
Book Review

Aristotle versus the Constitution

by Kathleen Klenetsky

We Hold These Truths

by Mortimer Adler

Foreword by Harry A. Blackmun

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Publishers across America are churning out a stream of books this year, which purportedly honor the Bicentennial of the Constitution. Unfortunately, with few exceptions, most such offerings are backhanded assaults against the document which they allegedly celebrate.

A case in point is Mortimer Adler's. He claims it to be a guide to "Understanding the Ideas and Ideals of the Constitution." (Publisher Macmillan is the same that brought out Charles Beard's 1913 diatribe, *An Economic Interpretation of the Constitution*.) Not only does Adler call for fundamental changes in the Constitution, akin to those advocated by Trilateralist Lloyd Cutler and his Committee on the Constitutional System; he subjects the Constitution to a thoroughly Aristotelian distortion.

A popularizer of Aristotle, Adler has long been tied to the Aspen Institute for Humanistic Studies. Among other things, Aspen ran the successful anti-nuclear propaganda effort, and, more recently, sponsored a project to "decouple" the NATO alliance. Adler notes in his first chapter that much of his book derives from a week-long seminar he gave at Aspen in 1975.

Adler insists that radical changes be made in the Constitution to bring it "up to date." This "18th-century" document, he writes, "must be measured against the conditions and circumstances of the time in which [its drafters] were living. . . . There is only one way in which we can soberly assess how to give life to their ideas and how to realize the ideals they had in mind. To accomplish that, *we must recognize the defects in the Constitution* they delivered to us who are alive many generations later [emphasis added]."

Adler suggests a slew of remedies in his chapter, "What Remains to Be Done." Lamenting that Americans "are not willing" to accept a parliamentary system, he proposes to

shift things in that direction anyway. For example, he proposes to make the procedures for impeaching and convicting public officials "easier and speedier." "Should we," he writes, "substitute a congressional vote of no confidence for the impeachment of the President, leading to mandatory resignation?" In other words, the parliamentary procedure.

Other suggestions include: abolishing the Electoral College; limiting the President to a six-year term; creating executive vice presidents (making the presidency a ceremonial post); creating a public prosecutor's office for the prosecution of public officials suspected of unconstitutional acts; etc.

Adler gives his game away in his opening chapter, when, citing Aristotle, he asserts that Solon and Lycurgus were the first to have founded states, because they drafted constitutions for Athens and Sparta, respectively. He makes no distinction between Solon's conception of a republic—that the state should foster the individual's ability to pursue the good—and Lycurgus' bestial view, that the individual exists to serve an oligarchical elite.

His failure to distinguish between these completely antithetical views of human nature, permeates the entire book, and leads him inexorably to his wrongheaded assertion that, of life, liberty, and the pursuit of happiness, the supreme right acknowledged by the Constitution is the last. Although Adler hastens to assure his readers that he does not interpret the pursuit of happiness phrase to condone the pursuit of whatever hedonistic pleasures an individual might desire, he belies this claim by arguing against the Supreme Court's 1986 decision upholding a Georgia law against sodomy.

Calling this decision "fundamentally wrong," Adler proceeds to apply a libertarian interpretation to the Constitution. Adler writes that, "Restraints imposed on individual freedom can be justified on no other ground than the prevention of injury to others or to the public good," and adds: "Laws that attempt to restrain individuals from committing sexual acts that are deemed reprehensible either because they are sins in violation of the divine law or acts of vice in violation of the moral law fail to distinguish the proper sphere of man-made or civil law from that of divine and moral law."

This idea, also known as the "victimless crime" argument, is not only specious, but immoral. Can Adler claim that someone who uses drugs, doesn't inflict harm on the public good? Or that the wildfire spread of homosexuality in the United States, with the concomitant rise of the deadly disease AIDS, doesn't imperil the entire human species?

Although Adler's book is boring—Aristotelianism again—it will no doubt be widely read, partly because Associate Justice Harry A. Blackmun, one of the most liberal members of the Supreme Court, wrote the foreword. Blackmun—who authored the dissenting opinion to the Court's ruling in the Georgia sodomy case—calls the book "needed and timely," says that "one has nothing less than a duty to read" it, and writes approvingly that Adler "reminds us that [the Constitution] is not perfect and thus falls short of attaining the ideal of democracy for which we strive. . . ."