

Conflicts within the Idea of the Liberal Tradition

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Source: *Comparative Studies in Society and History*, Apr., 1963, Vol. 5, No. 3 (Apr., 1963), pp. 274-278

Published by: Cambridge University Press

Stable URL: <https://www.jstor.org/stable/177648>

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## CONFLICTS WITHIN THE IDEA OF THE LIBERAL TRADITION

The aspect of Professor Hartz's book which I find particularly challenging, but with which I cannot wholly agree, is his view that American politics is characterized by an absence of fundamental conflicts. I do agree that American political struggles have been different from those of Europe, and that this difference can be aptly characterized as a consequence of the fact that, in the Tocquevilleian formula, we have arrived at a state of democracy without having had to endure a democratic revolution. Americans have seldom experienced the particular passions engendered by the impact of the idea of equality upon class distinctions derived from a feudal regime. But it seems to me that the conflicts of American politics, while in one sense attenuated by the comparative absence of a feudal inheritance, in another sense have been intensified by this very fact, by reason of the immediacy of the demands of equality. If all Americans did not accept with such thoroughness the pre-eminent "Lockean" tenet, there would not be the persistent record of violent anger and frustration attending what each group of Americans regarded as its just inheritance from the operation of that tenet. To take the single most overpowering present-day example: where in the world but America could there be such simultaneous demands for color-blindness and color-consciousness in the regulation of all institutions patronized by law? Yet both the power and the simultaneity of these demands are assertions of the claims of equality: one side insisting that no law is valid which recognizes inequality of rights; the other insisting that none is valid which does not incorporate their uncoerced opinions or consent. Hartz does not examine the genuine difficulties which inhere in the attempt to create a society dedicated to the proposition that all men are created equal. He observes the virtual unanimity with which Americans have been committed to it, and he observes that they have nonetheless gone on quarreling. He concludes wrongly, however, that they have therefore quarreled over phantoms or irrelevancies. The reason for this mistaken judgment is the implicit thesis that quarrels which are genuine and profound are always quarrels in which the idea of equality is in competition with its opposite.

Hartz is particularly severe in his strictures upon the Federalist-Whig tradition, that of Fisher Ames, John Adams, and Alexander Hamilton. The

fear of democracy, of "the mob", is a false transference of the rhetoric of European Whigs, who had good reason to fear the mobs of London and Paris, to the American scene. Here the wide diffusion of property, the absence of a landless proletariat created by enclosures, etc., simply did not make for the existence of such mobs. There is much in what Hartz says on this subject, yet it appears to me to be insufficient. There *were* American mobs, and they were a danger. Hartz makes the same kind of error which he attributes to Hamilton and Ames. They saw mob danger, and used the rhetoric of European Whiggery to describe it. Hartz sees that there were not European-type mobs in America, and thus concludes that no mobs existed at all. Hartz agrees, however, that American Whiggery finally underwent a transformation, became democratized, and thereby assimilated to American politics. The great vehicle for this transformation was Abraham Lincoln. Upon this Hartz and I are in thorough agreement, although I think he would grant that Lincoln's achievement only carried to fulfillment complementary elements of the work of such second-generation statesmen as Clay, Webster, and (be it not forgotten) Calhoun.

Lincoln's achievement, as seen by Hartz, was to identify the aspirations of the common man with a program which called pre-eminently for respect for private property (other than human chattels), and the securing of property from egalitarian plundering. One could almost conclude, from Hartz's analysis, that the greatest consequence of Lincoln's career was that by-product of the Lincoln legend, Horatio Alger. I believe, however, that one cannot comprehend Lincoln's impact upon American politics, his success in democratizing Whiggery (and I agree that Horatio Alger *was* important) unless one recognizes the full importance of the fact that Lincoln spent most of his adult life as a Whig. Lincoln's first great political speech, in 1838, entitled "On the Perpetuation of Our Political Institutions," sounded the great themes of the Gettysburg Address (as the title indicates) a full quarter century before. This speech, a classic of the Whiggery of which its youthful author was an exponent, is explicitly devoted to the problems arising from mob rule in a republic devoted to proving the ability of a people to govern itself. There is not a suggestion in this speech that the undemocratic fears of a Hamilton or Adams are justified, but there are profoundly expressed democratic fears. The agreement of men of such vastly different backgrounds as Lincoln and Tocqueville upon the paramount danger in Jacksonian America, and upon the nature of the problem of the tyranny of the majority, is impressive in the last degree.

The problem of the tyranny of the majority, and of mob rule, is at bottom the same. Whether a man is lynched by a mob without any of the forms of law, or whether he is "lynched" by processes resting on nothing more than the opinion of fifty plus one per cent, is a distinction without any ultimate significance. Lincoln's plea for the rule of law in 1838 was in principle the

same as his plea in 1858, in his debates with Douglas. Popular sovereignty, he held, in order to be a true principle of legitimate government, had to reflect moral principle as well as majority rule. The fact that men appear to agree in principle will not prevent them from disagreeing in practice; but it is also true that men can agree in practice while differing profoundly in principle. For example, Lincoln and Douglas agreed in 1858 that the Lecompton constitution for Kansas ought to be rejected. Douglas thought that it should be rejected because it was not an authentic expression of the will of the people of Kansas. Lincoln thought it should be rejected because it permitted slavery in Kansas. According to Lincoln, there was no genuine sovereignty in the will of the people which did not contain implicit recognition of the limitations upon the will of the people collectively (as of every man individually) by the moral law.

The disagreements of Lincoln and Douglas are symptomatic of the genus of disagreement intrinsic to a democratic politics or, if you will, of a "Lockean" politics. The Civil War was not, in my opinion, a consequence of a "feudal reaction" to "Locke". While there was a good deal of romantic feudalism in ante-bellum Southern culture, and a "positive good" theory of slavery finally did emerge, these factors were consequences more than they were causes. The doctrinal foundation of the Southern position was the Virginia and Kentucky Resolutions. I should like to conclude these remarks by reproducing two paragraphs from my essay, "Agrarian Virtue and Republican Freedom",<sup>1</sup> in which I have summarized more succinctly than I have done elsewhere, my reasons for regarding the Civil War as a conflict stemming from, if not demanded by, the attempt to create a society upon the principle of equality, the principle of the liberal tradition.

It is not to be supposed, because of America's dedication to the political creed set forth in the preamble to the Declaration of Independence, that conflicts as to national purpose were thereby to be avoided. Not only did equality as a principle hold out great promises of moral and material improvement; it also made demands not unlike those which made the rich young man in quest of the kingdom of heaven turn sadly from Jesus. Lincoln often compared it to the Gospel injunction, "Be ye perfect as your Father in Heaven is perfect". It held up a standard that was, in a sense, beyond attainment. In inviting men to aspire to what they could never wholly attain it engendered frustrations which could not but embitter political life. Like the Gospel, in the name of peace it brought not peace, but a sword. The Civil War is not only the gravest crisis this nation has had to undergo; it is at once an epitome of all the great conflicts in American history and represents them in sharper focus. For it is important to realize that, in the Civil War, not only did both sides read the same Bible and pray to the same God, but both believed they were fighting for the cause for which Washington fought. Still more important is it to realize that both were, in a profound sense, correct. According to the revolutionary faith, because all men are created equal, governments derive their just powers from the consent of the governed alone. But that consent may right-

<sup>1</sup> In *Goals and Values in Agricultural Policy* (Iowa State University Press, 1961).

fully be withdrawn whenever in the opinion of the governed the government no longer protects their unalienable rights to life and to liberty. There never was a time from the moment of independence that white Southerners in an overwhelming majority did not believe that their lives and liberty would be terribly endangered by largescale emancipation. Jefferson, even as he condemned in unmeasured terms the wrong of slavery, confessed, "Justice is in one scale and self-preservation in the other". And he always insisted that even gradual emancipation, if it were pursued, as he believed it should be, must be accompanied by deportation of the emancipated slaves. Meanwhile, many good men doubted that deportation, even if it were feasible, would be more humane or just than slavery. In this, Southerners may have been wrong, but it is important to remember that government in accordance with the opinion or consent of the governed does not require that the governed be *right*. Sooner or later the experiment in popular government had to face the question of just how wrong the opinion of the governed might be, and still continue to constitute the foundation for the just powers of government. From this you will see that the Declaration of Independence, while it propounded a purpose, propounded a problem as well.

In my opinion, the Civil War became as inevitable as any human event can be from the moment that the war with Mexico, hard upon the annexation of Texas, added great new territories to the country in the South and West. It was not so much a question of the extension of slavery, although that assuredly was involved, as it was a question of political control of the new states and territories by either the old slaveholding, or the old free states. In 1860 the election of Lincoln meant that the free states had won; for with that election it became practically certain that there would never in the future be a majority in both houses of Congress who would vote to admit, and a president who would approve, the admission of another slaveholding state. From this moment the time was not far distant when the control of the relation of the races in the South could, and probably would, be taken from the hands of the white Southerners. No protests by Lincoln could be convincing that he did not mean to interfere with slavery in the states where it already existed. He could not commit the new and growing antislavery majority as to the future. It would not have required a constitutional amendment to have given the death sentence to slavery in the slave states. Recent studies bear out the view that federal interference with the interstate slave trade would have subjected slavery to economic strangulation, and the power so to interfere could easily be inferred from the commerce clause of the Constitution. It was only a matter of time until the North had the naked power to enforce such restrictions upon the South through the federal government. But to the South the American revolution meant nothing if it did not mean that the control of the safety of home and hearth should never be out of the power of the people or their immediate representatives. In 1861 the South saw the government of the Union they had done so much to create becoming an instrument of the deadliest kind of hostility against themselves. The great error of the South, although it was never committed by some of her noblest sons, was in denying the tenet of equality itself. If the South had continued to stand upon the right to security of life and liberty, and the right to judge of the means indispensable to that security, rights truly sanctioned by the idea of equality,<sup>2</sup> her case would have been well-nigh irrefragable. Goaded on by

<sup>2</sup> For an extended discussion of the idea of equality in the Declaration of Independence, see Chapter XVII, "The Meaning of Equality: Abstract and practical", in my *Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates*. (Doubleday, New York. 1959.)

the abolitionists' appropriation of the great proposition she came to believe, and even demand that the North believe, that slavery was not merely a necessary evil but a positive good. In denying the principle in virtue of which her own consent might be required as a basis of the common government, the wheel of contradiction came full circle. In terms of abstract logic, here was one answer to the question of what limits there might be to the errors of the governed. As the abolitionists had forgotten the requirement of consent, the disciples of Calhoun and Fitzhugh had forgotten why there must be consent. As Lincoln interpreted the Civil War, both sides had sinned against a common faith; both had to make a common atonement to achieve a common redemption. The denials of either side were like Peter's denials of his Lord. They were somehow necessary for the passion both were to undergo that they might both become witnesses of a single truth, a truth which, like the house built upon it, had in a sense become divided against itself.

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