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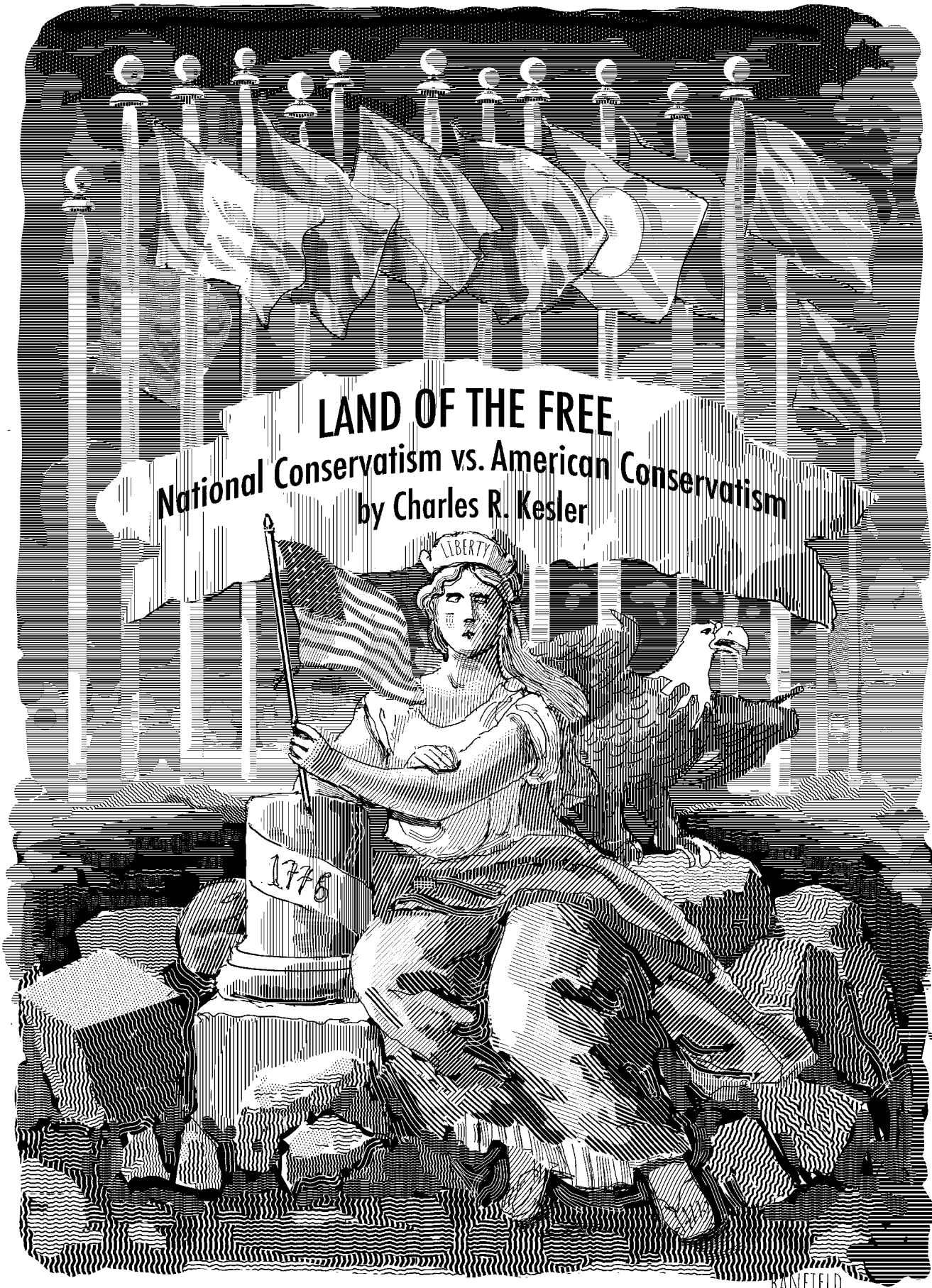
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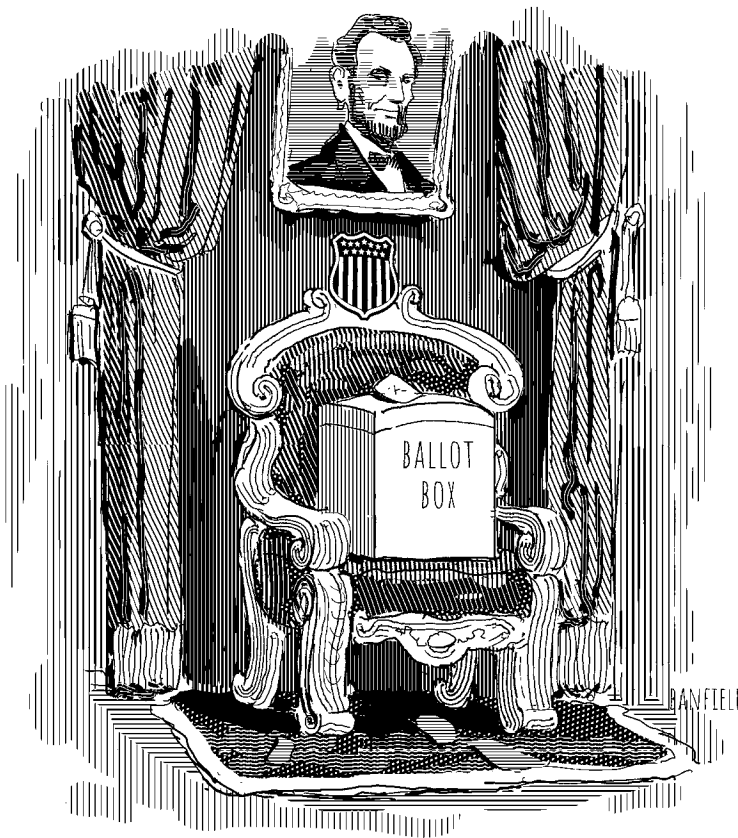
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LINCOLN IN A NEW LIGHT

Sovereign of a Free People: Abraham Lincoln, Majority Rule, and Slavery,
by James H. Read. University Press of Kansas, 432 pages, \$39.95



A PART FROM A SCATTERING OF LECTURES stretching back almost a decade, James Read has never previously made a substantial dent in Abraham Lincoln studies. His three earlier books were *Majority Rule versus Consensus: The Political Thought of John C. Calhoun* (2009), *Doorstep Democracy: Face-to-Face Politics in the Heartland* (2008), and *Power Versus Liberty: Madison, Hamilton, Wilson, and Jefferson* (2000). His 1988 doctoral dissertation on “Scarcity, Conflict, Desire: An Inquiry into the Possibility of a Universal Increase in Power” possesses no noticeable Lincolnian ring, and emerged from the Harvard Government Department, which has never been prominent for interest in Lincoln. So, the appearance of his *Sovereign of a Free People: Abraham Lincoln, Majority Rule, and Slavery* on the politics of democratic majorities might easily have gotten away from most Lincolniters who had enjoyed no earlier encounter with Read.

That would be the first mistake, because Read’s hefty little opus is a substantial contribution to understanding the politics of Abraham Lincoln. The second mistake would

be to assume that it merely covers the same territory as Michael Zuckert’s magnificent *A Nation So Conceived: Abraham Lincoln and the Paradox of Democratic Sovereignty* (2022), which recently explored how the overconfidence majorities can develop in a democracy easily descends into an amoral exercise of ugly majoritarian power. This led Zuckert into a spacious survey of Lincoln’s major speeches, from the 1838 Lyceum Address (and its recommendation that Americans make reverence for law the “political religion” that can tame majorities) to the Second Inaugural (which, by its invocation of God-the-Judge-of-All-the-Earth, becomes the ultimate rebuke to the authority of human will). By contrast, Read, professor and chairman of political science at the College of St. Benedict and St. John’s University of Minnesota, confines himself almost entirely to the Lincoln of the 1850s—and even then, to the Lincoln who strides onto the national stage after the passage of the disastrous Kansas-Nebraska Act in 1854—up to his inauguration as the 16th president in 1861. But, in an even greater contrast to Zuckert, Read explores with exquisite

subtlety Lincoln’s “fresh, wide-ranging, and in many respects innovative account of the interplay between majorities and minorities in the context of crosscutting issues and shifting public opinion.” At the same time, this is not simply a book for political theorists, and no historian or biographer of Lincoln can say that he has taken the last full measure of the man in that tumultuous decade without making Read part of the accounting.

LINCOLN UNDERSTOOD MAJORITY RULE as one of the building blocks of democratic self-government—or, to use his language, of “a Representative republic” or a “constitutional republic” or “a government of the people, by the same people.” He only ever offered one actual *definition* of the term “democracy,” however—in a note he jotted at the beginning of the Lincoln-Douglas debates in 1858: “As I would not be a *slave*, so I would not be a *master*. This expresses my idea of democracy. Whatever differs from this, to the extent of the difference, is no democracy.” This is not particularly helpful as definitions go, since it is cast in the negative and makes no reference



to any other foundational components of democracy. But Lincoln elaborated in a variety of other places on what he considered to be the remaining fundamentals of democratic governance: the location of sovereignty in the people (“This country, with its institutions, belongs to the people who inhabit it,” he said in his First Inaugural Address), reverence for law (since law protected democratic decisions from the peril of what Lincoln feared as “the unreasoning, and uncharitable passions, prejudices, and jealousies” of outraged mobs), elections (without which, Lincoln said, “we cannot have free government”), and the mutual deference of minorities to the rule of the majority and of the majority for the integrity of the minority (so that, as he often put it with a touch of alliteration, “there can be no successful appeal from the ballot to the bullet”).

It is that mutual deference which intrigues Read, and which he develops as one of his principal themes in *Sovereign of a Free People*, for democratic majorities come in various shapes and sizes, and they are frequently shifting and malleable. We are accustomed to think of majorities in simple terms—whoever reaches 51% of any given vote. But the Constitution also requires other kinds of majorities: supermajorities (to approve amendments and treaties, to override vetoes, and to convict impeached officials) and even concurrent majorities (as in the requirements for the passages of bills by majorities in *both* the House of Representatives and the Senate). Even the election of a president depends on a unique notion of a majority, since achieving a majority in the popular vote (or failing to achieve it) actually produces nothing in terms of results without a majority among the constitutional Electors. In fact, it often comes as a shock to most Americans to be told that the Constitution has no provision *at all* for a “popular vote,” much less a popular majority, for the presidency.

THAT DEMOCRATIC MAJORITIES CAN simultaneously have these different forms did not bother Lincoln nearly as much as the claim of John C. Calhoun that a minority (in the form of the slave states) ought to enjoy an outright veto over free-state majorities, or the even more disgusting claim that the claptrap majorities described by Stephen A. Douglas’s doctrine of “popular sovereignty” could legitimately sentence some portions of their populations to slavery. In the same spirit as Harry V. Jaffa and Zuckert, Read agrees that Lincoln believed “that natural rights, including the natural right not to be enslaved, had *moral* priority over the will of the majority.” But this, as Read sees very clearly, posed two questions for Lincoln: what should hap-

pen when the moral priority lacks a ready majority, and how should we resolve a conflict between two moral priorities (which in the case of slavery, pitted the slaves’ natural right to liberty against the slaveholders’ natural right to property and even self-preservation in the event of slave rebellion)?

Because majority rule stood a step lower in legitimacy than natural right, Lincoln had no illusions that majorities created *mandates*. Only natural right can rightly create a *mandate* for something. Accordingly, Lincoln never claimed a mandate for himself as president, and he bitterly criticized President James K. Polk (and by implication Andrew Jackson) for claiming that “the people in framing our admirable system of government were conscious of the infirmities of their representatives,” and so “the people, by the Constitution, have commanded the President, as much as they have commanded the legislative branch of the Government, to execute their will.” Lincoln, as “an old Henry Clay Whig,” viewed Congress as the only branch of government which could claim to speak for the will of a majority, and even then such majorities cannot act outside the parameters of law. When, years later, his secretary of the treasury Salmon Chase pestered him to expand the application of the Emancipation Proclamation beyond the limitations Lincoln had imposed, his rebuke to Chase spoke frankly against any notion of executive unilateralism: “Would I not thus give up all footing upon constitution or law? Would I not thus be in the boundless field of absolutism?”

THAT DID NOT MEAN THAT THE STATESMAN was limited to waiting passively for majorities to assemble themselves magically after some Damascus-road encounter with natural right. Lincoln said in 1860 that the Kansas-Nebraska bill awoke him from the easy assumption that slavery was dying a death of natural extinction, and that a natural wrong was instead on its way to becoming a national policy. Moreover, Kansas-Nebraska’s fundamental premise—of allowing the territories to legalize slavery on the basis of “popular sovereignty”—represented a contradiction of majority rule itself, since Lincoln saw Kansas-Nebraska, as he wrote to his friend Joshua Speed, “not as a *law*, but as *violence* from the beginning...*conceived* in violence, *passed* in violence...*maintained* in violence, and...*executed* in violence...because the elections since, clearly demand its repeal, and this demand is openly disregarded” (emphasis in the original).

It gave him some consolation that he was not alone in seeing what Kansas-Nebraska

threatened: “We rose each fighting, grasping whatever he could first reach—a scythe—a pitchfork—a chopping axe, or a butcher’s cleaver.” The problem, however, was that those choppers and graspers were not all of one mind. The anti-Nebraska movement was an unwieldy amalgam of overlapping interests—anti-slavery Democrats, outright abolitionists, nativist Know-Nothings. In what is incontestably the finest chapter of the book, Read outlines how Lincoln struggled to maneuver the competing political values of the free North into agreeing that slavery should be the primary issue at stake. After all, the Democrats who had passed Kansas-Nebraska under Stephen Douglas’s arm-twisting paid a shocking penalty for it in the 1854 off-year elections, losing a walloping 74 seats in the 34th Congress. But the big winners were the Know-Nothings, and their preoccupation was immigration, not slavery. Even Lincoln couldn’t ride the wave of anti-Nebraska sentiment in Illinois to the junior U.S. Senate seat, since too many Democrats who disliked Kansas-Nebraska disliked Lincoln’s Whig Party even more.

THIS MIGHT HAVE DRIVEN A LESSER man (as it did the abolitionists) into a position of pure hostility to slavery, and with it practical and permanent political isolation. Instead, for the rest of the 1850s, Lincoln worked toward building a new political coalition which, despite what he characterized as its “*strange, discordant, and even, hostile elements*” (emphasis in the original), would agree to subsume all other political differences toward an achievable anti-slavery goal, which was the exclusion of slavery from the territories. He understood, Read argues, that majorities are cyclical: they are composed of people who *rank* issues in importance to themselves, and who move in and out of alliance with each other depending on the importance of those rankings.

There were at least eight such possible rankings in 1858: restrict slavery, permit immigration; or restrict immigration, restrict slavery; or permit slavery, permit immigration; and so forth. He knew he could count easiest on those who always ranked restricting slavery *first*, but he also needed the votes of those who placed immigration restriction *first* and restricting slavery second. The “House Divided” speech (at the beginning of the Lincoln-Douglas senatorial campaign in 1858) is, for Read, a textbook on how Lincoln persuaded the various ranking groups to see slavery extension as the issue they all must place first.

This effort required concessions which must have irked Lincoln’s lofty despisers: re-



fusing to endorse black civil rights, supporting a racial colonization option, demanding nothing more than non-legalization of slavery in the west. But Read shrewdly understands that Lincoln, even if he allowed himself prejudices on race, carefully limited those to the realms of “feeling” and “sentiment,” not reason; that even if he hesitated to talk about equal political access for freed slaves, he never failed to support equal economic access; and that he never made colonization a *prerequisite* for emancipation. It has become customary among those progressives who still want to admire Lincoln to claim that he somehow “grew” or “evolved” in the 1860s out of his embarrassingly retrograde ideas in the 1850s. Read dismisses this with what could almost be described as a snort: “Lincoln’s stance on racial equality shifted during the war because the potential for a change in attitude was already present in his thinking before the war.”

ASSEMBLING A MAJORITY THAT WOULD agree to give opposition to slavery the primary political place no matter what they thought about other issues was one of the great achievements of Lincoln and the Republicans in the North in the 1850s. As such, it represented a triumph of natural rights over appeals to self-interest, and a reassertion of the fundamental logic of the Declaration of Independence. It did not, however, solve another problem, and that was collision of the natural right to liberty with the slaveowners’ natural right to property and even survival. Lincoln’s solution to this problem was binary. In his great Peoria speech of October 1854, Lincoln conceded that “I have no prejudice against the Southern people” because “they are just what we would be in their situation,” and on those grounds, “I also acknowledge your rights and my obligations.” But emancipation could, he reasoned, be achieved without jeopardizing either property or security through the threefold formula he repeated over and over again: “That the abolition should be gradual...on a vote of the majority of qualified voters...and...that compensation should be made to unwilling owners.”

Natural law does not exist in a vacuum; it is expressed through statute and legislation. *Differences* in how those laws and ordinances ap-

ply and defend natural right do not erase the primacy of the natural rights they protect, but those differences in statutory expression of natural right are what majorities sanction in a democracy—not because majorities *create* natural right, but because majorities are necessary to formulate reliable means of embodying it.

In 1861, Southerners decided there was a conflict, not in how to implement natural rights but between the rights themselves, in which they would make a choice of one right over another—property over liberty. But they did so, not by submitting their decision to the review of a national majority, but in defiance of it, by seceding from the American Union. Secession created an entirely new political environment in which Lincoln and the North had to act, for the Constitution contains no direction on how to conduct a secession nor any reversion clause for dealing with the consequences, and the Declaration’s criteria for dissolving “the political bands which have connected them with another” are significantly higher than those proposed by the Confederacy.

DOES THIS MAKE LINCOLN A LOCKEAN liberal? We have no evidence that Lincoln ever read the *Two Treatises on Government*, yet, as Read shows, everything he said on the nature of democratic government follows a Lockean path. John Locke was the great Anglo-American progenitor of natural right politics, and although he said nothing on the point of majority rule, nevertheless his notion of government relies on settled law, which at least implies consent. And, Read adds, it is noteworthy that Locke nowhere included slavery under the definition of property.

If Michael Zuckert’s *A Nation So Conceived* offered the Lincolnian solution of the high-level problem of majorities (and their temptation to trade liberty for power), James Read’s new book explores the inner machinery of Lincoln’s solutions to democracy’s challenges in ruling through majorities. It is not a book without eccentricities, and sometimes annoyances. It also suffers from a flaw which is also, in some sense, its virtue, and that is its entire preoccupation with Lincoln. Skilled as Lincoln was in his perception of how majorities can be coaxed into existence,

he surely did not do this for Republicans in the 1850s purely on his own. Even up to the 1860 presidential nominating convention, Lincoln remained a back-bench figure to most of the nation’s Republicans. It would be helpful to learn more about the broader Republican leadership with which he interacted in 1858 and 1860, and the degree to which they understood the same dynamics in creating majorities as Lincoln did. No one, after all, expressly charged Lincoln with the responsibility for writing the national Republican strategy memo, and even in the 1860 campaign he had to take directions from national party leaders.

This is a stranger omission than we often realize, and this is not Read’s problem alone. We know embarrassingly little about the operations of the Republican national committee in 1856, in 1858, or in 1860. Yet the national committee would certainly have included the authors of the party platforms (and in an age when people voted as much for the platforms as for the candidates, that was no small consideration). The state committees are even more opaque; when I was writing *Lincoln and Douglas: The Debates that Defined America* in 2008, I couldn’t even discover who the members of the Illinois state Republican committee were until I happened on an old letterhead that listed their names.

These are paths of inquiry that both political scientists and historians alike can open up, and with profit for both. And just as political theorists need to pay attention to the historical dynamics that surround their speculations to keep from sliding into circular conversations, *Sovereign of a Free People* is that rare exercise in political theory to which historians need to pay attention if they are to understand how the gears of political institutions mesh and bind.

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