

### Right Makes Might: Lincoln's Evocation Of Natural Rights Still Reverberates In American Politics

Jean Bethke Elshtain

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## Review

### 'RIGHT MAKES MIGHT'

#### Lincoln's evocation of natural rights still reverberates in American politics

Elshtain, Jean Bethke

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**Jaffa, Harry V.** *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War*. Rowman and Littlefield, 2000-11-01. \$35.00 ISBN 847699528

Harry V. Jaffa takes his time. The wait is well worth it. Forty-one years separate the publication of Jaffa's recognized classic, *Crisis of the House Divided* (University of Chicago Press, ISBN 0226391132, \$20.00 softcover), and this new work on Abraham Lincoln's political thought. A third volume is anticipated. A distinguished professor of political philosophy, Jaffa approaches texts through an interpretive method he owes to the philosopher Leo Strauss. Strauss, according to Jaffa, "taught that one must make every attempt to understand a writer as he understood himself." Pressing this theme when the subject is a powerful political thinker as well as America's greatest president requires engaging the full political implications, in historic context, of Lincoln's complex and eloquent arguments against slavery and for the American constitutional experiment. Jaffa writes in context too, of course, our own age that witnesses strenuous pleas on behalf of radical historicism and moral relativism of the sort Lincoln opposed and Jaffa disdains.

When Lincoln is nowadays thought about by those deploying an aggressive form of what is called "the hermetics of suspicion," the resulting depiction is that of just another 19th century racist whose policies involved sectional interest tied to personal ambition-scarcely the stuff of political heroism and moral nobility. Jaffa acknowledges that Lincoln sometimes deferred to "ordinary American prejudices" but that this "in no wise proves that[he] shared those prejudices." Besides that, it is conceivable that a human being can set in motion arguments and events that tear up the ground on which prejudicial structures rest and that he can do this quite knowingly, assuming that the full fruits of such ground breaking will not be manifest in his own lifetime.

The structure of *A New Birth of Freedom* proceeds roughly as follows: Jaffa moves through Lincoln's debates with Stephen Douglas to his disputations with, and against, John C. Calhoun. In each case, Lincoln faced a foe Jaffa calls "historicist" or "relativist." In each case, he countered by deploying the "idiom of natural rights and natural law," a source of moral good and right that has subsequently "become alien to us." That this is so represents a clear and present danger to the survival of the American constitutional republic, in Jaffa's view. Lincoln was deeply committed to the premise that "all men are created equal"-and he included women in this, being by age 27 a supporter of women's suffrage. This premise was applicable to all peoples and all times. A deep and perduring compact between a people and "nature's God" involved the recognition, not the arbitrary invention, of the moral equality of all those created in God's image. This ideal was "no less metaphysical than moral and political," being traceable to the fleshing out of the presupposition of moral equality that is, to use Jaffa's strong language on page 151, "the unassailable premise of Judeo-Christian ethics."

Those-and Jaffa cites them-who found this principle of moral equality "politically untranslatable," an ideal safely reserved to metaphysical speculation, were countered systematically by the foes of "Csarism" in politics, including Abraham Lincoln. Lincoln argued insistently that all those who had come to America's shores, even those who were not descendants of the first European settlers and founding generation, had as much right to connect themselves to the premise of the Declaration of Independence as any other; "they have a right to claim it as though they were blood of the blood, and flesh of the flesh, of the men who wrote that Declaration, and so they are," as Lincoln put it in his Chicago speech of July 10, 1858. This premise extended to Africans brought to America's shores as slaves. Even as God delivered the Isrlites from bondage, these latter-day children of bondage will surely be freed, as no people, in principle, is excluded from being admitted to the hearth embodying America's founding principles. No one human being or group of human beings differs so much in nature from any other as to justify slavery. This is Lincoln's basic moral argument and it is laid out with stunning and rich detail by Jaffa. His paragraph-by-paragraph reading of Lincoln's First Inaugural, for example, stands as a classic of textual interpretation of the most meticulous kind.

The counter-argument to the premise of moral equality rested on several pillars beginning with a view of states' rights that separated states' rights from natural rights. This, in effect, denied "any constitutional standing to the

principles of the Declaration of Independence." The popular sovereigntists (like Douglas) and separationists (like Calhoun) repudiated the Jeffersonian backdrop to Lincoln, and Jaffa covers this ground in detail. The upshot of his discussion of Jefferson is that no "people is independent of the moral law," and that the source of all rights "is nature." Although Jefferson was not himself a Christian or a pious man, Jaffa is right to see how "profoundly religious were the great political questions" that dominated British constitutional combat before the American Revolution and that continue to reverberate in American political debate.

In a potent sense, the arguments for and against slavery were arguments about biblical interpretation and which texts-the curse of Canaan from the Old Testament or the radical arguments of Jesus of Nazareth-were to prevail. In extending natural rights to slaves and in linking this to biblical teaching, Lincoln wound up as the most powerful spokesmen for the theology that triumphed eventually-its most recent great spokesman being Martin Luther King Jr.-in America. Jaffa notes on page 49 that, for Lincoln, "the natural rights doctrine of the Declaration" is "implicit in the rule" laid down in the New Testament: "Therefore all things whatsoever ye would that men should do to you, do he even so to them: for this is the law and the prophets." Natural rights is the way to speak politically and in the voice of a form of reason accessible to all whether they are Christians or not.

In unpacking Lincoln's great speeches and debate orations, Jaffa shows what an astute, formidable, and brilliant interlocutor Lincoln was. Lincoln's systematic deconstruction of Douglas's defense of "popular sovereignty," including the claim that if people want a wrong they have a right to it and there is no way to gainsay that majoritarianism (or plebicitarianism), is a masterful bit of political philosophy and political rhetoric, with the rhetor cast in the position of a public educator. In fighting indefatigably against both the moral indifferentism of Douglas-people can have slavery or not as the case may be-and the positive good of slavery stance of Calhoun, Lincoln's task, according to Jaffa on page 74, lay in "convincing his fellow countrymen that slavery was indeed a morally pathological condition." Jaffa's tracing of the ways in which historic interpreters (from Carl Becker's classic work on the Declaration down to the present) have either tacitly or explicitly endorsed or lent credence to the Douglas stance or even, Jaffa argues, the Calhoun position, is complex and controversial. Jaffa is passionate in his defense of the natural rights position and eloquent in his display of Lincoln's extraordinary contributions to that position, on the level of thought and action. This book's section on what Lincoln learned from Shakespeare is

alone worth the price of admission.

At times, however, Jaffa is so carried away by his subject matter and his passion for it that he makes hyperbolic claims. Here are a few examples: "Never since Socrates has philosophy so certainly descended from heaven into the affairs of mortal men," this of course on Lincoln. On page 389, Lincoln is credited with being a master Euclidian who proceeded in argument in a way that gave it finality and a kind of mathematical certainty. At the same time, Lincoln is suffused on page 358 with powers amounting to divination for "without public opinion polls, he knew far better than any present-day politician what the great mass of citizens thought and felt about unfolding events. And his actions were always timed to the beating of their hearts." One wonders about this given strong anti-black sentiment in the North as well as the South. In response to some of Jaffa's more absolute claims, one could, for example, disagree with him that anything in politics is ever settled definitively, once and for all. No argument, however airtight, can do that. At the same time, there is no doubt whatsoever that on all known grounds of logic, rhetoric, and philosophy, Lincoln had the better case.

There are other moments when Jaffa doth protest too much by drawing direct parallels between 19th century arguments and events and the most hideous horrors of the 20th century, e.g., Confederate defender Alexander Stephens, in his two-volume masterpiece, *A Constitutional View of the Late War Between the States* (GAM Publications, ISBN 087377177X, \$86.99 hardcover), published between 1868 and 1870, made a prophecy about the confederacy that, for Jaffa, "resembles nothing so much as Hitler's prophecies of the thousand-year Reich." Historian Carl Becker is chided for citing from a book written in 1875 by political philosopher Joseph DeMaistre, a French conservative thinker, and Jaffa comments acerbically on page 118 that "Becker is quoting with approval a member of the same political sect that would say, in 1940, 'Better Hitler than Blum.'" This sort of hyperbole is unnecessary. Jaffa needn't gild the lily: it detracts from the solid scholarly core of this complex, highly condensed work.

The moments of excess, fortunately, are few. What comes through so stunningly as the book's overriding thesis and motif is Lincoln's brilliance at demolishing the arguments that sustained slavery. One final example: slavery defenders and slaveholders routinely passed laws and made rules defining what slaves could or could not do and what punishments would be exacted should they transgress. But when a creature is recognized as capable of reflecting on a

rule and either obeying it or not, you have unwittingly conceded the human status of that creature, a status that slavery denies. If a slave can have an opinion, you are crediting him with intentionality. This means he is human. If he can recognize obligations, he is human. How then can one consistently deny that humanness when it comes time to defend the pernicious institution of slavery itself?

There is no better way to conclude this review than to express my agreement with Jaffa that doing justice to Abraham Lincoln requires understanding his profound defense of moral equality, even as one recognizes that the full political, legal, and social implications of that equality have required generations to tease out-and will no doubt take many generations more. Let us conclude with Lincoln's own words drawn from a fragment "On Slavery" dated October 1858, in which he derides the pro-slavery position: "But slavery is good for some people!!! As a good thing, slavery is strikingly peculiar, in this, that it is the only good thing which no man ever seeks the good of, for himself. Nonsense! Wolves devouring lambs, not because it is good for their own greedy maws, but because it is good for the lambs!!!" The American people were more than fortunate-they were blessed-that such a one as Lincoln was in their midst in such a terrible time. As Jaffa points out repeatedly, it all could have gone much differently.

*Jean Bethke Elshtain is Laura Spelman Rockefeller Professor of Social and Political Ethics at the University of Chicago. She has authored many books, including Democracy on Trial, a New York Times Notable Book for 1995.*