

The Political Thought of the Civil War

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Review

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Introduction

There are fourteen essays in this volume, many of them based on lectures given at the Political Theory Institute at American University a few years ago. Each is a self-contained, extended piece of analysis of some relevant aspect of the Civil War. Reviewing each essay would make this piece far too long, and the editors' "Introduction" does a fine job of that, anyhow. I will instead treat the whole as an example of doing "political theory" at a truly excellent level.

The editors have grouped the essays into three sections roughly corresponding to (1) matters leading up to the hostilities, (2) the prosecution of the war, and (3) its aftermath. It's a good organizing principle, as chronology frequently is in science. But as I read through the essays, I could not shake the feeling that, as diverse as the articles are, the work as a whole was settling down in my mind along a different dimension or two. At one point, it occurred to me that everyone was simply *complaining all the time*. I don't mean the authors, of course. I mean the actors being analyzed, the thinkers and writers and politicians of the time. And I realized that their complaints fell quite nicely along the lines I am about to present. So let me talk about Political Theory and Civil War.

Political Theory

"... a regime is not simply a list of abstract ideas. More fundamentally, it is a way of life characterized by a particular spirit or ethos and made possible by a sense of trust and mutual accommodation among its members. *When that trust seems to evaporate, we naturally begin to wonder about the foundations of our political community.*" (from the "Introduction," with my emphasis)

Sociology is perhaps the most challenging of all the sciences, concerned as it is with the ways in which billions of the most complex objects in the universe (as far as we know) interact. Political science I take to be that subset of sociology that considers these objects in “formal ruler-ruled relationships,” as memorably expressed by my old mentor, Vincent Ostrom.

Part of political science is political theory, available in several broad forms, all of which, from one perspective or another, care about how these relationships define, create and sustain something we understand as “justice.” We will certainly not try to define the concept here, but only note that, whatever it is, it seems to require that *the right things happen in the right way*. And so to consider the “Political Theory of the Civil War,” we are bound to think about, in the context of that war, how complex beings participating in ruler-ruled relationships did or did not experience the right things happening in the right way.

Civil War

I know much more about internal combustion engines than I ever cared to. I was never that interested in them, but I also never had money. So when I first bought a car, which was necessarily a mess, things went wrong with it, and I had to learn to fix it, if it was going to be fixed at all. After a few years, I realized that I had come to understand the theory and working of internal combustion engines, and some of the physics behind it all. I had learned, in effect, to “think” like an engine (or perhaps an automotive engineer), to diagnose and fix what might be wrong, and even to tweak things a bit. This general technique later proved useful in coming to understand several other systems and activities (computers, music, teaching, small children), and I find it to have been especially useful for political theory. After all, both political theory and child psychology are the kind of thing most people ignore when all is going well. It is only when circumstances frustrate our (often unconscious) expectations that we are induced to see what makes them tick in the first place. As Eric Voegelin was fond of pointing out, it is generally only in times of encroaching political disorder that people are inclined to contemplate the principles of order.

Run through the standard list of Great Political Thinkers and you will likely notice that the great majority of them are casting about in some pretty troubled seas. A practical lesson results: just as those interested in understanding the principles of good health will spend much of

their time studying disease, a political theorist will be advised to look for the principles of order in the decaying and transitioning body politic. This is what explains the existence of the current volume. There is really no better place to look for political theory than during times when a political community is quite literally falling apart, the very definition of a Civil War.

The Table of Justice

If political theory involves investigating principles and processes of getting the right things to occur in the right manner, and if we expect it to be most easily noticed during times of great regime entropy, a natural sort of arrangement presents itself:

		Are the Right Things Happening?	
		Yes	No
Are the Right Ways Being Used?	Yes	Eden → ↓	Kafkaland ↓
	No	Dumluckistan →	Hell

The goal of any political community is to move the experience of its members into the northwest corner of the chart (Eden), where they experience justice in the clearest and most visceral way possible. Their participation in the regime leads them to confidently expect that justice will be served. The right things are happening, and the formal processes of the regime are, if not causing, at least promoting that effect.

The worst situation is found in the southeast corner, “Hell”: there, incoherent processes are accompanied by unjust circumstances. Because of the incoherence of the process, it is even unclear whether those unjust circumstances are significantly connected to it, but the smart money bets that they are.

Of great interest are the northeast (“Kafkaland”) and southwest (“Dumluckistan”) quadrants. In neither case are members confident, and there is likely a growing sense that something is dangerously wrong, and that the regime is likely going to Hell. After all, in the southwest quadrant, it seems like dumb luck that the right thing obtains, and in Kafkaland, the relied-upon processes are failing to produce as expected. The regime, and therefore the political community itself, is in serious danger. Now is the time for political theory.

It is not often that an Edenic regime goes straight to Hell. Such a thing is generally only triggered by some cataclysm from without. But there are two other routes to take, which may under special circumstances be travelled almost simultaneously.

Route One begins when, even though processes are successful and meaningful structures and processes remain in place, justice does not obtain. There are several well-known pathologies for this case, chief among them the scourge of *legalism*, which occurs when a community mistakes those forms and procedures for the very substance of justice itself. But the laws, customs and institutions meant to provide justice no more define it than violins define music, or hammers, carpentry. The result is that members of the community end up habitually treating one another unjustly, and in the very name of justice. Such a community will not survive very long.

Route Two to Hell is by way of Dumluckistan. The “right things” are still available, but the institutions and processes ostensibly meant to ensure them are manifestly not doing so. There may be a kind of black market for justice operating outside officially approved channels, informal communities slowly gaining legitimacy at the expense of the regime, which is now seen as an irrelevant bother at best, and a terrorist at worst, wrapped as it still is in the explosive vest of sovereignty.

The Particular Case

So now we are ready for the complaining I mentioned earlier. First, notice how in everyday life, perceived injustice arises and is put into play (of course, the complaint must be something too salient to be simply ignored). Commonly, objection begins over something substantive—most of us rarely bother with procedure until faced with substantive problems. No one complains that the umpire was out of position if the call was right. But when the call is wrong, we naturally begin wondering why. Our explanations start simply and locally, but as they fail to satisfy, they begin to include broader and more fundamental possibilities:

1. The umpire made a mistake.
2. The umpire is incompetent.
3. The umpire is corrupt.
4. The process of selecting umpires is flawed.
5. The process of selecting umpires is corrupt.
- .
- .
- N. The game is rigged.

There are natural gradations here, as the complaint slowly moves from assertions of substantive injustice to claims of impropriety, unfairness and fatal defect—claims about fundamental structures and procedures. Much the same is found in these essays, as the claims of both North and South, especially regarding two most salient issues—slavery and “states’ rights”—escalate almost precisely in step, from asserting incorrect decision-making to the horror of a rigged game.

The North will argue that from both the liberal (Enlightenment) perspective that argues that humans are not the kind of thing that can be property, and from the Christian perspective that “God hath made of one blood all peoples,” slavery is simply an injustice that cannot be countenanced. No “way of life” that depends upon it is worth preserving, and interpretations of the Constitution, such as the South’s view of “federalism,” that allow for slavery’s existence (and even its expansion) must be wrong-headed or even fraudulent. The South will maintain that the Union of States, like all government, was meant to serve the interests of private property, that the current “federal” structure is a *confederal* structure freely entered into by sovereign states rather than by individual citizens, that both proper theology and the latest science suggest and even defend racial differentiation of rights, and that the imputation of base character to Southern people and culture is a serious affront to honor worthy of divorce and even violence. Plus, anyhow, none of this is any of the North’s damn business.

Pretty much every essay in this book touches on one or more of these points. Each side accuses the other of quite literally *justifying* the subjective injustice of its behavior by twisting the terms of agreement—the Constitution—to allow it to manipulate the rules of the game to its own nefarious ends.

Nefarious, indeed. There is Hell to pay just around the corner.

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