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Reviewed by *Ken Masugi**

> The "people" is no longer conceived in the Gettysburg Address, as it is in the Declaration of Independence, as a contractual union of individuals existing in a present; it is as well a union with ancestors and with posterity; it is organic and sacramental. For the central metaphor of the Gettysburg Address is that of birth and rebirth. And to be born again, to Lincoln and his audience—as to any audience reared in the tradition of a civilization shaped by the Bible and by Plato's *Republic*—connoted the birth of the spirit as distinct from the flesh; it meant the birth resulting from the baptism or conversion of the soul. This new birth is not, as we have said, mere renewal of life but the origin of a higher life. Thus Lincoln, in the Civil War, above all in the Gettysburg Address and Second Inaugural, interpreted the war as a kind of blood price for the baptism of the soul of a people.[1]

The publication of Harry V. Jaffa's *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War* marks a most extraordinary event in the scholarship on statesmanship and political philosophy.[2] It can only be fully appreciated after a thorough reading and examination. The purpose of this review is to aid in this practical and academic task, which has profound implications for all interested in public affairs, history, the integrity of the academy, the future of the country, and the purpose of human life. This may seem an astonishing claim to make, as it would put the books

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1. HARRY V. JAFFA, CRISIS OF THE HOUSE DIVIDED: AN INTERPRETATION OF THE ISSUES IN THE LINCOLN-DOUGLAS DEBATES 228 (1982).

2. HARRY V. JAFFA, A NEW BIRTH OF FREEDOM: ABRAHAM LINCOLN AND THE COMING OF THE CIVIL WAR (2000).

under review on a level approaching the Bible, the works of Shakespeare, or the Constitution. But perhaps the case can be made that Jaffa's two volumes constitute the best writing on America that we are ever likely to know.

Harry Victor Jaffa (1918—) is a Distinguished Fellow of the Claremont Institute and Henry Salvatori Professor of Political Philosophy emeritus of Claremont McKenna College. He is the author of nine books, and the editor or co-editor of three others. These volumes on political philosophy include work on Aristotle, Thomas Aquinas, Shakespeare, the Civil War, Winston Churchill, the Supreme Court, contemporary conservatism, and current public policy. In addition to an academic career long spent at the New School for Social Research and the University of Chicago (where he studied with Leo Strauss), and the Ohio State University, he has been an active participant in the political wars. He drafted Barry Goldwater's controversial 1964 presidential nomination speech that included the ringing line "Extremism in the defense of liberty is no vice, moderation in the pursuit of justice no virtue." Such activity has puzzled liberal academics, who admire his work on Lincoln, and it has exasperated conservatives, who hold Lincoln and the principle of equality in contempt. As noted herein, Jaffa's understanding of America transcends ordinary partisan differences, such that he cannot be understood by conventional academic or political standards. Ironically, he achieves such transcendence by steadfast adherence to the fundamental American political standard —the Declaration of Independence.

It is not as though the academic establishment has not honored Harry Jaffa at all. His first book (and revised dissertation), *Thomism and Aristotelianism*, was recently praised by Alasdair MacIntyre as a "minor classic."[3] The late Pulitzer Prize-winning historian Don Fehrenbacher had high praise for *Crisis of the House Divided*, and Allen Guelzo, author of the highly acclaimed *Abraham Lincoln: Redeemer President*, called it "incontestably the greatest Lincoln book of the century."[4] Such a noted Civil War authority as James McPherson has declared in his dustjacket blurb that "Every student of Lincoln needs to read and ponder" *A New Birth of Freedom*.[5] But Jaffa's ambition is not satisfied with such high conventional honors. Moreover, as William F. Buckley, Jr., has

3. ALASDAIR MACINTYRE, AFTER VIRTUE: A STUDY IN MORAL THEORY 278 (1984).
4. ALLEN C. GUELZO, ABRAHAM LINCOLN: REDEEMER PRESIDENT 469 (1999).
5. *See* NEW BIRTH, *supra* note 2.

wryly observed, "If you think Harry Jaffa is hard to argue with, try agreeing with him."[6]

The key here is to note that Jaffa was a close student of Leo Strauss who attended virtually every course Strauss taught from the fall of 1944 through the summer of 1951, with frequent contact with him thereafter. Jaffa wrote his dissertation under Strauss. Strauss, of course, with the aid of leading students such as Jaffa, Allan Bloom, Joseph Cropsey, and Harvey Mansfield, revived the serious study of political philosophy and its theme of natural right for generations of scholars.[7] But Jaffa has been at sharp odds with his fellow "Straussians" on how to interpret the work of the master. At one point, the gifted scholar Thomas Pangle implored "followers and friends of Professor Jaffa . . . to dissuade your elder from appearing before the world in such demeaning postures, and in the grip of such disfiguring passions . . . ."[8] In Pangle's view, Jaffa had "distorted beyond recognition [his] interpretation of Strauss and . . . the political philosophizing Strauss resuscitated."[9] Jaffa had made the audacious claim that "Pangle's account of the noble and just things [was] . . . nothing but an account of the high in the light of the low."[10]

But most of those critical of Jaffa's turn since the 1970's, an event they take as a betrayal of old friendships, retain praise for *Crisis of the House Divided.* In what Jaffa took as a left-handed compliment, Walter Berns referred to Jaffa as "someone who might have become 'the great historian and poet of the American regime.' "[11] Some of the criticism of Jaffa, never put in print to be sure, revolves around his use of sources outside the regime to explain the regime.

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6. HARRY V. JAFFA, AMERICAN CONSERVATISM AND THE AMERICAN FOUNDING (1984).

7. A useful introductory volume for understanding the "Straussians" is LEO STRAUSS, THE STRAUSSIANS, AND THE AMERICAN REGIME (Kenneth L. Deutsch & John Murley eds., 1999). *See also* KEN MASUGI, PERSPECTIVES ON POLITICAL SCIENCE (2000).

8. Thomas Pangle, *The Platonism of Leo Strauss: A Reply to Harry Jaffa,* CLAREMONT REVIEW OF BOOKS, Summer 1985, at 20.

9. *Id.* at 18. *See also* Jaffa's response, HARRY V. JAFFA, *The Legacy of Leo Strauss Defended,* CLAREMONT REVIEW OF BOOKS, Summer 1985, at 20-24. Jaffa's withdrawal of his brilliant chapter on Aristotle from the Strauss and Cropsey reader in THE HISTORY OF POLITICAL PHILOSOPHY remains a puzzlement. HISTORY OF POLITICAL PHILOSOPHY (Leo Strauss & Joseph Cropsey eds., 3d ed. 1987). See the earlier 1963 and 1972 editions containing Jaffa's essay that runs 63 pages in his recently reprinted *The Conditions of Freedom,* introduced by Larry P. Arnn. HARRY V. JAFFA, THE CONDITIONS OF FREEDOM (2000).

10. Harry V. Jaffa, *The Legacy of Leo Strauss,* THE CLAREMONT REVIEW OF BOOKS, Fall 1984, at 19.

11. *See* AMERICAN CONSERVATISM, *supra* note 6, at 135.

On the surface, *Crisis* seems to reinforce various long-held platitudes we have heard about Abraham Lincoln: Honest Abe, the Great Emancipator, "the martyred Christ of democracy's passion play."[12] But in reviving old conventions, Jaffa challenged the scholarly establishment that had no regard for "self-evident truths" or the role of morality in politics. Hence its members were incapable of understanding the Lincoln-Douglas debates and their world–historic significance. Jaffa summarizes the importance of the debates: "The long political duel between Stephen A. Douglas and Abraham Lincoln was above all a struggle to determine the nature of the opinion which should form the doctrinal foundation of American government. *No political contest in history* was more exclusively or passionately concerned with the character of the beliefs in which the souls of men were to abide."[13]

Crisis begins its study of the Lincoln-Douglas debates with what threatens to be a most sonorous treatment of Stephen Douglas, attempting to make the best possible "case for Douglas."[14] Jaffa raises the possibility that Douglas's "popular sovereignty" doctrine contained a strategy for saving the Union without slavery, by voting it out of existence, territory by territory, state by state. Moreover, Douglas's concept of Union provided for its indefinite expansion, south into the Caribbean and Latin America, westward into the Pacific.[15] Thus, America could retain local liberties and world power; she would combine the best features of republican and imperial Rome. By the end of this section, we know we are in for a terrific contest. If Douglas can be rescued from the reputation of being an amoral opportunist, then Lincoln's achievement would have to be all the greater, for he bore the burdens of being called an abolitionist by pro-slavery forces and a double-talking weakling by abolitionists.

Following the section on Douglas, the Lincoln portion contains chapters on the Perpetuation Address (understood as a prediction of Lincoln's own greatness and temptations and the rule of law) and the Temperance Address (understood as a serious political satire about a fanaticism in politics that would forget that men are between beasts and the divine). Magnificent chapters on the Declaration of Independence, the political debates over the Kansas–

12. *See* CRISIS, *supra* note 1, at 232.

13. HARRY V. JAFFA, CRISIS OF THE HOUSE DIVIDED 308 (1982) (emphasis added).

14. *See id.* at 39-180.

15. *See id.* at 405-09. Consider Douglas's thought in the light of Manifest Destiny and the notion of progress.

Nebraska Act, and the future of free government follow. All are commentaries on the Declaration of Independence, in particular its central truth that "all men are created equal."[16]

The doctrine of human equality means that government must proceed by consent. Not angels but men stand between God and beasts; men who are moved by reason but in the grasp of passions. Only government by consent can save men from despotisms of god-like men (who would soon reveal themselves as tyrants) or beasts. Hence, the central place of public opinion in regimes of freedom; hence, debates and words—recall Aristotle's very definition of man as the *logos* being—stand at the core of political life.

> Because of the requirement of consent, Lincoln felt a duty to adjust public policy to the moral sense of community. In the tension between equality and consent, in the necessity to cling to both and abandon neither, but to find the zone between which advances the public good is the creative task of the statesman. For this task there is no formula; for the wise statesman there is no substitute.[17]

These are the tensions that characterize Lincoln in the 1850s; they manifest themselves in modern democratic nations. It is the problem of modern democratic life. Cheap demagogues can distort these tensions, and subordinate the public good to private willfulness, as we have seen in recent American history. Lincoln could satisfy his own ambition while actually advancing the public good, not pretending to advance it. Don Fehrenbacher illustrated Lincoln's political instincts and tactics, and how a Machiavellian might profit from that side of Lincoln, in *Prelude to Greatness: Lincoln in the 1850's.*[18]

Jaffa's study of Lincoln is the most exquisite historical, biographical, and philosophical account that we possess about the man. It is truly Shakespearean. Jaffa creates a Socratic dialogue by bringing Douglas and Lincoln out of the Illinois of the 1850's and making them our contemporaries, and we theirs. Thus, Jaffa's interpretation of Lincoln is the serious study of political philosophy. What distinguishes Jaffa from ordinary historians (and political scientists) is his use of classical political philosophy to explain a political phenomenon. Studying Plato's *Republic* with Leo Strauss enabled him

16. THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

17. *Id.* at 377

18. DON E. FEHRENBACHER, PRELUDE TO GREATNESS: LINCOLN IN THE 1850'S (1964).

to see that the Lincoln-Douglas debates were about the fundamental Socratic question of justice, dealt with Socratically. We become like the citizens of Athens, treated to the presence of Socrates, invited to an eternal seminar on the abiding issues of political life, having our souls revealed and turned about. We are introduced to an age of heroes and villains. This is not just scholarship but an education in citizenship, requiring both humility and pride, the desire for greatness.

In all his work, Jaffa attempts to apply the lessons of classical political philosophy. The theme of classical political philosophy is the best regime, whether the philosopher-kings of Plato's *Republic* or the *panbasileus* (great king) or aristocracy of Aristotle's *Politics*.[19] The best regime is not necessarily intended to be realized, but it is, rather, to be used as a means of understanding the political and the human condition, both for practical and for theoretical purposes. The purpose of politics is to promote moral and intellectual excellence; hence, political life is an education in virtue—often a harsh business of subordinating individual wants to goodness and splendor and perhaps even justice.[20] This is a way of looking at politics that is utterly contrary to modern, Machiavellian-inspired politics, with its emphasis on temporal glory and private satisfaction, soft qualities that beget savage policies for mad purposes.[21]

Specifically, Jaffa teaches us about the enduring significance of the best regime, the central teaching of classical political philosophy. Hence, the political friendship of classical political philosophy remains the object of politics, even amidst the individualism and commercial character of modern regimes. Lincoln's greatest speeches, his Gettysburg Address and Second Inaugural, are examples of political friendship in the modern world that do not oppress, contrary to Rousseau's general will[22] and Marx's social man.[23] Rousseau and Marx recognized the threats to civic and

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19. PLATO, THE REPUBLIC OF PLATO (Allan Bloom ed. and trans., 1991). ARISTOTLE, THE POLITICS OF ARISTOTLE (Peter L. Phillips Simpson trans., 1997).

20. In the NICOMACHEAN ETHICS battlefield, courage is the first moral virtue, wittiness the last, before Aristotle proceeds to justice and friendship, and then the contemplative life. ARISTOTLE, THE NICOMACHEAN ETHICS (H. Rackham trans., 1962).

21. George Washington would cherish his privacy because he feared appearing a braggart about his good qualities; we today have far baser reasons for insisting on privacy. *See* RICHARD BROOKHISER, FOUNDING FATHER: REDISCOVERING GEORGE WASHINGTON 6 (1996).

22. JEAN-JACQUES ROUSSEAU, ON THE SOCIAL CONTRACT (Roger D. Masters & Judith R. Masters eds., 1978).

23. THE MARX-ENGELS READER (Robert C. Tucker ed., 2d. ed. 1978). See the early writings for references to social man, and then compare and contrast with Rousseau's general will. Cf. George P. Fletcher, *Our Secret Constitution: How Lincoln Redefined American*

social life posed by modern individualism, but their solutions were far worse than the disease. And Friedrich Nietzsche followed with even worse consequences—the destruction of reason and the call for the Superman.[24]

But Lincoln's cosmic poetry meets the radical creators and critics of the modern world with a cosmic poetry synthesizing Christianity and the classical virtue-forming western civilization. With the Gettysburg Address's majestic beginning of "Four score and seven years ago," he recalls the King James translation of the 90th Psalm, which placed the lifespan of a man at three score and ten, with four score being the outer limit, as a man's life became "labor and sorrow." In the midst of the Civil War, Lincoln compares the nation's life with the biblical lifespan. Can a nation last longer than any individual within it? Can free men rightly serve a temporal cause greater than themselves? That was the Founders' achievement and Lincoln's challenge to preserve.

Jaffa teaches us to savor Lincoln's exquisite crescendos of western civilization. Christianity can be hospitable toward Jew, nonbeliever, and those of other faiths through the ground of a common polity based on equal natural rights.[25] The wholeness of the ancient city can be restored through a balancing of the political and the transcendent. Thus America can be saved by saving the logos. The logos is what counts the most in his book and throughout his work. And the logos has a dual function, as a part of man's political nature and as a part of his being as a thinker.

In this way, Jaffa recalls the query of his first book, *Thomism and Aristotelianism*—How can ancient political philosophy be revived in the Christian world? The conceptions of nature, human nature, and the purpose of politics differ dramatically between the ancients, such as Plato and Aristotle, and the moderns, led by Machiavelli, refined by Thomas Hobbes and John Locke, and then radicalized by Rousseau, Marx, and Nietzsche. But besides this dimension for understanding the human condition, one can also look at the dramatic contrast between the lives of faith and reason. What does one obey—the dictates of one's faith or the necessity of one's own reason? Both require an obedience and a willingness to

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Democracy (2001). Fletcher gives an account of Lincoln reflecting Rousseau, not Plato and Aristotle.

24. FRIEDRICH NIETZSCHE, BASIC WRITINGS OF NIETZSCHE (Walter Kaufmann et al. eds. and trans., 1968).

25. *See* Letter from George Washington to the Hebrew Congregation in Newport ([August] 1790) *in* GEORGE WASHINGTON 547-48 (William B. Allen ed., 1996).

subordinate one's own willfulness to God or reason, respectively. Thus, both share certain moral premises. Jaffa has come to appreciate this commonality much more in recent years. One can contrast the way Jaffa treats St. Thomas Aquinas in his *Thomism* book with the way he treats Pope John Paul II in his recent writing.[26] The early book notes the deficiencies of Thomas's reading of Aristotle, while his more current writings emphasize the Pope's theoretical sagacity and his support of Jaffa's own view of America.

The forty years between *Crisis* and *New Birth* were productive, Jaffa's critics would maintain, of polemics but not of scholarship, as might be reasonably expected given the spectacular early books. The hiatus left many admirers, including former friends turned enemies, wondering whether he would complete the long-promised work. Moreover, his work over the last twenty-five years has included polemics against his former friends and colleagues.

There were, to be sure, two collections of essays, *Equality and Liberty*,[27] which contained some of his best work on critical elections and on the meaning of the Civil War, and *The Conditions of Freedom: Essays in Political Philosophy*.[28] But then came *How to Think About the American Revolution: A Bicentennial Celebration* which contained critiques of Irving Kristol, Martin Diamond, Wilmore Kendall, and M.E. Bradford.[29] Jaffa argued that these prominent neo-conservatives and conservatives had revolted against the American political tradition, which had the equality of the Declaration of Independence at its core. According to Jaffa, they are epigones, however unwitting, of John C. Calhoun and his amoral consensus politics and his doctrine of historical progress, not of the revolutionary politics of Jefferson and Lincoln based on eternal standards of right and wrong.

Jaffa elaborated on these attacks in other books, including *American Conservatism and the American Founding*.[30] Jaffa expanded his attacks on conservatives to include Judge Robert Bork (before he was nominated to the U.S. Supreme Court) and Chief Justice

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26. HARRY V. JAFFA, THOMISM AND ARISTOTELIANISM (1952). *See The False Prophets of American Conservatism*, speech at the Claremont Institute's Lincoln Day Conference, Feb. 12, 1998 (on file with author).

27. HARRY V. JAFFA, EQUALITY AND LIBERTY: THEORY AND PRACTICE IN AMERICAN POLITICS (1999).

28. HARRY V. JAFFA, THE CONDITIONS OF FREEDOM (2000).

29. HARRY V. JAFFA, HOW TO THINK ABOUT THE AMERICAN REVOLUTION: A BICENTENNIAL CELEBRATION (2001).

30. HARRY V. JAFFA, AMERICAN CONSERVATISM AND THE AMERICAN FOUNDING (1984).

William Rehnquist (principally for an article he wrote in 1976)[31] and wrote *Storm Over the Constitution*.[32] Interspersed with these books were public letters to friends and political figures, editorials, letters to the editor, lectures, and essays exhibiting audacity, brilliance, prickliness, and, not occasionally, self-righteousness.[33]

With particular relish, Jaffa attacked conservative figures, often in his friend William F. Buckley's *National Review*. What characterizes these polemics is the dialectical response to the question of what is political philosophy. The polemics contained a clarity and seriousness of purpose that advanced beyond earlier works. For example, Jaffa understood the homosexual rights movement to be a part of the attack on natural standards in general, including those of the Declaration of Independence, that make political freedom (for homosexuals as well) possible.[34]

To some, political philosophy appears simply to be the separation of corrupting politics from spiritual philosophy. This would allegedly be a politic treatment of philosophy. But political philosophy might even better be the philosophic treatment of politics—knowing the whole in light of the highest activity of the human part of the whole, the part that engages in politics. Hence, the study of Lincoln or other major political figures or events can be political philosophy as much as the study of a philosophic or literary text. *A New Birth of Freedom* demonstrates this to be the case even more clearly than *Crisis*. In significant part, this is due to a change that can be illustrated by a refinement of Jaffa's understanding of the Founding. *Crisis* appeared to make Lincoln clearly "the highest thing in the American regime"[35] by a kind of re-founding of the regime. "The Constitution is the highest American thing, only if one tries to understand the high in the light of the

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31. See HARRY V. JAFFA ET AL., ORIGINAL INTENT AND THE FRAMERS OF THE CONSTITUTION: A DISPUTED QUESTION (1994).

32. HARRY V. JAFFA, STORM OVER THE CONSTITUTION (1999).

33. Even a favorable reviewer such as Charles R. Kesler refers to some of his polemical writings as "occasionally splenetic and vainglorious." Charles R. Kesler, *A New Birth of Freedom*, THE CLAREMONT REVIEW OF BOOKS, Fall 2000, at 9.

34. The late Jaffa student John Adams Wettergreen made magnificent contributions to political philosophy and polemics, much of them in The Claremont Review of Books. *See, e.g.*, John Adams Wettergreen, *AIDS, Public Morality, and Public Health*, THE CLAREMONT REVIEW OF BOOKS, Fall 1985, at 3-6. *See also* John Adams Wettergreen, *Attacks on "AIDS, Public Morality, and Public Health,"* THE CLAREMONT REVIEW OF BOOKS, Winter 1985, at 24-26; John Adams Wettergreen, *John Adams Wettergreen Replies*, THE CLAREMONT REVIEW OF BOOKS, Winter 1985, at 27-31.

35. HARRY V. JAFFA, CONDITIONS OF FREEDOM 8 (2000).

low."[36]

It might be said that Jaffa has made the ancient or classical element of the American regime the entire Founding and Lincoln, instead of solely Lincoln. Moreover, his re-examination of the entire American political tradition uncovered ancient elements in such unlikely sources as Calvin Coolidge.[37] By using classical standards, Jaffa's study of Lincoln and his opponents enables us to assess what is enduring and marvelous about America. It uncovers the origins of our greatest partisan divide, the Civil War, and what ultimately makes us all part of one nation. Lincoln enables us to view political divisions, including our own today, in light of our greatest division, the Civil War. A nation conceived and dedicated to liberty and self-government cannot last if its principles are compromised. But, at the same time, government must proceed by the consent of the governed, which means that widespread sentiments, however repugnant or unenlightened, cannot be ignored. These tensions, the commitment to principle and to consent, make self-government an arduous task, scarcely congenial to the temper of our impatient times.

Whereas *Crisis* emphasizes Lincoln as a figure comparable to Churchill in his wilderness years or the Shakespearean kings in their struggles, *New Birth* comprehends the entire regime. We learn to view America as a regime, not as a constitutional abstraction or an historic episode. We are treated to the theory of equality as Jefferson came to understand it, and how deviations from that meaning arose between Jefferson's election in 1800 and Lincoln's election in 1860. The evolution of Jefferson's thought from his *Summary View of the Rights of British North America* to the Declaration of Independence puts America within the British legal and political tradition—and then transcends it, in the Kentucky and Virginia resolutions and then the election of 1800. In that election, for the first time in modern history, political power peacefully changed hands through a free election.

The second chapter explores the means of understanding the Declaration of Independence, contrasting the arid historicism of Carl Becker and his progeny with a deeper understanding based on classical political philosophy, the Bible, Dante, and Shakespeare. The third surveys "the divided American mind" of James Buchanan, Jefferson Davis, and Alexander Stephens to see their deviation

36. *Id.*

37. *See* THOMAS B. SILVER, COOLIDGE AND THE HISTORIANS (1982).

from the Declaration. Then come two magnificent chapters on Lincoln's First Inaugural, followed by a similar thorough treatment of his July 4, 1861, speech calling Congress into session following the April 12 attack on Fort Sumter and Lincoln's own military moves against seceding states. Just as he had brilliantly analyzed the speech and the deed of the Emancipation Proclamation, Jaffa explains the theory and practice of the politics of freedom in this speech, bringing the themes of this chapter back to chapter one.[38] The seventh and final chapter concerns John C. Calhoun,[39] "the philosopher-king of the Southern cause," focusing on his Oregon bill speech and his *Discourse and Disquisition*.[40] An appendix analyzes a speech by Stephen Douglas on his policy concerning slavery in the territories following the *Dred Scott* decision.

Here we see ambition even greater than in *Crisis*. Jaffa attempts to understand the entire modern world in terms of the corruption urged on the regime by that teacher of evil, John C. Calhoun. Jaffa's method (as we can see by his procedure in chapter 2) is to focus on the most important speeches involved, while understanding them in light of the major political events of the day and the great philosophic and theological debates of western civilization. At times the effect can be disorienting, as in his reference to Calhoun as a "right-wing Hegelian"[41] or in his use of Dante's *De Monarchia* to help explain the Declaration of Independence and *The Federalist*.[42] But Jaffa's powerful logic and learning make us see, in strange but rewarding ways, what we took to be familiar.

While not making the case for Calhoun's significance as effectively as he had made the case for Douglas's, Jaffa's analysis is powerful nonetheless. We see the corrosive effect of German idealism on the American soul, as historical evolution replaces natural rights in a native son. Jaffa shows us how the powerful pro-slavery ideology, or any other doctrine rooted in modern political philosophy, can come to the fore in an hitherto immune system. The key here is his belief in the power of speech, especially in a regime where public opinion makes laws possible.

Jaffa dramatically portrays this effect by comparing the 1818

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38. *See* EQUALITY AND LIBERTY, *supra* note 27, at 40-68 (1999); HARRY V. JAFFA, NEW BIRTH OF FREEDOM 397 (2000).

39. *See also* UNION AND LIBERTY: THE POLITICAL PHILOSOPHY OF JOHN C. CALHOUN (Ross M. Lence ed., 1992).

40. *See* NEW BIRTH, *supra* note 2, at 282.

41. *Id.* at 85.

42. *Id.* at 147.

anti-slavery views of the young Roger Taney with his denial, while sitting as the Chief Justice of the Supreme Court, that anyone could think in such ways in his infamous *Dred Scott* opinion. We see epitomized in Taney the deterioration that afflicted the entire nation.[43] And Jaffa recalls the poignant tale of former Vice President Richard M. Johnson, a slaveholder, mourning the death of his mulatto daughter.[44] Slavery corrupted its masters in a variety of ways.

Jaffa has had his "second sailing," and he arrived back home in America. He has proclaimed his homecoming over the years, but most forcefully in *New Birth*. In his forty-year hiatus Jaffa developed powerful arguments against Progressive politics, as much as he had assailed the work of the Progressive historians from Randall through Hofstadter. Jaffa goes further in *New Birth* than he did in *Crisis* by attributing classical elements to the Founders as well as Lincoln, while maintaining the distinctiveness of the Gettysburg Address.[45] Lincoln's statesmanship grows out of the Founding and does not transcend it, in the way *Crisis* limned. There is less contrast between Washington—whose Farewell Address is noted only for its utilitarian discussion of religion[46]—and Lincoln.[47] Gone is the language of "political religion," to be replaced by Christianity itself as the font of democracy. In other words, *New Birth* is much more respectful of the achievement of the Founders, whose task is completed, not transfigured, by Lincoln and the character of the regime as a whole, including its decisively Christian elements.

Jaffa's reading of Lincoln puts us in touch with the eternal in a

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43. *See id.* at 219-21.

44. *Id.* at 331-33.

45. *See, e.g.*, NEW BIRTH, *supra* note 2, at 78. "In all the literature of the world, perhaps only the Sermon on the Mount and the Lord's Prayer have been repeated so often or have evoked such feelings of reverence and piety as the Gettysburg Address." *Id.* One might contrast his view of the Declaration in *Crisis* with his view of the Founding in *New Birth*:

> To sum up: in the old, predominantly Lockean interpretation of the Declaration civil society is constituted by a movement away form the state of nature, away from the condition in which the equality of all men is actual. But in Lincoln's subtle reinterpretation civil society (i.e., just civil society) is constituted by the movement *toward* a condition in which the equality of all men is really a necessary condition of the legitimacy of the claims of the government upon the governed. But it is also a sufficient condition . . . . In short, the Declaration conceives of just government mainly in terms of the relief from oppression. Lincoln conceives of just government far more in terms of the requirement to achieve justice in the positive sense . . . .

CRISIS, *supra* note 1, at 321.

46. *See* CRISIS, *supra* note 1, at 238.

47. *See* MATTHEW SPALDING & PATRICK J. GARRITY, A SACRED UNION OF CITIZENS: GEORGE WASHINGTON'S FAREWELL ADDRESS AND THE AMERICAN CHARACTER (1996).

way our contemporary politics is too often contemptuous of. In his First Inaugural Address, Jaffa explains that Lincoln "is delivering a lecture to all men and all times on the essentials of free government."[48] The speech, delivered as the South seceded from the Union, explains why constitutional democracy is the only alternative to anarchy or despotism. At the time Lincoln's argument could not be taken for granted, as we do today. Though some today may complain of having been "disenfranchised," losing an election is not like losing one's citizenship. But for the South, the choice was that stark. And for Lincoln the unchallenged anarchist or the tyrannical self-assertion of the South would doom the cause of constitutional democracy forever. Thus, the Civil War was a war over slavery in two senses of the term, not just over the black slaves; the case for the freedom of the slaves is at one with the case for freedom and self-government generally.

After all, "the central idea of secession" involved a rejection of the eternal higher law of the Declaration of Independence, "the laws of nature and of nature's God" and the equality of rights that underlies the Constitution. Thus, the Civil War was not a struggle between state rights and national supremacy. It was, rather, as Jaffa patiently explains, a conflict "between two different conceptions of state rights and two different conceptions of what constituted the nation."[49] He devotes two entire chapters—118 pages—to an analysis of the First Inaugural, including 62 pages on two paragraphs of the speech.[50]

In an era of identity politics, Jaffa brings forth the Platonic theme of human and political identity arising from the speech. As Lincoln declared: "Unanimity is impossible; the rule of a minority, as a permanent arrangement is wholly inadmissible."[51] A constitutional majority, restrained by checks and limitations, "and always changing easily, with deliberate changes of popular opinions and sentiments," is the only true sovereign of a free people.

Thus, the forms of "state rights" and "federal power" are empty conceits unless they both support the fundamental natural rights of the Declaration of Independence. Properly understood, both are congruent means of protecting the same fundamental rights and enabling self-government to flourish. Both secessionist and abolitionist would abandon the restraints of the Constitution when con-

48. NEW BIRTH, *supra* note 2, at 280.
49. *See* NEW BIRTH, *supra* note 2, at 251.
50. *See id.* at 279-341.
51. THE COLLECTED WORKS OF ABRAHAM LINCOLN (Roy P. Basler ed., 1968).

venient.

Jaffa places all this in the context of western civilization. His argument for American exceptionalism makes the Declaration of Independence a document to be compared with the Ten Commandments. Moreover, the enemies of the Declaration, including those who distort its meaning or slight it, are to be treated politically as traitors—hence the Nazi comparisons—and academically as charlatans—including his former friends.[52] Jaffa behaves like a high priest who detects impieties in the proceedings and denounces those involved as heretical. For example, he upbraided Harvey Mansfield for calling the truth of human equality a "self-evident half-truth."[53] Thus, conservatives who might often be allies in the political wars are, nonetheless, the targets of Jaffa's trenchant criticisms.

Apologists for the South are enraged by Jaffa's comparisons of slavery and Southern heroes such as Jefferson Davis with Nazism and the Nazis. "The Civil War was as much a war between differing versions of Christianity (or about the teaching of the Bible) as it was about slavery and the Constitution."[54] America, according to Jaffa, has its theologico-political problem as much as any nation in western civilization.

Jaffa's polemics contain a serious lesson about the political influence of Darwin and any conservatism that bases itself on "tradition" or "history." "[I]f ever there was a nation annihilated politically on the battlefield that nonetheless imposed the yoke of its thought upon its conquerors, it was the Confederacy."[55] These most fundamental challenges persist; in a sense the Civil War is still being fought. The true heirs of the Confederacy no longer wear gray—unless in a suit—but they share the Confederates' rejection of a moral truth transcending historical evolution. These latter-day rebels now dominate our universities, foundation boards, and other unelected positions of power. For these post-modern elites, the very idea of constitutional government is an unwanted encumbrance on their appetites. It is plain from Jaffa's *New Birth of Freedom* that today's most prominent representative of the abiding message of the Confederacy is not some Civil War re-enactor and

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52. *See* NEW BIRTH, *supra* note 2.

53. Harvey C. Mansfield, *Returning to the Founders*, NEW CRITERION, Sept. 1993, at 50; *see also* Thomas G. West, *Jaffa Versus Mansfield: Does America Have a Constitutional or a "Declarational" Soul*, Paper presented at the Annual Meeting of the American Political Science Association in Washington, D.C. (Sept. 2000).

54. JAFFA, *supra* note 2, at 153.

55. *Id.* at 86.

certainly not Attorney General John Ashcroft, but, rather, the sort who dispute "what the meaning of *is* is."

Jaffa has recently made plain the theoretical understanding behind such conclusions:

> That the Founding, which Lincoln inherited, was dominated by an Aristotelian Locke—or a Lockean Aristotle—has been a conspicuous theme of my writing since 1987. It has gone largely unnoticed because it contradicts the conventional wisdom of certain academic establishments.
>
> After speaking of our unalienable rights, to secure which governments are instituted, the Declaration of Independence goes on to say that "whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundations on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness." Notice that in the second institution, or reinstitution of government, "rights" become "ends." And these ends are now said to be "Safety" and "Happiness," the alpha and omega of the political life in Aristotle's *Politics*.
>
> In one form or another, this morphology of Lockeian "rights" into Aristotelian "ends" (or vice versa) recurs in many of the documents of the Founding. Washington in his first inaugural address as president, says that "there is no truth more thoroughly established than that there exists in the economy and course of nature an indissoluble union between virtue and happiness." The pursuit of happiness is thus understood as the pursuit of virtue. It is difficult to imagine a more forthright Aristotelianism in Hooker or Aquinas.[56]

In addition, Jaffa has explained the change in his understanding of Strauss and his political purposes as follows:

> I took for granted that the account of the Hobbesian Locke in Leo Strauss's *Natural Right and History* represented the Locke that informed the American Founding. That rights were prior to duties, that duties were derived from rights, that civil society arose from a contract solely for mutual self-preservation, and that the goods of the soul were subordinated in all decisive respects to the goods of the body, were conclu-

56. Harry V. Jaffa, *Aristotle and Locke in the American Founding*, 1 CLAREMONT REVIEW 2, 10 (2001).

sions of Strauss's interpretation. Strauss himself never said that this Locke was the Founders' Locke, but the spell cast by his book led many of us to apply it to the Founders. Many former students of Strauss, to this day, regard it as heresy to think that Strauss's chapters on Hobbes and Locke do not constitute the authoritative account of the philosophic foundations of American constitutionalism. When presented with the evidence of Aristotelianism in the Founding, they react like the scholastics who refused to look into Galileo's telescope: "If it confirms Aristotle it is redundant; if it contradicts him it is false." Strauss himself said that Aristotle would have been the first to look through the telescope.

Strauss was clear, in *Natural Right and History*, that his was an account of Locke's esoteric teaching, but that Locke's exoteric doctrine was far more conventional, and far more consistent with both traditional morality and traditional (albeit more tolerant) Christianity. Strauss also taught us that the authors of the past—and this certainly included political men no less than philosophers—were to be understood as they understood themselves, before the attempt was made to understand them differently or better. It was, and is, an anachronism to assume that the Founders read Locke through the eyes of Strauss![57]

Why is this political philosophy? Why isn't this simply a superior species of intellectual history subject to the same historicist criticism Jaffa has leveled at the historians? Socrates brought philosophy down from the heavens to the earth, Cicero remarked. It could be said that Jaffa brings Leo Strauss and his critique of nihilism into America.[58] Thus, just as his *How to Think About the American Revolution* is a book about how to think, so his *New Birth of Freedom* represents an attempt to give philosophy, itself, a new birth, with Jaffa in the Platonic role of midwife.

Post-modernism and analytic philosophy are both sterile. The brilliant promise of the Straussians has burned itself out in a similarly sterile enterprise of exasperating textual exegeses without moral or political purpose, or politically as a cynical Hobbesianism. Jaffa has the audacity to "ask the question that Plato himself asked, but did not answer, of whether natural right could become political

57. *Id.*

58. *See* LEO STRAUSS, NATURAL RIGHT AND HISTORY (1953).

right."[59] In his long career Jaffa might have focused his genius on the study of, say, Greek texts, but he instead chose America as his grounding and Strauss and his students as a means of reviving philosophy. Politics becomes the ground, Strauss's themes of ancients and moderns, reason and revelation the inspiration for thought. We learn to read the greatest texts of all time in a new light, and we are all the better citizens of America for this knowledge. For those with the gift of faith, he has shown how Christianity, not just civil religion, can complement citizenship. The moral and political edification of his fellow citizens is his goal as he restores the human soul to health, with spiritedness, eros, and wisdom all playing their parts.

59. JAFFA, *supra* note 2, at 121.