

## Godly versus Godlike Government<sup>1</sup>

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With the publication of *F. A. Hayek and the Epistemology of Politics*, Dr. Scott Scheall, a philosopher of economics, has penetrated deep inside the territory of his cousin discipline, political science. His goal entails correcting "hundreds, if not thousands, of years [of] political thought" (3).<sup>2</sup> Although Scheall has brought with him formidable resources from economics, his foray into political science might profit by an advance briefing from a native-dweller, who thinks he knows the war-ravaged terrain and the stakes in the civil war between ancient and modern teaching on politics, in which Scheall has enlisted himself.

At bottom, Scheall's political science is partial to one side. His prescription would strengthen political science by strengthening its modern character. His work extends the modern project in politics, over and against the traces of our ancient inheritance that have remained with us, most conspicuously in the statesmanship and theory of the American founders. By framing his book in this way, we might consider the risks and costs of diminishing the influence of that older inheritance.

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<sup>1</sup> Editor's note: this contribution was anonymously peer-reviewed.

<sup>2</sup> Scott Scheall, *F. A. Hayek and the Epistemology of Politics: The Curious Task of Economics* (New York: Routledge, 2020). All references to the book in this symposium are by page numbers in parentheses.

The contrast between ancient and modern political teaching begins at the contrast between two weighty opposites, ancient moderation and modern ambition. Certainly, we can espy differences and controversies among the ancients on the question of moderation, but from our perspective, surrounded as we are by the influences of the modern revolution, those differences narrow in significance. Endless examples from the old texts form a general, overlapping agreement among the ancient authorities on the necessity of moderation in a just and pious political society and ruler. In ancient Greek tragedy the gods or the cosmic order punish the hero's hubris. We moderns think nothing of casually marking the invention of fire as a great victory for human advancement, but the Greeks suspected this progress constituted an offense to the gods, costing Prometheus his liver.<sup>3</sup> In Greek political philosophy immoderacy, or the unnatural, unchecked alimentation of all forms of desire, defines the tyrant. Mastered by impious desires, the tyrant forfeits his humanity and becomes a ravenous wolf, Socrates explains.<sup>4</sup> Aristotle attributes tyranny to the unbridled hunger for self-aggrandizement and denominates the tyrant's rule the most contrary to offended nature.<sup>5</sup> The account of Babel in ancient Hebrew scripture warns the faithful that God will scatter and confound you when, by your human cunning and artifice, you attempt to rival God.<sup>6</sup> Satan's greatest crime is his quest to be like the Most High One.<sup>7</sup> A medieval legend about King Canute of England preserves the ancient teaching.<sup>8</sup> The tide defied his command to return to the sea and eventually lapped his royal robes as he sat throned by the seaside. By this patient demonstration of the limits of human power, Canute embarrassed his courtiers for their folly.

Fast forward two hundred years after the death of the last of the tribe of ancients, Saint Thomas Aquinas, and a strange new teaching

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<sup>3</sup> Aeschylus, "Prometheus Bound" in *Greek Tragedies*, ed. David Grene, Richard Lattimore, Mark Griffith and Glenn W. Most, 3rd ed. (Chicago: The University of Chicago Press, 2013), 1:80, p. 110.

<sup>4</sup> Plato, *Republic*, 565d-566b.

<sup>5</sup> Aristotle, *Politics*, 1287b35-40, 1302b5-33.

<sup>6</sup> Genesis 11:4-9.

<sup>7</sup> Isaiah 14:13-14.

<sup>8</sup> Henry of Huntingdon, *The Chronicle of Henry of Huntingdon*, ed. Thomas Forester (London: Henry G. Bohn, 1853), p. 199.

risers above the pages of recorded history. The new refutes or reverses the old. Christ had told Satan to get lost and had spurned the wicked offer to receive mastery over all the lands of the earth in exchange for worship.<sup>9</sup> But Niccolo Machiavelli places himself in Satan's role, beginning *The Prince* with his approval of man's acquisitive desire, the ancient tyrant's supreme desire, to gain mastery over everything. He then proceeds to teach his admirers know-how, that is, the means of achieving the same mastery rejected by Christ, one conquered principality after the other.<sup>10</sup> Machiavelli exhorts us to overcome our Goliaths with our own sling and our own knife, rather than to entrust our victories to God as David did.<sup>11</sup> He is at turns indifferent and passively hostile to the divine person who, or impersonal creator that made man - who cares? - but he is keenly interested in the existential cosmos that man daily confronts. For his purposes, the supreme antagonist is Chance. You must beat down Chance, Machiavelli teaches, because Chance is an unruly woman, and men should teach who is boss to such a one and in such a violent fashion.<sup>12</sup> That is how men master their own destiny. Man should pound the cosmos into powder, extract nature's secrets from the Petri dish, and use those secrets to force the cosmos to submit to his mastery.

The acceptance of teachings like this by intelligent men of course leads to the substitution of ambition for moderation in human affairs. Modern science and the administrative state are the programs made of, by and for ambition, and power is their product. Together, modern science and politics seek human mastery over natural forces as God commanded the wind and waves of the Red Sea through the outstretched arm of Moses.<sup>13</sup> We have dams now, invented by science, planned by leviathan states, that have overcome the natural course of the waters and have converted barren lands into fertile plains, to our

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<sup>9</sup> Matthew 4:8-10.

<sup>10</sup> "And truly it is a very natural and ordinary thing to desire to acquire, and always, when men do it who can, they will be praised, or not blamed...". Niccolo Machiavelli, *The Prince*, tr. Harvey C. Mansfield, 2nd ed. (Chicago: University of Chicago Press, 1989), Ch.I, p. 14.

<sup>11</sup> *Ibid*, Ch. XIII, p. 56. Contrast with the biblical account of David facing Goliath in I Samuel 17:45-47.

<sup>12</sup> Machiavelli, *The Prince*, Ch. XXV, p. 101.

<sup>13</sup> Exodus 14:27.

advantage. Who needs praying Moses? Who needs God? We are disenthralled, *modern* men!

Dr. Scheall sets his work squarely within the modern project and builds upon its philosophical and moral foundation. Although Scheall does not explicitly endorse and encourage modern ambition, the substance of his book nevertheless is an endorsement. Its premise is that with mortifying regularity the modern administrative state fails to achieve its intended aims. Policies do not yield the promised results. Instead, man's crackpot schemes to make heavenly Jerusalem on earth have amounted to "so much impracticable utopian wankery" (3). Political science, the oracle of the modern state, has not remedied the chronic failure in policymaking. Scheall steps into the problem and advances his solution, fashioned from Friedrich von Hayek's writings on epistemology.

Scheall's diagnosis is that policymakers tend to believe, or at least behave as if they believe, that their good intentions suffice to achieve good ends. On the contrary, he writes, "the moral quality of their convictions and intentions matters not a whit to whether a policy objective can be realized" (14). His criticism of policymakers is not merely that good intentions are necessary but insufficient. Rather, the good is unknowable prior to the acquisition of "*propositional knowledge-that* and *non-propositional knowledge-how*" because the acquisition of this knowledge is "logically prior" to knowledge of the good (15, 19, original emphasis). In other words, borrowing from Hobbes, it is an absurdity of language to speak of the good before we can accurately predict observable consequences, which is to say, before we can control Chance.<sup>14</sup> That is the crucial knowledge that policymakers everywhere should seek before defining and pursuing the ends of policymaking, but they do not seek it (27-9). Notably, Scheall omits a robust review of the scholarly literature on theory and methods in the field of public policy. The omission might not disappoint the tastes of the reader but a review would usefully test the strength of his claim. The likely reason for passing on engagement with the field of public policy in a book on policymaking is that his goal is more expansive. Scheall aims at redefining the high mission of political

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<sup>14</sup> Thomas Hobbes, *Leviathan*, ed. Richard Tuck, Raymond Guess, Quentin Skinner, rev. ed. (Cambridge: Cambridge University Press, 1996), p. 34.

inquiry. Political science should strive for the acquisition of knowledge as he understands it.

Assuming that the claimed shortcoming in policymaking is true, policymakers have put the "normative cart before the epistemic horse," Scheall repeats (17, 91, 178). Flush with modern ambition, policymakers have fallen prey to hubris. The success of the modern project bred a religious faith in modernity. Scheall agrees with Hayek's identification of this phenomena, which he denominated "scientism" (61). Faith in measurements, statistics, and metrics induced intellectual laziness and excessive self-confidence. In the area of governance, modern man is resting on his now-withered laurels.

Is Scheall leading us back to the ancient virtue of moderation? No. Following Hayek, he teaches a kind of moderation, but it is of the redefined, modern variety, not the ancient variety. The problem is not policymakers' ambition, but that they use the authority of the state before having developed requisite know-how. Whereas King Canute evidently believed that commands beyond the natural limits of man were fruitless and impious, the modern state reflexively attempts to overleap those limits before the state is adequately prepared. Sometimes to speed up, you have to slow down. Scheall counsels a pause for better preparation. Unquestionably, the purpose of this pause is to speed up the modern project.

Hayek is approvingly cast as a peculiarly modern variant of Socrates, showing overconfident modern policymakers that they do not even know what they do not know. Scheall calls this second-order ignorance, which we must relieve first, to make progress towards first-order wisdom (27). And we must do our best to become first-order wise because the job of the policymaker is to operate on bodies of human societies, which requires that the surgeon knows the patient. Policymaking should proceed only after we have overcome our "epistemic burden" (19).

But Scheall's portrait of Hayek differs from Plato's portrait of Socrates before the Athenian jury because the interlocutors are new. Meletus and Anytus have changed from intellectually lazy, overconfident worshippers of the traditional gods to intellectually lazy,

overconfident worshippers of the scientific tradition.<sup>15</sup> Our best and brightest citizens need a new gadfly, Hayek, with an assist from Scheall, who admonishes them in the new, modern terms of empiricism. In those terms, why is knowledge of human things difficult? Hayek taught that human societies are complex phenomena. They are specimen unlike all other bodies found in the cosmos in that the great magnitude of variables in their systems stretch the capacity to explain, predict, and control (38-9).

To succeed in knowing man and crafting successful policy, one must learn how to use modernity's tried-and-true magic wand, empiricism. The methods that derive from the empiricist's view of the cosmos unlock the effectual truth of things, or knowledge of things that yields results. Guided by Hayek's empiricist epistemology, Scheall steers modern man back to the laboratory. Mechanisms like market prices embed innumerable variables within man's complex systems and must be sought. Those mechanisms can efficiently communicate empirical knowledge of a vast array of particulars to policymakers (137). Theories must be devised that can identify these mechanisms and use them to predict the success of policymaking plans (155). Proposed policies should only proceed when these theories expose the likelihood of success to empirical tests (158-60). Applying improved empirical discipline to their work, policymakers can produce effective policy, which in good empiricist terms, is good policy. Scheall hopes that he has developed a meta-theory of new political order, that might precipitate more work, more theories that will fill in the blanks he has defined.

"Policymakers are not gods," Scheall writes at the beginning of his work (29). But at the end we learn that policymakers can become gods. He argues for a refashioned constitution that delimits the domains where policymaking may be permitted, based upon "what policymakers can and cannot deliberately achieve, a determination that can be made only through empirical political epistemology" (173). Within those constitutionally-delimited domains, policymakers may acquire the attributes of the divine, or as Scheall puts the case, policymakers may become "functionally omniscient and omnipotent with respect to policy-related decisions" (175). The architects of the refashioned constitution

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<sup>15</sup> See Plato, *Apology*.

will gather foreknowledge of mankind's functional omniscience and omnipotence, "[a]s political-epistemological inquiry progresses" (173). Then the beneficent gods may skillfully operate the gears and wheels of the divinized state on behalf of a grateful humanity.

On the one hand, effectiveness in the organization and activity of government is a good. If Scheall's contribution has improved the theory and methods of public policy, we will be glad. Is anybody in favor of implementing more "impracticable utopian wankery"? Our own American founders paid tribute to modern machinery in government, which promotes effectiveness, and then fitted that new machinery to our new constitutional order. In the Ninth Federalist Essay Alexander Hamilton praises modern man's invention of "stupendous fabrics" in government and promises that "America will be the broad and solid foundation of other edifices, not less magnificent."<sup>16</sup>

On the other hand, to counteract the unhealthy modern prejudice that the primary business of serious scholars ought to be investigating effectual truths and effectiveness, we ought to remind ourselves, perhaps with daily prayers, that effectiveness is a qualified good. Effective extermination of the innocent is bad; effective elimination of poverty is good. We do not need empirical knowledge of observable consequences to affirm the good and denounce evil. Our object ought to be to snatch the devil's wisdom about power and then to run away fast. Tarrying too long in the apartments of the devil ensnares us in Faustian bargains, makes us forget our angelic purposes and drives us mad. Just ask Oppenheimer's ghost.

The good is not a given. In our times we have seen effective policies accomplishing diabolical ends. Policymaking is and must be subordinate to the first-order concern of political science, establishing and preserving just political regimes that policymaking serve. The fundamental laws of political regimes address highest ends and are different in kind from the laws that direct policy to particular, ancillary ends.

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<sup>16</sup> Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers*, ed. Clinton Rossiter and Charles R. Kesler (New York: Signet Classic, 2003), pp. 66-7.

Scheall is muted about higher ends, which is notable in a book that attempts an overhaul of political science. The first lines of Aristotle's *Politics* discuss the relation among the good, human action and human partnerships, a discussion that is a cornerstone to his theory.<sup>17</sup> Such beginnings in political science have become more rare. The reflexive, modern attempt to separate values and facts is not an amoral choice. The attempt reflects a normative view that itself is associated with the modern revolution. In Scheall's conception of the universe, the good, noble and just cannot exist generally, but are, at best, in flux with our universe's swirl of ever-changing particulars. His repeated explanation and insistence that knowledge is logically prior to normative considerations assumes an orthodox empiricist's view. The knowledge he seeks at the end of the rainbow is knowledge of predictable results, not knowledge about how to maintain the best possible political regime. Political scientists are taken to Scheall's woodshed because, in his view, we have not made the attainment of knowledge our first priority. A branch of our profession, political philosophy, has made the Socratic quest for knowledge the object of our lives, but that is not the kind of knowledge that interests Scheall. He wants theory to give us advance knowledge that a given policy will be effective. Nothing in his meta-theory prohibits retrofitting his scholarly contribution for a more effective holocaust, because the moral foundation of his theory forecloses the existence of universal, moral truths. We have no reason to doubt that Dr. Scheall expects good uses of his teaching, and would loathe that possible outcome. But so did Gorgias expect good uses of his teaching on rhetoric, until Socrates questions his student Callicles in the presence of his teacher. Excellence in rhetoric, thanks to Gorgias, gave Callicles plausible means of satisfying his ambition, tyrannical mastery of others. Gorgias silently discovers that he has armed a monster.<sup>18</sup>

It is possible that Scheall's promotion of effectiveness over justice is not a principled choice, but instead derives from misunderstanding political science. His central illustration of our perennial error demonstrates misunderstanding. David Hume was wrong, Scheall argues, when he wrote that "in contriving any system of

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<sup>17</sup> Aristotle, *Politics*, 1252a1-6

<sup>18</sup> See Plato, *Gorgias*.



government, and fixing the several checks and controuls of the constitution, every man ought to be supposed a knave, and to have no other end, in all his actions, than private interest" (15). Why was Hume wrong? Scheall answers, because Hume erroneously rated incentives higher than knowledge in policymaking. But Hume is not writing about policymaking. He is writing about constitution-making, building a good political regime that will last. Men can be knaves or saints, but you better assume when constituting your regime that the knaves will find their way to the seats of power. That is Hume's point. The same sobriety about knaves and saints informed our own constitution-making in America, as the Fifty-First Federalist Essay bears witness. We need auxiliary controls in government because men are not angels.<sup>19</sup>

Later Scheall discusses what he calls "liberal transitions." In these passages he criticizes an unsupported claim that a respectable political scientist would not advance, that regime change to liberalism is simple and easy (79). He counters that the cultural preparedness determines whether a liberal political regime may take root and prosper, which is commonplace to anyone who has meditated over the writings of Aristotle or Montesquieu. He makes a series of rather curious statements about liberalizing regimes, including: "What they would appear to lack is a theory of how the required cultural pre-conditions can be realized that conduce to the eventual deliberate realization of liberalism via the standard institutional means, beginning from cultural circumstances that are not so conducive" (80). Suffice it to say that the entire canon of political philosophy deals with forms of political regimes as the preeminent theme; how they are strengthened, weakened, established, and revolutionized; the tension between the way of life of the people and institutions, etc. Then he writes, "Defenders of liberalism need to do more than merely extol the virtues of life inside a liberal order; they also need to show that such an order might be realized in actual fact."<sup>20</sup> The American founders realized such a regime in fact. They knew the textbook of political disquisitions from the ancients to their own times and adapted all of it for their revolution. They contributed their own theoretical innovations, confirmed by proofs in their statesmanship.

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<sup>19</sup> Hamilton, Madison, and Jay, *The Federalist Papers*, p. 319.

<sup>20</sup> *Ibid*, p. 81.

In addition, the Americans were aware of, and dealt with Scheall's problem, the problem of policymaker ignorance. James Madison recognized that the accession of saintly princes to power does not resolve the problem. He explains, "the eyes of a good prince cannot see all that he ought to know," and increasing "the extent of the domain" increases the evil.<sup>21</sup> Had they staked the future of their country on the bet that a good prince, aided by all the mechanical devices modernity can create, can overcome natural human limitations and rule like an all-seeing god, they would have been guilty of hubris. "Nature's God" might have swiftly punished them. But, Madison continues, eschewing princely government, "a confederated Republic... avoids the ignorance of a good prince."

Madison and the Americans chose the path of moderation. They build a political system upon universal truths applicable to all men at all times. Not coincidentally, that system included their solution to policymaker ignorance, popular self-government protected by federalism.

The Constitution grants to the federal government only the sum of enumerated powers plus those powers that may give effect to those enumerated powers. The character of those powers is that of powers that a national government alone may exercise. The federal government is constitutionally restricted from enacting policy except within this defined range. This arrangement forecloses badly-informed pursuits of harebrained utopias from the national seat, and leaves the bulk of government activity, policymaking, to subsidiary governments. The founders trusted in the people to decide good policy within this constitutional order and were right to do so.

Let us restate Madison's republican theory in the terms Scheall uses: The advantage to policymaking in this arrangement is that the limited faculties of the sovereign prince are multiplied and distributed into the unlimited faculties of sovereign citizens. Each citizen is a node in a vast network, sweeping up, mediating and communicating knowledge about the performance of their complex systems. Institutions within the constitutional order regularly register and aggregate

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<sup>21</sup> James Madison, *The Writings*, ed. Gaillard Hunt. (New York: G.P. Putnam's Sons, 1906), vol. VI, pp. 80-1.

knowledge and serve as efficient epistemic mechanisms. Federalism preserves the close distance between citizens and policymaking activity, which uses that knowledge. The close distance maintains the interest of the citizen in gathering, mediating and communicating knowledge, because the objects of policy and influence over the direction of the policymaker are within his purview. The people and policymakers share this dynamic body of knowledge. Under these circumstances the policymaker is of the people and less prone to error.

A necessary condition of the success of the system is that federalism is respected. If the powers of government shift to a distant center, policymaking will likewise shift to that center. That shift enervates the interest of citizens in informing themselves and formally expressing themselves in institutions established for that purpose, because they no longer feel that they govern themselves. Others enact policy that they must obey, which is imperial government, not self-government. Consequently, republican institutions forfeit their efficacy as epistemic mechanisms. The knowledge gap between the people and policymakers widens. As a result, the people are left to merely supply interests and wants in response to stimuli; policymakers face heavier epistemic burdens to satisfy them.

Scheall's passages on the relationship between the people and policymakers manifests more of the second circumstances than the first (24-7). Constituents and policymakers are disconnected. Although Scheall's passages are intended to describe their timeless relationship, current historical conditions seem to influence Scheall's description of this disconnection. It was not always so. Our system of government has changed. Because real respect for federalism has waned, self-government has likewise waned, steadily replaced by imperial government. As a result, citizenship as it once existed is rarer. The founders' solution to the problem of policymaking ignorance is becoming unavailable to us. Within our system of government as it exists now, an informed, active citizenry as a key device in bridging the knowledge gap between citizen and policymaker is becoming obsolete.

The disconnection between constituents and policymakers inflates the epistemic burden of the policymaker. The imperial center that absorbs the burden of policymaking has inherited the susceptibility of monarchy to the blindness of the good prince as Madison describes.

Scheall's work responds to this imperial blindness and consequent bungling. We might indeed need to search for new mechanisms to overcome policymakers' ignorance, and we might also need to find new limits to trammel the frequent outbreaks of visionary quackery within the imperial center of American government, since we long ago stopped observing the prescribed limits in the Constitution. From a republican point of view, the original arrangement was far preferable.