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Review Essay: "Antebellum American Thought and Politics"

Max J. Skidmore

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*American Sovereigns: The People and America's Constitutional Tradition Before the Civil War.* Christian G. Fritz, : Cambridge University Press , 2008

*The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America.* Robert Pierce Forbes, : University of North Carolina Press , 2007

*Vindicating Lincoln: Defending the Politics of Our Greatest President.* Thomas L. Krannawitter, : Rowman and Littlefield , 2008

The period from the Revolution through the Civil War was one of wrenching adjustment, disputation, and growing tumult. From the earliest days of the Republic there were fierce disagreements regarding constitutional interpretations, and there was one dominant public issue that affected nearly all others: slavery.

However much this differs from the conventional view, it should come as no surprise to anyone familiar with the period. Even a cursory view should demonstrate clearly that this was no halcyon time suddenly destroyed by the emergence of abolitionists in the 1830s who introduced unrest by creating an issue of slavery. No time of benign consensus would generate such things as (to name only a few) the Alien and Sedition Acts, Jefferson's harsh enforcement of his embargo, the War of 1812, the Hartford Convention, the Missouri Compromise, the tumultuous election of 1824, Vice President Calhoun's resignation, the Bank controversy, Indian removal, the Mexican War, the Fugitive Slave Act, the Dred Scott decision, and—ultimately—secession.

These three books by themselves could form the nucleus for a splendid seminar on American political thought and practice from the Revolution to the Civil War. Christian Fritz's insightful study analyzes the effects of what was perhaps the greatest achievement of the American Revolution, and certainly was its most radical: the removal of the king as Americans' sovereign, replacing him with the "collective body of the people."

Upon this essential principle, the people as sovereign, Americans agreed. As to what this meant, from the very beginning they heartily disagreed. They argued about the nature and meaning of the Constitution, and about "the nature and the extent of their power." Fritz notes that they "were no closer to agreement" after seven decades, yet "their disagreements produced a complex constitutional tradition" at both national and state levels that has remained largely overlooked (1).

The overlooked tradition was an intricate interplay that arose from disagreements on the

meaning of the Constitution. Disagreement did not vanish with the Constitution's drafting and ratification, nor did it emerge suddenly as slavery tore asunder the national fabric when the Civil War loomed.

Fritz's study should serve as a welcome correction to those constitutional absolutists who maintain that there is only one acceptable interpretation possible (theirs) of the Constitution, or that "The Founders" without question thought thus and so on every detail, as if there were unanimity at the beginning that somehow has been corrupted. Both arguments from "original understanding," or the even more impossible "original intent," ignore the complexity of a reality that defies generalization beyond the most broad principles.

Fritz develops his thesis through the examination of various periods of popular action in America's constitutional history, such as the early and short-lived democratic societies, the Whiskey Rebellion, Dorr's rebellion in Rhode Island, and the like. Throughout there was one significant constant: the belief in the people's collective sovereignty. In his Epilogue, he stresses that our current theories of legitimacy were not inevitable developments, nor was there a straight line from constitutional theories of the Revolution to those of today. There was no sudden development, event, or defining moment. Rather, our current understandings of the Constitution "grew incrementally over the course of political controversies within the states and at the national level" (280). One may add that these have not prevented echoes, however feeble, from the past as small but vocal numbers in Texas (including now and then the governor) demand secession, or as a handful of others in other states flirt with nullification by asserting their authority under the Tenth Amendment to retain the rights of their state's citizens to be free from health coverage.

In producing *The Missouri Compromise and Its Aftermath*, Robert Forbes has achieved the extraordinary, and he does so with grace and style. He makes it crystal clear not only that slavery was the issue forcing the war, but that it was the central issue of America's political existence from the time of the Revolution. Moreover, he demonstrates that Lincoln was right in his interpretation of the Declaration of Independence. Lincoln said that Americans in general, north and south, originally accepted the phrase "all men are created equal" to assert that all human beings irrespective of race have rights, and in general all accepted it in principle.

Even though many Southerners were unwilling to grant those rights to slaves, they regarded slavery as unjust and unjustifiable, assuming that someday, some way, it would be gone. It was later, as Southern leaders hardened in their defense of slavery and insisted that it be permitted to expand, that they attempted to reconcile their "peculiar institution" with principle by developing explicitly racist arguments, and by denying humanity to those of African descent. It was then that they came overtly to reject the principles of the Declaration, principles that one of their own had written and that they initially had accepted, principles that Lincoln saw as the foundation for American uniqueness.

As though this were not enough, Forbes accomplishes what few writers have managed to do: he presents ample cause for presidential specialists (who by definition already know a great deal) to re-examine their interpretation of a president. Just as Fred Greenstein changed the interpretation of Dwight Eisenhower from that of a passive, rather bumbling, chief executive to

that of a shrewd executive very much in control—a "hidden hand president"—so has Forbes demonstrated with equal plausibility that James Monroe should be known as more than a president with foreign policy success whose domestic policy was lackluster. Monroe, too, should be considered a "hidden hand" president. Although Forbes does not appropriate Greenstein's term, he establishes that Monroe skillfully manipulated policy behind the scenes to achieve his ends, most notably the Missouri Compromise, and to keep the Union from flying apart during the time Jefferson feared the issue as though it were a "Fire Bell in the Night."

Thomas Krannawitter agrees with Forbes's interpretation of Lincoln as having accurately perceived the principles of the Declaration as initially having been accepted. It was only later that they came to be questioned or even rejected. Although Lincoln should need no vindication, since the Civil War there has been a strong undercurrent, sometimes hidden from the public's general view but always there, of bitter opposition to Lincoln and his legacy. This opposition has become a strange amalgam of most unlikely bedfellows: neo-Confederates pining for the "Lost Cause," quasi-anarchist libertarians who resist government and therefore condemn Lincoln as a "statist," and some on the left who interpret Lincoln as insufficiently antislavery, as racist, or as devoted primarily to capitalism.

Thus when Krannawitter set out to write *Vindicating Lincoln: Defending the Politics of Our Greatest President*, he was dealing with a need that he had perceived accurately. With some exceptions, he has met that need beautifully.

One exception is his reliance upon John Yoo (notorious for asserting a legal basis for the Bush/Cheney administration to engage in torture) as a constitutional authority to justify Lincoln's conduct of the war. There are far better authorities to justify Lincoln than Yoo, who is better known as a legal enabler than a careful constitutional authority. One such authority is Lincoln, himself, who never asserted unlimited executive authority. In 1848, Lincoln voted for a measure in the House condemning President Polk, asserting that the Mexican War had been "unnecessarily and unconstitutionally begun by the President of the United States." In response to a question by William Herndon, Lincoln noted that the Constitution vested war powers in Congress, and to permit presidents to act as Polk had done would place him "where kings have always stood." If allowed to invade another country when he considers it necessary to repel an invasion, a president would be allowed "to make war at pleasure" (Lincoln to Herndon, February 15, 1848).

Krannawitter, however, following Yoo (p. 326), concludes that full power to "initiate" war is "reserved to the president." Congress's authority to declare war, he believes, is only "the power to make known or announce publicly the existence of a state of war." Thus, he would relegate Congress to an essentially meaningless role, one that any journalist could perform as well, important only in that it has legal and international implications. For one such as Krannawitter who is so careful regarding constitutional language, and who is so concerned about adhering to constitutional limitations, this is astonishing. Clearly, Krannawitter the ideologue in this instance has replaced Krannawitter the Lincoln scholar.

Nevertheless, *Vindicating* deftly dissects the arguments of the anti-Lincoln school, such as it is, and in almost all respects dispels them thoroughly. Krannawitter demonstrates that the Kansas–

Nebraska Act was indeed proslavery, and that it was Lincoln, and not Taney, who was right about the Founding—which was, indeed, based upon the principle of true equality, not equality among white men only. He deals skillfully with most of the constitutional issues (the asserted "right" of secession; the twisted interpretations of popular sovereignty and "choice") and easily dispels the notion that economics, not slavery, was the cause of the Civil War. He makes it clear that Lincoln, of all people, was no tyrant.

Krannawitter belongs to the school of thought inspired by the late Leo Strauss. Those of us who have studied extensively with Straussians can appreciate the close textual analysis that Strauss taught, and his commitment to unchanging values. Strauss taught his followers to read carefully, to appreciate philosophy, and to immerse themselves into teaching. If Krannawitter's Straussian background causes him to go somewhat far in decrying relativism, suggesting that principle can never change regardless of circumstances, he nevertheless performs a service when he reminds us that essential values of right and wrong never do, nor does human nature.

In refuting the anti-Lincoln arguments, Krannawitter directs some of his most devastating critiques toward one Thomas DiLorenzo, an economist who surely would welcome the title "anarcho-capitalist libertarian." DiLorenzo has written two diatribes condemning Lincoln. These blend neo-Confederate and antigovernment ideologies into an emotion-laden mix of rage and whimpering for the Lost Cause. To be sure, DiLorenzo is an easy target. His books reflect only enough knowledge of Lincoln to cherry-pick and misrepresent. They reflect little or no understanding of history.

Krannawitter's title is appropriate. Not only does he vindicate Lincoln, but he perceives him—again accurately—as our greatest president.

His cogent analyses should lay to rest forever the calumny directed toward Lincoln. They are unlikely to do so, though, for two reasons. First, the opposition certainly will continue, because much of it (see DiLorenzo) is less logical than ideological, and thus is likely to be impervious to reason. Second, instead of confining himself to the role of a Lincoln defender, Krannawitter is unable to resist the temptation to inject his own enthusiasms gratuitously into his work. His biases undermine his credibility in certain areas; unfortunately, they could be sufficient to cause some readers even to doubt his entire analysis, most of which is thoroughly sound.

Ironically, when the subject departs from Lincoln, Krannawitter—who has demonstrated that he is capable of superb analysis—largely agrees with DiLorenzo—who has not. It is here that his Straussian background betrays Krannawitter. Strauss taught not only an intense scrutiny of the details of every text, but also a search in them for hidden meanings; meanings accessible only to the most elite of scholars—that is, to Straussians. His strong emphasis upon values led Strauss to extol the truth, with, however, a major exception. Because people in general are incapable of appreciating the truth, they need to be led by an elite, members of which are not only justified, but required, to inspire them with "noble lies."

By no means do all who studied with Strauss or who consider themselves to be in his tradition believe or function in the same manner. Although most are conservatives—the most noisy certainly are—a number are not. Leslie Friedman Goldstein and William Galston, for example,

fall left of center on the political spectrum; Morton Frisch admired Hamilton, both Roosevelts, and the New Deal and certainly did not advocate a Jeffersonian regime.

Regardless of what Strauss, himself, would have thought or advocated, however, a cultish group has arisen, usually calling themselves Straussians, who are intensely active. These "Straussians" inspired, and provided the intellectual framework for, the "neo-conservatives" who led the United States into pre-emptive war in Iraq. This group includes such political figures as Bill Kristol and Paul Wolfowitz, and is notable for its bellicosity on the one hand, and its lack of military service on the other.

Members of this Straussian cult are notorious for their avoidance of physical danger to themselves while advocating a rugged existence for others and maintaining an obsession with "manliness." Harvey Mansfield of Harvard, in fact, wrote an entire book on that theme and with that title. He achieved the height, or depth, of the ludicrous in 2006 in an interview for *The New York Times Magazine* (March 12) in which he provided insights into his view of the "manly." Then Vice President Cheney was a "manly man" because "He hunts. And he curses openly." Mansfield explained that despite his sedentary life, he achieved manly status himself by exerting "physical strength" in his "relations with women." This, he explained, involved "lifting things" for his younger wife (furniture, when required), and "opening things."

The point is that this cultish group of Straussians maintains an elitist attitude unrelated to external reality; this often engenders incredible arrogance. Krannawitter may or may not be "manly," but he asserts boldly that his constitutional interpretation is superior to the more than two centuries of constitutional tradition, especially interpretations during and following the New Deal. He believes he is qualified to condemn federal regulatory power as beyond what any "commonsense reading of the Constitution could ever explain" (309). This assumes that only a Jeffersonian interpretation could be valid (except, of course, when the question is the power of Congress to declare war).

Krannawitter is outraged by taxation because it "confiscates private property," reflecting an economic view that is so simplistic as to be sad. Taxing a person, he believes, infringes freedom by leaving that person with less ability to determine what and how to spend, yet there is no fixed quantity of "value." Often, the economic situation of the country, hence the ability of its residents to spend as they see fit, has been greater during times of high taxation than when taxes are low.

For example, disposable income was considerably greater for Americans in general during the Clinton years, with higher taxes, than during the Bush years, with lower taxes. In fact, after an orgy of tax reductions under Bush II, the economy went into a free fall that has destroyed some US\$5 trillion, causing it simply to vanish. That has restricted people's ability to spend far more than, say, the FICA tax for Social Security has or ever could.

The days of "economic growth and prosperity under Presidents Warren Harding and Calvin Coolidge," Krannawitter believes (he does not mention the prosperity under President Clinton, let alone Truman, Eisenhower, Kennedy, and Johnson), flowed from the restoration of balanced budgets and "limited, constitutional, government" (306). The 1920s, of course, ended with the

worst financial disaster in American history, the Great Depression.

Krannawitter even accepts the recent nonsensical allegations that New Deal policies "likely aggravated, more than they solved, the economic crisis of the Great Depression" (307). Unemployment was high at the end of the 1930s, to be sure, but it was far less than when FDR took office—and the official figures did not include government jobs with such agencies as the WPA. In other words, government cannot create jobs, if one ignores the jobs government creates! Unemployment increased somewhat after 1937 when FDR reduced government spending, thus backing off from New Deal policies, but conditions were far better than they had been before the Roosevelt presidency. When the country then went into enormous deficit spending to conduct the World War II, unemployment virtually vanished. Thus, it was the government spending that Krannawitter so deplors—the New Deal on steroids—that at last truly ended the depression.

Krannawitter frequently resorts to "straw man" arguments (noble lies, perhaps?) when he condemns "liberalism." He says, for example, that Lincoln favored equality of opportunity, but not, as he asserts liberals do, of outcome (312). At no time, though, does he establish that any progressive or liberal thinker advocates equality of outcome. FDR, he says, sought not to protect equal natural rights, "but to equalize economic power between those with great wealth and those with little" (303). Well, no. FDR surely sought to reduce inequality, as do liberals in general, but that is hardly the same as "equalizing" wealth. "Progressive or liberal 'social justice' authorizes government bureaucrats to determine who gets what kind of rights," he says (305). This is absurd, and in this context "bureaucrat" is purely pejorative, because it refers to civil servants and not the elected officials who constitute our representative government and establish policy.

The threat to constitutional rights certainly exists, but it hardly comes from "social justice." Rather, it comes from strictly authoritarian assertions of governmental power in the name of national security, a "war" on drugs, etc. Swallowing the camel, Krannawitter implies that the Patriot Act merely involves "prudential war efforts" (333), while he strains at the gnat of Social Security as an infringement of liberty. He even refers to George W. Bush's "supposed unilateralism" in international affairs (311), when the elements of the "Bush Doctrine" explicitly included the right to conduct preemptory war, the treatment of countries that harbored terrorists as though they were terrorist countries, and unilateral action, including unilateral withdrawal from treaties.

Krannawitter praises the "liberation" of Iraq, confident that the average Iraqi citizen has greater freedom now than before, even when deprived of basic services and exposed to more physical danger on the streets. The more than one million Iraqi Christians are likely to disagree. They fared relatively well under the secular Saddam Hussein, but now are subject to rule by Islamacists. He is an equal-opportunity critic, castigating "big-government" Republicans (Newt Gingrich, for example) as well as Democrats. In fact, the only contemporary public figure for whom he appears to have respect is Associate Justice Clarence Thomas.

Krannawitter even asserts that opposition to abortion is equivalent to opposition to slavery (48); each counters inappropriate assertions of "choice." One need not take a position on abortion,

though, to recognize the limitation of this argument. In ascribing a full range of human rights to a potential human being, he denies them to a fully functioning, existing, human being, whom he denies the freedom to control even her own body—that is, whom he would enslave. Thus, his opposition to slavery seems curiously incomplete. If he is to oppose abortion effectively, he should develop a more reasonable argument—although it would be better left to a different work, not included gratuitously in a vindication of Lincoln.

In short, Fritz and Forbes have produced excellent, and complementary, works. Krannawitter's, too, at its best fits well and completes a trio. When he writes as a scholar, he is equally excellent. It is when he writes as an ideologue that he appeals to a different and more narrow audience—the True Believer—against whom the late Eric Hoffer warned so cogently nearly a half century ago.

Max J. Skidmore is University of Missouri Curators' Professor of Political Science and Thomas Jefferson Fellow at the University of Missouri–Kansas City. He has been Distinguished Fulbright Lecturer to India and Senior Fulbright Scholar at the University of Hong Kong. He is editor-in-chief of *Poverty and Public Policy*, and has published widely in American thought and politics, the presidency, the politics of Social Security, and early twentieth-century highways in America. His most recent books are *Securing America's Future* (2008), *Politics and Language* (2007—edited with Andrew Cline), and *Moose Crossing: Portland to Portland on the Theodore Roosevelt International Highway* (2007). His PhD (American studies) is from the University of Minnesota.