

VOLUME XXIII, NUMBER 4, FALL 2023

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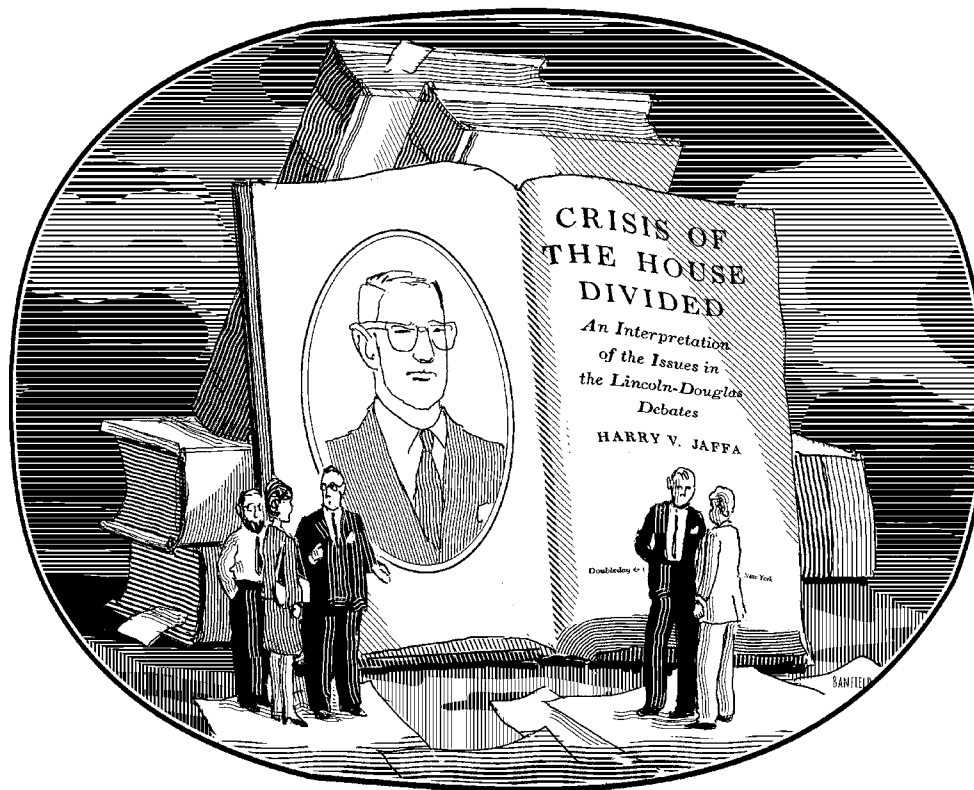
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Essay by Glenn Ellmers

## THE CONTINUING CRISIS

*Harry V. Jaffa and his critics.*



THE ARGUMENTS THAT LED TO THE Civil War have never really been settled in terms of how public opinion defines our (small “c”) constitution, the authoritative understanding of our way of life. Many Americans, including virtually all those on the left, take this to mean that the United States has not yet made good on the promise of equality for every citizen—primarily, but not limited to, citizens from racial and ethnic minorities. That view appears to be shared by most of the contributors to a symposium published in May of this year in the journal *American Political Thought* (APT) on Harry V. Jaffa’s landmark 1959 book, *Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates*. After discussing the essays in the symposium, I will suggest a different answer to this unresolved question about republican government and public opinion.

### Natural Right and Equality

AMERICAN POLITICAL THOUGHT IS THE official journal of the “section” by the same name within the American Political Science Association (APSA)—the

professional organization of the 15,000 or so political science professors in the United States. (The journal also receives support from the nonprofit Jack Miller Center.) APT’s official status, and corresponding prestige with its core academic readership, endows it with an outsized influence—and, one should note, responsibility—despite its lack of public visibility.

Jeremy D. Bailey and Susan McWilliams Barndt, the journal’s editors at the time the symposium was published, explain the purpose of the Jaffa symposium in a headnote: “In recognition of the sixty-fifth anniversary of the publication of *Crisis*, George Thomas and the Henry Salvatori Center for the Study of Individual Freedom in the Modern World at Claremont McKenna College [CMC] commissioned essays to assess the legacy of Jaffa and his famous book.” This is fitting, as the Salvatori Center was created in 1969 principally because its benefactor, Henry Salvatori—an inventor, philanthropist, and member of then-governor Ronald Reagan’s “kitchen cabinet”—was an ardent supporter of Jaffa. Jaffa had arrived at CMC a few years earlier from Ohio State by way

of Barry Goldwater’s 1964 presidential campaign, where he served briefly but memorably as a speechwriter.

The most worthwhile of the nine contributions to the symposium are those by Bailey and Justin Dyer, both of whom take Jaffa’s scholarship seriously on its own terms. Bailey, a professor of constitutional studies at the University of Oklahoma, focuses on the now less-famous figure in the 1858 debates, seeking to determine “whether Jaffa got Douglas right when he published *Crisis* [or] whether information since 1959 has come to light that changes what we know about the historical Douglas.” Bailey wonders if Jaffa intentionally exaggerated Stephen Douglas’s antislavery statesmanship. Although Bailey presents thoughtful arguments and interesting evidence, he concludes his essay without ever resolving the question or even clearly stating his own views.

University of Texas at Austin professor Justin Dyer most fully appreciates how Jaffa understood equality in terms of natural right. The classical form of natural right that was possible and necessary in the ancient *polis* had to be prudently adapted to the circumstances



of the modern world, shaped above all by Christianity. Dyer paraphrases and quotes Jaffa's argument that the principle of equality "provides the ground and justification for the rule of law by denying that there is any class of persons that possesses a natural right to rule others, 'be they called kings, nobles, senators, or ruling classes, however defined.'" Contrary to what several of the other contributors to the symposium believe (as we shall see in a moment) this understanding of political equality—shared by the founders and Abraham Lincoln—does not amount to egalitarianism, nor does it repudiate the classical insistence on natural *inequalities* of talent, intellect, and virtue. To allow those legitimate differences to flourish, however, it was necessary, as Dyer notes, to "clear away the natural injustice occasioned by the artificial hierarchies of monarchical and aristocratic societies."

### Different Directions

**T**HE OTHER CONTRIBUTORS VARY WIDELY in how they approach *Crisis*. Two, University of Maryland Carey Law School's Mark Graber and Stanford's Anne Twitty, are not really interested in Jaffa, and after a few perfunctory nods to the significance of his book, move on to address more-or-less unrelated subjects. Graber minimizes the personal qualities of the two candidates by placing "parties at the core of the Lincoln-Douglas debates," while Twitty examines how the historical and political conditions of the central Midwest region shaped the outlook of both men.

Taking a very different approach is William Allen, who taught for many years at Harvey Mudd College, which, like CMC, is part of the Claremont Colleges consortium. Allen's essay is a personal, often elliptical remembrance of his time as Jaffa's faculty colleague, emphasizing how Allen perceives his own role in helping steer Jaffa to his mature thinking on political philosophy, America, and statesmanship. Along the way, Allen makes the surprising claim that "it is a mistake to credit to Harry Jaffa the founding of the Claremont Institute, for he had nothing to do with it. That was entirely my own work, and I possess ample archives that document it." (I asked Allen if I might be allowed to see these archives, but he declined.) Allen's baroque prose and mostly unverifiable claims make it difficult to offer any meaningful assessment of his essay.

The Claremont Institute is significant, however, because the right-wing politics of Jaffa's most prominent students, many of whom are associated with the Institute, vexes several of

the symposiasts, who see this legacy as a sad departure from what they think is best (that is to say, liberal) in *Crisis of the House Divided*.

George Thomas praises *Crisis* for its "critique of the founding" and lauds Jaffa for defending equality while the rest of the conservative movement was upholding "racial apartheid." Yet Thomas laments that later on Jaffa became "intemperate and strained" as his scholarship increasingly obscured the founding's deficiencies. Indeed, Thomas observes in one footnote:

Some of Jaffa's students were so taken with Lincoln's reading of the founding that they glossed over some of its shortcomings. This mindset is evident in *The 1776 Report*, chaired by Jaffa student Larry P. Arnn.

Thomas thinks we should interpret *Crisis* in a way that appreciates Lincoln's "remarkably egalitarian position regarding racial equality," and recognizes that the unfinished work of the deficient founding must "be picked up

#### Discussed in this essay:

"Harry Jaffa's *Crisis* at 65: A Symposium," *American Political Thought: A Journal of Ideas, Institutions, and Culture*, Volume 12, Number 2, Spring 2023

by others." The meaning of equality is something "that each generation must learn and renew."

This thesis is also promulgated by Susan McWilliams Barndt of Pomona College (also part of the Claremont consortium), who writes of her gratitude to Hadley Arkes for introducing her to *Crisis* 30 years ago when she was a student at Amherst and speaks respectfully and even fondly of Jaffa as a neighbor in Claremont. She treats Jaffa as an esoteric writer and, because he was a student of Leo Strauss, seeks "to apply a short Straussian analysis to *Crisis of the House Divided* by looking at the central part of its central chapter." Her exegesis of that chapter, "The Teaching Concerning Political Moderation," reveals that "Jaffa tried to move American conservatism toward a grounding in natural rights and moral logic." Recognizing that "there is not anything like agreement among Americans who call themselves conservative about what those terms mean," Barndt concludes that Jaffa's central moral concern was "the recurrent American temptation toward 'white

supremacy'—his term." Jaffa does indeed use the term, twice: once while discussing Thomas Jefferson's *Notes on the State of Virginia* and once referring to "Douglas's white supremacy." Nowhere, however, does he describe it as "the recurrent American temptation." Barndt concludes by claiming,

I know, without doubt, that Jaffa would lament the many ways in which American conservatives flirt with white supremacy, and especially the ways in which the Claremont Institute—an organization that claims his legacy—has provided cover to, and amplified the voices of, racists.

### Conventional Leftism

**A** SIMILAR VIEW IS SHARED BY YALE political science professor Steven B. Smith, who titles his essay "Harry, Lincoln, and Me," and notes that a colleague "recommended *Crisis* to me as the best Straussian book yet written. This still might be the case." That praise is overshadowed by Smith's conclusion that Jaffa was, in the end, a "zealot" who encouraged the "extremism" of "West Coast Straussianism"—that is, the scholarship taken up by the Claremont Institute.

Smith devotes most of his essay to trying to distance Jaffa from Leo Strauss, and makes several bold statements about what Strauss believed, although he never actually quotes any of Strauss's writings. I would contend that every view Smith attributes to Strauss is, in fact, a projection of his own rather tepid, conventional academic leftism. It's worth examining Smith's assertions in some detail because Jaffa's relation to Strauss gets to the heart of what *Crisis* was really about. Consider the following three statements from Smith's essay, which disparage Jaffa's emphasis on the elements of natural right in the Declaration of Independence, and the truth and nobility of the founders' principles:

Strauss had taught that every regime, even the best one, was akin to a cave, shrouded in perpetual darkness and shadow... To believe that politics and truth could be combined was for Strauss the fallacy that [Plato's] *Republic* was intended to dispel.

Although he warned against the dangers of historicism, relativism, and nihilism, Strauss was equally aware of the dangers of dogmatism, intolerance, and moral absolutism. Would that Jaffa had more closely heeded these warnings.

Was America, as Strauss maintained, based on the principles of modern philosophy (“first wave of modernity”) that offered a liberal democratic alternative to the principles of aristocratic antiquity?... Or is America, on Jaffa’s telling, based on a unique synthesis where both the ancient and modern philosophies of natural right (Aristotle and Locke), and also the classical and biblical traditions—Athens and Jerusalem—found their highest point of contact? While Jaffa nurtured a lifelong dislike of German philosophy, he seemed to me to regard America as a kind of Hegelian absolute moment where all previous historical contradictions were finally resolved. The result could only lead to a certain coarsening of the philosophic spirit as it was put into the service of a political cause.

The first statement is, at best, a superficial interpretation of the *Republic*. The noble lie, like Aristotle’s political right, mixes philosophic truth with conventional myth. If political life is always trapped *wholly* in convention and totally immune to philosophic guidance, what was the point (to take only the most obvious example) of Plato writing the *Laws*? Does Smith think Aristotle’s observations in the *Politics* about the beginnings and ends of the *politeia*, or the types of regimes, were merely expressions of Aristotle’s cultural mores? Strauss consistently attacked the fact-value distinction in political science precisely to refute the positivism Smith affirms, and in his “Restatement on Xenophon’s *Hiero*” (included in the collection *What Is Political Philosophy?: And Other Studies*, 1957) expressed open contempt for a social science “that cannot speak of tyranny with the same confidence with which medicine speaks, for example, of cancer.”

As for the second statement, one may note that while Smith had alleged Strauss radically separated truth and politics, he now has Strauss warning against the dangers of various intellectual errors. If anything, he disdained the shallow commitment to tolerance, which by rejecting “all intolerant or all ‘absolutist’ positions” becomes itself “a seminary of intolerance,” as he put it in *Natural Right and History* (1953). Regarding moral absolutism, Strauss states in that same book that a healthy regime is always a “closed society,” guided by “a sacred awe, by a kind of divination that not everything is permitted.” And in *The City and Man* (1964), he observes that “the question of justice must be answered by all means even if all the evidence needed for an adequate

answer is not yet in.” If Smith is correct that relativism and moral absolutism are equally to be shunned, what ground remains? Perhaps he imagines that an arbitrary faith in liberal bromides somehow solves the problem of the excluded middle.

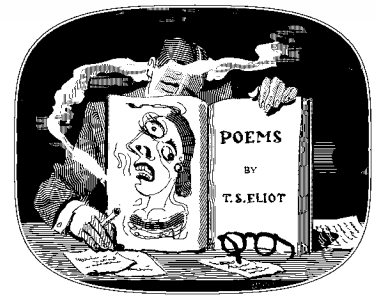
Finally, concerning the claim that America is simply derivative of the first wave of modernity, I note that Strauss explicitly repudiates this view at least three times. In *Thoughts on Machiavelli* (1958), he writes, “The United States of America may be said to be the only country in the world which was founded in explicit opposition to Machiavellian principles.” In his essay “On Classical Political Philosophy” (also found in *What Is Political Philosophy?*), Strauss invokes one of the American Founders to express the classical idea of the rule of excellence: “As Thomas Jefferson put it, ‘That form of government is the best, which provides the most effectually for a pure selection of [the] natural aristoi into offices of the government.’” And in “Three Waves of Modernity” (reprinted in *Political Philosophy: Six Essays by Leo Strauss*, 1975), he writes: “Liberal democracy, in contradistinction to communism and fascism, derives powerful support from a way of thinking which cannot be called modern at all: the premodern thought of our western tradition.”

As to a “certain coarsening of the philosophic spirit”—this is the kind of precious effusion that makes “Eastern Straussians” like Smith look ridiculous. Again, for whom did Aristotle write his *Politics*? And wasn’t the shoeless, impoverished Socrates a bit coarse himself? Smith’s wish for an Immaculate Contemplation, far removed from the grubby agora, would be easier to take seriously if his own opinions were not so smug and predictable.

John Burt, like Smith, seeks to correct Jaffa in the name of an evolving understanding of equality, but unlike Smith he actually knows what he’s doing—even if what he is doing is ultimately embracing the historicist error that both Strauss and Jaffa repudiated. A literature professor at Brandeis, Burt invokes Immanuel Kant to argue that Lincoln and the founders were unable “to grasp the full implications of their deepest ideas.” Therefore, the “best way to express loyalty” to their achievement is “to honor the values” they upheld, even as we struggle to keep up with the unbounded elaboration of those values. We “can know some of the things that promise demands of us, but all of its entailments may not even yet have come to light.” Equality for Burt is not a recognition of the rights we have by nature, but an “open-ended” goal always revealing “new implications.”

# CLAREMONT REVIEW OF BOOKS

## FREE 2024 Calendar



The poets of a century before could simply pour out song from the fullness of their being; the modernists were undertaking to piece together plausible souls for themselves from the jagged shards they had to work with.

—Algis Valiunas, “Out of The Waste Land,” Summer 2023

SEPTEMBER						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 <i>Elder Day</i>	5	6	7	8	9
10	11	12	13	14	15	16
17 <i>Claremont Review of Books Constitution Day (Fall)</i>	18	19	20	21 <i>Bob Malachuk</i>	22	23
24	25	26	27	28	29	30

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Though one presumes this is not his intention, Burt's interpretation of Lincoln, equality, and the founders reveals why many on both the Old and New Right renounce the first and second, and are even suspicious of the third. Even though "Lincoln himself repeatedly and vociferously denied having this intention," Burt insists that the defense of equal natural rights necessarily means "social equality." In Burt's presentation, the inner logic of Lincoln and the founders is indistinguishable from contemporary liberalism, and he therefore insists the most important lesson for us to learn from them is that racism, "both then and (especially) now, has always been for America the entering edge of tyranny." Here we return to the question of Jaffa's students, who Burt sees as guilty of undermining racial justice and promoting "anti-elite resentment," even though they "of all people should know better."

### Practical Wisdom

PERHAPS NOT SURPRISINGLY, ALL THE essays in the symposium—with the exception of Dyer's—seem to miss the fundamental questions at the heart of Jaffa's scholarship: can human beings live in a political community without tyrannizing over each other? Given the specific challenge of the theological-political problem in the modern world, how can natural right become political right?

Because most of the contributors are oblivious to how Jaffa wrestled with these questions—and with four of the nine essays directly attacking the Claremont Institute or those affiliated with it—it is especially regrettable that the editors did not invite other Jaffa students associated with that organization to submit essays. The Claremont Institute exists precisely to carry on Jaffa's work of understanding America in light of classical and modern political philosophy, and its scholars might have provided the symposium with another perspective that actually gets to

the heart of Jaffa's project—not to mention offering a counterbalance to the ill-founded attacks.

Jaffa wrote in the 1982 preface to *Crisis of the House Divided* that it "was not meant to be a book about American history, except incidentally." He further explains that his teacher Leo Strauss had

laid the foundation for a rebirth of classical natural right and for the only genuinely new political science of the last four hundred years. Such a political science would be more modest in its goals than the political science it offers to replace. It would vindicate moderation—and the moral virtues generally—as necessary to a decent political life. It

### Can human beings live in a political community without tyrannizing over each other? How can natural right become political right?

would show how men might be happier by demanding less of political life and more of themselves. It would do this, in part, by saving morality from the bad reputation it had acquired from Kant as being indifferent to happiness. And it corrected Kant's teacher, Rousseau, by proving that the union of justice and utility could not be achieved by any wholly modern form of natural right. It could only be achieved by some form of Socratic natural right, that form of natural right which pointed to the sovereignty of philosophic wisdom among all possible human ends. The reunion

of justice and utility pointed however toward practical wisdom—*phronesis* or *prudentia*—as the supplement and complement of decency in the work of statesmen and of citizens.

Jaffa understood *Crisis* as an attempt to apply that new political science, which made him genuinely radical and revolutionary. His progressive critics, committed to an open-ended and historically unfolding "equality," are far more "conservative" than Jaffa, or Lincoln, or the founders. We can appreciate why this is so if we see that Professor Smith may have been correct in one sense: a regime—or at least its ruling part—can be wholly conventional insofar as its evolving and groundless laws, customs, and opinions are accepted without question. That is possible, however, only in the modern world, when history has replaced nature and the distinction between natural right and convention disappears.

In a letter to Henry Salvatori in 1980, Jaffa argued that what "we have forgotten is more important than anything we can now set out to learn or discover." Above all, we have forgotten that men cannot live without meaning, and "will die for an irrational cause, or a vicious cause, unless one that is decent and rational is presented for their approval." One enduring lesson of *Crisis* is that if any decent sense of meaning and purpose still survives in the United States, it is because ordinary public opinion still clings to an intolerant belief in "moral absolutism" and is thereby preserved from "historicism, relativism, and nihilism." Whether that common sense can be made politically meaningful within a theoretical understanding of natural right is another question.

*Glenn Ellmers is the Claremont Institute's Salvatori Research Fellow in the American Founding, and the author, most recently, of The Narrow Passage: Plato, Foucault, and the Possibility of Political Philosophy (Encounter Books).*

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