

## On the Education of the Guardians of Freedom

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THERE IS A sense in which education can be regarded as political, or civic, or moral. That sense accompanies an understanding of all things that we associate with Socrates. It was Socrates, said Cicero, who "was the first to call philosophy down from the heavens and set her in the cities of men and bring her also into their homes and compel her to ask questions about life and morals and good things and bad things." But, as Leo Strauss makes clear in *Natural Right and History*, Socrates' turning toward human things not only was in the service of understanding human things, but represented a new way of understanding all things, divine no less than human. Pre-Socratic science, like modern science, was reductionist in its way of understanding: Socrates' predecessors, according to Cicero, were interested primarily in mathematics and astronomy and in what it was out of which things came and into which they went. But Socrates wanted to know what it was that things were when they had fully become what they were. Not generation and corruption, but what was generated before it was corrupted, he thought, was the focal point of understanding. Socrates did not think that things could be reduced to their conditions. That is the reductionist fallacy.

Socrates remained in prison in Athens and suffered execution—even though he might have walked out of prison and lived

out his life in exile—because he believed that is what he ought to have done. His reasoning, expressed in his speech to Crito, expresses the cause of his behavior. Not the matter out of which Socrates was formed, or the conscious or unconscious passions of his soul, but his reason, his *logos*, was Socrates. Because Socrates embodied a principle which he had discovered within himself, but which he did not invent or make, he acted according to his nature, which was part of nature altogether. Since Socrates knew that his reason was what was best in himself, he thought that there must be a good—a reasonable or intelligible good—that was the ground of reality in the universe. The being of the universe became intelligible to him in the light of the idea of the good, the ground of all intelligibility.

We begin, says Aristotle—one of Socrates' most eminent, as well as most contentious successors—with what is intelligible to us. From this we proceed toward what is intelligible in itself. God, Aristotle would say, is the most intelligible thing in the universe. It is God's intelligibility that is the cause of the intelligibility of all intelligible things. What is divine in man is what is best in man. And that is reason. We must begin by trying to understand what reason is in us, so that we may in the end catch a glimpse of divine reason. We begin, in Burke's phrase, with the home-bred and

the prescriptive. But if we become wise, nothing human will be alien to us, and nothing will be prescriptive but what is good.

As Americans we are a peculiar people. I do not mean even to suggest that we are indelibly defined by what was once called our "peculiar institution." There is, however, one thing that is unique in our history. Everything that is distinctive about us is derived, directly or indirectly, from this. We are the first people in the history of the world to announce our independent existence by appealing to rights which, by our own account, are not peculiarly our own, but which we share with all men everywhere. The assertion that all men are created equal, that they are equally endowed by their Creator with the same unalienable rights, and that the just powers of government are derived only from the consent of the governed, has made the Declaration of Independence what President Coolidge called "the most important civil document in the world." The truths incorporated in the Declaration of Independence, as Coolidge noted, were not new. But never in the long course of human events had they been adopted by a representative assembly of a whole people, supported by an army in the field, and made the ground not of theoretical speculation but of practical action. Never before had they given birth to a nation.

Abraham Lincoln said that the proposition that all men are created equal was the "central idea" of our founding, from which all its minor thoughts radiated. It was, he also said, "the father of all moral principle among us." By this he meant that the recognition of our rights as human beings, under "the laws of nature and of nature's God," was the precondition of our civil and political rights, and of the recognition of those duties towards each other that are the correlates of those rights.

It is of no little moment to notice that, as Coolidge declared that the Declaration of Independence was "the most important civil document in the world," he clearly subordinated the Constitution to the Declaration. In this he followed Lincoln,

who once set forth the connection between these two paramount documents of our founding in a meditation upon a verse in the Book of Proverbs (25:13):

"A word fitly spoken is like apples of gold in pictures of silver." The assertion of that principle [*viz.*, "that all men are created equal"] at *that time*, was *the word*, "*fitly spoken*" which has proved an "apple of gold" to us. The *Union*, and the *Constitution*, are the *picture of silver*, subsequently framed around it. The picture was made, not to *conceal*, or *destroy* the apple; but to *adorn* and *preserve* it. The *picture* was made *for* the apple—not the apple for the picture. [Emphasis in original.]

The relationship of the Constitution and the Union to the Declaration of Independence is one of end and means. It is that of a picture frame to the picture framed. The Constitution has often been referred to as a bundle of compromises. Certainly on one great question—that of slavery—the moral purpose of the Constitution, as seen merely from its text, is ambiguous and equivocal. The principles of the Constitution are not to be found in the Constitution, except in one place—the preamble. "We the people of the United States" implies that the discrete individuals who inhabit the several states, as citizens of those states, have formed themselves into a people. When did they do so? And what did they understand themselves to have done in so doing? There is only one place—or rather, there is one place above all others—where we may turn for an answer:

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them . . . .

Thus it is that "We the people of the United States [who] ordain and establish this Constitution for the United States of America" are the same one people who became one among the powers of the earth in and through the instrument of the

Declaration of Independence considered as a legal document.

But it must be borne in mind that the legal force of the Declaration derives from the principles of moral and political right embodied in it. It is these which, in the words of John Quincy Adams, alone prevented the American Revolution from being mere "rebellion and treason." By the Declaration, "all men are created equal" and are equally endowed by their Creator with certain unalienable rights. This means that political rule among men does not arise from any natural difference among them: as for example it arises in the relationship of mastership and servitude between men and beasts, or between God and men. As Jefferson declared in 1826—shortly before his (and John Adams's) death, on the fiftieth anniversary of Independence—the mass of mankind are not born with saddles on their backs, and some favored few, booted and spurred to ride them. Equality does not mean sameness. But differences, or inequalities, in strength, beauty, intelligence, or virtue, do not entitle any men or any class of men to rule others without their consent. Consent, however, does not mean any acquiescence of the will. An agreement brought about by fear or by fraud cannot be understood to represent consent. The consent that gives rise to "the just powers of government" is the enlightened consent of those who have voluntarily—and unanimously—agreed to become fellow citizens, having recognized each other as human beings with unalienable rights. In the words of the Massachusetts Bill of Rights of 1780:

The body politic is formed by a voluntary association of individuals; it is a social compact by which the whole people covenants with each citizen and each citizen with the whole people that all shall be governed by certain laws for the common good.

Original equality leads then to that unanimous consent which constitutes the body politic. This unanimity gives rise to majority rule, the majority being that substitute for the whole that flows from unan-

imous consent. The majority is that part of the whole that can act for the whole, without any derogation from the original equality of its constituent members. And the whole must be able to act by something less than unanimity if it is to be able to secure those rights which all men have from their Creator but which they cannot secure except through the instrumentality of government. The security of the equal rights of all constitutes the end for the sake of which government is instituted. Majority rule, in a polity constituted by the unanimous consent of its members, is the necessary political means for accomplishing such an end. But majority rule being for the sake of all—and not for the sake of the majority—must at all times bear in mind the rights of the minority. As Jefferson said in his inaugural address in 1801:

All too will bear in mind this sacred principle that, although the will of the majority must prevail, that will, to be rightful, must be reasonable. The minority possess their equal rights, which equal laws must protect, and to violate would be oppression.

This is no more than a gloss upon that other document of which he was the draftsman, the Declaration of Independence. The Declaration is a statement not of the rights of Americans as such, but of all mankind. The ground of these universal rights is, moreover, quite literally, perhaps redundantly, the universe. The rights of man become intelligible as they belong to the "great chain of being," linking the lower natures with the higher and the higher with the Creator. The idea of the rule of law is exactly what Aristotle said it was, "reason unaffected by desire." The rule of law—of ruling and being ruled in turn—flows from the fact that what man "is" is a being compounded of reason and passion. Beasts have no reason at odds with their passions. Instinct takes the place of reason, and the passions are in the service of instinct alone. God has no passions to oppose his reason. When the Bible speaks of God's being angry, or jealous, or just, it speaks metaphorically—anthropomorphically—so as to make

men the more willing to do their duty, but not to convey the intrinsic reality of God's being. But the Declaration speaks of God in the language of political philosophy, replacing the three persons of Christian theology by the three "powers" into which the rule of law is divided. In so doing, it affirms the idea of the rule of law as grounded in the very being of the universe and of God's Creation. For the God who is present in Creation and after Creation is indeed tripartite: the legislative God is present in "the laws of nature and of nature's God"; the judicial God, as "the supreme judge of the world"; and the executive God, as the possessor of the police power of the universe, that "divine Providence," upon whom a "firm reliance" is placed for our protection.

For the founding generation, as for all reasonable men, "the accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny." Yet this aphorism admitted of one exception. As the citizens of the Town of Malden, Massachusetts, expressed it on the eve of Independence (May 27, 1776), "This [the republican] is the only form of government which we wish to see established; for we can never be willingly subject to any other King than he who, being possessed of infinite wisdom, goodness, and rectitude, is alone fit to possess unlimited power." The rule of God over men, like that of man over beasts, is monarchical and absolute. Indeed, even the rule of man over beasts is limited, or ought to be limited, in that men living under the rule of law limit even the manner in which they may treat the beasts that come under their dominion. The rule of man over beasts is absolute, as seen from a species standpoint. It is not absolute in the sense that individual human beings can treat the beasts inhumanely, as we say. But if there is a Being possessed of that "infinite wisdom, goodness, and rectitude" that we believe God to possess, the rule of such a Being is properly unconstrained in the manner that we assign to the rule of law.

The rule of law as clearly set forth in the Declaration of Independence, both literally and symbolically, is one of powers limited and balanced. It is also one in which the people rule not by the mere force of numbers, but by law and through law. The spectacle of the abuses of power—the despotic acts—of both king and Parliament, as set forth in the Declaration of Independence, is, when held up to the mirror, the very image of republican constitutionalism. The consent of the governed is required, not only for the institution of government, for the formation of civil society, and for the adoption of a form of government agreeable to the majority, but it is required for the operation of government. The core of the indictment of king and Parliament, the core of the Revolution, "no taxation without representation," is in the charge that "He has combined with others . . . giving his assent to pretended legislation . . . for imposing taxes on us without our consent."

In "A Summary View of the Rights of British America," written for the First Continental Congress, in August 1774, Jefferson thundered the memorable pronouncement that we shall not "be taxed or regulated by any power on earth but our own. The God who gave us life gave us liberty at the same time: the hand of force may destroy, but cannot disjoin them." But let us be clear as to the meaning here: the joining of life and liberty, by God, refers specifically to the uniting, in our pockets, of our hands and our money! Moreover, the connection between taxing and regulating is affirmed. These propositions unquestionably join the rights of life and liberty with the principles of republican (or popular) constitutionalism. Nor is there anything oligarchical in the connection between taxation and representation. The stamp tax, not to mention the tea tax, which Jefferson certainly had in mind, were consumption taxes that affected all classes. They bore more heavily on the poor than on the rich. Republicanism, in the American Revolution, had a radical popular—or, as we would say, democratic—cast.

The core of the democracy of the American Revolution may be seen, finally and above all, in the simple logical structure emanating from the proposition that "all men are created equal." As Lincoln said in 1854, in his first and most comprehensive speech on the slavery question, this is "the sheet anchor of American republicanism." Because all men are created equal, no man may govern another man without that other man's consent. Slavery, said Lincoln, violates this prescription. But it does so in this further respect: the master governs the slave "by a set of rules altogether different from those which he prescribes for himself." Then Lincoln added, "Allow ALL the governed an equal voice in the government, and that, and that only, is self-government." Free government is government by law, in which the powers of government are so divided and balanced that government cannot become arbitrary and tyrannical, even if it is government of the people, by the majority. But free government is popular, republican, and democratic, because those who live under the law must make the law they live under. Slavery—not to put too fine a point upon it—is taxation without representation in its most egregious form.

The *anciens régimes* of eighteenth-century Europe, like the totalitarian regimes of the twentieth century, were regimes in which privileged classes were either exempt from taxation or were taxed on an altogether different basis from the unprivileged or less privileged classes. And both the civil and criminal codes of these regimes differed for the different classes. By the laws of the ante-bellum slave states in the United States—whose effects were largely continued by Jim Crow until 1964—slaves could not testify in court against free men, even in cases of personal injury. Security against the deprivation of life and liberty is not possible, as a practical matter, where men are—either directly or indirectly—judges in their own cases. The law itself cannot be impartial unless those who live under the law share in making the law and unless

those who make the law are compelled themselves to live under the same law that they make for others. All these propositions are, in a virtually Euclidean sense of inference and deduction, embodied, as the Gettysburg Address implies, in the proposition that all men are created equal. Hence it was to this proposition, as Lincoln said, that the nation truly was dedicated by its conception and by its birth.

## II

IN 1783 GEORGE Washington remarked that the foundation of our political system "was not laid in the gloomy ages of ignorance and superstition; but at an epoch when the rights of mankind were better understood and more clearly defined, than at any other period." Washington had in mind nothing more and nothing less than the political doctrines found in the Declaration of Independence. Today we seem to live in a new dark age. Hitler's National Socialism and the variant thereof in the international socialism of Marxism-Leninism, perhaps better known as Stalinism, are the most justly famous forms of barbarism in our times. What they represent above all is the idea that a political regime may operate without any consent of the governed and that it may operate without any restraints, either by the governed upon the governors or by the governors upon themselves. The abolition of all moral restraints upon government, in the interest of some self-proclaimed utopian goal, is the quintessence of the new scientific barbarism.

Today barbarism is on the march, and political decency is everywhere on the defensive. The ground for this scientific barbarism was prepared by the conviction, deeply rooted in modern philosophy, that all morality, like all beauty, lies merely in the eye of the beholder. Decent constitutionalism can have no foundation in law if there is no objective foundation of morality. The ground of morality is certainly more extensive than the ground of politics. Not all distinctions between right and wrong or between good and bad become distinctions of law or of legal jus-



tice. But all distinctions of law and of legal justice are themselves founded upon morality. The very exemption of some things from political control—religious opinion, free speech, et cetera—we make because we think it moral and right to do so. But the fundamental ground of constitutionalism is the conviction that human beings, as a species, are beings whose relationships are governed by rights and duties, rights and duties flowing from the natural constitution of the human soul. Constitutional government is a means for implementing, in a reasonable way, that moral order which is perceived to flow from the nature of man's humanity.

What are we to think when we read, by a leading publicist of American conservatism, a brusque dismissal of the Declaration of Independence and all it stands for? Here is Russell Kirk, in an introduction to a reprinting of Albert Jay Nock's *Mr. Jefferson*, a 1983 publication which presumably represents Mr. Kirk's latest and most mature thoughts upon the matter of "the roots of American order":

Nock's book has very little to say about the Declaration of Independence. That is as it should be, for the Declaration really is not conspicuously American in its ideas or its phrases, and not even characteristically Jeffersonian. As Carl Becker sufficiently explains, the Declaration was meant to persuade the court of France and the *philosophes* of Paris, that the Americans were sufficiently un-English to deserve military assistance. Jefferson's Declaration is a successful instrument of diplomacy; it is not a work of political philosophy or an instrument of government, and Jefferson himself said little about it after 1776.

I do not think that there is another example, in the entire history of politics or of writing about politics, of more misinformation crammed into fewer words. That Kirk has studiously ignored everything that I have written on the Declaration over the past thirty years is certainly pardonable. He has distinguished company. But that he has ignored Abraham Lincoln—not to mention Calvin Coolidge—cannot easily be forgiven.

Let us first take up the matter of the Declaration's being "meant to persuade the court of France," et cetera. At the very least, Kirk might have noticed that the Declaration itself is addressed to "a candid world." Kirk might have reflected that to be of diplomatic value in its address to the peoples—and governments—of the world, the Declaration, for merely prudent reasons, would have cast its argument in a broader form than one which would appeal merely to the anti-English prejudices of Frenchmen. We can say of Kirk what Lincoln once (in 1857) said of Chief Justice Taney's and Senator Stephen A. Douglas's degradation of the Declaration: "My good friends, read carefully over some leisure hour, and ponder well upon it—see what a mere wreck-mangled ruin it makes of our once glorious Declaration." To treat the Declaration as merely an instrument of wartime diplomacy is to imply that, the objects of war having been gained, the purpose of the Declaration had been exhausted. Here is Lincoln again, in a speech on the Dred Scott decision:

I had thought the Declaration contemplated the progressive improvement in the condition of all men everywhere; but no, it merely "was adopted for the purpose of justifying the colonists in the eyes of the civilized world in withdrawing their allegiance from the British crown." Why, that object having been effected some eighty years ago, the Declaration is of no practical use now—merely rubbish—old wadding left to rot on the battlefield after victory is won.

But Lincoln insisted that the exposition of the principles of political right, beginning "We hold these truths to be self-evident . . ." in fact did not serve any immediate practical purpose in dealing with the outside world. Does Kirk really think that the monarchies of France and of Spain (as of Austria or of Russia), *anciens régimes*, waxed enthusiastic for the American cause because of the assertion of the principle "that all men are created equal"? Undoubtedly such an assertion received a favorable hearing from Lafayette and other generous and enlightened souls. Franklin's diplomacy was much better

calculated to point out the selfish advantages, particularly to the French, of striking back at the British who had recently defeated them.

The Declaration was a pronouncement of America to the world, but it was largely to a world not yet born. Of course, it was a diplomatic document. But it was much more. Here is Jefferson's most celebrated account, in the letter to Henry Lee, May 8, 1825, of what it was he had drafted in 1776:

But with respect to our rights and the acts of the British government contravening those rights, there was but one opinion on this side of the water. All American whigs thought alike on these subjects. When forced therefore to resort to arms for redress, an appeal to the tribunal of the world was deemed proper for our justification. This was the object of the Declaration of Independence. Not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject; in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we were compelled to take. Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give that expression the proper tone and spirit called for by the occasion.

Kirk claims that the Declaration "really is not conspicuously American in its ideas or its phrases," but we have Jefferson's word that it was "intended to be an expression of the American mind." Yet there is something to what Mr. Kirk says: the Americans were, as noted, appealing to rights which were not only not "conspicuously" American, but which were not American at all—except incidentally. Their appeal was to a doctrine of natural rights, rights which Americans possessed not because they were Americans, but because they were human. But because of what Americans stood for in 1776, America itself has become identified with what Lincoln called "an abstract truth, applicable to all men and all times," a truth so

fixed in the Declaration that it would forever after stand as "a rebuke and a stumbling block to the very harbingers of reappearing tyranny and oppression." For Kirk to say that the Declaration "is not conspicuously American" is to say that the Fourth of July, as well as everything that has come to be associated with the Fourth of July, "is not conspicuously American." Kirk has himself become conspicuously associated with the idea of tradition and with the celebration of tradition as a source of moral and political virtue. But the Declaration of Independence is at the very core of the American political tradition. Without it there simply is not, and cannot be, an American political tradition. The proposition that all men are created equal, understood as it must be understood as an assertion about man, God, and the universe, stands in relationship to the political government of mankind, as the law brought down from Sinai—the law embodied in the Ten Commandments—stands in relationship to the spiritual government of mankind. As assertions of moral authority, we may add, these documents stand together forming that composition of reason and revelation that is Western civilization.

Jefferson, in his letter to Lee, having said that he had copied from no particular source, mentioned nevertheless as among the grounds for "the harmonizing sentiments of the day" such "elementary books of public right, as Aristotle, Cicero, Locke, Sidney, etc." Jefferson thought of the Declaration as emanating from the great tradition of political philosophy, and he names four authors, two ancient and two modern. The Declaration is then preeminently a document of political philosophy, the most notable of such documents ever to be applied practically and authoritatively to the solution of the political problems of mankind. For this reason, as we have already noted, Coolidge called it "the greatest civil document in the world."

Kirk has not only declared that the Declaration is not "a work of political philosophy," but also that it is not "an in-

strument of government.” By the United States Code, the Declaration is the first of the four “organic laws” of the United States. The other three, in chronological order, are the Articles of Confederation, the Northwest Ordinance, and the Constitution. All acts and deeds of the United States are dated from the Declaration. As noted, the authority for the Constitution is embodied in the phrase “We the people of the United States . . .,” with which the preamble begins. The United States and its people are older than the Constitution. The United States did not begin, *ex nihilo*, from the Constitution itself. The beginning of the United States is legally as well as morally in the Declaration. The last paragraph of the Declaration publicizes a legal enactment, and it was so understood by everyone in 1776. It says, “We . . . the representatives of the UNITED STATES OF AMERICA . . . solemnly publish and declare . . .” What is published and declared is, first of all, the total dissolution of “all political connection between them and the state of Great Britain.” Next, “that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do.”

Here we may pause to compare and contrast the ending with the beginning. The Declaration opens by referring to “one people.” The “representatives of the United States of America” may then be taken to be the representatives of this “one people.” In the enacting clause these representatives publish to the world “that these United Colonies are, and of right ought to be, free and independent states.” The colonies are united in making the Declaration. Do they remain united as a consequence of the Declaration? This was to become—and continue to be—the great question of American history, the question going to the heart of whether there is, in any proper sense, an American political tradition. Confederate apologists, from Jefferson Davis and Alexander Stephens to Willmoore Kendall, Garry Wills, and M. E. Bradford, have maintained—in

Kendall’s phrase—that the Declaration created “a baker’s dozen” of independent states. It was not only a declaration of independence of the former colonies from Great Britain, it was a declaration of their independence from each other. It was consistent with this view that Stephen A. Douglas, in his debates in 1858 with Abraham Lincoln, could insist that we exist as a nation “only by virtue of the Constitution.” Although himself a Jacksonian Unionist, Douglas here justified what the Southern states were to do when they seceded in 1860 and 1861, and did so by “de-ratifying” the Constitution and their membership in the Union. That is what the secession ordinances were understood to be, and some of them actually were called by that name. But, as Edmund Morgan has asked, when did any of those “free and independent states” ever undertake, in any way or manner, “to levy war, conclude peace, contract alliances,” except as members of the Union? They may not, as Morgan noted, have established commerce, but in the association they had certainly disestablished it. All of the resolutions emanating from the colonial assemblies authorizing the Declaration of Independence had authorized Congress, either expressly or by implication (most of them expressly), to form a permanent Union. The Congress itself, by the Declaration, became the provisional government of the United States, authorized not only to act for the United States in all its external affairs, but to prepare permanent government for the United States, both at the level of the Union and at the level of the states. Indeed, the original state constitutions were formed by the authority of the Congress and at its behest. In forming constitutions, both for the states and for the United States, the founding generation consistently adhered to the distinction between the “internal polity” of each of the states and the government that was to regulate their relationships with each other and with the rest of the world. That is to say, American federalism, although an unprecedented novelty and not fully understood, was present from the begin-



ning. No state, however, as Lincoln was later to insist, ever had any legal status outside the Union. Each state became a state by virtue of the Union and within the Union. Kirk's denial that the Declaration of Independence was an "instrument of government" is a denial of the existence of the Union in 1776. Whether or not he intended thereby to be included in the ranks of Confederate apologists, he has nonetheless adopted their argument.

### III

IN 1825, JEFFERSON and Madison consulted together on the question of what books ought to be recommended to the faculty of law at the new University of Virginia as authoritative guides to the principles of government. I have discussed this celebrated episode at some length in *How to Think About the American Revolution*. There is something almost intoxicating in the thought of the Author of the Declaration of Independence and the Father of the Constitution, the third and fourth presidents of the United States, consulting each other as to where it was that future students at the University then being founded might turn for "the general principles of liberty and the rights of man, in nature and society," as well as for "the distinctive principles of government" of Virginia and of the United States. As to the former, they agreed that Locke's *Second Treatise of Civil Government* and Sidney's *Discourses on Government* "may be considered as those generally approved by our fellow citizens of this, and of the United States." One is staggered at the idea that there was once a time when there were books of political philosophy whose titles and authors—and whose substance—were generally known (and even approved) by the citizens of the United States. As to the latter, Madison and Jefferson agreed upon four items which were the "best guides." The first is "The Declaration of Independence, as the fundamental act of union of these States." The other three are *The Federalist*, the Resolutions of the General Assembly of Virginia of 1799, on the alien and sedition laws, and Washington's Fare-

well Address. It cannot, however, be emphasized too strongly that Jefferson and Madison in 1825 agreed that "on the distinctive principles of our state, and of that of the United States," the first of the best guides was the Declaration of Independence. And the Declaration is here referred to, not merely as an act of separation, but as our "fundamental act of union." So much for Kirk's assertion that the Declaration was neither "a work of political philosophy" nor "an instrument of government."

As to Kirk's assertion that "Jefferson himself said little about [the Declaration] after 1776," we may here remind the reader of what we have just shown him, assuring him that this is but one of many such episodes in which Jefferson took note of the Declaration. Yet who is there, among those who know anything at all about American history and its great men, who does not know about Jefferson's tombstone, designed by himself? And who does not know that upon that tombstone, Jefferson caused to be inscribed those three things which, "as testimonials that I have lived, I wish most to be remembered"? And who does not know that the first of these three was that Thomas Jefferson was "Author of the Declaration of American Independence"? Second of these testimonials was his authorship of the Statute of Virginia for Religious Freedom. Third was his being "Father of the University of Virginia." And it was in his role as Father that Jefferson, on Madison's advice, recommended to the law students at the university that they take the Declaration of Independence as the first of the best guides to "the distinctive principles of government" of both the State of Virginia and of the United States of America. We have already noticed that the second document recommended for this purpose, by both Madison and Jefferson, was *The Federalist*. Neither *The Federalist*, nor the Constitution it expounds, can be understood, except in the light of the principles set forth in the Declaration. And we have this upon the authority of the Father of the Constitution, who was also a prin-

principal author of *The Federalist*. It was Madison, not Jefferson, who was first to insist upon the priority of the Declaration of Independence, as Lincoln was to insist a generation later.

When Jefferson and Madison deliberated together in 1825 concerning the instruction of the young men who would attend the faculty of law at the University of Virginia, they were deliberating concerning the education of the future guardians of the republic. They were then engaged in exactly the same occupation that engages us today. Surely the passage of time and the accumulation of experience have modified the task that was theirs and now is ours. But it has not done so with respect to fundamentals. "Nothing is unchangeable," Jefferson wrote in 1824, "except the inherent and inalienable rights of man." The Declaration of Independence was, Jefferson also wrote (in 1819), "the Declaratory Charter of our rights, and of the rights of man." "The whole world," he had written earlier, "will, sooner or later, feel benefit from the issue of our assertion of the rights of man." Here Jefferson was ex-

pressing that theme that would find perfection after fourscore and seven years when Lincoln spoke at Gettysburg. "Rebellion to tyrants is obedience to God" is the motto on Jefferson's Seal. As we are faced with tyranny greater and more terrible than anything Jefferson could have imagined, with what greater hope and faith can we fortify ourselves than with that which Lincoln found in Jefferson and in the Declaration of Independence? When the landscape looked gloomy to Jefferson, when the reaction against the doctrine of the rights of man was at a flood tide, in 1811, Jefferson wrote these words to Lafayette: "If there be a God, and He is just, His day will come. He will never abandon the whole race of man to be eaten up by the leviathans and mammoths of a day." God's goodness and His justice were never more manifest than in the outcome of that reliance upon His Providence which was proclaimed in the "immortal emblem of humanity" that went forth to the world on July 4, 1776. Let us, with stout hearts, renew the faith of that day.

*And gladly accept the liberal idols. . . .*

# *The Case of George Will*

*Samuel T. Francis*

FEW WRITERS WHO apply the label "conservative" to themselves have acquired so prominent a position in establishment media as George F. Will. A regular columnist for the *Washington Post* and *Newsweek*, a fixture on national television discussion programs, and a winner of the Pulitzer prize, Will has traveled a long way since he wrote articles for the *Alternative* in the early 1970s. With the possible exception of William Buckley and James Kilpatrick, it is difficult to think of any other self-described conservative publicist who has so strikingly "made it."

The secret of Will's success is only in part attributable to his many merits—his willingness to explore controversial areas of public life in a manner remarkably free of clichés and conventional wisdom, his learning in the literary and philosophical classics, and his habitual articulateness. His success is due also to the general thrust of his distinctive formulation of conservatism and the way in which he applies his ideas to public matters, for it is evident in much of his writing that Will is at considerable pains to separate himself from most Americans who today regard themselves as conservatives and to assure his readers that there are important public institutions and policies, usually criticized by conservatives, with which he has no quarrel.

*Statecraft as Soulcraft*<sup>1</sup> is George Will's first real book, as opposed to collections of his columns, and its purpose is to

develop in a rather systematic way his political beliefs and to explain how these beliefs—"conservatism properly understood"—are different from and superior to the ideas to which most American conservatives subscribe. The most distinctive difference, he tells us in the preface, appears to be his "belief in strong government," and he says:

My aim is to recast conservatism in a form compatible with the broad popular imperatives of the day, but also to change somewhat the agenda and even the vocabulary of contemporary politics. To those who are liberals and to those who call themselves conservatives, I say: Politics is more difficult than you think.

Despite Will's assertion that today "there are almost no conservatives, properly understood," the principal line of argument of *Statecraft as Soulcraft* will be familiar to most and largely congenial to many American conservative intellectuals. It is Will's argument that modern political thought from the time of Machiavelli has ignored or denied the ethical potentialities of human nature and has concentrated on passion and self-interest as the constituent forces of society and government. Modern politics therefore seeks to use these forces, rather than to restrain or elevate them, in designing social and political arrangements in such a way that passion and self-interest will conduce to stability, prosperity, and liberty. "The result," writes Will,