

Lincoln and Democratic Values

Federalism, American Transcendentalism, and the Moral Preconditions of Democracy

HOLU 3970

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Office Hours: Thursdays 1-4 in Lowenstein; Tuesdays by appointment; Fridays 3-5 in Collins 119 at RH. Some Wednesdays I will be at LC for meetings but often at RH; Mondays home.

Course Goals. This course is an interdisciplinary senior values seminar designed to provoke reflection on the nature and justification for democratic government, with major episodes in American history as examples. Democracy as a moral ideal is more than majority rule: it requires other principles to determine the scope of matters on which the legislature may rule. We will survey themes related to this central question in American political philosophy from the *Federalist Papers* to the Lincoln-Douglas Debates, focusing on rival conceptions of the moral conditions that must be met for democratic government count as legitimate or deserving our principled allegiance. Using famous texts by Henry Jaffa and Gary Wills, we will consider the relation between popular sovereignty and human rights; the balance between personal conscience and constitutional order; and arguments for greater centralization of power for essential coordination and to secure basic justice. We will reconstruct this ideal of democratic justice from the tradition of ‘civic republicanism’ as it developed in the Federalist and Whig parties up to 1865, and consider its relevance for national and global government today.

Major Topics. Although historical figures and developments in American government will be discussed throughout the course, our focus will be on philosophical questions about what makes government legitimate or just. In particular, is there a normative conception of democracy that can explain why it is more than mere “tyranny of the majority?” What is the basis of the right to popular sovereignty and what is its relation to other basic human rights? This issue was at the heart of the debates between federalists, state rightists, and abolitionists in the period leading up to and during the American civil war. By examining key statements on democracy and slavery in this troubled time, especially Lincoln's speeches and writings, we will examine questions of continuing importance today, such as

- whether *revolution* or the forcible overthrow of an existing government by its own citizens is ever justified;
- under what conditions might unification of distinct sovereign entities into a new political entity be justified (e.g. when should separate states cede some of their sovereign powers to a federation);
- whether democratic rule is simply a system to reward dominant interests (whether the majority

- should always get its way) or whether it has stronger moral presuppositions;
- whether unity in a large federal system is better than a system in which each state sets most of its own public ethical and legal standards, and
- whether there is any clear position between legal positivism and external moral law that could help the politician should balance private conscience with constitutional order.

Lincoln's interpretation of democracy provides an especially useful focal point for these reflections both because of its enormous historical impact on the development of our own republic, and because Lincoln synthesized various different traditions of American thought. In short, Lincoln refounded American democracy on the conception of equal dignity epitomized in the Declaration of Independence. As his thought developed, Lincoln became increasingly convinced that popular sovereignty and fundamental human rights are derived from the *same root* in natural law, implying that no sovereign power can become legitimate by popular suffrage alone without respecting the inherent dignity of all individuals.

We will begin the course by looking at the debate between proponents and opponents of strong central government from the *Federalist Papers* to the 19th-century debate between Whigs and Southern Democrats over popular sovereignty, nullification, and secession. We will then look at representative writings by abolitionists, and at a crucial argument against slavery that descended from Hegel through Emerson's Transcendentalism into Lincoln's own thinking. We will see how Lincoln draws together ideas from both these transcendentalist and federalist traditions, both in the Lincoln-Douglas debates and subsequent statements and writings. The course concludes with a study of the lasting impact of Lincoln's Gettysburg Address.

Required Texts:

- (1) Harry V. Jaffa, *The Crisis of the House Divided* (2nd ed. Univ. Chicago Press, 1999);
- (2) *The Lincoln-Douglas Debates*, ed. Harold Holzer (Fordham Univ. Press, 2004 reprint).
- (3) *Lincoln on Democracy*, ed. Cuomo and Holzer (Fordham Univ. Press reprint, 2004) [Lincoln's principal writings & speeches].
- (4) Gary Wills, *Lincoln at Gettysburg: The Words that Remade America* (Simon & Schuster, reprint edition, 1993).
- (5) *Federalist Papers*, Penguin/Mentor edition edited by Charles Kessler and Clinton Rossiter.
- (6) Course packet for all other readings. \$15 paid by money order to Fordham University.

Other recommended sources on reserve.

James M. McPherson, *Abraham Lincoln and the Second American Revolution* (1991); esp. ch.III, "Lincoln and Liberty," which describes the Southern "Herrenvolk" conception of democracy, arguments that slavery was *necessary* for freedom, and Douglas's links to these ideas.

Glen E. Thurow, *Abraham Lincoln and American Political Religion* (1976); especially good on the Gettysburg Address and the Second Inaugural)

David Zarefsky, *Lincoln, Douglas, and Slavery* (1990); esp. ch.6 on "The Moral Argument" against slavery, Douglas's "procedural" and pragmatic conception of legitimacy vs Lincoln's moral teleology of "public sentiment" conception.

Course Assignments:

An oral report	15%	Includes 2-3 page written presentation on a reading.
Two short answer assignments	25%	2-page short response to a question on one reading.
Take-home test	20%	Covers readings through early November
One final paper	25%	12 pages + on topic agreed with me in advance.
Class participation	15%	Includes attendance and advance reading to prep for active participation in class discussion.

Honesty and Citation: Cheating is the one unforgivable sin. Handing in work you did in another class without clearing it with me is cheating. Handing in work from anyone else or any secondary source without citing it constitutes plagiarism, and is grounds for failing the course. You are welcome to bring in ideas and quotes from secondary sources, but you must cite them either by footnotes or parenthetical references referring to a bibliography at the end of the paper.

—This includes paraphrases: even if you reword what the author said, cite the page number.

—It also includes websites: give the full URL of the page you cite. Note that webpages should *never* be the only source you cite in college essays.

Course Schedule

Sept. 5: Introduction to the Class;

- (1) Five major course themes.
- (2) John Locke's *Second Treatise of Government* on the right to revolution (course packet)
- (3) The distinction between the "Public Choice" (or market model) and "Deliberative" conceptions of democracy.
- (4) Analogy between the Federalist Problem and the problems of the current world order w. UN.

Sept.12: Federalism vs States' Rights

- (1) Selections from the *Federalist Papers* (esp. #1-7, 15, 23, 31, 37, 38, 45-47)
- (2) Selection from the *Anti-Federalist Papers* (esp. the speeches of Patrick Henry -- packet)
- (3) Alexander Hamilton, "The Federal Constitution" (*World's Great Speeches* -- packet)
- (4) James Madison, "The States and the Federal Government" (*World's Great Speeches*)
- (5) Other speeches by Franklin, Marshall, Hamilton, and Washington (*World's Great Speeches*)

Discussion points:

- Background to the 1789 Constitution and its toleration of slavery
- 1789 Constitution vs Articles of Confederation: enumerated powers, indirect election of senators and president, new taxation powers, direct election of House, etc.
- The meaning of democratic sovereignty, federalism, and republican government.
- Washington's longer (undelivered) inaugural address.

Sept.19: Federalism vs States's Rights continued

- (1) John Calhoun, "Slavery" (*World's Great Speeches* -- packet)
- (2) John Calhoun, selections from *Disquisition on Government* (packet)

- (3) Jefferson Davis, "Withdrawal from the Union" (*World's Great Speeches* -- packet)
- (4) Daniel Webster's masterpiece: "Reply to Hayne" (*World's Great Speeches* -- packet)
- (5) Henry Clay, "On the Compromise of 1850" (*World's Great Speeches* -- packet)
- (6) Edward Everett, President of Harvard, "Crime of Rebellion," from his oration at Gettysburg, in *Lincoln at Gettysburg*, 233-247.

You may also wish to look ahead to Lincoln's Address to the Joint Special Session of Congress, July 4, 1861: *Lincoln on Democracy*, 217-225 [slated for discussion on Nov. 14]

Sept. 26: From Hegel to Emerson to Lincoln: Development of an Argument Against Slavery

Short response paper #1 due on Federalism vs Anti-Federalism (topics to be assigned).

- (1) Hegel: *Phenomenology of Spirit*, 1807. Analysis of the following sections (course packet):
 "Independence and dependence of self-consciousness: Lordship and Bondage;"
 "The Enlightenment;" and
 "Absolute Freedom and Terror;"

Discussion: Hegel's Notion of a Healthy, Authentic Community vs Individualism.

- (2) Emerson: "Compensation." Recommended: "Spiritual Laws" (in Emerson's *Essays* -- packet)
- (3) Lincoln's "LETTER TO BOSTON REPUBLICANS:" *LINCOLN ON DEMOCRACY*, 154-155.
- (4) Lincoln's Second Inaugural Address: *LINCOLN ON DEMOCRACY*, 340-342.

Class discussion: Historical Background to the Civil War (see dates in course packet):

- The Missouri Compromise
- The Kansas-Nebraska act
- the phenomenon of the Purple Dream & Southern confidence.
- the influence of Harriet Beecher Stowe, *Uncle Tom's Cabin*, 1852
- Justice Taney's Dred Scott Decision, 1857

October 3: Abolitionism and American Transcendentalism

- (1) Henry David Thoreau, *Slavery in Massachusetts* and *A Plea for Captain John Brown* (in course packet): individualism, higher law; from passive resistance to armed warfare.
 - (2) Emerson: selections from *Emerson's Antislavery Writings* (in course packet)
 - (3) *Lincoln at Gettysburg*, Prologue, 11-40.
- Recommended (not required): *Lincoln at Gettysburg*, ch.1 on the American Greek Revival.

October 10: Abolitionism and American Transcendentalism continued:

- (1) Charles Sumner, "The Crime Against Kansas" (*World's Great Speeches*, p.291 -- packet)
- (2) William Seward, "The Irrepressible Conflict" (*World's Great Speeches*, p.295)
- (3) John Brown, "On Being Sentenced to Death" (*World's Great Speeches*, p.298)
- (4) William Lloyd Garrison, "On the Death of John Brown" (*World's Great Speeches*, p.299)
- (5) Henry Ward Beecher, "The System of Slavery" (*World's Great Speeches*, p.317)
- (6) *Lincoln at Gettysburg*: ch.3, 90-120: Transcendentalist interpretation of Jefferson and the *Declaration of Independence*.

October 17: Slavery and The House Divided

Lincoln's difficulty in reconciling abolitionism and political realism:

- (1) *Lincoln on Democracy*: Introduction, xxix-xl; Young Men's Lyceum Address, 15-23;

Lincoln and Slavery: Against Kansas-Nebraska Act and Dred Scott, 55-94.
(2) *Lincoln on Democracy*: The House Divided speech, July 10 speech against Douglas, July 17 and August 17 speeches, and other fragments, 118-125; 127-128; and 130-131.
Short response paper #2 due on American Transcendentalism (topics to be assigned).

October 24: Introduction to the Lincoln-Douglas Debates

(1) *Lincoln-Douglas Debates*, First and Second Debates (August 21 & August 27), 40-135.
--Lincoln vs Douglas's popular sovereignty argument for the toleration of Southern slavery.
--Lincoln's *Declaration*-based doctrine of legal equality with political and social inequality.
--Lincoln's Hegelian notion of reciprocity as universality; parity-of-reason arguments.

(2) Henry Jaffa, *The Crisis of the House Divided*:

ch.I: "The Crisis in Historical Judgment" (concerning revisionist analyses of Lincoln)

ch.II: "Lincoln versus Douglas: the Alternatives" (26-37).

ch.XI: "The Legal Tendency toward Slavery Expansion" (275-293)

ch.XII: "The Political Tendency toward Slavery Expansion" (294-301)

October 31: The Lincoln-Douglas Debates continued:

(1) *The Lincoln-Douglas Debates*, Fourth Debate (September 18), Lincoln's Speech (189-203); Fifth Debate, Main Speeches (October 7), 234-268; Seventh Debate, Main Speeches (October 15), 321-362.

(2) Recommended: Jaffa's Interpretation of Douglas, *Crisis of the House Divided* Chs. VI-VII.

(3) Recommended: Richard Hofstadter; "Abraham Lincoln and the Self-Made Myth," *The American Political Tradition*, p.118-175 (on eres reserve).

Nov. 7: Jaffa's Argument for Lincoln continued

(2) Jaffa, *The Crisis of the House Divided* (course packet):

ch.XIV: "The Universal Meaning of the Declaration of Independence" (308-329).

ch. XV: "The Form and Substance of Political Freedom in the Modern World" (p.330-346).

ch. XVI: "Popular Sovereignty: True and False" (347-362).

Take Home Test due

Nov.11. Overnight stay at Gettysburg (voluntary; not required).

Nov.14: the Presidency and Secession

(1) *Lincoln on Democracy*, 141-148; 156-180, 231-233: The Cooper Union Address and various writings on labor and capital.

(2) *Lincoln on Democracy*, 183-229: First Inaugural and the Argument for Constitutional federalism against States' Rights; Suspension of the Writ of Habeas Corpus; Emergency powers and their limits.

Topics for final paper due by email or in person.

Nov.21: Final Emancipation: Lincoln's bargain with Transcendence.

(1) *Lincoln on Democracy*, 237-274: the difficult road to the Emancipation Proclamation.

(2) David Herbert Donald, *Lincoln*, ch.13: "An Instrument in God's Hands," 354-376 (packet)

- (3) James McPherson, *Abraham Lincoln and the Second American Revolution*, chs.2-3 on Lincoln, Revolution, and the concepts of negative and positive liberty (packet)

Nov. 28: Lincoln's Revolution

- (1) *Lincoln on Democracy*, 275-308: War Powers and the Gettysburg Address.
(2) *Lincoln at Gettysburg*, ch.4, 121-147; Lincoln establishes the supremacy of the federal gov.
(3) *Lincoln on Democracy*, 313-349: the Second Inaugural and last addresses.
(4) *Lincoln at Gettysburg*, Epilogue, 177-189: Comparison of the Gettysburg Address to the Second Inaugural.

Dec.5: The Constitutional Amendments: Towards Reconstruction

- (1) Philip Shaw Paludan, *The Presidency of Abraham Lincoln*, ch.15, "The Reconstruction Proposition," and "Conclusion," 297-319 (Eres).
(2) Frederick Douglas, "The Meaning of July Fourth for the Negro" and "Oration in Memory of Abraham Lincoln," 1876 (*World's Great Speeches*, in course packet).

Dec.12. Final class meeting in lieu of exam.

Final term papers due.