, disillusioned with republican virtue, toward a politics of liberty. In this new politics, no longer sought in the imagination but “found” in modern Britain, laws are mild, passions are loosed, interests are pursued, and commerce brings peace. The Anti-Federalists, wishing to follow Montesquieu but not quite taking his meaning, combined virtue and liberty by adding them together. They wanted both martial virtue and individual rights, and they did not fully appreciate the extent to which liberty was meant to *replace* virtue. They can be excused by the fact that Montesquieu did not make it clear either, and perhaps deliberately. A certain nostalgia for “ancient virtue” provides a prudent check on the selfish exploitation of commercial interests, on the one hand; and on the other, toleration of selfish passion takes the hard edge off righteous virtue. No matter that the boundary between virtue and liberty is not precisely defined.

### Publius on Ambition

In *The Federalist*, however, a new outlook on “the extended republic” as opposed to the small republic permits a new republican virtue, one that can accommodate greatness. *Ambition* is the focus of this new republicanism, and ambition leads to a new conception of *responsibility*. In one of many famous phrases in *The Federalist*, its pseudonymous author Publius says: “Ambition must be made to counteract ambition.”<sup>31</sup> The context is a defense of the new form of separation of powers in the American Constitution, but the words might be quoted outside the context to apply to the whole society over which the Constitution will preside. Thus abstracted, we have a new principle connecting virtue to liberty. Franklin’s *Autobiography* was all about ambition, but he left it off his list of virtues because he wanted ambitious people to defer to the doubt and envy of society, and feared appearing too demanding himself of his fellow citizens’ approbation. Publius, one could say, returns to Aristotle’s promotion of ambition. Aristotle had noticed that people are sometimes blamed for too much, sometimes for too little ambition, as if there were an inconspicuous mean defining the right amount of ambition, and the right degree of love of honor; so he proposed that this hitherto nameless quality be counted as a virtue.<sup>32</sup>

Publius differs from Aristotle, however, in connecting ambition to interest rather than calling it a virtue. Just after saying that ambition must be made to counteract ambition, he adds that “the interest of the man must be connected to the constitutional rights” of the office, as if ambition were in one’s interest. But is it in

<sup>30</sup> The stages are summarized in my book, *Taming the Prince*, Baltimore 1993, pp. 225–228.

<sup>31</sup> *Federalist*, p. 51.

<sup>32</sup> Aristotle, *Nicomachean Ethics*, 1125b1–25.

your interest to seek and accept public office? Many ambitious people decide not to run, as we know today; and there are theorists of “rational choice” who aver that following your own ambition is less rational than foregoing the honor yourself and taking a free ride on someone else’s ambition. It does seem that ambition requires an expenditure of energy that might distinguish it from self-interest in its ordinary, less demanding forms, such as self-interest in a higher wage. In connecting ambition to interest, Publius shares Franklin’s deference to popular, republican distrust of that quality (which he does not name a virtue); but in referring to ambition by name he goes beyond Franklin too. He seems to want to teach Americans that outstanding men of ambition are not so far from ordinary men as traditional republican suspicion supposes. Here is an example of what Tocqueville called the American doctrine of “self-interest well understood.” Tocqueville remarked that in promoting that doctrine, Americans “would rather do honor to their philosophy than to themselves.”<sup>33</sup> But in naming ambition, Publius goes a certain distance toward honoring it, because he implies that it deserves to be singled out and provided for.

Let us recall that Publius mentions ambition while making a defense of the separation of powers. Ambition is asserted to be in the interest of the ambitious man, and his interest is connected to the constitutional rights of the office. *The Federalist* is renowned for the realism of its analysis, and especially for the famous argument in *Federalist* 10 regarding “clashing interests.” But the remedy proposed there is the extended republic, as opposed to a small, homogeneous democracy that allows one majority interest to dominate and oppress the country. This means that the play of interests is determined by the *form of government*. The interest of a faction differs in the two contexts: in the small republic it seeks to dominate and lord it over others, in the large, to conciliate and combine. These are two very different behaviors. An outside observer might want to call both of them self-interested, but if you were actually living in these two republics, you would say in the first that not to dominate is against your interest, and in the second that domination is against your interest. The universality of self-interest, it seems, is too weak to specify how one should live. We also need to know what the political regime makes our interest be. As a work of political science *The Federalist* could have been a dull tract of public law, for in outline all it does is to explain the various parts and clauses of a formal document. Yet in saying why the Constitution was written as it was, Publius shows how he expects its offices to work. The realistic analysis enlivens, but also emerges from, the formal structure of the new proposed government.

In *Federalist* 10 Publius warns against not only interests but also passions – against the “propensity of mankind to fall into mutual animosities . . . [over] the most frivolous and fanciful distinctions.” This might make one suppose that interests are solid and substantial while passions are the contrary. In the eighteenth century it was common, as Albert Hirschman has shown, for philosophers and publicists to rely on solid interests to soothe excited passions. Hirschman begins his analysis from this

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<sup>33</sup> A. de Tocqueville, *op. cit.*, Ch. II 2.8, p. 502.

leading quotation of Montesquieu: “Happily men are in a situation such that, though their passions inspire in them the thought of being wicked, they nevertheless have an interest in not being so.”<sup>34</sup> But Montesquieu, sly fellow that he was, noted that passions might also inspire virtue, particularly the martial virtue characteristic of republics. This was the republican “ferocity” we have seen. He therefore took care in his book *The Spirit of the Laws* gradually to replace martial republican virtue with modern commercial self-interest. This is what Peter Berkowitz has nicely called “the healthy liberal impulse to economize on virtue.”<sup>35</sup>

*The Federalist* goes along with the impulse for a considerable distance, as Publius expects the American republic to be devoted to commerce rather than defensive or offensive war. But virtue will not be made obsolete. When discussing the House of Representatives, Publius declares that the aim of every political constitution is first to get rulers who discern and have the “virtue to pursue” the common good, and second to make precautions for “keeping them virtuous.”<sup>36</sup> The virtue in question can only be public spirit or ambition. You might think that a virtuous person does not have to be *kept* virtuous, that virtue means being virtuous without external compulsion; but while this may be true of a few rare souls, it is too much to ask of the good people that voters can ordinarily hope to find, and above all with respect to the virtue of ambition. Ambitious men, we have seen, need to be *counteracted* by other ambitious men, but still perhaps as much to bring out their virtue as to prevent them from doing wrong.

When we come to the executive branch, Publius expands on the meaning of ambition, for the new American republic is not to have for its executive a committee chosen by the states, as in the Articles of Confederation, but a single person elected directly by the people. The U.S. Constitution establishes the first republic with a strong executive, and this office calls for a certain kind of person that is described in some detail. Publius goes so far as to deny directly “the maxim of republican jealousy which considers power as safer in the hands of a number of men than of a single man” – at least in regard to the emergencies that executive power must deal with.<sup>37</sup> But this advantage of one-man rule does not arise from superior virtue in him. The executive is held to be on the same level as ambitious men in the other branches, and though he might have “the stern virtue [that] is the growth of few soils” – like George Washington – it should be assumed that his virtue will not be so exalted that he does not have to be “kept virtuous.”<sup>38</sup> Accordingly, Publius organizes his account of the executive around a quality that has become very American, that most Americans today would consider a virtue – energy. “Energy in the exe-

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<sup>34</sup> Montesquieu, *op. cit.*, Ch. XXI, p. 20; A. O. Hirschman, *The Passions and the Interests*, Princeton 1977. For my comments, see: H. C. Mansfield, *Self-Interest Rightly Understood*, “Political Theory” 1995, No. 123, pp. 48–66.

<sup>35</sup> P. Berkowitz, *Virtue and the Making of Modern Liberalism*, Princeton 1999, p. 33.

<sup>36</sup> *Federalist*, p. 57.

<sup>37</sup> *Ibidem*, p. 70.

<sup>38</sup> *Ibidem*, p. 73.

cutive is a leading character in the definition of good government.” Again we see that the office calls for a certain character in the office-holder. Energy is a morally neutral term that comes from physics, and in the *Federalist* it is paired with its counterpart, stability. Any government, says Publius, needs both energy and stability, and the Framers had to make a special effort to combine them with the republican form, which in its traditional understanding had rarely achieved either.<sup>39</sup> Energy is something like ambition, except that ambition is ambivalent (you can have too much or too little, implying a mean that is the right amount and therefore a virtue) while energy is neutral and may be used for virtue or vice. Yet Publius uses the word as if energy were a virtue or led to virtue. One could say that, for him, energy is understated virtue. To be a good executive you need to call on your own capacity for energy, and those who find themselves to be energetic will be the best for the job. The U.S. Constitution as a whole works through “job-based” virtues required for its various acting – or better to say, *counteracting* – roles. It is not that nothing gets done, for though the government sometimes comes to a halt, the Constitution is not designed, as is sometimes said, for inaction or gridlock. The executive power is always ready to act in an emergency. And the supposed inaction of American government is better described as action against a backdrop of counteraction by the two other branches of government.

What are the characteristics of energy that make for a good president? Speaking of the office, Publius says that the executive needs to have unity: it must be one person rather than a committee. The reasons are that one person can act in emergencies without dissension and that one person is more visible, hence more accountable, than a committee. One could object that a committee could be unanimous and that one person might be of several minds and indecisive. Very true, and this shows that the office requires a person who is decisive in emergencies, not merely one person of no particular character. One could go further and say that “decisive” is also not enough, because the executive must decide well. At this point energy stops being neutral and becomes a virtue.

The next characteristic of energy is duration. “Duration” refers in the first place to time in office, the president having a four-year term that in the original Constitution could be extended indefinitely. Like unity, however, duration refers also to the character of the office-holder, to the fact that he will not be a pushover but will have “personal firmness.”<sup>40</sup> He will have this because, having a long term, he may as well have it. Publius pronounces a “general principle of human nature” that a man will be “interested in whatever he possesses in proportion to the [...] firmness of the tenure by which he holds it.” A firm tenure does not merely call for, but makes a firm man. The Constitution does not say of the executive: only firm men need apply! It works through interest, using interest to produce virtue. Or would one again object that personal firmness is not necessarily a virtue because a person of this character might

<sup>39</sup> *Ibidem*, p. 37.

<sup>40</sup> *Ibidem*, p. 71.

be a stubborn fool? The answer is that the executive will be enabled by the duration (and hence the independence) of his office to oppose the legislature, which, being closer to the people, is more likely to reflect “every sudden passion” or “every transient impulse” that may take hold of the people. The executive’s personal firmness will prevent him from feeling or showing a “servile pliancy [...] to a prevailing current,” thus raising firmness above stubbornness. Here, too, energy shades into stability. A firm executive will have a stable administration.

We recall Franklin’s list of virtues for a free society, which might be summed up as sociability under an aura of modesty. One of the virtues was “resolution,” but this meant resolving to perform what one ought, not resolution against others. There is nothing like “personal firmness” in the list, and if you wanted to be critical, you could say it had an odor of “servile pliancy” to the opinion of society. Franklin gives us the virtues enabling us to live in a free society; Publius gives us the virtues for governing it. Both sets of virtues are characterized by modest understatement in which sternness and imperturbability in bad and in good fortune are omitted or not stressed. Nothing heroic is set forth, much less required. But Publius sees, as against previous republican theorists, that in a popular government the virtue of standing up to the people is the most needful. Perhaps, too – and contrary to Franklin – personal firmness against the pressure of public opinion is the most useful social virtue. And you might get from the phrase “servile pliancy” the contrary of personal firmness, the idea that there is something noble about it as well. Thus, when personal firmness is counted a political virtue, it might through imitation and emulation become a social one too.<sup>41</sup>

There is a further stage in the meaning of energy, going beyond personal firmness, which arises when Publius takes up the lack of a constitutional limit on the president’s eligibility for re-election. Interpreting this deliberate omission, Publius extends his discussion of duration from being firm to having long-range plans and goals – in Publius’s always elegant prose, undertaking “extensive and arduous enterprises.” And here Publius speaks the famous phrase in which Alexander Hamilton can be clearly seen behind the mask: “love of fame [is] the ruling passion of the noblest minds.”<sup>42</sup> The noblest minds are distinct from “the generality of men,” and as such not only must they be included but they must not be *excluded* – as if the noblest minds had a right to a place in republican government. Not to allow them a second or third term would be excluding them! For such a man would foresee that he could not finish anything great that he might begin. Publius does not refer to great men here, and the only man called “great” in *The Federalist* is the philosopher Montesquieu.<sup>43</sup> But the American people, perhaps prompted by professors, have taken up the game of listing the “great presidents,” and their presidents are by no means indifferent to

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<sup>41</sup> That George Washington understood this well is the point of Richard Brookhiser’s fine book, *Founding Father. Rediscovering George Washington*, New York 1996.

<sup>42</sup> *Federalist*, p. 72.

<sup>43</sup> By A. Hamilton, in: *Federalist*, p. 9.

“how they will go down in history,” which is our subdued way of referring to the love of fame. It is quite remarkable that America, a country so proud of its democracy, should be so open to greatness. Of course it democratizes greatness, so that professional athletes, for instance, become “sports heroes” and are awarded a place in some Hall of Fame. But it is no wonder that when democracy recognizes greatness it democratizes greatness. What is impressive is a democracy that, contrary to what might be gathered from Benjamin Franklin’s *Autobiography*, is willing to recognize greatness (even if they often mistake it). I believe that *The Federalist* and the form of government it defends have something to do with this fact. When Americans want to honor greatness they surely qualify their attachment to strict democratic equality, but they do not have to leave the ambit of their republicanism. Thus they do not have to fall victim to a Napoleon.

Necessary to say – and how I wish it were needless to say – our American political science today is almost completely at a loss to appreciate the subtle interplay of interest and virtue in *The Federalist*. The reason is that it cannot explain ambition or public spirit and only thinks of reducing them to interest, desire for power, or aggression. But it is one thing to economize on virtue and quite another to replace it with economics.

## Responsibility and Constitutional Space

We have not yet finished with the innovations of Publius in liberal virtue. In addition to ambition, an old topic discussed in Aristotle’s *Ethics*, we find *responsibility*, a new term used, perhaps coined, by Publius to describe the correct behavior of a representative toward the people.<sup>44</sup> The word has caught on to the extent that today “fulfill your responsibilities” is the way we say “be virtuous” or “do your duty.” This is the most striking example of *The Federalist*’s influence on our moral behavior and vocabulary.

“Responsibility” occurs principally in the discussion of the Senate, written by Madison, and of the President, written by Hamilton; but Madison is apparently the author of the new definition of the word. Before *The Federalist*, “responsible” meant “responsive” in the sense of *responsible to*, and Madison introduced the idea of *responsible for*. The House of Representatives, elected every two years, is more responsive to the people than is the Senate, yet the Senate, with its six-year term, allows a Senator to become responsible for actions that the people might not think of on their own or endorse immediately but would approve in a more distant election or after things settle down. This relatively long term makes it possible for

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<sup>44</sup> See the excellent discussion, to which I am indebted, in: D. F. Epstein, *The Political Theory of the Federalist*, Chicago 1984, pp. 179–185. See also: D. Adair, *Fame and the Founding Fathers*, ed. T. Colbourn, New York 1974, and H. C. Mansfield, *Responsibility and Its Perversions*, in: *Individualism and Social Responsibility*, ed. A. Cecil, Dallas 1994, pp. 79–99.

the government to sustain the difference between the people's immediate desires and their "deliberate sense," a distance that might be called constitutional space. In general, America has a popular government with constitutional space between the people and the government, giving the latter freedom to act on behalf, as distinguished from at the behest, of the people. A responsible person uses this freedom to act on his own – taking the initiative or taking charge – in order to act on behalf of the people. The individual actor and the people are linked, and though the actor becomes outstanding in comparison to the rest of the people, even something of a hero, he does not look down on the multitude of mere "human beings" as did Achilles.

"Responsibility," like "energy," is a morally neutral word because one can be the cause of, or responsible for, evil as well as good. In everyday usage, however, "responsible" is a term of praise (like "energetic"), and "irresponsible" a term of blame. It is linked to interest because it is in one's interest to be known as responsible, but it also differs from interest. The responsible person takes a risk in acting when, perhaps, by not taking charge, he might have let George do it and still get the benefits or avoid the blame himself. Responsibility is a virtue that steps in when one's interest is at a loss to decide between gaining a benefit and enduring some danger, and may therefore be content to let things happen. It is voluntary, and less automatic than interest; and it makes one stand out from the rest rather than follow the average or mediocre course recommended by self-interest.

Responsibility is the virtue that makes possible lack of virtue, or self-interest. It is the grander sense of freedom, the freedom to found and save a free country, that makes possible the generic sense of freedom which is living as you please. Yet it is a democratic virtue, not because everyone *will* be responsible but because anyone *can* be. It is like a duty in being attached to an office or a role – the responsibility of the president or of a parent – but it differs from duty in being voluntary or more voluntary. Sometimes, as with a parent, the risk in responsibility is reduced to the burden or inconvenience. Responsibility is the voluntary assumption of a task, like changing diapers, that you might not choose for itself. Even in a free country someone must change diapers – not a Senator of course, but someone with a virtue that encompasses the great and the menial.

To conclude: I have not been discussing the virtue of the majority of Americans at the time of the Founding, for that would be more Christian and Protestant than what can be found in Locke, Montesquieu, Ben Franklin or the authors of *The Federalist*. My intent was to see what is more innovative and at the same time more peculiarly American than what most Americans practiced and believed. Part of the innovation is in Franklin's list of virtues for a free, democratic society, in which religion is assumed but depreciated. More of the innovation, I would say, is in Publius, who is an underrated source of – one cannot say moral inspiration – but moral suggestion and definition in America. Publius' notions of ambition, energy, and responsibility had behind them the force of the Constitution, the force deriving from the form, which provides constitutional space. What is this force?

It is not self-interest generally or theoretically understood, but “the interest of the office.” And the interest of the office is a kind of interest that permits and requires the cooperation of virtue. The lesson overall is that moral philosophy is incomplete without political philosophy.