



# Increased Devotion Equality, the American Founding, and Abraham Lincoln

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Thesis  
Submitted in Partial Fulfillment of  
the Requirements for the Degree of  
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**INTRODUCTION**

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness (*Declaration of Independence*, 1776).

That “all men are created equal” was, according to Thomas Jefferson, “common sense.” As he wrote near the end of his life, with the fiftieth anniversary of the Declaration approaching, the Declaration of Independence was not written to set forth “new principles, or new arguments, never before thought of...but to place before mankind the common sense of the subject, in terms so plain and firm as to command their assent.” It was simply an “expression of the American mind,” of “the harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, &c . . .” (Jefferson, 1825). The American people may have been the only people in the world ever to have declared the “the palpable truth” of human equality as the foundation of their politics; but it was a truth, they thought, on which self-government was based, and it offered hope to all mankind that they, too, might “assume the blessings and security of self-government” (Jefferson, 1826). That this equality doctrine was central to the American Revolution is affirmed by countless public documents of the period, in which the Revolutionaries proclaim it and build

their argument for self-government upon it. Typical state declarations or bills of rights and constitutions, written during the war for independence, show Americans reasoning from the principle of equality to the foundations, purposes, and forms of self-government. The 1776 Virginia Bill of Rights, for example, reasoned that “all power is vested in, and consequently derived from, the people” who are all “by nature equally free and independent” with “certain inherent rights of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity, namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety” (Mason, 1776). Similarly, the Massachusetts Declaration of Rights, adopted in 1780, reasoned that because “All men are born free and equal,” they “covenant” with each other individually and as a whole to form a “body politic,” which is the basis for free government, and the ends of which are the safety and happiness of the consenting people (*Massachusetts Declaration of Rights*, 1780).

These and many other founding documents demonstrate that the American Revolutionaries and Founders thought they understood the idea of equality and its implications for our political life. The signers of the Declaration were so confident that they understood this “self-evident” truth that they fought a revolution and established new political institutions, pledging their “lives, fortunes and sacred honor” on its behalf. But however confident the American Revolutionaries may have been that they understood the meaning of equality, Americans have disputed its meaning ever since they declared it to the world. For over 230 years, American politicians, jurists, citizens, and scholars have argued with one another about the meaning and implications of the idea on which their country rests. America’s greatest political crisis—the Civil War—revolved around disputes over the meaning and implications of the self-

evident truth of human equality, and to this day our leading intellectuals disagree radically and in many different ways about its meaning and its relation to our history and political life.

No scholar of the 20th or 21st century has more thoroughly and thoughtfully explored this subject than Harry V. Jaffa. Jaffa is the Henry Salvatori Professor of Political Philosophy Emeritus at Claremont McKenna College and Claremont Graduate University and a distinguished fellow of the Claremont Institute for the Study of Statesmanship and Political Philosophy. He has written studies of Shakespeare and Churchill and several collections of essays on political philosophy and American politics, including *Equality and Liberty, The Conditions of Freedom, How to Think About the American Revolution, American Conservatism and the American Founding, Original Intent and the Framers of the Constitution: A Disputed Question*, and *Storm Over the Constitution*. It is not an overstatement to say that he has devoted a lifetime of scholarship to understanding the American idea of equality. In the course of more than half a century of thought and study, he has taken into account virtually every contending view of the subject and has strongly argued for his own. An examination of his scholarship should assist us in understanding what Abraham Lincoln called America's "central idea." To paraphrase Professor Steven Smith of Yale University, "For every citizen interested in the preservation of the American union and the principles on which it rests, Jaffa's [books are] a must read" (Jaffa, 2000, Dust Jacket). Jaffa sets forth his understanding of America's idea of equality most comprehensively in his two books on the statesmanship of Abraham Lincoln: *Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates* and its sequel, published more than forty years later, *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War*. These books themselves add to the legacy of Americans' disagreements over their central idea, because between *Crisis* and *New Birth*, a profound shift

takes place in Jaffa's understanding of the meaning of equality in the Founding. Exploring the journey of his thinking about this most important American idea sheds light on what the American Revolutionaries and Founders meant by equality; on what reasonable and informed people should think about a country founded on such an idea; and on the character of Abraham Lincoln's statesmanship, which was inseparable from this idea.

### ***CRISIS—EQUALITY, THE FOUNDING, AND LINCOLN***

*Crisis of the House Divided* was first published in 1959 as a self-declared Socratic dialogue of sorts on the Lincoln-Douglas debates of 1858 (Jaffa, 1982). In *Crisis*, Jaffa states the case for the political thought of both Stephen Douglas and Abraham Lincoln, analyzing the "practical question" of whether or not slavery could constitutionally spread into federal territories, and the "theoretical question" of whether or not slavery was compatible with the principles of republican government (1982, p. 9). Both of these politicians claimed the Founding supported their particular views, and so to get to the crux of these famous debates, Jaffa wrote "the first book to take seriously the question of whether the laws of nature mentioned in the Declaration did in fact exist, and therefore whether Lincoln or Douglas was correct in asserting that his policy, and not his opponent's, squared with the teaching of that Declaration" (1982, p. 11). A great deal depended on the answer to these questions:

The long political duel between Stephen A. Douglas and Abraham Lincoln was above all a struggle to determine the nature of 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. Neither the differences which divided Moslem and Christian at the time of the Crusades, nor the differences which divided Protestant and Catholic in sixteenth-century

Europe, nor those which arrayed the crowned heads of Europe against the regicides of revolutionary France were believed by the warring advocates to be more important to their salvation, individually and collectively (Jaffa, 1982, p. 308).

The idea of writing *Crisis of the House Divided* occurred to Jaffa while studying under his revered teacher, Leo Strauss (1982, p. v). Strauss's teaching and writing concentrated on the great works of ancient and modern political philosophy. Jaffa was persuaded by Strauss of the superiority of "classical natural right" to the pervasive doctrines of modern political thought, which were both "unreasonably skeptical and unreasonably dogmatic" (Jaffa, 1982, p. iv). Jaffa credits Strauss with laying the foundation for "the only genuinely new political science of the past four hundred years" (1982, p. iv). At the heart of this new political science would be "the study of the speeches and deeds of statesmen" (Jaffa, 1982, pp. iv-v). *Crisis of the House Divided* is "an attempt at a pioneer study of this new political science" (1982, p. v). It was essential to this new political science that Jaffa attempt to understand the Founders and Lincoln as they understood themselves, before attempting to understand them "differently or better" (Jaffa, 1982, p. 8). Doing that, Jaffa found a connection "between classical natural right as expounded in Leo Strauss's *Natural Right and History* and the conception of political right that guided Abraham Lincoln in the greatest crisis in American (perhaps in world) history" (1982, p. iii). Following Jaffa's and Strauss's lead, it is the intent of this thesis to understand Jaffa as he understands himself, by focusing on the pivotal theme of equality in the two most significant books of his career.

In writing *Crisis*, Jaffa conceived of himself as not just seeking the "historical truth," but seeking "political truth": he wanted to know for himself and "to teach others, the principles of just government" (1982, p. 10). He agreed with Lincoln's view that in a government like ours,

public sentiment is everything, and he thought of himself as “a member of that comparatively small class, the university professoriate, that today is the decisive source of the ruling opinions of our country” (Jaffa, 1982, p. 10). He was acutely aware that the professoriate to which he belonged—the historians, political scientists, and social scientists, in particular—overwhelmingly dismissed the very idea of “just government.” The effect of the professoriate on the ruling opinions in the country was “in the direction of denying the existence of any objective standards whatever” (Jaffa, 1982, p. 10). As Jaffa would later write in *New Birth*, “the premises of historicism, positivism, relativism, and nihilism” had become “the conventional wisdom of our time” (2000, p. xiii). To begin to understand Lincoln and the Founders as they understood themselves, “it was necessary to challenge the conventional wisdom of the present day” (Jaffa, 2000, p. xiii).

From Strauss’s teachings and writings, Jaffa learned among other things to make a distinction between ancients and moderns, in particular between classical natural right as understood by Plato and Aristotle and modern natural right as understood by Thomas Hobbes and John Locke. “Classical natural right undertook to guide political men, who need to know what is right here and now, but to guide them in the light of what is just everywhere and always” (Jaffa, 1982, p. iii). Modern natural right, in contrast, merely reflects the calculations of enlightened self-interest. Strauss wrote in *Natural Right and History* that “The most famous and the most influential of all modern natural right teachers was John Locke” (1965, p. 165). On the surface, according to Strauss, Locke’s conception of natural right seems to be in harmony with the tradition of natural right stretching back to Socrates (1965, p. 165). But a more careful study of Locke supposedly would show that he has been decisively influenced by “a break in the natural right tradition” effected by Thomas Hobbes, whose teaching “revolutionized human life

everywhere on a scale never yet approached by any other teaching” (Strauss, 1965, pp. 166 & 169). Locke’s thought must be understood, therefore, in light of the “political atheism” and “political hedonism” of Hobbes (Strauss, 1965, p. 169). Hobbes was “the founder of liberalism,” understood as “that political doctrine which regards as the fundamental political fact the rights, as distinguished from the duties, of man and which identifies the function of the state with the protection or the safeguarding of those rights” (Strauss, 1965, pp. 181-182). According to Locke, following Hobbes, “the right of nature [for example, the right to preservation] is more fundamental than the law of nature and is the foundation of the law of nature” (Strauss, 1965, p. 227). In Locke’s teaching, “Through the shift of emphasis from natural duties to natural rights, the individual, the ego, had become the center and origin of the moral world” (Strauss, 1965, p. 248). Locke would build civil society on “‘the low but solid ground’ of selfishness” (Strauss, 1965, p. 247). Like Hobbes, Locke dismissed the idea of a “summum bonum” espoused by “the philosophers of old” (Strauss, 1965, p. 249). For the philosophers of old, the summum bonum was the highest or complete good which was man’s natural end or purpose—all morality was understood in light of this. In its place as the star and compass of life, Hobbes and Locke put the “summum malum” or greatest evil—death. Men naturally fear death, and this greatest of all natural passions—fear of death—became for Hobbes and Locke and all whose thought was derivative from them the primary ground of morality. “What nature firmly establishes is that from which desire moves away” (Strauss, 1965, p. 250). “The way toward happiness is a movement away from the state of nature, a movement away from nature: the negation of nature is the way toward happiness” (Strauss, 1965, pp. 250-251). In *Crisis of the House Divided*, Jaffa adopts Strauss’s Hobbesian understanding of Locke (Jaffa, 2001). Because Jaffa identifies “the Lockean root” as the “deepest root for Jefferson’s generation,” he understands the Founders’ idea

of equality as decisively Lockean in Strauss's sense: rights being prior to duties, civil society being a compact for the purpose of serving these rights (1982, p. 326).

Within the Founders' Lockean horizon, all moral obligation is derived from egotistical calculation.

All obligation within this horizon is conceived in terms of deductions from the state of nature. . . . In this state, however, in which men have equal and inalienable rights, they have no real duties. . . . but only rules which tell us to avoid doing those things which might impel others to injure us. Duties in any meaningful sense arise only in civil society and are conceived as logically required if civil society is to perform well its function of securing our rights. But whether in the state of nature or the state of civil society, men are not instructed, on Lockean grounds, to abstain from injuring others because it is objectively wrong, but because it is foolish: it undermines the security of their own rights (Jaffa, 1982, pp. 323-324).

Jaffa believed that when the Founders proclaimed that, "all men," are created equal, they certainly meant to include the black man. "That Washington, Jefferson, Adams, Madison, Hamilton, Franklin, Patrick Henry, and all others of their general philosophic persuasion understood the Declaration in its universalistic sense, and as including the Negro, is beyond doubt or cavil" (1982, p. 314). But in their Lockean egotism, when the Founders were faced with the reality of the social and economic consequences of emancipation, their own self-preservation relieved them of any moral obligations to free the slaves. As Jaffa explains, "In truth, their principle included Negroes in 'all men,' but the Negroes' rights did *not* impose corresponding duties upon the white masters" (1982, p. 324). When Jefferson remarked about slavery in America that "justice was in one scale and self-preservation in the other" he also concluded that,

“the Negro must continue to be enslaved as, and to the degree that, his freedom might injure the white man” (Jaffa, 1982, p. 324). “[N]o man, from the strictly Lockean standpoint, is under an obligation to respect any other man’s unalienable rights until that other man is necessary to the security of his own rights” (Jaffa, 1982, p. 325).

Jaffa considered this Lockeanism to be a critical “defect” in the “theory” of equality as Jefferson (and the other Founders) understood it (1982, p. 323). It was “a defect of which he was in a confused way conscious, but which he could never overcome” (Jaffa, 1982, p. 323). The American Founding was “vitiating” by its “Lockean horizon” (Jaffa, 1982, p. 323). As Jaffa puts it, “there is little beyond enlightened self-interest in the doctrine of universal equality when conceived in its pristine, Lockean form,” which is the form in which it was conceived in the American Founding (1982, p. 324).

Because the Founding was Lockean and therefore suffered mortally from the defects of modern natural right, it was the essence of Abraham Lincoln’s statesmanship, according to Jaffa, that it be “creative.” If the work of the Founding Fathers was in some sense “excellent and noble,” it was nonetheless decisively “incomplete” (Jaffa, 1982, p. 225). Lincoln had to “exaggerate” the Founders’ meaning and “transform” their understanding of equality, in order to ennoble the American Founding and make it worthy of respect and reverence. Abraham Lincoln referred to the Founders’ doctrine of human equality as the “central idea” from which all other American ideas “radiate” (Lincoln, 1856). For Lincoln, as Jaffa understood him, nothing was more important for Americans than to live their lives in conformity with this distinctively American creed. In his chapter entitled, “Declaration of Independence,” Jaffa explicitly sets out to give an account of the Declaration of Independence’s meaning and Lincoln’s creative interpretation of it, which served to improve upon America’s low but solid Lockean beginnings.

Jaffa's estimation, in *Crisis*, of the character and the achievement of Lincoln's statesmanship can only be understood in relation to the defects of the American Founding that Lincoln had to overcome. In short, in order to save the Founders' work, Lincoln had to transform the character of the country they created.

This "transformation" of the Founding, according to Jaffa, involves among other things Lincoln's creation of a "political religion," the need for which Lincoln realized long before the great crisis of the Civil War in which he would play such a central role (1982, p. 226).

When the opportunity came, Lincoln was prepared by long forethought to shape from the materials of the American tradition that political religion which in 1838 he had seen to be necessary for the perpetuation of our political institutions (Jaffa, 1959, p. 228).

Lincoln agreed with the doctrine of equality in the Founding as far as it went, a doctrine that his Gettysburg Address "adapts (rather than adopts) from the Declaration of Independence" (Jaffa, 1982, p. 227). This adaptation meant transforming the equality doctrine into our ancient faith. "[I]n the Gettysburg address," for example, "what was called a self-evident truth by Jefferson becomes in Lincoln's rhetoric an inheritance from 'our fathers'" (Jaffa, 1982, p. 227).

The sacrifices both engendered and required by that truth—for the lapses from the faith are, in a sense, due to the moral strain imposed by its loftiness—transforms the nation dedicated to it from a merely rational and secular one, calculated to "secure these rights"—i.e., the rights of individuals—into something whose value is beyond all calculation. 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 (1982, p. 228).

The “new birth” that Lincoln’s statesmanship brings to America, which is “the origin of a higher life” than that envisioned in the Declaration, liberates America from the shallows of modern reason and opens it to the heights and depths of ancient faith. Lincoln’s statesmanship transforms the American people in the most profound and radical way conceivable. The transformation is equivalent to the “conversion” of the soul from darkness to the true faith.

According to Jaffa in *Crisis*, “the Declaration of Independence . . . is wholly a document of the rationalistic tradition” (1982, p. 229). Jefferson’s God is not the God of the Puritan tradition, but is a product of the Enlightenment and only reveals himself through the “natural processes” of reason or “self-evident truths” (Jaffa, 1982, p. 229). In Jaffa’s interpretation, Jefferson “hoped and believed” that the “effect of religious freedom would be a withering away of credence in all, or nearly all, revealed theology” (1982, p. 229). Lincoln, on the other hand, attained “a synthesis of the [religious and rationalist] elements which in Jefferson remained antagonistic. He incorporated the truths of the Declaration of Independence into a sacred and ritual canon, making them objects of faith as well as cognition” (Jaffa, 1982, p. 229).

Consequently, Lincoln's political religion made America's Founding, including her Constitution and subsequent laws, something for her people to revere. He was ever aware of the necessary shaping and molding of public sentiment, and ultimately the souls of Americans, in order to secure the blessings of self-government. "The Declaration," on the other hand, "not only expresses the central truth upon which free government is based but undermines the possibility of reverence *which alone* can stabilize government founded on that truth" (Jaffa, 1982, p. 231, emphasis added). To the extent that the doctrines of the Declaration relied for their efficacy on "the intellectual acknowledgment of the truth alone," they were self destroying (Jaffa, 1982, p. 229). Their shallow Enlightenment reason failed to grasp what a greater reason would recognize as necessary for their perpetuation. Jaffa directs our attention to *Federalist* 49 to substantiate "Lincoln's republican theology" that reason alone cannot govern men (1982, p. 232):

If it be true that all governments rest on opinion, it is no less true that the strength of opinion in each individual, and its practical influence on his conduct, depend much on the number which he supposes to have entertained the same opinion. The reason of man, like man himself, is timid and cautious when left alone, and acquires firmness and confidence in proportion to the number with which it is associated. When the examples which fortify opinion are *ancient* as well as *numerous*, they are known to have a double effect. In a nation of philosophers, this consideration ought to be disregarded. A reverence for the laws would be sufficiently inculcated by the voice of an enlightened reason. But a nation of philosophers is as little to be expected as the philosophical race of kings wished for by Plato. And in every other nation, the most rational government will not find

it a superfluous advantage to have the prejudices of the community on its side (1982, p. 230).

To create the political religion he thought necessary for the perpetuation of self-government in America, Lincoln found it necessary to pour new meaning into Founders' idea of equality. The "truth" from whose loftiness the nation took on a value beyond all calculation is not the truth proclaimed in the Declaration, as understood by Jefferson and his fellow Founders. The Founders understood equality to be the basis for political rights. Lincoln's "creative interpretation...treats the proposition that 'all men are created equal' as a transcendental goal and not as the immanent and effective basis of actual political right" (Jaffa, 1982, p. 318). The Founders' understanding of equality was inseparable from their idea of a state of nature, a pre-political state men want to escape for the sake of preserving their lives and property (Jaffa, 1982). This conception of the state of nature was, according to Jaffa, "completely alien to Lincoln's whole way of thinking" (1982, p. 322). It is not incidental that it was completely alien to Aristotle's whole way of thinking, too.

One article of faith in the political religion Lincoln was creating was that the Founders' principle of equality led them to "place the institution of slavery where the public mind might rest in the belief that it was in course of ultimate extinction" (Jaffa, 1982, p. 325). This was "stretching their attitude to fit *his* theory rather than theirs" (Jaffa, 1982, p. 325). Lincoln "exaggerated the degree in which men of the Revolution were concerned with the freedom of all men" (Jaffa, 1982, p. 324). The men of the Revolution might have hoped that slavery would eventually cease within America's borders but they did not act deliberately to bring about its end. Their selfish Lockean morality led them to simultaneously acknowledge the injustice of slavery and disregard the rights of slaves for the sake of their own (Jaffa, 1982, p. 326). "[T]he

widespread lack of concern over the moral challenge of Negro slavery to the doctrine of universal rights in the Declaration in the Revolutionary generation can be traced to the egotistical quality of these rights in their Lockean formulation” (Jaffa, 1982, p. 324). Lincoln’s morality went beyond such merely selfish calculation: “Because all men by nature have an equal right to justice, all men have an equal duty to do justice” (Jaffa, 1982, p. 327). He “superimposed” upon the Lockean doctrine of right “a very different conception of right” (1982, p. 328). In fact, he “confounds the meaning of *a right*, meaning an indefeasible desire or passion, with *what is right*, meaning an objective state or condition in which justice is done” (Jaffa, 1982, p. 328).

Jaffa cannot help noticing in *Crisis* some elements of the Founders' thought that are not reducible to Lockean or Enlightenment rationalism. We have already seen his reflections on the non-Lockean reasoning of *Federalist* 49. He also recognizes that, "Jefferson never remained wholly Lockean" (Jaffa, 1982, p. 424). And he acknowledges apparently non-Lockean elements in Hamilton and Washington (Jaffa, 1982, p. 237). But apparently because of Strauss's influence, Jaffa tends to see these non-Lockean elements as aberrations or inconsistencies. Even in Washington's discussions of reverence in the famous Farewell Address (which Jaffa takes pains to note was also the work of Hamilton and Madison), the great man is not able to free himself from "utilitarian" Lockean horizons. "[T]here is no trace of reverence in Washington's discussion of the need for reverence; the sacred is treated as a necessity of the profane. In Lincoln the profane is transformed into the sacred" (Jaffa, 1982, p. 239). On the one hand Strauss taught Jaffa to understand the past as it understood itself; on the other he taught him to regard Locke as Hobbesian, so that if the Founders were Lockean, as Jaffa believed, they would be Hobbesian, too. Much as the Declaration's truth, as Jaffa argues in *Crisis*, undermined the reverence required for the perpetuation of that truth, Strauss's teaching, which made Jaffa's

insights into Lincoln and America possible, also undermined his capacity to understand the past as it understood itself. So despite glimpsing hints of non-Lockean thinking in the Founding, Jaffa remained firm, in *Crisis*, in his conviction that the Founding was a product of modern thought with all its limitations.

Lincoln's creative statesmanship involved a "subtle reinterpretation of civil society." The Declaration's Lockean view conceived of mankind moving away from actual natural pre-political equality, escaping the intolerable state of nature. Lincoln conceived of men always moving towards and striving for equality as the highest moral standard (Jaffa, 1982, p. 321). Lincoln conceived of equality as "a political, not a pre-political, condition, a condition in which—to the extent that it is realized—equality of right is secured to every man not by the natural law (which governs Locke's state of nature, in which all men are equal) but by a positive human law" (Jaffa, 1982, p. 320).

The Revolutionaries invoked the idea of equality to justify overthrowing an oppressive government, Lincoln expanded this idea to include a perpetual pursuit of justice as an essential feature of the human and political condition. He embraced the Declaration's limited meaning as the "necessary condition of the legitimacy of the claims of the government upon the governed" and gave it a "new dimension" by making it a measure not only of legitimate government but of good and just government (Jaffa, 1982, p. 321). As Jaffa puts it:

Lincoln's interpretation of "all men are created equal" transforms that proposition from a pre-political, negative, minimal, and merely revolutionary norm, a norm which prescribes what civil society ought *not* to be, into a transcendental affirmation of what it *ought* to be. Lincoln does not, of course, abandon the lower-level Lockean-Jeffersonian demands, yet

there is visible a tension between them and the higher ones upon which he insists (1982, p. 321).

Lincoln agrees with the Founders that all men have the right to justice, but he goes further than their morality by reasoning that all men have an equal obligation to act justly, “wholly irrespective of calculations as to self-interest” (Jaffa, 1982, p. 327). The happiness of civil society is directly related to the balance of self-love and loving others. Jaffa sees Lincoln’s representation of the Founders’ doctrine as “superior on logical and moral grounds to the doctrine it purports to interpret” (1982, p. 328). In Jaffa’s view, “the life principle of the nation,” according to Lincoln, was the “dedication and rededication to the equality of all men” (1982, p. 330). But this would not be a nation dedicated to equality as the men of the Revolution understood it. Leading the nation in this rededication, Jaffa’s Lincoln transformed the “contractual union of individuals” established by the Declaration of Independence into a sacred union (1982, p. 228). In fact, Lincoln understood civil society as Aristotle did, as a partnership “in every virtue and in all perfection” (Jaffa, 1982, p. 327).

Was Lincoln conscious that his representations of the Founders’ understanding of equality were “creative” and “not impeccable historically” (Jaffa, 1982, p. 328)? Jaffa is not sure, but is inclined to think so. He finds evidence for this in Lincoln’s Lyceum Address, where Lincoln argues that the subjective passion of the Revolution needs to be fortified with objective reason. This “1838 criticism of the Revolution” leads Jaffa to suspect that Lincoln was “not innocent of the nature of his . . . ‘reconstruction’ of the meaning of the Fathers” (1982, p. 328).

Thus the greatness of Abraham Lincoln’s statesmanship, as described in *Crisis of the House Divided*, consisted in his ability to transform the Founders’ Lockean America through infusions of classical natural right. He saved the Founding from its selfish minimalism by

transforming America into a partnership in every virtue and in all perfection. From Jaffa's perspective in *Crisis*, the Founding suffered from the critical inadequacies of modern thought, which were transcended by Lincoln with the establishment of a politics of classical natural right. Lincoln, "like Aristotle's great-souled man, who is a man of few but great actions," seemed providentially chosen to save America not just from the crisis of the Civil War but the crisis of the Founding (Jaffa, 1982, p. 219).

*Crisis of the House Divided* is a great scholarly achievement. Despite all the impediments placed before him by the prevailing historicism and relativism among political scientists and historians of his time, Jaffa is able to raise the decisive question of the truth of America's proposition, a question on which everything depends. "However modern were the principles of the American founding [as Jaffa argued they were, in *Crisis*]. . . *Crisis of the House Divided* was Jaffa's demonstration of the thesis that nature was the ground of politics, that nature had not been eclipsed by history, and that the distinctions of nature, including virtues and vices, remained permanently relevant to the understanding of political life" (Kesler, 1999, pp. 267-268). The conventional wisdom of our day declares that values are mere preferences, and moral judgments are dismissed as delusions of arrogance. Taking Lincoln and Douglas seriously, Jaffa recovers a view of politics that asks what is good and what is just, and in doing that restores the seriousness of statesmanship. In the course of these great achievements, however, Jaffa commits his own errors—errors of great consequence. But in his scholarship Jaffa adopts the same principle that guided Lincoln's statesmanship as he expressed it in his letter to Horace Greeley, "I shall try to correct errors when shown to be errors; and I shall adopt new views so fast as they shall appear to be true views" (Lincoln, 1990, p. 652). In *A New Birth of Freedom* Jaffa adopts many new

views on equality in the Founding and on Lincoln, and makes a strong case that these new views are true.

### ***NEW BIRTH—EQUALITY, THE FOUNDING, AND LINCOLN***

Jaffa's long awaited sequel, promised in the preface to *Crisis of the House Divided*, arrived some forty years later, in the year 2000: *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War*. Jaffa describes the book as a "commentary" (in the tradition of Thomas Aquinas's commentaries) on the Gettysburg Address involving an examination of the "speeches and deeds that constituted the historical process during the fourscore and seven years preceding it" (2000, p. xi). "[N]ecessarily, and above all," *New Birth* is "a commentary on what is meant by dedication to 'the proposition that all men are created equal'" (Jaffa, 2000, p. xiii).

As in his preface to *Crisis of the House Divided*, Jaffa in *A New Birth of Freedom* acknowledges his indebtedness to Leo Strauss. The hermeneutics that Strauss applied to the reading of great texts in political philosophy—always attempting "to understand a writer as he understood himself"—Jaffa continues to apply to his study of the speeches and deeds of Abraham Lincoln and of his great antagonists, Stephen Douglas and, especially, John C. Calhoun (2000, p. xii). If anything, Jaffa emphasizes even more strongly in *New Birth* than he had in *Crisis* the difficulty of presenting the great clashes of ideas as the contenders themselves understood them.

The difficulty in characterizing this conflict is that the premises underlying the thought of Douglas and Calhoun are the premises of historicism, positivism, relativism, and nihilism—premises that have become the conventional wisdom of our time. Lincoln's acceptance of the idiom of natural rights and natural law—above all his acceptance of the idea of nature not merely as a record of cause and

effect but as the source of moral principles—has become alien to us. Hence it was necessary to challenge the conventional wisdom of the present day to gain a hearing for Lincoln (Jaffa, 2000, p. xiii).

In *Crisis*, Jaffa concentrated on James G. Randall, widely considered then as “the foremost academic authority on Lincoln,” as a representative of the conventional wisdom of the day (1982, p. 20). In *New Birth*, this honor goes to Carl Becker, who represents “the very highest level of academic sophistication,” and whose book on the Declaration of Independence remains in most respects “the finest scholarly work ever written on its subject” (2000, pp. 84 & 75). Jaffa devotes much of Chapter 2 of *New Birth* to analyzing and refuting Becker’s claim (which is one of the epigraphs to the chapter) that “To ask whether the natural rights philosophy of the Declaration of Independence is true or false is essentially a meaningless question” (2000, p. 73). The historicism that leads Becker to make this claim is one of the ways in which “in our time, truth has been disarmed by the opinion that reason is impotent to know what is just or unjust, right or wrong, true or false” (Jaffa, 2000, p. 83). But “if there is no truth, or if the truth is beyond the power of the human mind to know,” it is impossible to make sense of free government (Jaffa, 2000, p. 83). This great “challenge to the principle of free society,” which Jaffa faces in both of these books, “is one that neither Jefferson nor Lincoln anticipated” (Jaffa, 2000, p. 83).

In *A New Birth of Freedom*, Jaffa shows that he had learned a great deal about the American Founding in the 40 years since the publication of *Crisis*. He gives to various writings from the American Founding (Jefferson’s *Summary View* and Madison’s essay on “Sovereignty,”

for example) the kind of penetrating close attention that he had given to the speeches and writings of Lincoln and Douglas in *Crisis of the House Divided*.

The Jaffa of *Crisis of the House Divided* interpreted the Founding as “modern” and “Lockean” in the sense that his teacher Leo Strauss gave to those words. This meant that the Founding placed rights over duties, and that natural law was derived from natural rights—not the other way around. It meant that passion governed reason and that selfish concern with one’s own preservation was the core of the morality of the Founding, that fear of violent death, not desire for happiness, was the animating motive of the Founders’ politics. It meant that the Founding aimed at freedom, and abandoned virtue as an end of politics. In *A New Birth of Freedom*, Jaffa takes a very different view of the Founding. He now finds greater moral dimensions in Locke’s notion of self-preservation:

Not only [is it] the first law of nature but also an obligation imposed by God.

According to Locke, it is both a right intrinsic to ourselves and a duty we owe to God to preserve our lives, liberties, and property. But it is also a duty, when our own preservation comes not into question, to do nothing to impair the life, liberty, or property of others (Jaffa, 2000, p. 417).

“Jefferson’s Lockean understanding of property” is not a sign of the degrading “modern” substitution of acquisitiveness for virtue, but is ground on which constitutional government and the rule of law rest. This understanding—“above all, his understanding that personal freedom, personal property, constitutional government, and the rule of law all originate in the natural right to own one’s self—was inherited directly by Lincoln and was the rock upon which his [Lincoln’s] biblical house was built” (Jaffa, 2000, p. 24). No longer do egotistical individual interests outweigh the substantive obligations of justice in Jefferson’s thought. “There is in

Jefferson none of that radical individualism that sees the rights of the individual transcending and opposing the moral demands of a good society” (Jaffa, 2000, p. 27). In fact, “Individual rights become valuable only insofar as they result in a good society” (Jaffa, 2000, p. 27). No longer is natural law derivative from and subordinate to natural rights, as Strauss had characterized the Lockean view. It is now the other way around: “Jefferson’s doctrine, which is the American doctrine in its purest form, is a doctrine of natural rights under natural law” (Jaffa, 2000, p. 26). Jaffa now holds that Jefferson understood that “rights are derived from the laws of nature” (In Jaffa, 2000, p. 25). The individualism or “unalienable rights” declared by the Founders were not without limitations but to be “exercised in accordance with the laws of nature and of nature’s God, which were moral laws. Rights and duties were in a reciprocal relationship” (Jaffa, 2000, p. 95).

Jaffa’s reassessment of the Founding involved a recovery of the Founders’ understanding of the idea of social compact, which becomes central to Jaffa’s understanding of the Founding as a whole. As he writes in his preface: “The compact theory and the doctrine of human equality are identical” (Jaffa, 2000, p. iii). But Jaffa discovered that the social compact, as the Founders’ understood it, is not reducible to the collective selfish interests of individuals fleeing the horrors of the state of nature merely to preserve their lives and property. It involves a substantial, even classical, concern with the virtue or goodness of the people.

A people consists of human persons who have been formed by their own voluntary agreement into a civil society. . . . But a people is not any chance assemblage. Their fidelity to “the laws of nature and of nature’s God” in 1776 made the American people, according to the Declaration, “the good people of these colonies.” A *good* people may change a bad government. But what of a bad

people? Does sovereignty, in the sense of legitimate political power, belong to a bad people as well as a good people? As we shall see, to Madison or Jefferson, this would be absurd. The compact theory presupposes a people that is good in the sense that it is united by the morality inherent in “the laws of nature and of nature’s God” (Jaffa, 2000, p. 42).

People may join in a social compact to preserve their lives—indeed, “all rightful authority is founded upon recognition” of the right to life (Jaffa, 2000, p. 50). And the “right to life would be worthless . . . without the liberty to acquire the means—that is to say, property—by which to defend and preserve it” (Jaffa, 2000, p. 50).

But life, liberty, and property together are not ends in themselves. . . . [S]afety is the first of the ends or purposes of political life, but happiness is the end for which life, liberty, and property are wanted. Liberty and property come to sight as means to the preservation of life, but their enduring worth is in the service, not of mere life, but of the good or happy life. The natural wants or rights of man from which society springs are not random but ordered. And it is the natural order of these wants, directed toward their corresponding natural ends, that constitutes the architectonic principles of a society arising out of compact, properly understood (Jaffa, 2000, p. 50).

Consent is the only means of establishing legitimate government, but whereas in *Crisis* Jaffa considered the Founders’ doctrines as largely confined within the limited concern with legitimacy, he now understands them to aim not just at overthrowing oppressive government and establishing legitimate government but at achieving good government, without which legitimacy would be an empty accomplishment. He even finds the Founders’ social compact aiming at a

kind of Aristotelian likemindedness or unanimity and friendship. He notes in Jefferson's First Inaugural Address, following the tumultuous election of 1800, an "Aristotelian appeal to unanimity and friendship" (Jaffa, 2000, p. 62). And contrary to standard interpretations, he finds Madison's *Federalist* 10 aiming in a way to bring about Aristotelian ends. Madison's extended republic "is not [as usually thought] conceived as a replacement for friendship or, in general, for better motives, but rather as a means to make it possible for such motives to prevail"; "the interdependence of republicanism and federalism not only serves to control faction but also becomes a ground for promoting friendship among the citizens" (Jaffa, 2000, p. 64). More generally, the generation of 1776 understood that a government that provides for the security of life, liberty, and property of its citizens, does so for a higher good:

By preventing us from injuring others, the law makes it possible for us to have others as friends. In acting consistently with the rights of others and in not injuring others, we are habituated to virtue. By becoming good, we are enabled to be friends of the good, and having good friends is the most indispensable of the means to happiness (2000, p. 82).

In *New Birth*, Jaffa no longer considers Jefferson and his contemporaries as Lockeans (in Strauss's sense), if confused Lockeans. They are full blown Aristotelians:

Happiness is the objective good, and therefore the rational good, at which all laws and institutions aim. This is assumed by Jefferson . . . no less than by Aristotle, as it was by American public opinion of the Revolutionary generation . . . . For Jefferson, no less than for Aristotle, what men seek by nature is . . . the good (Jaffa, 2000, pp. 9 & 12).

To make his point that the equal rights proclaimed by the American Revolution were not just egotistical passions, as they had appeared in *Crisis*, Jaffa makes frequent use of Jefferson's 1819

*Letter to Judge Spencer Roane*, in which the Virginian states that the people “are inherently independent of all but moral law” (In Jaffa, 2000, p. 10). And instead of finding the amoral “Lockean root” to be “the deepest root” of the Founders’ thought, Jaffa finds—again through Jefferson—at the foundation of the Founders’ thinking, the “great principles of right and wrong” (2000, p. 10). Jefferson was like Lincoln (and Aristotle) in holding that the “concern for the virtue and vigilance of the people was of the essence of statesmanship” (2000, p. 10). So far is the American Founding from being “modern” in the sense of *Crisis*, it has at its core an essentially classical conception of politics, as shown in these words from George Washington’s First Inaugural Address:

The Foundation of our national policy will be laid in the pure and immutable principles of private morality...since 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; between duty and advantage; between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity (In Jaffa, 2000, pp. 10-11).

In *Crisis of the House Divided*, Jaffa considered Jefferson and his egotistical Lockean Founding brothers to have no great concern with emancipating the slaves, even though they recognized their equal right to be free. But in *A New Birth of Freedom*, Jaffa calls attention to Jefferson’s claim in his *Summary View*, that the “abolition of domestic slavery is the great object of desire in those colonies” (In Jaffa, 2000, p. 22). According to Jaffa, the Virginian “frames his argument,” not on the white man’s (Lockean) amoral right to self preservation that always trumps justice, but “upon the distinction between the natural human right to freedom and the natural human wrong of despotism or tyranny” (2000, p. 22). Anticipating Lincoln, Jefferson

“confounds the meaning of *a right*, meaning an indefeasible desire or passion, with *what is right*, meaning an objective state or condition in which justice is done” (See above, p. 15). Jaffa celebrates Jefferson’s efforts to outlaw slavery in the Western Territory and notes, “Jefferson fully recognized that domestic slavery in America was of a higher order of evil than the slavery denounced in the revolt against the tea tax or the stamp tax” (2000, p. 67). In the Lockean/Hobbeseian view attributed to the Founders by Jaffa in *Crisis*, success is everything. In *New Birth*, there is something more important to the Founders than success:

The very idea of human freedom, embodied in the Declaration of Independence, requires that we act according to the right, without being able to know that the right will triumph. The same idea requires that we act on the conviction that noble failure is better than base success, so that, win or lose, we shall have taken the better part (Jaffa, 2000, p. 100).

The Jaffa of *Crisis* thought that the Founders’ interest defined their justice. The Jaffa of *New Birth* sees it the other way around:

One of the conspicuous features of the Declaration of Independence is the appeal of its Signers “to the supreme judge of the world for the rectitude of their intentions”...The rectitude of that cause was in its conformity with the self-evident truths proclaimed in the Declaration, truths emanating from the laws of nature and in accordance with what they believed to be the divine government of the universe. Their confidence in their rectitude was their “firm reliance on the protection of divine Providence.” Justice defined their interest, armed them in the struggle, and was the ground of their faith in victory (2000, p. 108; see also n. 55, p. 507, where Jaffa likens the Founders’ view to Aristotle’s and to Lincoln’s appeal at Cooper Union, to go forward in confidence that “right makes might”).

In *Crisis*, Jaffa had held the natural rights doctrines of the Declaration of Independence, as understood by the Revolutionary generation, to be wholly in the “rationalistic tradition”—products of the Enlightenment. As he observes in *New Birth*, Jefferson’s more notorious reflections on religion had led some to attribute to him and any likeminded Founders “a purely materialist or even Hobbesian attitude toward religion and morality” (Jaffa, 2000, p. 48). Jefferson, as Jaffa understood him in *Crisis*, looked forward to the withering away of the influence of all revealed religion in American political life, to the extent possible. One of the great accomplishments of Lincoln’s rhetoric and statesmanship, as Jaffa understood them in *Crisis*, was to create a synthesis between the religious and the rationalistic elements of American politics, which was absent in the Founding, thus giving greater depths and heights to American politics than the shallow Enlightenment rationalism of the Founding could sustain. But Jaffa sees a different Jefferson and a different Founding in *New Birth*. Jefferson was not opposed to the influence of religion in American political life; he was merely opposed to “sectarian conflict within the political arena, *which only diminishes the necessary and just influence of religion upon the morals of the people*” (Jaffa, 2000, p. 48, emphasis added).

Lincoln would not have to create a synthesis between the rationalist and the religious elements of America—it was already there at the beginning. To support his point, Jaffa quotes Jefferson’s *Notes on Virginia*:

And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever; that . . . an exchange of situation [between masters and slaves] is among

possible events; that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest (In Jaffa, 2000, p. 48).

We must never forget this statement, Jaffa writes, “concerning the relationship between the rights with which mankind has been endowed by the Creator and the providential order” (2000, p. 48). It is “the archetype of Lincoln’s second inaugural” (Jaffa, 2000, p. 48). Lincoln’s second inaugural expresses the synthesis between the rights of mankind and the providential order with the greatest condensed beauty his rhetoric ever achieved. In order to see how much the soul of its thought is anticipated by Jefferson, a substantial quotation of Lincoln’s second inaugural is needed:

The Almighty has His own purposes. Woe unto the world because of offences! for it must needs be that offences come; but woe to that man by whom the offence cometh! If we shall suppose that American Slavery is one of those offences which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South, this terrible war, as the woe due to those by whom the offence came, shall we discern therein any departure from those divine attributes which the believers in a Living God always ascribe to Him? Yet, if God wills that it continue, until all the wealth piled by the bond-man’s two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash, shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord, are true and righteous altogether” (Lincoln, 1990, p. 793).

Jaffa now sees in the natural rights doctrine of the Declaration of Independence, not an amoral, Lockean-Hobbesian assertion of egotistical material interests, but an expression of the people's recognition that their rights are "of the gift of God." In this view, "respect for the rights of others" is not something granted only when these others are "necessary to the security of his own rights" (Jaffa, 1982, p. 325). It is "looked upon as a duty to God. Not rights alone but the reciprocal relationship of rights and duties forms the 'moral law' that a people, individually and collectively, must obey, if they are to expect 'the blessings' from a 'God [that] is just'" (Jaffa, 2000, p. 49).

Implicit in the logic of the Declaration of Independence is "the rule laid down in the New Testament: 'Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets.' As Jesus' admonition is addressed to all humanity, present and future, it presupposes necessarily, and as a self-evident truth, 'that all men are created equal'" (Jaffa, 2000, p. 49).

The doctrine of natural law and natural rights enshrined in the Declaration is a doctrine of natural *and* divine right. . . . The American people, in declaring themselves independent of Great Britain and of any mortal power, did so in accordance with the laws of nature that were God's laws, to which they declared themselves subject in the very act of independence. . . . It cannot be emphasized too often that the doctrine of the Declaration requires a people who can appeal truthfully and sincerely to the supreme judge of the world for the rectitude of their intentions. According to Jefferson and Lincoln, failure to respect the rights of others may disqualify one for the protection of one's own rights and expose one to the wrath of the God who is their source (Jaffa, 2000, pp. 122-23).

The Founders' idea of the separation of church and state is understood as coming from religious sources as well as rationalistic sources. Jesus would join the Founders in urging: "Render therefore to Caesar the things that are Caesar's, and to God the things that are God's" (Jaffa, 2000, p. 144). And in the world of the Founders, Aristotle would join Jesus and Jefferson (and Locke) in support of the idea of separation of church and state, which never appeared in Aristotle's writings (Jaffa, 2001). Jaffa emphasizes in *New Birth*, that Jefferson's separation of church and state is understood as serving religious no less than political ends. In the new conditions of politics, "for the state to serve religion, the churches must be divested of all political patronage and there must be no religious test for office" (Jaffa, 2000, p. 149). When separation of church and state cannot be maintained, "The purity of religion is defiled and the purpose of government is perverted" (Jaffa, 2000, p. 149).

But even from the point of view of religion, it is important, as Jaffa points out in *New Birth*, that human beings are able merely through reason to recognize the truth about their rights and duties. As Reverend Samuel Cooper of Massachusetts argued in an address to his state legislature, "We want not, indeed, a special revelation from heaven to teach us that men are born equal and free... These are the plain dictates of that reason and common sense with which the common parent of men has informed the bosom" (In Jaffa, 2000, pp. 370-371). That the truth about the most important questions can somehow be discerned by minds free to reason is the most fundamental contention of Jaffa's scholarship in both *Crisis* and *New Birth* and, as Jaffa argues in *New Birth*, this is also the deepest root of the American Revolution and Founding:

The most fundamental of the assumptions underlying the American political tradition is not set forth in the Declaration of Independence. Rather, it is to be found in the magisterial exordium of the Virginia Statute of Religious Liberty, in the assertion that

“Almighty God hath created the mind free.” When the Declaration says, “We hold these truths to be self-evident,” it assumes that the minds holding the truths do so on the basis of that metaphysical freedom asserted in the Virginia Statute . . . . [T]he moral and political freedom asserted on behalf of mankind is grounded in it. Without this metaphysical freedom, moral and political freedom would be meaningless (2000, pp. 118-119).

That all men are created equal may be, as Lincoln said it was, “an abstract truth, applicable to all men and all times” (In Jaffa, 2000, p. 121). This would mean that “the rights of man exist wherever man exists” (Jaffa, 2000, p. 123). But this is no guarantee that at any particular place or time there is “a people sufficiently enlightened, and having the courage and the means” to recognize these rights in all and to secure these rights for themselves (Jaffa, 2000, p. 123). In *New Birth* and in *Crisis*, Jaffa considers the American Revolutionary and Founding generations to have been such a people. In *New Birth*, unlike in *Crisis*, Jaffa thinks the Revolutionary and Founding generations had an understanding of their rights and duties under the laws of nature, which rose to the heights of “the ultimate standard by which men and nations are to be judged” (2000, p. 123). And so, in *New Birth*, Jaffa celebrates the intrinsic goodness of the American Revolution and Founding with its doctrine of equality.

What, then, is the role of Lincoln—if his genius is not needed to transform a Lockean Founding that is radically defective?

In *Crisis of the House Divided* Jaffa presented Lincoln’s statesmanship as a “creative” effort needed to “transform” and ennoble the defective Lockean doctrines of the Declaration of Independence. In *A New Birth of Freedom* Jaffa aims to vindicate the “intrinsic validity of the

natural rights of the Declaration,” so no such transformation is needed. Lincoln’s greatness appears not in transforming the Founders’ work, but in helping us “repossess our inheritance of the genuine blessings of liberty” (Jaffa, 2000, pp. xiii- xiv). As *Federalist* 49 explains, every free government will find “reverence for the laws” to be necessary for its survival over time. There are no nations of philosophers, and enlightened reason by itself, through its own evidence alone, has never and will never govern nations of men. One defect of the doctrine of equality in the Founding, as Jaffa understood it in *Crisis*, was that it was entirely in the “rationalistic tradition.” In its Enlightenment optimism it relied for success too heavily on the mere evidence of its truth. Even when recognizing the need for reverence (as Madison does, in *Federalist* 49 and Washington [and Hamilton and Madison] does in his Farewell Address), the Founders—ultimately Lockean utilitarians—displayed and engendered none of the reverence that was needed. Lincoln overcame those Enlightenment limitations, as Jaffa understood them in *Crisis*, and wove the religious and the rationalistic elements of American politics together in a new fabric. Lincoln’s recognition that a “political religion” was necessary for the perpetuation of our free political institutions, and his ability to create such a political religion, was a substantial part of his greatness as a statesman as Jaffa portrayed him in *Crisis*—a statesman whose greatness was necessary to save the Founders’ work from its own imperfections. To create the reverence necessary for the perpetuation of America’s political institutions, Lincoln also had to transform the meaning of the equality doctrine itself, which was not worthy of reverence as it was understood by the Lockean Founders. In *Crisis*, Jaffa speculates that this was the way Lincoln understood his own statesmanship. But Jaffa’s own tentativeness in suggesting this interpretation suggests that he was as uncertain about this as he was about the Founders’ conviction that reason alone was sufficient to sustain free government. In *New Birth*, he sees the Founding as deserving

reverence in its own right, and he sees Lincoln as understanding this; he sees Lincoln's greatness, then, not as saving the Founding from its Lockean lowness, but as helping his country recover that reverence that is due to the true understanding of the Founders' thought and work. Jaffa no longer treats Lincoln as being conscious of the need to understand the Founders differently and better than they understood themselves. He no longer treats Lincoln's rhetoric as misrepresenting the Founders' inadequate principle of equality for the sake of saving the Founding and revealing this fact in almost imperceptible ways in an early speech. He treats Lincoln, rather, as Lincoln overtly presented himself—as one who understands the Founders as they understood themselves, who thinks the Founders' doctrine of equality is true and deserving of the last full measure of devotion, and who devotes his life to preserving it in American politics. In *Crisis*, the Founding's Lockean lowness needed to be rescued by Lincoln's Aristotelian highmindedness; in *New Birth* the highmindedness is there from the beginning, but this does not mean that Lincoln can do without it. Lincoln is a good steward, to whom much had been given and from whom much might justly be expected.

Even in countries founded on the best of principles, there will always be plenty for statesmen—and citizens—to do in the generations following the Founding. Thomas West explains why, with specific reference to America:

The doctrine of the founding gives us, like the classical teaching on the best regime, only the goal to be strived for. . . . [T]he principles did not, and should not, lead automatically to a dogmatically determined outcome. . . . [J]ust government by consent will probably always be the exception rather than the rule in human affairs. The best regime of the founding, and the best regime of the

classics, are both elusive, although not impossible. Prudence is indispensable in this state of affairs, to achieve the closest approximation to perfect justice available in the circumstances (2001, p. 295).

Great statesmanship—and good luck—was needed, not to transform the Founding, but to preserve it. The epigraph of *New Birth* is from Lincoln's second inaugural: "And the war came." Lincoln understood, as he movingly expressed it in the second inaugural, that reason cannot ensure that it will prevail in human affairs. No matter how true the principles of the Founding may be, Lincoln understood, perhaps more fully than the optimistic Jefferson did, that these principles:

will always be challenged by their enemies, unreason and injustice. There is no escape from human ills. . . . no matter how well a political regime is founded. The best that can be hoped for is some approximation of the best regime by a rare coincidence of a "good people," prudent statesmanship, and good fortune (West, 2001, p. 295).

However true and just the principles of the Founding may be, they will always need defenders like Lincoln, and a bit of luck, not to mention providential favor, if they are to lead to free and just government. America's exceptionalism is not found solely in its first principles, which are universal, and true for all men and all times, but in the enlightened minds and virtue of generations of citizens, who have managed, imperfectly and so far, to preserve the freedoms handed down to them.

Lincoln's most formidable antagonist in *New Birth* is John C. Calhoun. The premises of Calhoun's thought would become, as Jaffa argues in *New Birth*, the "conventional wisdom of our time"—"historicism, positivism, relativism, and nihilism" (2000, p. xiii). Against the modern

historicist premises of Calhoun's thought, Lincoln brought an American version of classical natural right in his attempt to save the Revolution. And in *New Birth*, Lincoln is understood to have inherited this doctrine in its fullness from the Founding. The Union won the Civil War, but the doctrines of the Union, the doctrines of Jefferson, Lincoln, Locke, and Aristotle—the doctrines of classical natural right—did not prevail. The doctrines of the seceding South, the doctrines of John C. Calhoun, were not defeated. In the 20<sup>th</sup> and 21<sup>st</sup> century, “Calhoun's heirs have dominated the academy,” and the opinions of the academy have filtered down to politicians, jurists, teachers, and citizens (Jaffa, 2000, p. 471). In *A New Birth of Freedom*, to gain “a hearing for Lincoln” and for the true doctrine of classical natural right, the doctrine on which America is founded, Jaffa must, as he did in *Crisis*, challenge “the conventional wisdom of the present day,” which denies the very idea of natural right, “so that we may once again understand the true measure of Lincoln's greatness and through him repossess our inheritance of the genuine blessings of liberty” (Jaffa, 2000, p. xiv).

## CONCLUSION

In the two most ambitious books of his career, Jaffa challenges the conventional wisdom of his time in order to take seriously the claims to truth of the Revolutionary generation and Lincoln—most importantly the claim to truth of America's “central idea,” that “all men are created equal.” In one way and another, the premises of virtually all authoritative academic accounts of Lincoln's thought and the thought of the American Revolutionaries denied the possibility of determining whether or not this claim might be true. More generally, they denied the possibility of knowing any truth about questions of what is right or just. Jaffa thinks that these prevailing and almost insuperable prejudices prevent us from understanding the Founders and Lincoln as they understood themselves, and that they prevent us from understanding

anything about what is most important for citizens of a republic to understand, for example, whether freedom is preferable to slavery. In his penetrating and exhaustive lifelong examination of the American idea of equality, Jaffa understands himself to be offering an example of a new political science that studies the words and deeds of statesmen in order to understand them as they understood themselves and in order to understand the principles of just government. Jaffa by his own admission failed in *Crisis of the House Divided* to understand Locke, the Founders, and Lincoln as they understood themselves. He attributes this failure to the influence of his teacher, Leo Strauss. The very teacher who made it possible for him to take seriously Locke's, the Founders' and Lincoln's claims to truth, disabled Jaffa from seeing the truth he was seeking. As Jaffa explains:

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 conclusions of Strauss's interpretation. Strauss himself never said Locke was the founder's Locke, but the spell cast by his book led many of us to apply it to the Founders (2001, para. 10-11).

By the time Jaffa wrote *A New Birth of Freedom*, he had become better able to live up to his teacher's hermeneutics—to understand the past as it understood itself—and the result is a radically different view of Locke, the Founding, and Lincoln. But Jaffa does not call attention in *New Birth* to his radical change of mind. A reader of *New Birth* who had never read *Crisis* might suppose that this is what Jaffa always thought. As Charles Kesler wrote in a review of *New Birth*, “Jaffa doesn't draw attention [in *New Birth*] to his revised view of Lincoln or of the American

Founding. In fact, he is strangely silent about the whole subject, leaving it to the reader to figure out the relation between the two remarkably different accounts in *Crisis and New Birth*” (2000, para. 7). Jaffa responds to these concerns in his 2001 essay, “*Aristotle and Locke in the American Founding*,” by saying:

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 (2001, para. 2, emphasis added).

One place, in 1987, where readers can find Jaffa’s new assessment of Locke and the Founding is in an article published in *Interpretation* entitled, “*Equality, Liberty, Wisdom, Morality, and Consent in the Idea of Political Freedom*.” In this essay, Jaffa introduces a complicated argument about the transformation of political conditions in the western world over the course of 1500 years between ancient times and modern times, due to the advent of Christianity. The fruits of this thinking appear in *New Birth* (see all of chapter 2), showing why classical political thought could not be applied without prudential adaptation to the transformed modern world, in which the ancient city—the polis—for which Aristotle’s prescriptions were immediately intended, no longer existed. Because of the transformed conditions of politics, Jaffa concluded that, “had Aristotle been called upon, in the latter half of the 17<sup>th</sup> century, to write a guide book for constitution makers, he would have written something very closely approximating Locke’s *Second Treatise*” (2001, para. 9). Jaffa now sees “the metamorphosis of Lockean ‘rights’ into Aristotelian ‘ends’ (or vice versa)” in the American Founding (2001, para. 4). Though the forms of Lockean or American government may be different from those envisaged by Aristotle, their ends are the same.

Even the “doctrine of the state of nature,” under these fundamentally transformed political conditions, can be seen as an Aristotelian means by which “the authority of a universal nature” can be translated “into the ground of particular laws” (Jaffa, 1987, p. 27). Jaffa’s understanding of this marks such a significant and complex development of his thinking that it warrants an extended quotation. The doctrine of the state of nature defines:

nature itself in the light of the differences between man, beast, and God. That is to say, it did so by a natural theology consistent with monotheistic revealed theology. It is then a necessary emendation in Aristotle’s own teaching required not by any transformation in Aristotle’s principles, but by the transformation of the human condition—and of political life—in which those principles are applied. The idea of the state of nature modifies and yet preserves the idea of man as by nature a political animal. Moreover the idea of the state of nature, by treating civil society as a voluntary association, lays a firmer foundation for the idea of the rule of law than in Aristotle’s *Politics*. It is guided as we have shown, by Aristotle’s idea of law as “unaffected by desire”...The people, in unanimously agreeing to form a civil society, may enjoin in the social contract as the ground and purpose of law only those things that are consistent with the law of nature in the state of nature. They may enjoin only—as Madison said—what may be willed unanimously and rightfully. Hence the rule of law, resulting from the social contract, contains guarantees against despotism, which are not guaranteed by the rule of law as described in Aristotle. For Aristotle’s polity—with less than 10,000 citizens—had natural checks against tyranny or despotism, that would have been absent from any political society formed in the way of the post-republican Roman Empire. The anarchy and despotism accompanying both theological politics in the post-classical era has shown

the necessity of firmer foundations for the rule of law than Aristotle anticipated. The theory of the state of nature—whose law is reason—as the ground of political obligation, emancipates church and state to pursue their proper goals in a manner both complementary and harmonious. Those goals are as distinct, and yet as inseparable, as the concavity and the convexity of a curved line. For they are both grounded in the ultimate unity of human life which is itself grounded in the equality of man and the unity of God (Jaffa, 1987, pp. 27-28).

*Crisis of the House Divided* and *A New Birth of Freedom* are centered on the idea that “all men are created equal.” Well before the time of writing *New Birth*, Jaffa had come to the conclusion that the Revolutionaries’ idea of equality was an expression of classical natural right—that it contains a truth that deserves unhesitating loyalty and reverence of the most serious and thoughtful citizens. But in making that claim, Jaffa is acutely conscious that he is confronting, just as he had in writing *Crisis*, authoritative claims that deny the truth of equality in different ways. This was Jaffa’s greatest challenge—overcoming the “heirs of Calhoun,” who have “dominated the academy and by a shallow and permissive historicism and relativism have subjected ‘the laws of nature and of nature’s God’ to scorn and contempt” (Jaffa, 2000, pp. 470-471). Jaffa thinks that in *New Birth* he has:

examined and found wanting, every serious argument of contemporary historical scholarship to deny or disparage the intrinsic significance or validity of Lincoln’s assertion that the United States was founded upon and dedicated to “an abstract truth, applicable to all men and all times” (2000, p. 121).

But politics, as Lincoln understood, is tragic. Arguments convincing in themselves cannot be expected to prevail in academic affairs any more than in the course of human events.

Disagreements continue both in our politics and our intellectual life about the meaning and the implications of America's "central idea."

By the time of *New Birth*, Jaffa had concluded that the Founders' understanding of Locke was Aristotelian; he had also concluded that Locke himself can best be understood as Aristotelian not Hobbesian. Others like David Tucker agree that there are classical or Aristotelian elements in the Founding but they still think that Locke was as Hobbesian as Strauss's teaching indicated he was (Tucker, 2008). From this point of view the Founding might appear to be even greater than Jaffa considers it to be, since the Founders would have had to overcome Locke's powerful influence to recover classical natural right.

Another example of important contemporary disagreements can be found in historian Garry Wills' recent review of Harvard Professor Henry Louis Gates, Jr.'s 2009 book, *Lincoln on Race and Slavery*. Wills supports Gates's conclusion that Stephen Douglas was right and Abraham Lincoln was wrong about one important aspect of the meaning of equality: "Thomas Jefferson most certainly was not thinking of black men and women when he wrote the Declaration of Independence, and no amount of romantic historical wishful thinking can alter that fact" (In Wills, 2009, para. 35). Wills and Gates therefore believe that Lincoln's greatest accomplishment was based on an error. "The most radical thing that Abraham Lincoln did," according to Gates, was to creatively interpret the "proposition that all men are created equal" so convincingly that Americans now believe that Jefferson indeed meant all men (In Wills, 2009, p. 37).

One of the premises of the conventional wisdom of our day is that nothing is by nature right or wrong. Jaffa finds this rejection of the Founders' classical natural right, which is even worse than Calhoun's rejection of it, in the thinking of no less than former Chief Justice of the United States Supreme Court, William Rehnquist (Jaffa, 2000). Jaffa is at pains to point out that today conservatives and liberals alike reject the principles of the Revolution. The fact that after more than two centuries we continue to struggle to understand these things as the Revolutionary generation did shows what a great and interesting challenge it always is to establish and perpetuate government of the people by the people, and it shows what a debt we owe to Jaffa's scholarship, which presents in such fullness the thought of the Founding. In trying to think our way through these important questions, the best that can be done may be to give Lincolnian consideration to all views and "stand with anybody that stands right, stand with him while he is right and part with him when he goes wrong" (Lincoln, 1990, p. 312).

As Jaffa reminds us in *New Birth*, the most fundamental principle of the American Founding is that "Almighty God hath created the mind free," that it is able to distinguish what is just and unjust, what is right and wrong (In Jaffa, 2000, p. 104). This truth is what Jaffa is most concerned to vindicate throughout his scholarly career. In his view, "the greatest threat" to free government in America is the threat that the souls of citizens will become convinced, "that reason as a guide to the ends or purposes of man's moral and political existence is either blind or impotent," and "that reason is relevant to human life, only as the slave, and never as the master, of our passions" (1987, p. 23).

With faith that "right makes might," Lincoln devoted his life to challenging the sophisms of Douglas and Calhoun that threatened to undermine America's free institutions. With the same Lincolnian faith, Jaffa has taken on all comers in a lifetime of what he has called the scholarship

of the politics of freedom. That this has taken such a brilliant mind a lifetime, and that the work continues (Jaffa promises a sequel to *A New Birth*), is evidence of how great is the challenge of rising to equality. No one since Lincoln has done more than Harry Jaffa to articulate the truth and the nobility of America's "central idea." His scholarship rises to the heights of Lincoln's statesmanship, offering incalculable inspiration and guidance "for us the living" to dedicate ourselves to America's proposition with "increased devotion," to ensure that "government of the people, by the people, for the people, shall not perish from the earth" (Lincoln, 1990, p. 734).

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