

The Manent Thesis That Natural Rights Political Theories Were Created Against Christianity

Review of *An Intellectual History of Liberalism*, by Pierre Manent (*Histoire intellectuelle du libéralisme: Dix leçons*, 1987)

Manent's book differs from the usual approach to the history of pre-twentieth century political theory. We are used to a selection of key thinkers that the author deems to be the really important ones for the development of his chosen ideas, laying out the component concepts of the model of politics of each of these, and perhaps with some explanation of a special aspect of their thought that it is claimed previous writers have missed. Manent gives us the inner dynamic of the political theories—their motivation and psychological force—as well as the logic of the key concepts. He also has a theory of the development of political thought, and his approach is related to it. He sees a move from political theory based on a model of rights related to freedom and nature, to a politics that is explained by theories of history. His type of explanation, then, is aimed at how political theory evolved in the real world where it is governed by more than just the internal elegance of successive proposed models.

Manent's Thesis

He begins with the place of the individual in early modern theories.

The individual is that being who, because he is human, is naturally entitled to “rights” that can be enumerated, rights that are attributed to him independently of his function or place in society and that make him the equal of any other man. As familiar as this idea may seem, it really ought to strike us as strange. How can rights be attributed to the individual as individual if rights govern relationships between several individuals, if the very idea of a right presupposes an already instituted community or society? How can political legitimacy be founded on the rights of the individual, if he never exists as such....? (p. xvi)

Another way to ask this question is, why were the inventors of these natural rights theories so anxious to turn our attention away from society, from any existing order, from the condition in which men are always found, to instead construct the most basic political concepts based on man as the solitary individual before the normal, universal and inevitable social condition of man is allowed to be considered?

Manent considers the common idea that European political theory is a secularization of Christianity. “What are liberty and equality, after all, if not ‘biblical values’ shaping civic life? This thesis was born and acquired its credence just after the French Revolution.” Some viewed what was as now a historical fact as the fundamental humanistic ideas at last overcoming the supernatural shell of Christianity, while others “celebrated modern freedom as the last conquest of the Gospel.”

We must remember, however, that this reconciliation (which in France took more than a century to be achieved) came about just after the Christian religion had been totally stripped of all political power for the first time, power that it would never regain. ... [T]he principles of the new politics—the rights of man and citizen, freedom of conscience, sovereignty of the people—had been forged during the two previous centuries in a bitter fight against Christianity, and particularly against the Catholic Church. The decisive question then is the following: must the Enlightenment’s war against Christianity be seen as the expression of an immense misunderstanding, for which we must see to grasp the “historical reasons”? Or does this period give us the meaning of the modern political venture, and thus of liberalism, much more clearly than the subsequent period of reconciliation? (p. xvii)

What then is the relation between the eventual form of the political order and Europe and the circumstances of the origin of its political theories?

Did the world have to wait of Christianity, so that, by opposing it, we could finally reach our natural equilibrium? Perhaps instead it is possible that the means invented to confront this challenge—those means that became our political regime—retain traces of the accident that gave them birth. And, further, perhaps those means in turn became strangely problematic once the original problem has been resolved to general satisfaction. Does the “indeterminacy” credited to our political regimes mean that we are seeing explicitly instituted the disjunction between power, knowledge, and right that is essential to freedom? Or does it rather bring to light the paradox of a state which, having wished to close itself off from Christianity’s power, from the power of the one particular opinion, is endlessly obliged to deprive any opinion of power? (p. xviii)

To explain how the situation came about that the state would want to insulate itself against Christian principles in that way, Manent takes us back to the development of political systems following the collapse of the Roman Empire in the West. There were two political models available, that of empire, which had already failed in the West and could not be revived in an authentic way, and that of the city-state, which had existed in Greece and earlier Rome.

The most striking fact about Europe’s history is that neither the city-state nor the empire, nor a combination of the two, provided the form under which Europe reconstituted its political organization. Instead, monarch was invented.

The third form was the *Church*. To be sure, the Church cannot be placed on the same plane as the empire and the city-state. ... But by its very existence and distinctive vocation, it posed an immense political problem to the European peoples. This point must be stressed: the political development of Europe is understandable only as the history of answers to problems posed by the Church, which was a human association of a completely new kind. Each institutional response created in its turn new problems and called for the invention of new responses. The key to European development is what might be called, in scholarly terms, the *theologico-political* problem. (p. 4)

Manent breaks down the major problems posed by the Church to two. “The circumstantial problem” that “in the general disintegration following the barbarian invasions, the Church had to take on social and political functions” forming “an unnatural’ amalgam of secular functions and

specifically religious ones”, and secondly the “structural problem”. The latter requires a more detailed explanations, but also some qualifications to the way in which Manent presents it.

The Church’s self-definition was contradictory, that was the first problem. One part of the definition was the realm in which the Church claimed to operate, as “the good that it provided—salvation—was not of this world. ‘This world,’ ‘Caesar’s world’ did not interest it.” The problem already is a defective concept. The words of Jesus were “My kingdom is not of this world: if my kingdom were of this world, then would my servants fight, that I should not be delivered to the Jews: but now is my kingdom not from hence.” The kingdom is “not from hence”, that is the world is not the source of its power and authority; but these words do not indicate that the world is not the realm where the kingdom operates. With this defective concept of the realm of the kingdom, it is not surprising that it proved contradictory to the other point Manent raises, the church’s “mission of leading men to salvation.” “Consequently it had a right or duty to oversee everything that could place salvation in peril. But since all human actions were faced with the alternative of good and evil (except those actions considered ‘immaterial’), the Church has a duty to oversee all human actions. And among human actions, the most important were those carried out by rulers.” Here another qualification has to be entered against the way Manent lays things out. He says that “in accordance with its *raison d’être*, the Church has to exercise its vigilance with the keenest attention, seeing to it that rulers did not order the ruled to commit acts that endangered their salvation or allow their subjects the liberty to commit such acts.” (p. 5) He correctly places the emphasis on how the rulers regulated the conduct of their subjects, as the church did not much care how the rulers conducted their personal lives. But it was concerned that the institutions of the church be able to operate without interference, including the administration of vast properties, and that there be no interruption of the flow of the revenues from the people, which supported the church bureaucracy and the ecclesiastical princelings who ran it, as well as their extravagant Italian cultural projects. Both of these were against the economic interests of the secular kingdoms.

The situation as Manent sets it up is that the “historical fortune of monarchy in the Christian world stems in large part from the fact that this political form permitted a broad acceptance of the Church’s presence and, at the same time, possessed an extremely power force (the monarch by divine right) for guaranteeing the political body’s independence from the Church.” (p. 7) The monarch “naturally took on the task of forming the political body as one whole, essentially distinct from the Church. He undertook the establishment of the secular city, the *civitas hominum*,” (p. 9)

By the end of the fifteenth century there was also a new factor in effect. The *devotio moderna* in the north of Europe, and such outbreaks as the career of Savonarola in Florence (at first thought useful to the city government and then a threat to it) showed that the idea that Christianity ought to be practiced as a religion by all those calling themselves Christians, not just a super performing elite, was taking hold. And this also meant the practice of Christianity in social life, and not just in retreat from the world by renouncing property and normal relationships, had to be better defined and recognized. With the Reformation this took a strong and clear form though the idea of the Discipline within the Reformed churches. A recognized standing as a Christian, that is congregational membership, demanded meeting standards of public conduct. This, in a time when church membership was necessary for membership in the political order because Christianity was the established religion, meant that the Discipline of the Church was effectively a veto over political office. The Discipline was a threat to the whole

upper crust of society which it threatened with the removal of its favorite enjoyments, and it right to exercise power. Manent does not notice this aspect of the situation.

Manent brings out a different, more structural, factor:

The remarkable contradiction embedded in the Catholic Church's doctrine can be summarized in this way: although the Church leaves men free to organize themselves within the temporal sphere as they see fit, it simultaneously tends to impose a theocracy on them. It brings a religious constraint of a previously unheard of scope, and at the same time offers the emancipation of secular life. Unlike Judaism and Islam, the Church does not provide a law that is supposed to govern concretely all of men's actions in the earthly city. (p. 5)

Manent is saying that while Judaism and Islam are theonomic, Christianity in its Roman Catholic form is not. Therefore Christianity (in its Roman Catholic form) is paradoxically theocratic and secularizing at the same time. But England was a different story. Theonomy had been a factor in English law in the early middle ages in King Alfred's legal code, and was making a comeback among the Puritans, where it was more prominent than among Reformed churches on the continent. Also the Puritans extensively developed casuistry based on Biblical principles (which they called cases of conscience), and their handbooks were exported to the Continent which lagged behind them in this and other matters of practical Christianity.

But before taking up the situation in England, which Manent enters into with Hobbes, there are two other things in this book to cover. Manent begins his discussion of particular political thinkers with Machiavelli. His approach to politics is radically different from the ancient political philosophers. Rather than beginning with normal political life, "Machiavelli on the contrary persuades us to fix our attention exclusively, or almost exclusively, on pathologies." He is interested in how regimes begin and end, how they are betrayed and overthrown, rather than how they function in normal times and accomplish their business. "Plato and Aristotle took seriously the citizens' viewpoint by adopting it, even if it subsequently meant pointing out its limits and transcending it. ... Machiavelli adopts the paradoxical position of keeping himself outside the city-state, while concentrating his attention exclusively on it. He stays on the outside, not to achieve a superior good, but only in hopes of observing it better." (p. 17) While this might seem to be the first scientific, objective case of political science, an "incomparably more plausible and pertinent explanation of Machiavelli's originality is available. After all, in Machiavelli's time, there was another viewpoint claiming to be radically exterior and superior to politics, while pretending, from this position, to act within the city-state; the religious viewpoint of the Church. This position from which one can see politics from the exterior, as subject to intervention, did not have to be invented by Machiavelli; it was furnished to him by his enemy, the Church. Adopting it was not an epistemological exploit, it was, in military language more congruous with Machiavelli's, to fight the enemy on his own ground." (p. 17) "By interpreting the body politic as a closed totality founded on violence, Machiavelli established that the 'good' brought by the Church tended to destroy rather than perfect the city-state, that the idea of the good had no support in the nature of human beings." "Machiavelli did not elaborate the idea of an institution capable of opposing the encroachments of the Roman Church. That was accomplished by Hobbes. Instead, by discrediting the idea of the good, Machiavelli persuaded men to consider evil—whether use, force, violence, or 'necessity'—as the principal source of the political order." (p. 18)

The Thesis Debated

The other matter is brought up by Jerrold Seigel in his Foreword to the English edition of the book. Seigel appeals to the Reformation (as we will), for a better explanation of the motivation for the development of natural rights political theory. But Seigel's argument is that "the growth of state power in the early modern period owed at least as much to the progress of the Reformation as it did to Machiavelli's maxims and precepts, and the same should be said about the erosion of belief that political life could be oriented toward commonly acknowledged higher goods or ends. Recent studies suggest that one main reason for the attempt to base politics on theories of natural law in the sixteenth and seventeenth centuries lay in the need to find a foundation that could withstand the crumbling of religious unity." "Manent asks us to derive liberal pluralism from the Hobbesian reduction of politics to power and fear, but his own account of Hobbes reminds us that in seventeenth-century England things went the other way around; it was the impossibility of achieving any common religious orientation that made it necessary to establish politics on some other bases. Here I think we arrive at one of the ways in which Manent's history reflects its French pedigree...." (p. xii)

In 1591 Richard Hooker was set up to begin work on his multi-volume *Of the Laws of Ecclesiastical Polity*, published by the royal printer on the best paper. In it he comes out forcefully against the Discipline. This indicates the nature of the threat perceived by the established order to be at the center of the Puritan religious challenge. The fear of the English elite was that church authority was expanding against them in the area of moral authority over their way of living. Prior to Hooker, the establishment agreed with the Puritans on the basic doctrines of Reformed theology of salvation. The differences were in the areas of practice, both in the conduct of religious ritual and in the moral conduct of individuals. Hooker did much to expand the extent of the theological disagreement. This was desired as it gave a broader intellectual base from which to oppose Puritanism, but it was not the source of the opposition to Puritanism. The Puritans were pressing for the Discipline right up to the English Civil War. It was the period of the war that brought a practical, if not theoretical, transformation of the idea of the Discipline, because the fragmentation of society into so many new sects meant that the ecclesiastical discipline of any one of them was not socially critical anymore.

How did the founders of the natural rights political theories stand in regard to the implications of the Discipline? Hobbes, if not actually an atheist as was then suspected, was no Christian, and was in a precarious position even without the Discipline. John Selden was the most orthodox of them, and was even able to participate in the Westminster Assembly, but he denied that the Church had any authority at all, and united all authority under the single head of the state as much as Hobbes earlier or Rousseau later did. Hugo Grotius, living in the Netherlands, was an Arminian allied with the States Party, which supported the Arminians against the orthodox Reformed, and which also disliked the Reformed Discipline. The conflict between Maurice of Nassau and the States General led to the arrest of Grotius and his sentence to life imprisonment, though he escaped after a couple of years. John Locke was no orthodox Christian either, creating his own version of Christianity according to his own liking, though by that time it was safer to do so. He did spend five years in exile in Holland, but for political reasons. From their lives it appears that most major innovators in natural rights political theory had strong reasons to oppose church authority, as Manent suggests—some even worked to break up what Christian unity they found—not to regret its crumbling as Seigel supposes. Further, as

mentioned, the situation in England, the scene of the earlier theorizing, was that there was a prospect—strong enough to alarm the elite of society—that the scope of Church authority was about to increase.

Hobbes

Hobbes constructed his alternative in a sense on the individual, but more on the action of the individual. “If men are essentially equal, if their equal powers are neutralized, then political power that binds the body politic is not natural. If it is not natural, then it is artificial: it has to be fabricated. But an artifact is made entirely by the artisan. . . . Political power incorporates and represents the intention and determination of artisans, who are men in the state of nature desiring peace.” (p. 26) The individuals lived in a state of nature, which is a condition of universal strife, a war of all against all. The artifact is the state, which represents the individuals previously in a state of nature and acts for them to enforce the stability that they all need. “There is a basic identity between the subject and the sovereign. Still, such an expression is misleading, Hobbes excludes any transfer of will, any representation of one will by another: will belongs to the individual. Certainly, the subject recognizes all the sovereign’s actions as his own, but that does not at all signify that the subject recognizes his own will in the sovereign’s will.” This seems to be a very fragile concept. By what improbable accident did everyone agree at once to vest their power in some one particular individual who became the sovereign? And how can everyone psychologically maintain this identification afterward?

It is the psychological strength or difficulty of these conceptions that particularly interest Manent. Hobbes’s position depends on his idea of the individual, yet it is a difficult idea to maintain, more for us than for him, because with time concepts have been modified.

The strength of the Hobbesian position is that it retains the integrity of the individual. The individual wants what he wants, no one else can want it for him. If then the individual and his will are the unique foundation for political legitimacy, it is clear that the political order, which makes a unity from the plurality of individuals, can come to him only from the outside. Every ‘community of will’, whether with other individuals, or between the individual and the sovereign, would encroach on the individual’s will, infringe on his integrity...

If we find it hard to admit such an idea, it is because we have only a very faint idea of what it means to take the individual seriously, to make the individual, and the individual alone, the foundation of all political legitimacy. The individual of whom we speak nowadays is always already implicitly “acculturated,” “socialized,” determined by “roles”; he is domesticated.

...

Rousseau shares Hobbes’s basic conviction: the will is an individual thing, it cannot be represented. On the other hand, he rejects absolutism: the unified order to be established among individual wills must not come from the outside. Therefore each person’s will must be identified with the will of the body politic, or the body politic’s will with each person’s will, without third-party representation. In addition, every action of an individual will on another must be excluded. From these conditions comes the “general will”. . . . To resolve the political problem induced by seeking political unity among radically independent individuals, Rousseau is led to invent a new definition of man and reason.

Man is the being who is capable of obeying a law that he has imposed on himself, and reason is the faculty of commanding oneself. ... One is lead to say, using Hobbes's terms, that with Rousseau man becomes the "author" and the "artificer" or "maker" of his own humanity, and no longer simply of the body politic. (p. 29)

What makes Hobbes's conception work, Manent thinks, is that man is greedy for power, but can't get it in the state of nature. But he creates an unlimited power above himself, so that he can get some of the things he wants. The state and man are both "constituted by power" so they have a common nature.

The traditional religious interpretation of royal power signified that the king linked himself directly to God, that he was accountable only to Him, that he was his lieutenant or representative, and that consequently he participated in the omnipotence or sovereignty of God. But the case of the Hobbesian absolute power is completely different. It is no longer an almighty being who gives existence and meaning of existence to absolute power. On the contrary, it is powerless beings who create Leviathan to remedy their weakness. Absolute power is no longer God's representative, but mankind's; its transcendence no longer has its origins in God's strength but in man's weakness. (p. 30)

In Hobbes there is a nexus of modern democracy and liberalism. "It founds the democratic idea because it develops the notion of sovereignty established on each subject's consent. It founds the liberal idea because it develops the notion of the law as a device external to individuals. ... It is because unlimited sovereignty is external to individuals that it leaves then free space where the law is silent. If one abolished absolutism, that is, the exteriority of sovereignty, then the law becomes, as Rousseau says, 'the register of our wills.' The law is no longer the external condition of my free action, it becomes the very principle of this action: the liberal notion of the law is dead." (p. 32)

Locke

While for Hobbes the individual is an individual because everyone else is hostile to him, and his rights derive from his need to protect himself against the constant hostility, Locke wanted to give a broader foundation for rights, such that they would be intrinsic, not the result of this negative society. "The program of what later became liberalism is thus laid out. ... The individual in the state of nature will acquire intrinsic rights, and power will be limited to the protection of individual rights. ... Locke begins like Hobbes: the first need and therefore man's fundamental right is that of preserving his life. But what threatens his life? Locke answers: not other individuals, but rather hunger. This is the original difference between Locke and Hobbes." (pp. 40-41) "Hobbes explicitly defines the desire for power, the desire to be first, as the fundamental human passion to which the others can be reduced. ... Locke, by an elegant simplification, will simply erase rivalry, or at least its original character. In the beginning, there were no relationships among men, not even hostile ones. As for Rousseau, he accepts the Lockean point of view and pushes it even further by making original man a solitary, happy brute." (p. 41) "If Locke succeeds in basing individual rights solely on hunger, on the relationship of the solitary individual with nature, he will have shown how human rights can be an attribute of the lone individual." (p. 42)

Take the case of the man who picks plums from a tree and eats them. “The decisive question then is the following: at what point does he become their legitimate owner? Answer: when he takes them from the common domain to use them for satisfying his needs.... What distinguishes the picked plums from those remaining on the tree? The former have been transformed by the labor of the individual, who has combined the work of his hands. ... Property enters the world through labor, and each individual has within himself the greatest source of property; because he is a laborer and owns himself, he is the owner of his labor as well. ... Property is natural and not conventional.” (p. 42) This acquisition of the right of property is limited, however, by two obligations. “I have no right to appropriate more than I can consume, since that would be wasteful. ... On the other hand, I must leave some plums for others, so that they can appropriate in their turn the fruits of the earth.” (p. 43) But there is a way to overcome the limitations of these two obligations. “Now, suppose I find a means of avoiding this waste, by agreeing with my fellow men to exchange the naturally corruptible goods for an equivalent of incorruptible ones, for example, gold and silver. Then the accumulation will be limitless because it will no longer be waste.” (p. 43) The second is a more complicated problem. There is no guarantee that after I eat the plums I need there will be enough left for others. But suppose that what I appropriate is land. “Ownership of land is also born from labor: I am naturally the legitimate owner of the land I cultivate with my labor. Now, tilling the land makes it produce much more than it would spontaneously. Therefore, by appropriating a portion of land through labor, far from reducing humanity’s common good, I add to it.” (p. 43) I am now a prosperous farmer in a money economy, and still in the state of nature! “Thus one sees being born from nature a society, a series of regulated relationships among individuals. In Locke’s interpretation, “society,” or at least its essential elements, is born before the political institution. ... The Lockean state of nature is both more individualistic and more social than that of Hobbes. Rights, in the form of fundamental rights to property, belong to the solitary individual, and this individual builds up positive relationships with others.” (p. 44) “One sees why the liberal program, once completely elaborated, made the right to property and the economy in general the foundation of social life.” This works out so well that “the condition of an agricultural laborer, in a society thus defined by labor’s productivity and the individual right to property, is more comfortable than that of an Indian king in America. Locke begins with a strictly individualistic and moral justification of property rights and ends with a collective and utilitarian one.” (p. 45) One can also see in this, however, how theory would shift after Locke from a theory of individual property rights to a view of the whole system of political economy and its utility for all those within it.

The new meaning of justice is also instructive. For Hobbes the war of all against all is ended because there is a way to determine justice. It is whatever the sovereign decrees. For Locke, “individual property is the basis of justice, and since property in its origin requires no relationship among men, justice cannot be the object of a genuine uncertainty, and hence of rational debate. Justice is always already realized, as long as property is guaranteed and protected.” Only market prices are up for discussion, and they are fixed by consent of the parties. (p. 46)

If the state of nature for Locke is so idyllic, why did people transition to a political state? Why have government? Locke’s answer is that while the state of nature is not naturally a state of war it tends to become so, because there are no arbiters to settle disputes. “The state of nature always ends up becoming a state of war. This is the ‘Hobbesian moment’ of the Lockean doctrine. And any doctrine of the state of nature and the social contract (even Rousseau’s) necessarily has a Hobbesian moment, since only an unbearable state of war, an intolerable evil

can explain why men agreed to leave a state where in principle their rights were flourishing.” (p. 48) The political state to which men transition is where Locke can make an important contrast to Hobbes’s solution. Instead of a complete surrender of freedoms to the last man standing with freedoms, who becomes the sovereign, for Locke the transition is to a state of agreed upon laws that protect rights, as no one would be so foolish as surrender all power to someone else. There is a representative legislative body to make laws, whose members are all subject to the laws, and an executive, subordinate to the legislative body to provide continuity of government and enforce the laws. This idea of the executive as a subordinate with no power of its own is, according to Manent, “a radically new notion in the history of political thought.” The ancient world had magistrates, but they divided power. “The mystery of the modern executive is the mystery of its unity.” (p. 49) Behind Locke’s apparently simple model of a liberal political order to protect rights, is really a complex and not fully resolved transformation from the state of nature.

Thus, the “political” legislative power is the direct extension the “natural” legislative power. It is the same power, not limited according to law. The individual, instead of simply doing what seems best for preserving his life, now does what seems best within the limits fixed by the law which, through his representatives, he has contributed to formulating and promulgating....

Executive power is a different matter. Like the legislative, it is present in the state of nature; but unlike it, it is in principle totally abandoned by the individual to the political institution. It can be completely relinquished without harming the individual’s rights because, unlike the legislative, it does not express directly the desire for the individual’s preservation. Its dignity is entirely subordinated to the legislative body. But this total abandonment proves in fact to be impossible: the individual retains the natural executive power insofar as the law can never be completely effective. Thus, while the civil legislative power extends the natural legislative by making it representative, the natural executive power, which is not representable, can only be abandoned in principle or retained as it is. The civil executive reveals that nature is irreducible to the representative convention. In this sense, it suggests a certain identity between the state of nature and the civil state in Locke’s doctrine. But simultaneously, it testifies that the preservation of the body politic is irreducible to the preservation of its members such as the legislative body represents it and inscribes it in laws. Locke’s intention was to found the supremacy of the legislative. But his theory of executive power reveals the difference between man’s natural and political conditions. The law expresses or represents natural man’s desire for preserving his life, but the civil executive, by showing the inadequacy of law, indicates the rupture between the state of nature and the civil state. More than the legislative power, the executive embodies the essence of man’s political condition. (pp. 50-51)

In addition to what is uncovered in Manent’s analysis there is also a contradiction inherent in the idea of a subordinate executive power. The executive is not an equal but separate branch of government based on its different function; it is supposed to be subordinate to the legislative. But subordination is an executive concept. In some sense the legislative power is able to command the executive. That part is clear; the commands are the laws which it is the legislative power’s business to make. But effective subordination means that it can also compel, and that is executive power. So the legislative power must be in some sense a superior executive power to the executive power.

For Manent what all this means is that “politics is irreducible to representation, and that the modern emancipation of the executive, contrary to Locke’s wishes yet authorized by his doctrine, bears witness to this irreducibility. And since political liberalism rests historically on the idea of representation, this tension between politics and representation will necessarily emerge in any attempt to define a liberal politics.” (p. 52)

Natural Rights Theories Compared to Resistance Theories

At this point it is useful to pause our passage through Manent’s book and make a comparison which will be of interest to our readers, but which is not considered by Manent because it was an historical dead end. There are two narratives about the origins of modern political systems that attempt to represent and protect the freedoms of their citizens. One narrative is that these develop as the development of political liberalism, and owe more to Locke, at least for their origin, than to anyone else. Others, less often heard from, point to the Reformed political resistance theories as the origin of the key ideas of political freedom: government under law, limited state authority, representation, distributed federal (which includes the representation idea) power, and one other one, less commonly touted, transcendent norms for justice. The Reformed theories of politics are referred to as resistance theories, as their purpose was to justify disobedience to commands of the government that compelled violation of religious duties. This is their first weakness; they were polemical theories, not attempts to create a model of government that effectively solved all the problems of good government. These theories, as Reformed theories, also had to be faithful to the teaching of Romans 13 that the power of authorities was instituted by God. So the formation of government was not from individuals deciding on their own initiative to pool their power in some way to create a political order for mutual benefit, but came about at the command of God, and carried transcendent power as the source of authority. Second, Reformed theories were theories of constitutional government, because the state that was set up was a constitution, that had laws and allowed recourse to the law though judges to oppose, correct and even remove executive authority that exceeded its bounds. Third, Reformed theories made a distinction between the source of authority of a political office, which was God, and the selection of the persons who were to occupy that office of authority, which was by the subjects. So authority was administered through representation by consent of the governed. Fourth, the content of laws should express the moral norms found in divine revelation.

That distinction between the divine source of authority and the active power of selecting those who would exercise the authority had deep roots in medieval political theories. The prominence that it received in the Resistance theories was as a direct challenge to the then dominant divine right monarchies. In them the divine source of authority was expressed in the active executive rule of the kings, justifying their numerous actions against the religious beliefs and observances of their subjects. The Resistance theories, in one way, turned this source of authority into a meaningless abstraction, because the real power was in determining who should rule, and this was by consent of the subjects. God doesn’t vote. But in another way, the divine source of authority was brought in where it had been absent in the divine right monarchy, because law now had to express the divinely revealed moral norms, rather than the content of law being the prerogative of the king who was left by God to do as he liked.

If the natural rights political theories were directly against absolutism, they were directed against the same enemy as the Reformed resistance theories were directed against. But, clearly Hobbesian, as well as other early theories that Manent skips over, were designed to justify

absolutism. Other theories, coming from the continent, were more ambiguous and could be developed in either absolutist or anti-absolutist ways. But Locke's model was constructed to shut out the absolutist option. If Manent is correct and these theories were created to shut out the Christian ones (he thinks mainly in terms of Roman Catholicism, but in England, the scene of the early action, the threat was from the Reformed resistance theories) then both Hobbes and Locke had a common primary purpose, and the enemy was the Reformed anti-absolutist theories. The next big question is, why did Locke replace absolutist theories with an anti-absolutist one, and why in so doing did he take important elements of the Reformed theories into his system? These are: a constitutional government, the power of the government to be inherently limited, members of the government to be under the law along with every body else, and consent, instead of merely being expressed at the setting up of the government, expressed continuously through a representatively selected government. At the same time Locke kept out any transcendent origin or norms as essential concepts of political polity.

By Locke's time the Puritan threat was dissipating. They became Presbyterians and then Arians, and in the eighteenth century disappeared. The remaining people of Evangelical interest were squishes who could compromise their principles enough to remain in the Anglican establishment, or were Dissenters opposed to any religious establishment. Other radical groups with a political agenda, such as the Fifth Monarchy men, retreated into movements of subjective spirituality such as the Quakers. Against such the power of absolutism was no longer required. Attention could be turned toward what makes good government, and many of the best options were contained in the Resistance theories, which were elements that the Reformed had looted from history, in part to strengthen their case through precedents, and which could now in turn be taken over by liberal theory.

Montesquieu

Montesquieu put liberal political theory on different foundations, and gave it a different vocabulary.

The political intention remains the same: the end of the political institution is to ensure the *security* of persons and goods. The more certain the security, the more recommendable the institution. But the need for individual self-preservation is no longer strictly speaking the foundation of political legitimacy, of an absolute and incontestable legitimacy. (p. 53)

He found a way not to rely on the concepts of the state of nature and sovereignty.

The doctrine of sovereignty was both the salvation and the bane of early modern political thought. It saved it by making possible the conception of a neutral power, superior in principle to all interests and passions that drive men to war, whether political or religious. Sovereignty was responsible for constituting a human world invulnerable in principle to religion's power. The bane was that, by constructing a power capable of imposing peace, one simultaneously raised a power capable of making war on its subjects....

Montesquieu will show how the liberal plan can do without the dangerous means of absolute sovereignty, as well as the perilous remedy of rebellion, without risking anarchy. (pp. 53-54)

Hobbes had a unified sovereign, Locke distinguished between legislative and executive power, but in Montesquieu the distinction achieved a separation of powers. The separation seems to be of two types, though Manent does not analyze the distinction. One of them with the familiar meaning of the term separation of powers: legislative, executive and judicial functions of government. The other meaning is interests or parties among the subjects who vie to put through an agenda favorable to themselves, and to keep their rivals in check, and who organize, dissolve and reassemble themselves in such a way that their self-interest keeps the power balanced. These interests seem to exert their influence by supporting one or the other separated powers against its rival. Montesquieu did not base himself on man's original state or the nature of political legitimacy, rather he turned to experience, in particular the English settlement following the Glorious Revolution where Parliament and monarchy found a balance between themselves.

Thus Montesquieu's thought represents that unique, exquisite moment of liberalism when the question of legitimacy could be forgotten, a pause between the active sovereignty of kings (which comes to an end with the English Revolution) and the active sovereignty of the people (which begins with the French Revolution).

By seeing the heart of the political problem in the conflict between *power* and *liberty*, Montesquieu determines the definitive language of liberalism. In so doing, he reverses Locke's point of view, so as to carry out the latter's intention more effectively. Instead of starting with the right that founds liberty, he starts with power that threatens it; instead of pondering the origin of power, he ponders its effects. He is doubtless the first author to speak of power as a *thing*, separable in right and fact from its origin as well as its end, man himself. (p. 55)

As Locke had criticized the state of nature, finding it much more complex and productive of important political concepts, compared to Hobbes's simple war of all against all, Montesquieu finds the political idea coming out of a settlement of that state also to be complex and difficult: "The natural impulse or desire which Hobbes attributes to mankind of subduing one another is far from being well founded. The idea of empire or dominion is so complex, and depends on so many other notions, that it could never be the first which occurred to the human understanding." (Quoted in Manent, p. 55) According to Manent, the conclusion Montesquieu reached was that "the desire for power is not essentially inscribed in man's nature... it is born in its excessive and dangerous form only if the individual is in a social or political institution already endowing him with a certain power. It is born thanks to institutions. Consequently a judicious institutional arrangement will make it possible to avoid the abuses of power." (p. 55) "To prevent this abuse, it is necessary from the very nature of things that power should be a check to power." (Quoted in Manent, p. 55)

Montesquieu saw a solution in the separation of legislative, executive and judicial power. He was less interested in the judicial. In the case where the legislative and executive are combined, then the separation the judicial has a much greater practical effect, but otherwise the judicial can practically disappear as an important power by its assumption by persons appointed from the people. The two principle powers, the legislative and executive, in spite of paralleling the distinction made by Locke were conceived of very differently. "Locke insisted on the continuity, so to speak, between the mass of the people and the body of representatives, on the latter's

necessary faithfulness to the trust placed in them. Montesquieu ... insists rather more on what distinguishes the representative body from the mass of the people.... In Montesquieu's eyes, the people are entirely capable of choosing their representatives well, but not of deliberating well: deliberation must be left to the representatives." The executive power is left to the monarch, because it is "better administered by a single person.... Yet the principle of this monarch's legitimacy, the origin of his power, are never discussed." (p. 57)

The danger for liberty in Montesquieu's view comes from the legislative power, which would become despotic if the executive could not restrain it. The reverse is not true because Montesquieu thinks that the executive power has natural limits.

It is readily seen how important Montesquieu is for the American federal constitution. It creates separate powers of Congress and the President as checks on each other. Early on there was a dispute over whether the judiciary was a branch of the executive power, but it has effectively claimed for itself the status of a third separate power. Congress, in turn divided into two branches, is explicitly restricted in the constitution as Montesquieu advised: "Congress shall make no law". Congress is conceived of as the deliberative body. Here we can also see how it broke down. There is a fourth branch of government, lately known as the Deep State, made of up the permanent employees. If they do not like a presidential policy or if they simply wish to subvert a president, they will introduce endless delaying measures over what the President has ordered or simply refuse obedience. Congress no longer deliberates but passes massive bills prepared by the Deep State which the greater part of the members have not even read, and which sometimes have been read by none of them. The public and sometimes Congress itself does not know who are the actual authors of the bills. The ultimate absurd point was even reached when a party leader (past and future Speaker of the House, Nancy Pelosi) said that Congress must pass a bill to find out what was in it, because the deliberative process (at the time the bill was in the Senate) did not work to disclose what was the prospective content.

In Europe where the system "cabinet government" predominates, the legislative and executive power have merged, and the division of powers that remains is the second type, that of opposition of interests through parties, which oppose each other inside the legislatures. The party interests are much more fragmented than in America, so parties often only govern through coalitions. The fragmentation is largely due to the way members of the legislature are elected which encourages this, whereas in America election laws are rigged so that it is very difficult or impossible for small parties to participate.

Rousseau, Critic of Liberalism

The discussion of Rousseau is the most fascinating material in Manent's book. What is important is not "the fact that Rousseau criticized the ancient régime like everyone else in the second half the eighteenth century.... In his eyes, the verdict was already in: the absolute monarchy was odious, and was already dead inside. ... What mattered to him was what was going to replace the monarchy, something that was already present in France and had already substantially transformed it ... opinion. Whose opinion? *Society's*. And what is *society*? It is inequality." (p. 65)

Under liberalism the individual is in theory the independent source of his own actions. But he enters into social relations with others to accomplish nearly all his purposes. How do these

individuals relate to each other in these social relations? They “*compare* themselves to each other.”

Comparing oneself to others is the misfortune and original sin of men in our societies. The misfortune is that the man who compares himself with others is always unhappy. There will always be someone richer than me, and even if I am the richest, I will not be the most handsome or most intelligent. The sin is that the man who compares himself is always corrupted or on the point of being so. Not only does the desire to be first lead him to commit the everyday mischief that the moral code condemns, it also obliges him to give others a pleasing image of himself, to flatter himself and flatter them. His exterior will never be in harmony with his interior and his life will be a permanent lie. Moreover, comparing oneself with others is paradoxical. For the man who lives by comparison is the one who, in his relationships with others, thinks only of himself, and in his relations to himself, thinks only of others. He is the *divided* man.

...

And the inequality that sums up all the others, into which all the others can be converted, is that of money. Hence the importance of denouncing the rich more than the powerful in Rousseau’s work. But for him, the rich man is not an economic category: he epitomizes a society founded on comparison, that is, on inequality among men who no longer *govern* themselves. (p. 66)

Rousseau liked to cite Hobbes, and Manent says that they “have one fundamental point in common: all the political misfortunes of European peoples come from Christianity, more precisely from the constitution of a Christian religious power distinct from and in rivalry with the political power. The ancient city, by contrast, was unified; “the ancient citizen’s own interest merged with that of the city-state. He was not divided, he was whole; and because he was whole, he was both happy and virtuous.”

In the liberal society private interest lead people to cooperate in a more productive system. “Developments in the sciences, arts, and commerce matched the progress in peace, security, and freedom: this is the liberal diagnosis of the evolution of the modern world, this is the foundation of its optimism or progressivism. It is against this optimism or progressivism that Rousseau directs his cutting criticism.” “Everybody is obliged to live by [the maxims of such a society], since all the citizens are dependent and competitors. Since they are dependent, they are obliged to do no harm to each other. As competitors, they are obliged not to do good, or at least not to want to do good to each other. None of the great human passions can emerge in such a society.” (p. 70) So society robs man of his loves, and (probably more important to Rousseau) his hates. Rousseau comes across as a pathological character, but he is a common type. They are found in every Black Lives Matter or Antifa mob. It is useless to try to convince them of the benefits of a liberal social order, because that is to rob them of what is most precious to them, their hatred. Their rhetoric may be Marxist, but Rousseau understands their psychology.

What then are Rousseau’s positive principles? This is a particularly delicate question. For him, modern society makes men nasty and unhappy, but it is unnatural for man to be nasty and unhappy. Therefore, this society is unnatural. The good society can only be one that conforms to man’s nature. Thus the true nature of man has to be discovered: this is Rousseau’s great investigation.

...

Since any society implies conventions and artifice, one has to consider man prior to conventions, artifice, or society: the original solitary individual. And since man develops his faculties only through the development of society, this original solitary individual will not be a man, but rather a kind of animal endowed with *perfectibility*, that is with the capacity to become a man. I have tried to suggest why Rousseau engages in this strange quest for natural man: the revulsion evoked by perhaps the most sociable, pleasant, and artificial society that Europe had even known naturally thrust him toward the opposite extreme. But there is another reason, one more intellectual and political. We have seen how Hobbes, in order to confront the theologico-political problem, posited a hypothetical individual who precedes what I have called the two obediences—the obedience to human law and to divine law. Through him Hobbes reconstructs the legitimate state finally delivered from conflict between the civil and religious powers. But since the entity being sought is imaginary, nothing can end this investigation, for there are always good reasons for going further than one’s predecessors. Or rather, this search reaches a necessary end only when the original man ceases to be a man. This is the point reached by Rousseau.

... At this stage natural man no longer has anything social or specifically human about him: the natural “man” is one who lives outside of or beyond any society. ... Rousseau’s thought incarnates that paradoxical moment when man’s nature is most vehemently appealed to in the political debate, and when it ceases in fact to serve as its regulator and criterion. ... On the one hand, the idea of human nature oppressed by an unjust social order gives an eminent dignity to any social or political discontent; on the other, the fact that this human nature can no longer be defined positively opens an immense opportunity, an unlimited space for action destined to right all social wrongs. It is the point when revolution, in the modern sense of the term, becomes possible. (pp. 73-74)

The objection to this explanation of Rousseau, as Manent points out, is that Rousseau had posited a solution in the form of the general will, where the will of the individuals unites with the will of the body politic and the individual becomes whole. “The only way to be certain that this will is realized, that the public interest does not merge with any particular interest, is to place the public interest in contradiction with *all* private interests and to measure the realization of the public interest by the contradiction it poses to all private interests. The unity of all will be made perceptible by the oppression of all. In this sense, it is not absurd that Robespierre thought he had fulfilled Rousseau’s idea.” (p. 75)

Rousseau also objects to Locke’s analysis of the acquisition of the right to property through labor.

Property exposes and condenses the contradiction of the human world. This contradiction is born from labor and the inequality of properties because it was originally founded on the difference in capacities for work, that is, on an inequality of strength. At the same time, the one who is strongest or richest is also the one who is weakest because he is the more dependent: his being is more extensive, since it incorporates his goods. The political institution aims at compensating for this original weakness of the rich by bringing them the strength of the poor. The law is the sole means by which the strength of the poor can be put to lasting use. (p. 76)

Any way Rousseau approaches it, society is contrary to man's nature. But "it is natural for man to change his nature because man, at bottom, is not nature but liberty. And liberty is that power by which man gives orders to his own nature, or changes his nature, or is a law unto himself." Rousseau's new definition of man is "man's nature is not to have a nature, but to be free."

If man is liberty, autonomy, if he is the being who makes his own laws, he cannot derive his motives from nature without demeaning himself. Faced with the new definition of liberty, the old liberal liberty based on the natural necessity of self-preservation appears pathetic, weak, and vulgar. Determined by nature, liberal liberty is already no longer liberty. And since liberty, whether ancient or new, cannot act without motive, the new liberty is going to seek a motive commensurate with its own sublimity. The Revolution will be the act by which liberty supplies its own motive, by which man raises himself above the dictates of nature. (p. 77)

Manent tries to connect this with the turn that political thought will take. Heretofore political thought had based itself on political models that took their premises from the alleged strictures of nature. Henceforth political thought would be formed by theories of history.

By raising itself above all the determinations of nature, the revolutionary act opened up an indeterminate "possibility" that no politics would henceforth be able either to forget or fulfill. The possibility, which is impossible, casts man's political nature into a new element, that of an elusive, uncontrollable, and sovereign *history*. And for controlling history, the Revolution bequeathed to Europe an extraordinarily active and powerful figure of political unity: the *nation*.

... All political considerations and theories after the French Revolution will develop within philosophies of history and will be subordinated to them.

... Rousseau made modern man aware that he does not live essentially in a body politic or a state, or in an economic system, but above all in society. (p. 78)

After the Revolution

The French Revolution marks for Manent a dividing line between two cycles of liberalism that have little resemblance. The task of the second cycle "was, in a way, to absorb the shock produced by this complex of events, feelings, and ideas." First of all, it accepted the Revolution, "not only its results but the act itself." Manent thinks that after the Revolution people had a new sense of living in history under the authority of history. They gave expression to this in that "they began to interpret political and social events in religious terms, such that their political considerations became inseparable from the religious ones." He indicates Saint-Simon, Chateaubriand, Quinet, Tocqueville and Michelet. Secondly, liberals made a project of trying to distinguish the Revolution's politics from its religion. "They will endeavor to elaborate theoretically and practically the political institutions entailed by the Revolution, yet made unworkable by its religion. What defines the liberal project after the Revolution is its desire to secularize the secular religion to which it adheres." (p. 83)

Manent's coverage of the second cycles of liberalism is brief. He begins with the politician Benjamin Constant. For Constant, the Revolution proved that the idea of absolute or supreme sovereignty was the most dangerous idea for political liberties. But the political representative was actually representing something other than the individual's dangerous absolute rights. Instead he was in the service of "the spontaneous movement of history in society." "If history is the authority, if the 'natural' arena of history's action is civil society, then political authority finds itself in an essentially subordinate position." (p. 85) But can't history, in turn, be used to justify any action that those who see themselves in its service wish to undertake? Manent instances the saying of Danton, "These priests, this nobility are not guilty, but they have to die, because they are out of place, they hinder the movement of things and get in the way of the future." (Quoted in Manent, p. 85) Constant then "rediscovers the criterion of nature: these are things that power has no right to do, regardless of the situation. Thus Constant's liberalism, like post-revolutionary liberalism generally, moves between two unequal authorities: first that of history, and then that of nature." (p. 85)

What we observe, then, is that when history becomes the explanation, the authority for politics, the result is dialectics. Some type of polarity of values is set up, and these poles are used to curb any excess movement in one direction or its opposite, that is, the opposite in terms of the polarity. But this dialectic is arbitrary, in that it is in terms of the polarity of values which seem to be the important criteria under the state of society of that moment. Manent calls these "two unequal authorities," which is the case because they are arbitrary and subject to being altered or overturned through the movement of the history which they are steering. In Constant's case, one pole is the history itself, which is in constant flux through its own movement. Politics is the servant of self-altering criteria.

Constant accepts the idea of the sovereignty of the people represented by the general will, but he also sees it as dangerous, and interprets it in an inverted, negative way, as the denial of the sovereignty of the particular will. "It signifies essentially that no individual or group has the right to subject the body of citizens to its particular will, or, put another way, that all legitimate power must be delegated by the body of citizens." But such a negative sovereignty cannot act as it is the denial of any particular motive for acting, so it cannot be completely true. It is allowed to destroy illegitimate government, but also found new government. "If, then, a part of human existence escapes popular sovereignty by right, it escapes the political order itself. Since the latter is founded on consent, this part of existence therefore escapes the order of consent, and returns to the rule of force. ... Constant let the state of nature (which is the rule of force) survive." (p. 87) Manent says that the nineteenth century will see this opposition played out, with socialists trying to extend popular sovereignty into social and economic areas which the liberals attempted to keep under nature.

Manent's second post-Revolutionary liberal thinker is François Guizot. His "germinal idea: modern political development leads to the simultaneous growth of political power in society and of society's influence on power. ... Representative power that understands its position must know how to seek, within society, the means of governing it. It must allow particular interests already at work in society to participate in its action." (p. 96) Instead of Rousseau's theoretical general will present in the body politic, with which the individual had to identify himself to cure his alienation, but which could not coincide with any real particular interest, the opposite must exist. The real interests must participate in government. The general will is replaced by the actual wills

of all, and which each gets its place. They do not identify with the political power; political power is subordinate to society.

Guizot also noticed an increased demand for government to intervene in social life. This “growing action of government on society signified simultaneously a growth in the power of society itself.” If society is brought into government through the representation of all interests, this is only what is to be expected. Montesquieu had thought that what would result was that interests would form themselves into parties who would mainly focus on stopping each other with the effect of canceling each other out, while government would instead take the few actions forced on it by history. Guizot observed that instead the interests dragged the government into increasing action and presence in society.

Manent’s final thinker is Tocqueville. “For Tocqueville, the problem became what is to be represented.” “Tocqueville’s idea of democracy focuses essentially on something that belongs neither to the civil nor the political order, but is earlier and more fundamental. It is a particular type of relationship among men that is defined, paradoxically, by the absence of relationship.

Ever since men have lived in society, these societies have been held together only through influence, by the effect that men have on each other. The keener and more diverse this influence, the more civilized the society and the more man develops his faculties. But because democracy wants to establish itself on equal individuals who do not command each other or even influence each other ... it separates men from each other, putting them alongside each other without establishing a common link. Democracy tends to dissolve society. (p. 106)

In this situation people turn to the pursuit of their own affairs. But something must look after the common interests, and this will be either the state or free institutions. Tocqueville noticed that in America the tendency was to form such institutions or associations to look after community matters. This is a sort of spontaneous formation of community out of freedom, which the existence of centralized state bureaucracy tends to prevent from forming, and which kept people in their role as individuals.

The rest of Manent’s discussion of Tocqueville concerns the problem of equality, but this remains abstract and vague in Manent’s analysis.

In his conclusion Manent sums up the liberal project that began in the effort to “escape decisively from the power of the singular religious institution of the Church” by saying that “man can understand himself only by creating himself.” (p. 114)

How then can man create himself? Certainly he has not idea of the good to guide his creation, since that would merely renew the religious situation from which he wanted to free himself, restoring the power of a “particular opinion.” So he asks himself: what would I be like outside of any society or religion, simply as a man? What would I be like if I had no opinion about myself? What would he do? He would be “pure nature” and would live in the “state of nature”; he would be human nature, but not yet man. To become a man, this nature would have to think about or depict itself. And in this act consists the creative fiat that Hobbes placed at the origin of sovereignty as the efficient cause of the body politic.

... By “creating” sovereignty ... man divides himself in two. He is both the author of that sovereignty and its subject. ... Man lives both in his nature and in his sovereignty. Joining together, referring back to each other, nature and sovereignty close the human circle, making it henceforth invulnerable to the superhuman claims of religion.

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Therefore, unable to create himself with his own hands, man divides himself: he makes his nature responsible for creating his sovereignty, and his sovereignty responsible for creating or recreating his nature. Presupposing the “state of nature” or “society” that must create him, he is always already created since he lives in a body politic; asserting his sovereignty through that of the state, he continues to recreate himself at each moment, since he gives orders, which are laws to his nature and to society. Since he exists only in the exchange of the representative and the represented, he truly exists only where he is not, where he supposes or presupposes himself, where he is his own author. (p. 115)

Communism destroyed the hope in revolution, and National Socialism the faith in the nation. “Thus civil society and the state find themselves back in naked conflict, without protection of the king, revolution, or nation.” Europe finds itself back with the problem of nature and law. The liberal project was to separate them to create a place for rights and freedom, but every solution contained contradictions that destroyed it, because, having removed everything but man from the explanation, the separation between nature and law ran right through the center of man himself.