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Author(s): Daryl H. Rice

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JOHN C. CALHOUN

Daryl H. Rice

I

No point of John C. Calhoun's political thought has been more disputed than exactly where it is situated in the theoretical landscape. Calhoun has been treated as the 'Marx of the master class' by Richard Hofstadter; a 'reactionary conservative' arguing eclectically from liberal premises by Louis Hartz; an authentic conservative by Russell Kirk, Clinton Rossiter and August Spain; and a precursor to the pluralist vision of politics by Peter Drucker. Two of the most engaging treatments of Calhoun's thought are Darryl Baskin's and Peter Steinberger's, both of relatively recent vintage. Baskin argues that despite Calhoun's use of vocabulary borrowed from organic conservatism he is essentially a classical liberal and, as such, is engaged in the typically liberal 'flight from community'. He has no true notion of civic virtue and his concept of the public interest is only a mechanistic sum of private interests. Steinberger agrees that Calhoun is a liberal, but argues that his contribution to American liberalism is precisely to sublimate selfishness to an authentic civic virtue.¹

These disputes are interesting, but I suggest that in the efforts to contain Calhoun within the conservative/liberal scheme of categorization some of the subtlety of his thought is lost. Too often an appreciation of his thought is sacrificed to an underlying agenda of attacking or defending one ideology or another. In the present critique I attempt to recover some insights that have been submerged in other treatments. Calhoun's constitutional theory of concurrent majoritarianism, rather than his liberal or conservative bent, is the focal point of sections III and IV. I argue that Calhoun's theory exposes — sometimes unwittingly — the stern limits of what constitutions can accomplish. In section V I suggest that insofar as Calhoun is generally a liberal (as Hartz, Baskin and Steinberger contend) an internal contradiction within his theory points to a paradox at the very heart of liberalism.

II

Calhoun expresses the core of his political thought in the posthumously published *A Disquisition on Government*. Humans are both sympathetic and selfish, but the

¹ Richard Hofstadter, *The American Political Tradition and the Men Who Made It* (New York, 1948), pp. 69–92; Louis Hartz, *The Liberal Tradition in America* (New York, 1955), pp. 145–7; Russell Kirk, *The Conservative Mind* (Chicago, 1953); Clinton Rossiter, *Conservatism in America* (New York, 1964), pp. 97–128; August O. Spain, *The Political Theory of John C. Calhoun* (New York, 1980); Peter Drucker, 'A Key to American Politics: Calhoun's Pluralism', *The Review of Politics*, Vol. 10 (1948), pp. 412–26; Darryl Baskin, 'The Pluralist Vision of John C. Calhoun', *Polity*, Vol. 2 (1969), pp. 49–65; Peter Steinberger, 'Calhoun's Concept of the Public Interest: A Clarification', *Polity*, Vol. 13 (1981), pp. 410–24.

latter is the stronger inclination. Situations of abundant resources, combined with habit and education, allow for the expansion of social or sympathetic feelings, but when push comes to shove, when individuals' interests conflict, 'each is ready to sacrifice the interests of others to his own'. The inevitable result would be a Hobbesian-like 'universal state of conflict' were it not for some 'controlling power' which, whatever form it takes, is 'government'.²

The maintenance of order necessitates the exercise of power, but the same human nature which makes government indispensable inevitably results in governors abusing their power and oppressing the governed. The power necessary to preserve society 'will ever prove sufficient to aggrandize those who control it'. As did Madison before him, Calhoun argues that 'power can only be resisted by power'. Of course, one cannot hope to control the controlling power of government by instituting an even 'higher' power without merely reformulating the problem at another level. The key is to build into the 'organism' of government 'the means by which resistance may be systematically and peaceably made on the part of the ruled to oppression and abuse of power on the part of the rulers'. Such an 'interior structure', where it exists, is 'constitution'.³

Suffrage alone cannot establish a constitution. It places control over government in the electors rather than in the immediate agents of power, but since the electors are not a homogeneous mass with identical interests, 'self-government' of the people is only nominal. The reality 'is but government of a part over a part — the major over the minor portion'; and the majority will abuse its power over the minority as inevitably as any tyrannical one or few will oppress the many.⁴

A written constitution, the division of government into separate and independent departments, and a free press all aid in checking against tyranny of the majority, but are finally insufficient in themselves.⁵ To suffrage, Calhoun argues, must be added the institution of the 'concurrent majority'. The only way to invest government with power sufficient to maintain order and at the same time check against its abuse is 'by taking the sense of each interest or portion of the community which may be unequally and injuriously affected by the action of the government separately, through its own majority or in some other way by which its voice may be fairly expressed, and to require the consent of each interest either to put or to keep the government in action'.⁶

Calhoun claims that concurrent majoritarianism not only provides the means to control government but has even further-reaching effects: 'there will be diffused throughout the whole community kind feelings between its different factions and, instead of antipathy, a rivalry among them to promote the interests of each other . . . And, hence, instead of faction, strife, and struggle for party ascendancy, there would

² John C. Calhoun, *A Disquisition on Government* (New York, 1953), pp. 1–5. (Originally published in 1854.)

³ *Ibid.*, pp. 7–11.

⁴ *Ibid.*, p. 24.

⁵ *Ibid.*, pp. 25–7, 56–9.

⁶ *Ibid.*, p. 20.

be patriotism, nationality, harmony, and a struggle only for supremacy in promoting the common good of the whole.⁷

III

A charge levelled against Calhoun by those anxious to emphasize the elements in his thought that Baskin says are 'most typical of the liberal tradition' is that he naïvely attempted to displace genuine community with a procedural apparatus. Baskin argues that Calhoun shared the Enlightenment faith that the affairs of men are ultimately as tractable as the regularity of the heavens. The 'mechanically sustained, non-directive' balance Calhoun sought from pitting power against power, Baskin claims, places him 'somewhere on the continuum of pluralist political engineering between Adams and Madison'.⁸ For Calhoun: 'It is only because the mechanism of the concurrent majority provides an effective means for the defense of special (i.e., private) interests, that attachment to the common good (i.e., to the defense of the private interests of all) is possible.' Citizenship defined only by loyalty to such a mechanical device, Baskin argues, 'merely serves to perpetuate and strengthen [men's] relations as strangers and potential rivals'.⁹

Hartz had earlier mounted a similar criticism of Calhoun: 'Calhoun's method was to shatter the fabric of American community and then to attempt to restore it by a purely mechanical device. But this was to overlook a very important truth; mechanical devices are only as strong as the sense of community that underlies them.' For Hartz, Calhoun is a grotesquely pathetic figure, trusting (at a time when the country was on the brink of civil war) in the piling up of mechanical devices to produce a spirit of compromise that 'outdoes in amiability even the spirit that pervades a Congressional cloak room in a time of high profit and high wages'.¹⁰

Hartz notes, like Baskin, that Calhoun's trust in institutional devices merely extends 'the checking-and-balancing ethos of the Founding Fathers'. The tragedy of Calhoun, for Hartz, is that he failed to see, as did the Founders themselves, that the checking-and-balancing devices succeeded only because the Founders' diagnosis of social reality in 1787 was wrong. The mechanical devices put into place by the

⁷ *Ibid.*, p. 38.

⁸ Baskin, 'The Pluralist Vision', pp. 51, 60.

⁹ *Ibid.*, pp. 64–5. Baskin treats Calhoun as the 'hard case' to test Robert McCloskey's contention that American political philosophy 'mirrors the thought of the nation'. (Robert McCloskey, 'American Political Thought and the Study of Politics', in *Approaches to the Study of Politics*, ed. Roland Young (Evanston, IL, 1958), p. 157.) That even Calhoun (hailed by others as an exemplary conservative) should turn out to be a liberal at bottom, is evidence for Baskin that there is no 'authentic conservatism' indigenous to American experience (Baskin, 'The Pluralist Vision', pp. 50–1).

I find convincing Baskin's contention that Calhoun, generally speaking, is a liberal. I do not see, however, that the aspects of Calhoun's argument that I wish to defend are peculiarly liberal or conservative. The same applies to those aspects I criticize.

¹⁰ Louis Hartz, 'South Carolina vs. the United States', in *America in Crises*, ed. Daniel Aron (New York, 1952), p. 79. George Kateb gives a similar portrayal in 'The Majority Principle: Calhoun and his Antecedents', *Political Science Quarterly*, Vol. 84 (1969), pp. 582–605.

Founders worked, not because they effectively kept in check a majority deeply divided from an élite minority, but precisely because such 'frightful social conflicts did not exist in 1787'.¹¹ It was Calhoun's sad fate to inherit the Founders' faith in constitutional engineering and their misperception of the ground of its success at a time when their description of a deeply divided society had become a reality.

There is obviously some truth to this line of criticism (and I will return to it from a different angle below); however, these rather cavalier dismissals of Calhoun seem to presuppose that societies are pervaded either by pre-established harmony or civil war. In the case of the former any set of political institutions is as good as another; in the latter no amount of mechanical tinkering will succeed. But most societies fall somewhere between these outside limits, and for such societies Calhoun might have something to recommend.

Calhoun acknowledges that constitutional arrangements must bear some initial conformation to the underlying spirit of a people. He tempers his Enlightenment faith in the potential of political engineering with his confession that thus far, 'It would seem that it has exceeded human sagacity deliberately to plan and construct constitutional government'. He continues: 'A constitution, to survive, must spring from the bosom of the community and be adapted to the intelligence and character of the people and all the multifarious relations, internal and external, which distinguish one people from another.'¹²

Calhoun also believes that constitutional arrangements can run a little ahead of the spirit and character of a people. While constitutions must grow out of a community, they can also change persons to some extent. When we put ourselves into differently structured social relations we change. Calhoun bases his description of the effects of concurrent majoritarianism on the insight that relations of dependency breed continued animosity and divisiveness. For Calhoun the most serious flaw of numerical majoritarianism is not simply that it ignores the interests of the minority at any given time but that it is doomed to polarize divergent interests even further. A minority deprived of a means for protecting its interests will bow, but only with 'that reluctance and hostility ever incident to enforced submission', and it will be ever on the lookout for opportunities to retaliate and resist.¹³ The majority, in turn, anticipating and fearing just such a reaction by the minority, only tightens its grip on the minority, thereby heightening the animosity.

Hartz's account of Calhoun as a tragic figure is poignant, but it overlooks his understanding of how society had become so deeply polarized. According to Calhoun, precisely because the structure of institutions designed in 1787 (with conflict between big and small states in mind) soon ceased to reflect real divisions and actual interests, those divisions grew even deeper and the sides more hostile. Calhoun

¹¹ Hartz, *The Liberal Tradition in America*, p. 162.

¹² Calhoun, *Disquisition*, p. 60. Baskin dismisses such assertions as 'pretended traditionalism', as efforts 'to mask as conservative what is a liberal point of view', but he does not say why Calhoun should feel compelled to 'pretend' conservatism. (Baskin, 'The Pluralist Vision', p. 60; see also p. 56.)

¹³ *Ibid.*, p. 54.

illustrates the increasing polarization of North from South in terms of the tariff issue.¹⁴ One can grant that the tariff was only a prelude to the question of slavery, and even that the transformation of the discomfiture which Jefferson and Randolph felt towards their ‘peculiar institution’ into the militant defence of slavery by latter Southerners had primarily to do with the intervening invention of the cotton gin. Still, Calhoun’s thesis is not discredited altogether. Perhaps no system of institutions would have been able to accommodate a peaceful resolution to the issue of slavery, but it seems quite plausible that the South’s sense of impotence in Congress contributed in itself to the intensification of animosities.¹⁵

Baskin also charges that Calhoun’s sense of citizenship ‘is less a matter of moral growth and contribution to the common life than a mode of self-justifying pressure group activity’.¹⁶ The effort to see in Calhoun the deficiencies Baskin finds inherent to liberalism again results in a caricature of Calhoun. For Calhoun, constitutional arrangements have a definite effect on public and, therefore, on private morals. Under numerical majoritarianism, party struggle tends to boil down to competition for the ‘honors and emoluments of government’, access to which is gained only through majority support. Elections soon have little to do with ‘principle and policy’; ‘cunning, falsehood, deception, slander, fraud, and gross appeals to the appetites of the lowest and most worthless portions of the community . . . take the place of sound reason and wise debate’.¹⁷ The link to private morality is that the accepted means for obtaining power, influence and standing in the government — ‘the objects most eagerly sought of all others by the talented and aspiring; and the possession of which commands the greatest respect and admiration’ — serve as an official standard of acceptable behaviour for the general lot of people.¹⁸

Calhoun argues much like John Stuart Mill, whose preference for or against a particular institutional device often seems to be governed as much by a consideration of its indirect effects on the formation of character as on its more immediate, tangible policy outputs.¹⁹ The contention that concurrent majoritarianism would be a panacea

¹⁴ John C. Calhoun, *A Discourse on the Constitution of the United States*, in *The Works of John C. Calhoun: Volume One*, ed. Richard K. Cralle (New York, 1854).

¹⁵ For another sympathetic discussion of concurrent majoritarianism, see Arend Lijphart, ‘Majority Rule versus Democracy in Deeply Divided Societies’, *Politikon*, Vol. 4 (1977), pp. 113–26.

¹⁶ Baskin, ‘The Pluralist Vision’, p. 63.

¹⁷ Calhoun, *Disquisition*, p. 33.

¹⁸ *Ibid.*, p. 39.

¹⁹ Mill argues, for example, that universalizing suffrage to the extent of abolishing even basic literacy requirements sanctions the view that the art of governing really is not very difficult and requires little wisdom. (J.S. Mill, *Considerations on Representative Government*, Ch. 8.) Similarly, the institution of the secret ballot, whatever the practical necessities for it might be, sends the message that one’s politics are a purely private matter; that they require no defence and need not be submitted to the critical scrutiny of others. The official signal is that an opinion is good enough simply because it is one’s own. (*Ibid.*, Ch. 10.) There are other points of similarity between Mill and Calhoun, but Mill’s tribute to Calhoun, as ‘a speculative political thinker superior to any who has appeared in American politics since the authors of the *Federalist*’, has received little attention. (*Ibid.*, Ch. 17.) Kateb mentions it, but finds it ‘galling’ and an affront to democratic theory. (Kateb, ‘The Majority Principle’, pp. 582–3.)

is strained (as I am about to argue), but Calhoun's description of electoral politics under numerical majoritarianism continues to ring true. Electioneering today differs little from selling cars and perfume. Perverse double-talk and oblique appeals to people's worst sentiments and prejudices are common methods of building electoral majorities in the age of media politics. Crises management unabashedly has come to mean, not dealing with substantive problems, but managing by whatever rhetorical means necessary the public's perception of problems. It does not seem far-fetched to speculate that a low quality of public life has deleterious effects on private morality. When Calhoun voices concerns about a regime's effect on morality, his conception of the public interest, liberal though he generally might be, taps into a tradition as old as Plato. While Plato held that the ultimate function of the state is to nurture the souls of individuals, he can hardly be impugned for not having a conception of a truly public interest.²⁰

IV

One can grant that differently structured constitutions might change to some extent the persons governed by them, but argue that Calhoun nevertheless seems to ignore the fact that at least an initial threshold of good-will must exist among conflicting interests in order to put a constitution into operation. Calhoun still expects to follow from purely mechanical devices, one might insist, what must in fact already be presupposed for those devices to operate at all.

That Calhoun clearly recognized the necessity for a minimal threshold of good will is shown by a remark in *A Discourse on the Constitution of the United States*. Towards the end of that work, Calhoun proposes a dual executive as one means for institutionalizing concurrent majoritarianism in the United States. Each of two executive officers — one selected by the North and the other by the South — would have a veto over the other and Congress. Calhoun poses the question of whether some such system shall be applied, and answers:

The responsibility of answering this solemn question, rests on the States composing the stronger section. Those of the weaker are in a minority, both of the States and of population; and, of consequence, in every department of government . . . With such difficulties in their way, the States of the weaker section can do nothing, however disposed, to save the Union and the government, without the aid and co-operation of the States composing the stronger section . . .²¹

²⁰ William Harris ('Last of the Classical Republicans: An Interpretation of John C. Calhoun', *Civil War History*, Vol. 30 (1984), pp. 255–6) links Calhoun's focus on 'government itself as the source of both virtue and corruption' to the Venetian strain of Italian Renaissance republicanism or what J.G.A. Pocock termed the 'mechanization of virtue'. (*The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, 1975), pp. 284–5.) This rather mild reading of Calhoun in the light of Pocock's thesis is innocent enough. For discussion of a more sustained attempt to read a classical notion of virtue into Calhoun, see note 31, below.

²¹ Calhoun, *A Discourse on the Constitution*, p. 396.

It is in Calhoun's generally feeble handling of good will, however, that criticism of his more fantastic claims about concurrent majoritarianism finds firm leverage.²² Community cannot be founded on a single act of good will. While an act can lead to real changes in the objective circumstances within which future acts must occur, one act of good will cannot guarantee another. Furthermore, good will must be truly that and not merely prudent. It ultimately demands the capacity to sacrifice — without resentment and bitterness, and therefore without the imposition of necessity of any sort — one's own interest for the good of another. The sacrifice must be offered freely, be truly *for* the other, but Calhoun's own rather crude psychology outlined at the beginning of the *Disquisition*, does not allow for the possibility of such acts. Even his suggestion that the stronger North could conceivably have just enough good will to grant the weaker South a larger share of power seems to contradict his earlier, axiomatic claim that when interests conflict 'each is ready to sacrifice the interests of others to his own'.²³ It is the same crude psychology, unable to underwrite even a limited recognition of the necessity of truly good will to the initial implementation of a constitutional system, that allows Calhoun to become quite fanciful in his hopes for such a system once in place.

Steinberger attempts to come to Calhoun's defence, arguing that he in fact has a 'complex theoretical formulation' which explains the seemingly miraculous transformation of human selfishness into selflessness.²⁴ The key to the explanation, Steinberger claims, lies in Calhoun's discussion of the effects that follow from the necessity to compromise imposed by a system of concurrent majoritarianism. Calhoun himself anticipates the most likely charge to be levelled against his theory: it is grossly impractical to expect that a concurring majority can be found on 'any one line of policy'. The government would be paralyzed and incapable of meeting 'the many and dangerous emergencies to which all communities are exposed'. 'Convulsions' and 'anarchy' would result.²⁵ Calhoun responds by arguing that it is precisely the fear of anarchy, 'the greatest of all evils' and 'the greatest of calamities', that would impel conflicting interests to compromise. 'No necessity', he writes, 'can be more urgent and imperious than that of avoiding anarchy.'²⁶

Steinberger argues that, for Calhoun, while compromise is thus initially a product of selfish, prudential calculation, its effects lead to genuine selflessness. Compromise would lead to conciliation, meaning 'being able to perceive, comprehend, and identify with the selfish interests of others'. Compromise starts as a necessity but transforms selfishness into 'empathy' and 'human fellowship, that is a propensity

²² Again, I do not see this criticism as directed particularly at liberalism or conservatism. Calhoun's egoistic psychology is perhaps most frequently associated with liberalism, but conservatives are hardly known for basing the possibility of community on good will either.

²³ Calhoun, *Disquisition*, pp. 4–5.

²⁴ Steinberger, 'Calhoun's Concept', p. 415.

²⁵ Calhoun, *Disquisition*, p. 49. That government by concurrent majority might in general do less than government by numerical majority is itself, of course, one of its superior features for Calhoun.

²⁶ *Ibid.*, p. 30.

to think about and be responsive to the interests of one's neighbors'. The final effect is not a 'bogus kind of altruism, a disingenuous, self serving aura of fellowship', but a 'genuine concern for the common good'.²⁷

It is certain that Calhoun indicates such a transformation. He describes the conciliations initially imposed by the necessity of compromise as finally made 'willingly and cheerfully under the impulse of an exalted patriotism, impelling all to acquiesce in whatever the common good requires'.²⁸ The question is how such a change is to be explained, especially given Calhoun's own psychology. Steinberger himself vaults too easily and with little more than verbal juxtaposition from the ability to 'think of', 'perceive' and 'comprehend' the interests of others — all talents which need not transcend selfish prudence — to the quality of 'human fellowship' and the ability to 'indentify with' the interests of others.

Steinberger argues that while Calhoun has a conception of the public interest that is more than merely the sum of private interests, it is still a 'function of particular interests'. Calhoun emphasizes that 'The common good is such only insofar as everyone, every particular individual, benefits in some particular way from the actions of government'. By rooting public mindedness in self-interest, Calhoun gives conciliation a 'tangible focus' and ensures that it concerns something 'real and urgent'.²⁹

A concept of the public interest that serves as an antidote to those that lose all mooring in the concrete reality of individuated, living human beings would be welcome. But Steinberger has Calhoun's theory making a rather advanced point before it manages to clarify a more fundamental one. Given Calhoun's psychology, the question as to how self-sacrifice for another is possible at all is prior to the question of whether that other is to be conceived as a mere sum of individual others or as something more. If 'social feelings' are to be truly social, they must, as Steinberger suggests, be concerned with 'someone else's individual feelings'.³⁰ But it is not clear how, for Calhoun, one's concern for another individual can be genuine concern for that individual rather than mere selfish calculation of one's own interest.³¹

Calhoun fails to carry through completely his own insight into the nature of relations of dependency and their tendency to generate ever greater hostility. Compromise impelled by necessity is likely to produce only more of its kind. Although

²⁷ Steinberger, 'Calhoun's Concept', pp. 417–20.

²⁸ Calhoun, *Disquisition*, pp. 53–4.

²⁹ Steinberger, 'Calhoun's Concept', pp. 419–20.

³⁰ *Ibid.*, p. 419.

³¹ Baskin caricatures Calhoun's thought in his eagerness to keep it wholly within the liberal camp, but as equally misguided would be the ascription to Calhoun of a classical conception of virtue. The temptation to do so is provided by J.G.A. Pocock (*The Machiavellian Moment* (Princeton, 1975)); Bernard Bailyn (*The Ideological Origins of the American Revolution* (Cambridge, 1967), and *The Origins of American Politics* (New York, 1968)); and Gordon S. Wood (*The Creation of the American Republic* (New York, 1972)). These interpreters discount the Lockean element in the thought of the Founders and see in it a 'classical' or 'civic' humanism that can be traced back through the 'Country opposition' in England, to

he sees that a weaker party forced to make concessions will only increase its hostility, he does not acknowledge that a stronger party forced by necessity to sacrifice some of its power is just as likely to become resentful and bitter. Were the North actually to have ceded its advantage and instituted a dual executive, unless such a sacrifice had been made freely and truly for the South, the North would have chafed and balked at every subsequent concession forced upon it by the new regime. Such reluctance is not productive of the public mindedness Calhoun desires.³²

One might argue that it is illegitimate to treat the compromise requisite to the initial founding of a system of concurrent majoritarianism on a par with the compromise made necessary once the system is in place. According to Calhoun, once rule by current majority is established, there *are* no weaker and stronger interests since each interest has a veto over all others. The necessity for compromise is not imposed by one party on another, but by the common fear of anarchy.

A distinction in principle between compromise requisite to the establishment of a system and compromise made necessary once it is in place is specious; and the appeal to the fear of anarchy as the enforcer of compromise is highly contrived. By Calhoun's own admission, humans never have and never will live in a state of anarchy. He insists that our choice is not between whether we will live in anarchy or under government, but among alternative forms of government. Thus, the mood

Bolingbroke, Sidney and Harrington, thence to Machiavelli, the Roman and Spartan ideals of citizenship and, finally, to Aristotle. Robert E. Shalhope, another commentator who reads American thought as a continuation of this long tradition, writes that the common thread is that virtue, understood as 'furthering the public good — the exclusive purpose of republican government — required the constant sacrifice of individual interests to the greater needs of the whole, the people conceived as a homogeneous body'. (R.E. Shalhope, 'Republicanism and Early American Historiography', *William and Mary Quarterly*, 3rd series, Vol. 39 (1982), p. 335.)

Thomas Pangle argues, correctly I think, that this revisionist reading of American thought is based more on a 'post-sixties', 'romantic longing' for a communitarian American heritage than on a nuanced understanding of the history of political thought. (Thomas Pangle, *The Spirit of Modern Republicanism: The Moral Vision of the American Founders and the Philosophy of Locke* (Chicago, 1988), Ch. 4.) One can discover linkages of the founders' notion of virtue with Machiavelli's conception, but the latter is already decidedly more modern, and even Lockean, than Aristotelian. Pangle sees in Federalist thought the sort of moral logic espoused by Calhoun — namely the idea that 'concern for the welfare of others might reasonably be grounded in or grow out of a properly educated hedonistic or utilitarian self-love, and that such self-love might be said to entail, or to be the only reasonable ground of, duties and obligations' (*ibid.*, p. 19). Reasonable as it might be, Pangle argues, this is hardly the classical conception of virtue.

The strain entailed in reading Calhoun under Pocock's thesis shows in William Harris's claim that 'Calhoun's mature political theory began with Aristotle's dictum that man is essentially a social being, and that the social state is necessary "for the full development of his faculties"'. (Harris, 'Last of the Classical Republicans', p. 256. See also note 20, above.) By this quick and facile reasoning one could also transform Hobbes and Locke into Aristotelians, since they too argue that it is only in civil society that human beings can escape the 'incommodities' of the state of nature and develop their faculties.

³² Steinberger draws a comparison between Rousseau's 'general will' and Calhoun's conception of the public interest. (Steinberger, 'Calhoun's Concept', pp. 420–2.) I find Rousseau's description of relations of dependency as the root cause of much social conflict (at least in the *Discourse on the Origin of Inequality*) to be a more cutting aspect of his thought. What many communitarians (and perhaps here more conservatives are included than liberals) see as the ground of organic solidarity, Rousseau and Calhoun see as the source of inevitable disappointment and resentment.

lurking beneath rule by concurrent majority would not be fear of anarchy but the fear by potential minorities of a reassertion of power by the numerical majority and the continual temptation of the latter to fulfil those fears. A numerical majority within an established system of concurrent majoritarianism must exercise as much self-restraint in not seeking a change of regime as does a majority which must sacrifice its hegemony to establish such a system in the first place. In both cases the concession of power must be made as a genuine, free sacrifice if further good of the magnitude expected by Calhoun is to follow from it. The appeal to a benign necessity for compromise imposed by a common fear of anarchy only deflects attention away from the fact that acts of genuine self-sacrifice ultimately cannot be engineered.

Calhoun makes a convincing argument that constitutional arrangements are not only a reflection of the underlying character of a people but can act upon that character. One can even grant that a majority accustomed to acting unilaterally, when prevented from doing so by the veto power of the minority, will have to attend more closely to the interests and desires of the minority, and that in so doing might develop a degree of genuine empathy that it might not otherwise. That such forced attentiveness can perhaps have some efficacy in breaking down animosities is shown by the history of legislation and its effects regarding racial relations in the United States. The severe limits of what can be expected from forced attentiveness — the fact that any small germ of good will it might produce is not guaranteed growth but must be taken up and affirmed in act after act — is shown by the same stream of history.³³

V

A classic criticism of Calhoun is that he does not carry through consistently what Hartz calls the 'minority principle'. Calhoun grants veto power to large minority interests in society but allows the 'sense' of each interest to be taken 'through its own majority'.³⁴ Minority groups are to be governed internally by their own majorities. But we can fairly ask about the interests of the minority within the minority, and the minority within that, and so on. Carried to its logical conclusion, Hartz argues, the doctrine of the concurrent majority 'unravels itself out into Locke's state of nature where separate individuals execute the law of nature for themselves'.³⁵

The argument is impeccable as internal criticism, but a more interesting aspect of the inconsistency is overlooked. Insofar as Calhoun is arguing from liberal premises (as Hartz suggests), taking the concrete individual as the final referent of all political theorizing, the inconsistency noted by Hartz points to a paradox at the heart of all

³³ I am well aware of the irony of appealing to the history of race relations in the United States to illustrate the merits of Calhoun. Some would argue that Calhoun's theory was nothing but an artifice for the defence of slavery. Such may have been Calhoun's motivation for inventing the theory, but we would deprive ourselves of considerable wisdom if we dismissed all arguments originally devised for morally repugnant causes. Like Steinberger ('Calhoun's Concept', p. 413, note 8), I assume here that it is sometimes worthwhile to suspend the sociology of knowledge.

³⁴ Calhoun, *Disquisition*, p. 20.

³⁵ Hartz, 'South Carolina vs. the United States', p. 82; see also Hartz, *The Liberal Tradition*, p. 162.

liberal theory. John Locke's theory would also unravel back to the state of nature if he were true to his original defence of the inviolable sanctity of the individual. Or, perhaps more accurately, were Locke thoroughly consistent with his individualist premises, he would never succeed in teasing the individual out of the state of nature.

Liberalism attempts to solve a riddle put clearly and succinctly by Rousseau: 'Find a form of association which defends and protects with all common forces the person and goods of each associate, and by means of which each one, while uniting with all, nevertheless obeys only himself and remains as free as before.'³⁶ Rousseau claims in the sentence immediately following this passage, of course, that the solution lies in the social contract, but his later confession that some individuals may have to be 'forced to be free'³⁷ betrays the fact that his solution is a bit of a ruse and does not stick to the strict terms of the riddle.

Locke, in his own version of the social contract, attempts to combine the sanctity of individuals — with their inviolable rights to life, liberty and property — and the force of majority rule. But one cannot have it both ways. Either individuals are autonomous or the majority is finally absolute. Locke's inconsistency is masked by the idea that although responsibility for enforcement and, more importantly, final interpretation of just what natural rights entail are turned over to the state (the legitimacy and control of which ultimately rests with the majority), something of natural right somehow remains with the individual.³⁸ But the notion that one can somehow retain a right while giving up the responsibility for its final interpretation strains intelligibility. The individual is left with an empty place-holder to which the majority gives content. The right is effectively given up altogether, as the more perspicacious Hobbes saw. Locke's celebrated defence of the right to revolution only obfuscates the inconsistency more, for determination of just when the state is violating rather than protecting natural rights of individuals is itself a matter that could be settled legitimately, on Lockean terms, by nothing less than a majority.³⁹

Subsequent liberal theorists did not settle for Locke's rhetorical devices, of course. The founders of the American republic, for example, aimed at providing a secure institutional bulwark against the majority. But, as Calhoun argues, while such a complex set of institutions places barriers before the majority and slows it down considerably, the majority is finally absolute. Insofar as Calhoun's own defence of

³⁶ Jean-Jacques Rousseau, *On the Social Contract*, Bk. I, Ch. 6.

³⁷ *Ibid.*, Ch. 7.

³⁸ John Locke, *Second Treatise of Government*, Chs. 7, 8, 9.

³⁹ *Ibid.*, Ch. 19. Isolated passages in the *Second Treatise* support the final autonomy of the individual conscience. See, for example, Ch. 14, sec. 168 (my emphasis): 'And where the body of the people, or any single man, is deprived of their right, or is under the exercise of a power without right, and have no appeal on earth, then they have a liberty to appeal to heaven, whenever they judge the cause of sufficient moment.' A similar remark appears at Ch. 18, sec. 208. However, when Locke turns to a thematic discussion of the right to revolution in Ch. 19, sec. 241, he writes: '*Who shall be judge*, whether the prince or legislative act contrary to their trust? . . . To this I reply, *The people shall be judge*'. He asserts again in sec. 241 that the 'umpire' in such disputes 'should be the body of the *people*'. Furthermore the weight of the entire argument for the necessity of majority rule in the first place (Ch. 8, secs. 95–9) supports the view that it is the majority that has the final say in determining individual rights. Locke also is quite explicit in stating

the minority principle rests on the sanctity of the individual, he is inconsistent in suggesting that minorities within minorities will have to bow to majorities within minorities. He has still failed to outline true self-government. He describes instead only 'government of a part over a part — the major over the minor portion', to borrow the words with which Calhoun indicts numerical majoritarianism. As Hartz notes, Calhoun has 'silently drawn a few lines' in advancing the minority principle.

However, all liberal theories silently draw such lines in their defence of the sanctity of the individual from which they initially set out, and necessarily so if they are to keep from collapsing back into the state of nature. Calhoun carries Locke's initial individualist premises about as close to their logically consistent end as one can go without actually arriving and thereby losing altogether the notion that the individual has actually left the state of nature and is therefore under some obligation to bow to the will of others. If it is a doctrine of majority rule thoroughly consistent with a defence of truly autonomous individuals that is desired, one must settle for Thoreau's dictum that 'any man more right than his neighbor constitutes a majority of one already'.⁴⁰

Daryl H. Rice

UNIVERSITY OF ARKANSAS AT LITTLE ROCK

that when government is dissolved, the 'legislative' that was entrusted to it does not revert to individuals as individuals but to 'society'. (See Ch. 19, secs. 211 and 243.) Thus the 'body of the people' or the majority remains supreme even in revolutionary crises.

For what some might find a disconcerting affirmation of the point here, see a memo written by now Chief Justice William Rehnquist to Justice Robert Jackson. Declaring that the US Supreme Court should affirm the separate but equal doctrine, Rehnquist, then a clerk, wrote in 1952: 'To the argument made by Thurgood, not John, Marshall that a majority may not deprive a minority of its constitutional right, the answer must be made that while this is sound in theory, in the long run it is the majority who will determine what the rights of the minority are.' (Quoted in John A. Jenkins, 'The Partisan: A Talk with Justice Rehnquist', *New York Times Magazine* (3 March, 1984), p. 32.

⁴⁰ Henry David Thoreau, 'Civil Disobedience', in *The Works of Henry David Thoreau: Vol. IV* (New York, 1968), p. 369. William Freehling sees the dilemma. He writes: 'if each citizen had to consent to each law, governments could no longer enforce their edicts. Gaining political legitimacy would require surrendering the power to govern at all'. He claims that 'To escape this difficulty, Lockeans distinguished between an initial, higher constitution-making state and a subsequent, more mundane, lawmaking state . . . By investing a government with certain general prerogatives, the governed avoided the anarchical consequences of requiring everyone to assent to each specific law'. (W. Freehling, *Prelude to Civil War: The Nullification Controversy in South Carolina, 1816–1835* (New York, 1968), p. 160.) Freehling evidently doubts the success of this move, however, and credits Calhoun for struggling with the dilemma: 'His real genius lay in identification of problems rather than in consistency of analysis. What makes his thought always interesting is his capacity to seek out and to wrestle with the usually unexamined ambiguities in the American Lockean faith. Calhoun was clearly right, for example, that the consent of the governed and the power to govern become difficult to reconcile when a minority seeks to withhold its consent.' (*Ibid.*, pp. 172–23).