

**Alan Levine, Thomas W. Merrill, and James R. Stoner**, eds. *The Political Thought of the Civil War*. Lawrence, KS: University Press of Kansas, 2018. vii, 421 pp. (\$39.95 cloth).

Introductions to anthologies are often lowest common denominator affairs – throw away reads on the way to the meaty essays that might lurk within a volume. Not so in *The Political Thought of the Civil War*. Editors Alan Levine, Thomas W. Merrill, and James R. Stoner present a thoughtful essay that is itself one of the highlights of this collection.

Levine, Merrill, and Stoner observe that despite the Civil War's definitive conclusion, its meaning and its implications are still unclear and therefore worth the careful attention of political theorists. This "deliberative approach" (3) avoids the reductionist "morality play" (2) present in much of the popular literature on the era. It also supplements historical and philosophical scholarship. While crediting the insights offered by these other fields, the editors describe how the particular methods of political theory grants special insight: by deliberately crossing boundaries of chronology and thought, by being sensitive to the interplay of ideas and outcomes, and by introducing considered normative judgments.

Three critical "regime questions" are engaged by the essays gathered: the place of slavery within the United States, the "tension between substantive morality and procedural constitutionalism" (6), and whether the Constitution is up to the task of organizing a multiracial, pluralistic society. The thematic coherence of the volume is understandably thin, however. Each author explores their own subject in turn, often without much reference to these categories, making the essays seem organized as much by chronology as by theme.

Subjects for chapters range widely. Levine himself explicates "scientific racism." This was a view offered by some academics prior to the war, which claimed that the "African race" was a different and inferior species, not capable of sustaining civilization. His conclusion is that since science itself is value-neutral it will inevitably be tinged with the prejudices of the day, as it was in this instance. Not surprisingly, several essays deal with Abraham Lincoln's political thought. They include Diana J. Schaub's spry defense of how Lincoln moved public audiences from racial animus toward racial sympathy through "rhetorical jujitsu." The speech examined is his 1857 response to the Dred Scott decision. Schaub describes how Lincoln subtly moved the rhetorical frame away from whites being polluted by racial intermarriage (a favored theme of Stephen Douglas and others) to the toll slavery took on black women. Among the essays dealing with the war's aftermath is Jonathan O'Neill's consideration of the value of Southern criticisms of the North. Various Southerners found the North too coarse, too consumerist, overly committed to a leveling egalitarianism, and bent on the centralization of power. O'Neill suggests that these observations still offer valuable insight when shorn of their original racist rationale.

Certain essays serve as useful primers for those who simply want to understand the era's constitutional politics. Steven B. Smith and Caleb Verbois both provide defenses of Lincoln's actions as a constitutional leader, as opposed to one less committed to legality and more dictatorial in nature. This is familiar scholarly ground and what they observe is well within the

mainstream of Lincoln scholarship. The pair of essays offers the only serious editorial misstep of the collection. These chapters overlap significantly and draw similar conclusions. The same extensive quote of Lincoln's July 4, 1861 address to Congress is used, for instance, claiming that he did not violate any law. Besides being repetitive, the quotes themselves are from different sources that employ different syntax and have reference styles that do not match. A further rewrite, substantial or not, would offer each author a better chance to signal his unique contribution.

There are essays that offer substantial new views. Perhaps the most insightful is Michael Zuckert's linking of James Madison's political thought with the "Civil War Amendments." Despite Madison's terrific efforts to affect a new constitutional order in 1787, he famously ended up being rather disappointed by the end result. The Constitution could not effectively restrain tyrannical practices by states because it lacked a national veto of state legislation. Zuckert argues that Madison's wish for "corrective federalism" is what also animated the Civil War Amendments. The Fourteenth and Fifteenth Amendments in particular granted the national government "a general supervisory power over the states" (314). Governing decisions would remain primarily with the states, including decisions about the administration of justice and the conduct of elections. At the same time, these new amendments allowed the federal government the power to provide effective and meaningful curbs on problematic state behaviors. Thus, the Civil War Amendments completed American constitutionalism in a vital Madisonian way.

James H. Read enters the fray with an essay about how a variety of Southern politicians viewed secession, noting in each the long and problematic shadow cast by John C. Calhoun. William B. Allen offers the novel interpretation that once the war had begun, slavery itself could not have survived. Phillip B. Lyons praises Lincoln's approach to Reconstruction, combining a zeal for the end result of securing African American rights with a patient and realistic gradualism about who would have the franchise. These essays will spark fresh dialogue about this familiar era in American political history.

While there is very little self-conscious interplay between chapters, there is an interesting latent discussion about natural rights worth noting. Merrill's chapter on Thomas Jefferson describes what may be a fatal contradiction in natural rights theory: Jefferson logically posited that the natural rights familiar to the founding era justified the self-preservation of the American citizenry and their regime. Unfortunately, in Jefferson's mind this right to preservation necessitated denying the rights of others, most notably slaves, because freed slaves posed an existential threat to the American regime. This observation brings fresh insight to Jefferson's pithy phrase of "having the wolf by the ear," and not being able to safely hold him or let him go. Merrill's larger question is this: when domesticated, do natural rights become a weapon aimed at outsiders?

Daniel S. Malachuk stakes out a position that seems diametrically opposed to Merrill. Malachuk laments the loss of the natural rights consensus that existed during the founding that Lincoln was heir to. He stresses that this makes us misunderstand the Abolitionists. Because

they fit firmly within the natural rights tradition, they were not the radicals of the age. The real radicals were slavery advocates who helped end the natural rights consensus. In the years since a variety of forces have led soulless statism to replace that former polestar of liberalism. Malachuk argues that natural rights could again be effectively marshaled to benefit millions, particularly those held in conditions of slavery. O'Neill's chapter likewise defends natural rights over a more relativist modern pluralism, as does Peter C. Myers' work on Frederick Douglass. These ideas will joust in the minds of readers.

Each chapter is a convenient length, easily read in one sitting. As a whole, the volume is probably not sufficiently accessible for lay readers or any but the most specialized of graduate classes. Scholars of American Political Thought will want *The Political Thought of the Civil War* on their shelves. Despite the inevitable gaps produced by a one-volume treatment, it demonstrates the eclecticism and vibrancy of historical political theory and adds greatly to our consideration of the era and the American nation.

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