

their pages. Yet the books are skillful and sprightly. The photographs and illustrations have the ingratiating effect of making the document and the institution that has interpreted it seem at once majestic and ordinary. John Marshall, Dred Scott, and William and Lillian Gobitis, in their own ways and in their own times, affirmed the rich brew of ideals and ambitions that form the essence of American constitutionalism. To that extent, both books prove the old saw that a picture is worth a thousand words.

**SAVING THE REVOLUTION: THE FEDERALIST PAPERS AND THE AMERICAN FOUNDING.** Edited by Charles R. Kesler.<sup>1</sup> New York, N.Y.: The Free Press. 1987. Pp. ix, 334. \$29.95.

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We should make an effort to inquire into the principles of the American political tradition before we abandon it as inarticulate or indefensible—that is the message of this collection of essays, originally presented at a conference on *The Federalist* at the Henry Salvatori Center at Claremont McKenna College in 1985. The editor, Professor Charles Kesler, believes that *The Federalist* was a great achievement in political science, and that Publius remains the educator of a free people and the shaper of their future statesmen.

Professor Kesler claims that while *The Federalist* is more widely read and perhaps more effusively praised than ever before, it is nonetheless much misunderstood. The book which Kesler has produced is a polemic, as was the book which it is meant to elucidate. It is, however, a polemic of a special kind. It praises *The Federalist* for teaching by example a lesson in civility, and what it praises, it practices. It is a very civil polemic, very helpful for thinking about the informing spirit of the American republic.

In our day, says Kesler, the founders' defense of their work is itself in need of defense against two sorts of critiques. On the one hand, some prominent conservatives, who believe that there has been a deterioration in the American citizenry and in its government, find a cause of that decline in the deliberate failure of the

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founders to provide for education in the principles and habits upon which republican government depends. In this view, the founders, unlike their ancient counterparts, chose to rely upon the self-interest of the citizens and the ambition of national office holders. Conservatives who hold this opinion of the founding turn to the principles of less democratic ages, and of men whom they believe to be wiser, for the inspiration and instruction that they do not find in the political thought of the American founders.

Some influential liberals, on the other hand, who share with these conservatives the view that the American founding does not encourage healthy republican politics, draw the opposite conclusion. They believe that what the people need is not some imported moral instruction, but rather an awakening to the progressive possibilities of direct or radical democracy, so that measures can be taken to harmonize the Constitution with the spirit of our age. Such liberals seek to liberate the people from governmental deadlock, the result of antidemocratic eighteenth-century mechanisms which frustrate the evolving desires of the people for solutions to our ever-multiplying social and economic problems.

*Saving the Revolution* offers a more favorable view of the founding. *The Federalist* is presented as teaching a two-fold lesson in constitutionalism: first, the need for a permanent form of government anchored in a written constitution to protect the unalienable rights of man and to serve the public good; and second, the inculcation of man's duties not only under the Constitution but also *to it*. *The Federalist* is also presented as teaching a lesson in civility, providing an example of the sober, candid, public-spirited reflection required for a deliberation in which a people really chooses its government. *Saving the Revolution* thus is meant to show how constitutionalism is taught. The Preface ends with these words by the editor:

Claremont was the natural place to hold the conference that began this book, since it was home for many years to the country's foremost scholars of *The Federalist*, Douglass Adair and Martin Diamond, both now deceased. All of the contributions to this book are indebted, in one way or another, to these men. Even those of us who disagree more than we agree with them gladly acknowledge their writings as a stimulus to our own thinking about *The Federalist*, and hence about America.

About this book it might be similarly said that those who think seriously about America, and hence about *The Federalist*, even those who disagree rather more than they agree with the contributions to the book, are likely to find in many of them an excellent stimulus to thought.

The editor's Introduction presents the point of view that unifies the book, together with an overview of its various chapters. The

founders, says Kesler, sought to save the Revolution by constitutionalizing it. This meant providing the national government with authority sufficient to meet the exigencies of union, securing a separation of powers that would protect the true principles of republican government against both the ambition of the few and the folly of the many, and confirming the equality of man in the rule of law. The object of *The Federalist* was to contribute to education in self-government by teaching the necessity of that constitutionalization. This teaching showed the importance of a national opinion that would be enlightened, moderate, and just—as well as courageously loyal to the preservation and good name of the republic. “Publius” sought to persuade the opponents of the Constitution that the Constitution was the means to save the Revolution as well as republicanism itself; if our republic is to endure, then subsequent generations also need to be shown the goodness of the principles of the American republic.

The study of *The Federalist* in our own time, by making explicit what the Constitution means but does not say in so many words, can help to correct the partial views of American conservatives who revere the Constitution but deprecate the Declaration of Independence, as well as of American liberals who celebrate the Declaration but are impatient with the Constitution (except for the Bill of Rights appended to it). A comprehensive view, a view both revolutionary and conservative, would bring together the doctrine of the equality of human beings in their natural rights, and the doctrine of the organization of constitutional powers in the American republic. This book is meant to help to form that comprehensive view.

The chapters follow roughly the order of the topics addressed by Publius, moving from papers on the Union to papers on the parts of the government of the Union. Then, having treated the teachings of *The Federalist* itself, the chapters go on to discuss other treatments of *The Federalist*, as well as to consider its effectiveness.

## I

The first chapter is by Professor Kesler himself. His point of departure is the prevailing interpretation of *The Federalist*'s political science. According to this interpretation, says Kesler, *The Federalist*'s political science has its source in modern political philosophy—the writings of Machiavelli, Hobbes, Locke, and Montesquieu—and it has its core in *Federalist* No. 10's argument for an extensive republic: by multiplying interests, the extensive republic makes majority tyranny unlikely, though in doing so it also dilutes

patriotism and gives society a predominant tone of self-interestedness. Kesler, by contrast, argues that in the teaching of *The Federalist* the role of No. 10 is not central but preparatory. According to Kesler, the prevailing interpretation reads No. 10 as an epitome of the whole *Federalist*, and questions the moral seriousness of republican citizenship in America, while he himself reads No. 10 as part of a developing presentation, in which a teaching about the opinions and habits required for republican citizenship is essential.

Since this controversy is in some ways a continuation of the original debate over the ratification of the Constitution, Kesler's chapter is followed by two chapters on the controversy between *The Federalist* and the Anti-Federalists.

Murray Dry briefly presents *The Federalist's* direct response to specific Anti-Federalist criticisms, after which he turns to the arguments of some influential Anti-Federalist critics. He shows first how each side viewed the issue before the country and how it viewed the other side, as well as how each side viewed the founding in general and the compromises of the Convention in particular. Then, before considering the debate about what chiefly concerned the Anti-Federalists—federalism and the threat of a consolidation of all power in the national government—he examines the two different views of republican government that lay behind that debate. The subsequent examination of federalism itself involves two related topics: the definition (and redefinition) of federalism, and the extent of the legislative powers given to the Union (particularly the powers to tax and to raise armies).

Dry's chapter is an excellent brief account of important aspects of the founding controversy, and it is a very useful aid to reading *The Federalist*. Although it does speak of the Anti-Federalist fear of the aristocratic few, as well as of the Anti-Federalist emphasis on mild government and citizen participation, this essay by Dry serves the particular purposes of this volume mostly as a contrast to the chapter by Broyles.

Broyles attacks the arguments as well as the motives of the Anti-Federalists, and presents Publius as an advocate of high-toned government which would elevate the nation morally. According to Broyles, although the national government was meant to have only a few specified powers, these were to go much beyond merely securing self-preservation; they were to enable the national government to supervise the states' use of their many unrestricted powers. While the various state governments might foster a variety of common opinions and actions, the national government was to foster republican virtue properly understood as the vigilant and manly

spirit in which those various opinions and actions were to be judged. The national government was to engage in the spirited pursuit of grand objectives involving national character and dignity. On the foundation of such national policy, public morals could soar, especially when responding less to legislative attitudes and more to the leadership coming from Publius's new invention, the popular presidency.

Broyles writes to defend what he calls the founders' defense of the Constitution's true federalism. He says that it needs defense against contemporary Anti-Federalism. This, he says, was given classic expression in Martin Diamond's sympathetic restatement of what Diamond called the "small republic" argument, which went so far as to imply the moral superiority of the Anti-Federalist position. Today, says Broyles, liberal and conservative academic partisans are battling over the spoils of a national government reduced to the status of a mere facilitator. They do not notice, he says, the position taken by the founders when they debated the Anti-Federalists.

If that is so, however, this chapter by Broyles will not help as much as it might have, had its argument been better articulated. As an example of the sort of thing that does not do Broyles's case much good, let the following suffice. Quoting the assertion, in *Federalist* No. 35, that extensive information and a thorough knowledge of the principles of political economy are necessary if taxes are not to be oppressive or maldistributed, Broyles says: "This passage almost goes to the extent of saying that a proper national tax policy will be of itself sufficient to prevent oppression of the human spirit." But the passage does not come anywhere near to saying what Broyles sweepingly asserts that it does. This is not the only place where evidence is poorly marshalled for an argument that is not tightly put together.

After a pair of chapters on the constitutional significance of a Union composed of many states, comes Patrick J. Garrity's essay on *The Federalist's* treatment of foreign policy, the aspect of a nation's affairs where its unity or lack thereof is hardest to ignore. The editor sums up the contribution of this chapter by saying that—unlike those of our contemporaries who separate idealism and realism in debating foreign policy—Publius prudently unites morality and utility; unlike those who unreflectively call for bipartisanship, the authors of *The Federalist* realize that farseeing partisanship is required to bring into being a stable and respectably bipartisan unity of morality and utility.

This chapter adds little to the treatment of the theme of the

book, though it does speak truth about matters of importance. I shall therefore not say more about it, but instead pass on to a closer examination of the most important essay in this first part of the book—the opening chapter on *Federalist* No. 10 and American republicanism, by Professor Kesler.

## II

Kesler begins by discussing how *The Federalist* has been interpreted. He attributes to Martin Diamond (and, to a lesser extent, Douglass Adair) the thesis that *The Federalist* is thoroughly modern and that the extended sphere is of central importance in its new republicanism. Not only did Diamond insist that the Constitution succeeded as a remedy for the ills of republican government because of the extended sphere; he also considered this to be the most novel and important theoretical ingredient in *The Federalist*. Publius, in Diamond's view, broke with classical theory and practice, and accepted the Hobbesian statement of the political problem even though he rejected the Hobbesian solution. In this novel solution to the Hobbesian problem, liberalism and republicanism become, not means for ascending to a nobler life, but means for solving Hobbesian problems more moderately. Thus interpreted, says Kesler, the republicanism of Publius becomes merely a means to his liberalism, to doctrines of individual rights and liberty bounded only by the dictates of comfortable self-preservation. A republic, if extensive, will take in a multiplicity of interests, so that a majority bent upon injustice will have great difficulty in getting together and staying together; thus the danger from majority faction will be much diminished—but the price, according to Diamond, is that the country becomes crassly commercial. Politics becomes solid but low—acquisitive, selfish, narrow, and vulgar. Diamond's Publius deliberately promotes a politics that shuns the traditional goal of character formation, and abandons the traditional emphasis on the teaching of political opinions to the citizens as part of the shaping of their character. Habits and opinions are left for cultivation to society, which, though it be a realm of bourgeois virtue and even of republican virtue of a kind, will never rise high above self-interest, albeit self-interest rightly understood. The founders, in this account, take the lead in arranging to supply the defect of better motives by arranging for an opposition and rivalry of interests, but they do not provide for or rely upon their being succeeded by men of the founding kind.

Kesler then gives an account of the genesis of the now-prevailing interpretation of *The Federalist*. More than half a century ago,

Charles Beard fastened upon *Federalist* No. 10 as an authoritative guide to American politics—singling it out, however, not for its argument on behalf of an extended sphere, but as the best existing statement of the economic interpretation of politics. Beard's thesis was later criticized by Douglass Adair. According to Adair, Publius did not teach that the clash of economic interests was a mere continuation of the age-old class struggle between the few rich and the many poor, but rather that it was an alternative to it. The extension of the sphere of republican government was a modern contribution to an old tradition in which political prudence had sought, by favoring a stable middle-class regime, to moderate the conflict of economic interests.

To the same question Martin Diamond brought a wider and a deeper acquaintance with the history of political philosophy, combined with a powerful concern for its relevance to contemporary American politics. Like Adair, he rejected Beard's economic determinism, while continuing to see in No. 10 the core of *The Federalist*. Diamond argued that although ancient political philosophy (not, however, ancient political practice) was superior to modern political philosophy, nonetheless the low-but-solid politics of interest groups that Publius promoted was preferable to the available alternatives of rule by zealots or ideologues.

Kesler, though he expresses some mild appreciation of Diamond's work, rejects Diamond's view of the founding as "terribly one-dimensional." (The chapter's seventeenth note cites a book by Harry Jaffa for a critique of Diamond along the lines which Kesler follows, and it cites as well some of Diamond's writings as showing that Diamond himself was not unaware of the problems.) Diamond was right to reject ideological politics, says Kesler, but he did not properly distinguish political ideology from political philosophy. To form citizens or to inform public opinion on the basis of abstract truths is not in itself pernicious. In particular, a politics of interest groups cannot be defended apart from the ends which it is intended to serve and by which it is therefore legitimized—ends which must exist in public opinion, the special care of the greatest statesmen. To articulate these ends is the task of political philosophy. In order to avoid cutting off modern American politics from the wellsprings of the Western tradition, and even from the principles of its own founding, rejection of ideology must be accompanied by reassertion of the authority of political philosophy, and the politics of interest groups must be justified by and incorporated into the larger politics of public opinion.

Kesler believes that Diamond neglected the indispensability of

traditional prudence in the politics of the founders. Prudence considers where one is going, how one gets there, what is the best that can be done here and now, and how to instruct public opinion without scorning its backwardness, or flattering its vanity, or inflaming its passions. In a regime of mere interest-group politics, prudence may not be needed as much as realistic calculation and skillful maneuver, but in a republican regime where public opinion is everything, prudence is the most necessary virtue. In the "new science of politics"—in Diamond's reading of *The Federalist* as derived from modern political philosophy—prudence properly speaking is dethroned, and republicanism is made the servant of the liberal ends of interest-group pluralism. Kesler says, however, that Publius claims only to have added improvements to an already existing science, and the improvements have to do with only some of the means to republicanism. "Publius," after all, was the name of an ancient Roman statesman, a founder of the Roman republic. Our Publius, according to Kesler, is not a radical innovator but a prudent improver.

After discussing the interpretation of *The Federalist*, Kesler turns to the plan of the book. *The Federalist* is divided into two parts. Its first thirty-six papers discuss what the Union is useful for and what is needed for the Union. Only after this do the authors discuss the republicanism of the Constitution. *The Federalist*, that is to say, begins with the matter of the new nation, and only afterward treats its form. Only after treating necessities does it treat good government and the relation between the ends of good government and the form of republican government. Coming first in the rhetoric of Publius are appeals to necessity and the passion for self-preservation, and only then come appeals to moderation and the concern for what is honorable. Nonetheless, although the argument of *The Federalist* is divided into two parts, these are parts of one whole; the teaching about the limits which necessity places on human choice is a preparation for choosing wisely when the merits of the Constitution are finally presented in their own terms.

Having called attention to the difference between the part of *The Federalist* which contains No. 10, and the part which follows it, Kesler turns to the paper that immediately precedes and introduces No. 10. The improved science of politics is introduced in *Federalist* No. 9, says Kesler, in order to persuade the enlightened friends of liberty to become republicans. Publius presents this introduction in a very careful way, so as to suggest the limitations of the new science and avoid a simple identification of himself with Montesquieu. Only later, says Kesler, will Publius let the reader see that Publius's



case for the Constitution depends upon linking honor with republicanism. Publius's own science of politics is not the new science that runs from Machiavelli through Hobbes to Montesquieu; it is rather the old one as improved by prudence, by experience, and by new instrumentalities that are suited to modern conditions.

Kesler then discusses faction, the problem with which Publius's improvements are meant to cope. What will control faction is not mere Union, but only well-constructed Union—Union that will appeal both to friends of republican government and to friends of good government. Although Publius does soon establish the reciprocal relation between opinions and passions, it is passions or interests—and not opinions—by which factions are united and actuated, according to No. 10. *Federalist* No. 10 does not propose a multiplicity of opinions as a solution to the problem of faction.

Kesler's discussion goes from the teaching of No. 10 on removing the causes of faction, to its teaching on controlling the effects of faction; the bridge is a discussion of virtue and interests. Kesler maintains that No. 10, in discussing the removal of the causes of faction, refuses to reduce opinions or reason to the mere effects of pre-rational or sub-rational causes, and thus it lays the groundwork for the republican politics of public opinion. In doing so, it teaches the few not to be unwise and the many not to attempt what is beyond their power. The opinions of the few and the many are also combined in No. 10's account of interests. Interests in politics arise from opinions. A constitutional politics that has a place for a multiplicity of interests must rest upon a certain uniformity of opinion. Pluralism is not enough. Before human beings can be divided by interests and sects, they must be united by citizenship. Interests must be joined with virtue. The harmony of interests that underlies the multiplicity of interests must be taught and learned, for self-government requires rising above the interplay and mutual checking of factions. Factious interests must be checked so as to allow for the predominance of nonfactious interests. Kesler goes on to argue that Publius thus does not simply advise controlling the effects of faction: Publius teaches about causes, albeit informally, while seeming to deal only with effects. He shapes the character of American citizens, albeit indirectly. His discrediting of pure democracy as the standard for popular government is a preparation for his advocacy of a government that is exclusively representative.

Representation and the extended sphere is Kesler's final topic. Representation, working through the forms of the Constitution, turns interests into views that can be shaped to the public good. Publius in No. 10 is contending, not for a multiplicity of factions,

but rather for a multiplicity of interests informed by a common opinion. This leads to the republican politics of the later papers. A large republic is necessary to alleviate faction, but its size is insufficient for the purpose and can make the problem even worse. Though representation seems in No. 10 to be merely a means for the sake of the extended sphere, and the Constitution merely a means for the sake of Union, it becomes clear later in *The Federalist* that the large union is a means to the end of making popular government better government—by making the government less directly popular, and by constitutionalizing the passions and the interests of the people. Kesler argues that No. 10 overstates the case for the extended sphere, though it does so for good rhetorical purposes.

### III

Perhaps Diamond too overstated his case for rhetorical purposes. I have heard him quoted as having said that among the lessons on rhetoric which he had learned from many years of public speaking were “never say merely that Manhattan is an island, but say instead that Manhattan is an island entirely surrounded by water,” and “when in Rome, correct the errors of the Romans.” Diamond’s writings were more akin to modern public speeches than to classical writings of political philosophy. In the forum where he spoke, appeals to antique virtue would not have gotten much of a hearing, whereas his appeal to what was “low but solid” enabled him to make some headway in his struggles with the left, both old and new.

Although generously accepting the constraints under which Diamond did his work, Kesler tries to show that the result was a distortion of the teaching of the founders. Kesler speaks much truth in this chapter, and some of it is truth much needed. At times he may squeeze a bit too much out of a few words from Publius, but this is a relatively minor fault, considering the prevalence of cursory reading in our time. More serious is the exaggeration in Kesler’s contrast between the two parts of *The Federalist*—the one on Union, and the other on the form of the government proposed for the Union. There is something to what he says, but I find in the latter part of Publius’s discussion more of a concern for harsh necessity than Kesler implies, and I do not find in the earlier part such shrewd calculation in the service of continuity with tradition.

The formation of opinion, after all, can serve very different purposes—even the purposes of the founders of that new political science which relies upon the interplay of passions. Hobbes, for one, makes it very clear that the interplay of passions cannot do its

low but solid work unless those who have a monopoly on the legitimate use of force maintain the enlightened opinions needed to support his scheme. Not only heat but light—relentless propagation of the right opinions—is essential to the struggle against what he calls the kingdom of darkness.

In considering the American founders we must therefore ask not whether they sought to promote opinions, but rather what were the opinions that they fostered. It is difficult to imagine anything on the level of *The Federalist* appearing in political debate today. Do the founders bear no responsibility at all for this? They may not have sought to lower public life in order to make it more solid, and some things may, because of the work of the founders, be higher today than they were in the days of the founding, but are there nonetheless some things that are lower now, and lower because of things the founders taught? The teaching of the founders may not have been as low as some have said it was, but was it quite as lofty as Kesler now suggests? And the dignity that it did have—was that simply due to what in it was classical or traditional?

When Alexander Hamilton dropped out of college to take a military part in the struggle over taxation without representation, for a time he kept his reading notes in the paybook of the artillery company that he organized, and the notes that were kept by this future “Publius” and public financier-to-be were pretty much divided between Plutarch and Postlethwayt. The latter of this pair of writers from whom he obtained inspiration and instruction was the author of a book called *The Universal Dictionary of Trade and Commerce*—a fact which goes along with the fact that the teacher to whom he seems to have recurred for wisdom was not Plato so much as Hume. Moreover, when he formed the intention, in his later life, to preside over an immense project of research and writing in political science, he named as its tutelary spirit not Aristotle but Bacon. We must ask ourselves: Does Kesler, though for good rhetorical purposes, overstate his case?

#### IV

Kesler’s chapter on *Federalist* No. 10 and American republicanism is the first in the set of chapters on *The Federalist*’s first part (on the Union). The first chapter in the set on *The Federalist*’s second part (on the particular form of the government of the Union) is William Kristol’s discussion of the separation of powers in *The Federalist* Nos. 47 through 51. Kesler, in his Introduction, says that Kristol redirects our attention to the separation of powers as *The Federalist*’s greatest contribution to political science. According to

Kesler, Kristol shows how radically the principle of separated powers cuts across the popular principle, and therefore to what extent the American regime may be understood as an approximation under modern conditions to the classical idea of the mixed regime; he shows, says Kesler, that the separation of powers makes the American form of government more aristocratic than it otherwise would or perhaps even could be, which in turn affects, however indirectly, the character of the American people. Kristol himself does not quite say this, but Kesler is led to say it by what Kristol does say.

The point of departure for Kristol's chapter is the following thought: although the separation of powers is an authoritative principle in interpreting the Constitution, it is nonetheless a curiously obscure one. Kristol suggests that an examination of Publius's general discussion of the principle in *Federalist* Nos. 47 though 51 may help us to begin to understand such questions as these: By what principles are the powers separated and distributed? What is the character and purpose of each power? What is the relation between the principle of the separation of powers and the principle of republicanism? Why does Publius hesitate to confront these questions directly, so that the principle of the separation of powers as a whole seems so indirect or opaque?

An understanding of the separation of powers and its underlying principles is the key to understanding the structure of government established by the Constitution, according to Kristol. Indeed, he says, the central question of *The Federalist* is the relation between the government's general form, which is republican, and its particular structure, informed by the principle of separation of powers.

In keeping with Publius's general hesitancy to lay out principles, Kristol continues, the discussion of the particular structure of the federal government is introduced, in No. 47, as a response to an objection. The discussion begins with a curious abstraction from the differences between the various forms of government, and with a curious recurrence to the authority of Montesquieu, who himself is somewhat indirect. The separation of powers, which will impede direct recurrence to the people as a principle of government, is itself introduced indirectly, says Kristol.

Publius then concentrates on the maintenance of the separation of powers for the sake of liberty, rather than on the correct distribution of power and on what makes it correct. The question that is first for us takes priority over—and obscures—the question that is first in itself. For us, the requirements of republican government

must be shown to be met before the requirements of good government can be.

Before presenting his own solution to the problem of maintaining the separation of powers in No. 51, Publius in Nos. 48-50 shows the insufficiency of some other solutions. His criticism of the first solution (parchment barriers), in No. 48, is the occasion for a criticism of the state constitutions and therewith also of the inadequate view of republican government informing them. In that view, separation of powers is a support for, rather than a check upon, the power of the legislature—the republican branch *par excellence*. In Nos. 49-50, Publius goes further. By rejecting the solution of resorting to the people, he makes it clear that rule by the people—the republican principle itself—is in tension with the maintenance and even with the purpose of the separation of powers. The Constitution, whose principle is the separation of powers, becomes an authority over the people who authorize it. The Constitution derives its dignity from two different sources: its being an act of the people, on the one hand—and, on the other, its being an embodiment of standards of good government outside the people's will. Popular government and good government are not simply identical. To bring them together, insofar as it is possible, is the statesmanship of Publius. Kristol contends that wisdom and consent are linked by uniting time and numbers: the American regime is to be supported by the double effect of a popular origin and a lack of recurrent appeals to the people.

Publius's discussion of his own solution to the problem of maintaining the separation of powers, in No. 51, shows the source of the difficulty that we encounter in thinking and speaking about the Constitution: politics requires the reconciliation of different principles that must be mixed in the structure of the government. By the end of No. 51, the central and general theme of separation of powers has given way to the peripheral and particularly American theme of federalism and of the extended sphere which it allows, thus mitigating any apparent tension between the separation of powers and republican government.

Publius's discussion of the particular powers in the sequel (*Federalist* Nos. 52 through 83), Kristol says, will teach us more about the separation of powers and about the character of each of the powers; it will teach us in more detail about how the principles of the separation of powers can be incorporated into the republican form of government in America so as not to disturb the republican cause, and indeed to vindicate what is true in the republican cause. We'll learn this not only from what Publius will say, but also from

how he will say it. It is as a preparation for this, that the republican principle is modified in the course of the discussion that occupies Nos. 47 through 51, says Kristol. At the end of No. 51, when Publius again brings republicanism to the fore, he obscures the extent to which the republican principle has been modified, and he shows by this how the separation of powers can be inconspicuously accommodated to the republican form of the American regime.

## V

Let us consider Kristol's chapter in the context of the editor's intention to oppose the prevailing interpretation of *The Federalist*. Kesler in his own opening chapter rejects the view that No. 10 is the core of *The Federalist's* teaching of a new science of politics. That paper, he says, is a step on the way to presenting the new republic of the Constitution, and the core of *The Federalist* is its improved republicanism. The new republic's ends are old; only some of its means are new. Extension of the republican sphere is one of the new republican means, but it is not the central feature of *The Federalist's* republicanism.

Kristol's chapter presents the teaching of Nos. 47 through 51 as a preparation for the central question of *The Federalist*. The central feature of *The Federalist's* republicanism is the separation of powers. The separation of powers is obscure and is presented indirectly because its principle is not the republican principle. Republican government with a separation of powers is questionably republican. It is a mixture of what is republican and what is not republican.

The editor in the Introduction gives a summary restatement of Kristol's chapter. Is this restatement a more direct and less obscure statement of what Kristol means? If so, is Kristol's chapter more politic—more Publius-like—than the editor's restatement of it? Or does Kristol not go so far as Kesler says he goes? Does Kristol merely avoid asserting, or would he in fact deny, what Kesler suggests—that the founders sought indirectly to elevate the character of the American people by introducing something like aristocracy into the American republic in the guise of a device for protecting liberty?

Is the United States, that is to say, a mixed regime in mask, or is it a purely popular regime of liberty improved in its effectiveness by a separation of powers which renders it complex? Perhaps the teaching of *The Federalist* is neither low nor lofty, but is rather squarely in the middle. If the problem of the separation of powers is the problem of republicanism in America, what is the best way to

characterize that problem? Just what is the non-popular principle that needs to be mixed with the popular? Is Publius being disingenuous when he speaks in terms of combining energy with republican safety, and of giving efficacy to popular government? When Publius speaks of energy, stability, and efficacy, is he merely being politic in not speaking of a mixed regime—or would it be better to say that Publius is himself committed to a test of purely popular government not merely because it is unavoidable in the circumstances but also because a purely popular government, if it can somehow be made effective, is desirable in itself?

Publius is hardly shy about publicizing his belief that popular government is not as such identical with good government. Indeed, he is probably more candid than someone in his position would be today. Popular government is not as such good government, but from this it does not follow that good government as such is mixed government. It may be that, while mixed government can be something not so bad, nonetheless a fairly good popular government would be even better. Perhaps a purely popular government, with non-popular ingredients to make it effective, would be a very good government—one that it would be misleading to call an aristocratic republic.

A government that is purely popular cannot contain any parts constituted by a part of the population other than the people, but it can be a complex of parts that structures the people's choosing and thus be not simply popular, just as a well-trained horse, while it is not simply a horse, is nonetheless purely a horse—rather than a mixture like a mule. (I am aware that someone might seize upon this to suggest that horses are trained to be ridden by a superior being, booted and spurred, but I do not mean to suggest it.) Consider the Senate. With respect to that institution, the non-popular principles of *The Federalist* have to do not so much with different sorts of human beings—not so much with indirect influence for the wise and virtuous, the rich, or the well-born—as with establishing incentives and impediments that will increase the likelihood of certain kinds of effects which, far from going counter to the persistent wishes of the people, will please the multitude in the long run. What Publius hopes will be particularly characteristic of the Senate—with its continuity as a body, and the duration of the terms of its members—is a tendency to promote stability and foresight. Take for example what he says about how its members will have incentives to acquire a knowledge of foreign affairs which would otherwise be lacking in the government. Or consider the judiciary. What Publius regards as being essential to their work, and as setting

them apart, is the independence which can foster impartiality and nonpartisanship.

Even readers who question the conclusions of Kristol and Kesler will learn much from their close reading of *The Federalist*, and from the remaining chapters of the book, about which, unfortunately, time does not permit me to say very much.

## VI

The discussion of *The Federalist* No. 51 is continued by William B. Allen, in a chapter whose theme is not the separation of powers, but rather the concern of Madison for the centrality of justice in the life of the people. Allen throws much light on this by bringing in some other writings by Madison.

There is no chapter on the legislature as such (or on the Senate), but there is an excellent chapter by Thomas G. West on the rule of law in *The Federalist*. After introducing the rule of law as a consequence of the principles of the American Revolution, West proceeds to the separation of powers and the need for a written constitution, and then to the meaning of legislative balances and checks, after which he treats the relation between representation and excellence, and then safety and happiness, as the ends of legislation. A reader interested in the question of how low or lofty were the aspirations of the founders would do well to depart from the order of the chapters, which seeks to parallel the order of the papers in *The Federalist*, and read West immediately after Kesler.

On the other hand, for the question of how central is the teaching of the extended republic, a reader would do well to move from Kesler immediately to Kristol, and then to the chapter immediately after West's, which is Harvey C. Mansfield, Jr.'s essay on the executive. Its theme is the *The Federalist's* achievement in showing that an energetic executive could be republicanized. Mansfield, in showing how this easily underestimated feat was accomplished, employs the notion of the constitutionalizing of necessities. This fine discussion points the reader in a somewhat different direction from that suggested by Kesler and West. In other words, the question of how to state the problem of republican government remains a question in this book. One author makes it seem that what the republican principle needs is the admixture of a principle of aristocracy, while another makes it seem that what is needed is a principle of effectiveness. What the editor has given us is not a catechism but an inquiry.

Next comes Jeremy Rabkin's chapter on post-Publian executive officialdom—on how *The Federalist* understands good adminis-



tration as “value”-laden politics, in contrast to those European thinkers whose views were later very influential in the theory and practice of late-nineteenth and twentieth-century American public administration.

The chapters on executive power are followed by James Stoner’s discussion of constitutionalism and judging in *The Federalist*. Stoner discusses the questionable status of judging in the American republic, the limits of Publius’s treatment of it, and the need to recur to the common law for light upon the question.

Following this discussion of judicial power in America, its great instrument (the Bill of Rights) becomes a question in Ralph A Rossum’s chapter on *The Federalist*’s understanding of the Constitution (without the Bill of Rights) as itself a bill of rights.

These chapters on the content of *The Federalist* are followed by two chapters on the reading given to *The Federalist* before the now-prevailing interpretation arose. Jack N. Rakove shows how *The Federalist* was used in public controversy during the century following its publication, and then Dennis J. Mahoney shows how the rise of American political science in the half century after the Civil War involved the rejection of the teaching of *The Federalist* in the name of progress, until Beard’s revival of its reputation provoked the critiques of Beard’s interpretation by Douglass Adair and Martin Diamond—which is where this book begins. It ends with a chapter by Edward C. Banfield, reminding us that the success of what *The Federalist* sought to promote by reflection and by choice was in fact largely the result of chance.

But chance favors the prepared mind, as a great experimenter once said. Few books prepare us as well as does *The Federalist* for thinking about that great experiment in human affairs which is the regime in which we live. And few books take the thought of *The Federalist* as seriously as this one does. Reading it, and thinking about what we read, will help us to understand *The Federalist* better.