Harry V. Jaffa’s Contribution to Lincoln Studies and American Statesmanship

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A giant has passed. Harry V. Jaffa, Henry Salvatori professor of political philosophy at Claremont McKenna College and Claremont Graduate University, now takes his place in the pantheon of great departed Lincoln scholars like David Donald, Don E. Fehrenbacher, and James G. Randall. However, as a political philosopher whose approach to Lincoln differed markedly from these historians, Professor Jaffa would most likely prefer to be seated alongside his mentor Leo Strauss, a German émigré who profoundly influenced a generation of postwar American scholars and who revitalized the discipline of political philosophy in the United States. With his usual penchant for defining issues sharply, Professor Jaffa summed up his own contribution to the field “as the discovery of a Socratic Lincoln who had been invisible to mainstream historians.”

His two most seminal and comprehensive works on Lincoln are Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates (1959) and its long awaited sequel, A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War (2000). The modus operandi of his scholarship involved a close textual analysis of primary sources. It often took the form of the scholastic commentary and the disputed question, a procedure whereby opposing views are presented first as an objection to one’s thesis and then subsequently refuted. Jaffa believed these modes of pursuing inquiry were most effective in fairly presenting and engaging, point by point, opposing views on the great issues of the day. In addition to these two magna opus, Jaffa authored numerous edited volumes that likewise take the form of a dialectical response to his opponents on Lincoln. For example, in How to Think about the American Revolution, he uses elements of the disputed question to rebut southern

conservative M. E. Bradford’s critique of Lincoln as a radical egalitarian who prefigured the modern welfare state.\textsuperscript{2}

Professor Jaffa was, according to the \textit{National Review}, “the most important conservative political theorist of his generation.” He penned Barry Goldwater’s rousing campaign slogan during the 1964 presidential election, “extremism in the defense of liberty is no vice” and “moderation in the pursuit of justice is no virtue.” To the chagrin of some, Jaffa’s spirited and pugnacious style was aimed primarily at fellow conservatives. William F. Buckley Jr. once stated, “If you think Harry Jaffa is hard to argue with, try agreeing with him.” Some of the heat of this domestic quarrel is felt in his exchange with Walter Berns, who died the same day as he did. “I do not mean to be gentle with you,” Jaffa said. “In your present state of mind, nothing less than a metaphysical two-by-four across the frontal bone would capture your attention.” More than just an intramural footnote, Jaffa’s protracted battles with fellow conservatives, including Justices William Rehnquist, Robert Bork, and Antonin Scalia, merit attention, since they involved a profound debate over the moral foundations of the American regime, the meaning of original intent, and the Declaration of Independence as a statement of “natural rights under natural law.” Throughout, Lincoln’s statesmanship figures prominently as the gold standard of measurement.\textsuperscript{3}

In what follows, I pay tribute to the profound, groundbreaking, and transformative legacy of Harry V. Jaffa on Abraham Lincoln scholarship. Though I am not a student of Professor Jaffa’s, my own work as a political philosopher is greatly indebted to him, notwithstanding some unanswered questions over the years.\textsuperscript{4} True to his often repeated hermeneutic or interpretive method of “understanding an author as he understands himself,” I will cite Jaffa’s own speeches and writings throughout. Like his mentor Leo Strauss, Professor Jaffa emphasized the importance of engaging original texts and primary sources rather

\textsuperscript{2} This full debate is presented in Kenneth L. Deutsch and Joseph R. Fornieri, \textit{Abraham Lincoln’s American Dream: Clashing Political Perspectives} (Dulles, Va.: Potomac Books, 2005), 60–140.


\textsuperscript{4} In sum, my questions concern Professor Jaffa’s view of the relationship between reason and revelation and whether his presentation of the harmony between these two in his later scholarship is more real or apparent in comparison with his earlier views that seem to display a greater antagonism between these traditions. I raise these questions in my first book, \textit{Abraham Lincoln’s Political Faith} (DeKalb: Northern Illinois University Press, 2003), 95–97.
than relying on secondary interpretations. My hope is this essay will invite Lincoln lovers to engage Professor Jaffa’s magisterial work on its own terms and appreciate the vital contribution of political philosophy to an understanding of our sixteenth president.

Professor Jaffa was steeped in a classical liberal arts education that has all but vanished from much of today’s academy with its utilitarian emphasis on vocational course studies. His doctoral dissertation compared the Ethics of Aristotle and St. Thomas Aquinas—two major influences on his understanding of Lincoln. His scholarship therefore presumes more than a passing familiarity with the great thinkers of Western civilization from the interdisciplinary fields of philosophy, literature, history, and politics. Indeed, reading Jaffa requires a much greater intellectual investment of time and effort than most popular historical narratives about Lincoln and the Civil War. Though his writing reaches poetic heights at times, Jaffa’s work is clearly a case of substance over style. In his 1960 review of Crisis of the House Divided, the great historian Don E. Fehrenbacher perceptively noted, “It is sometimes difficult, yet never unrewarding, to follow the course of his argument as he ranges from the Dred Scott decision back to Jefferson, Aristotle, and Plato, or plucks an apt quotation from Winston Churchill or a wise observation from Woodrow Wilson.”

An overview of Jaffa’s scholarship must begin with the profound influence of Strauss. Jaffa described his initial encounter with him in New York at the New School in 1944 as an intellectual epiphany:

Nothing had prepared me for Leo Strauss. Unlike his students at Chicago, I encountered him unadorned by any distinction of position or place. [He] was a physically insignificant little man with a weak voice. His presence was as unimpressive as the dilapidated classrooms provided by the New School. But he was pure overwhelming intellectual force. After a few minutes into one of his seminars, the little man became a giant. Every great book was a kind of Treasure Island, or more particularly a map of an island holding a treasure. But you had to decipher the map, and do the work of discovery, overcoming the obstacles by which great art, imitating nature, trains the mind to be worthy of its


gifts. One of Strauss’s secrets was that he made you feel not a passive receptacle of his insights, but as his partner in a voyage of discovery. He was the captain of the ship. But you were part of the crew. And you sailed together.7

As mentioned, Strauss revived the discipline of political philosophy in the United States, where he influenced a generation of postwar scholars and intellectuals including Jaffa and Allan Bloom, author of the provocative and best-selling Closing of the American Mind.8 True to Socrates’s reputation as a gadfly who both defended and challenged Athens, Strauss’s legacy is controversial: he is at once celebrated as a great defender of Western civilization and condemned as an anti-democratic elitist. Some go so far as to hold him responsible for the neoconservative movement’s invasion of Iraq through guilt by association. Paul Wolfowitz, one of the architects of the Iraq policy, had attended Strauss’s lectures while at the University of Chicago. In his own time, Strauss manly challenged the value-free behaviorist and positivist approach to the social sciences regnant in American universities.9 He believed the effort to make politics scientific in the same way as physics, chemistry, and engineering are was doomed to failure. As Aristotle recognized two thousand years earlier, political and ethical matters do not admit of the same certainty as mathematics. By excluding or minimizing the very concerns most important to those engaged in the concrete world of human affairs, such as justice, virtue, piety, and honor, the positivist and behaviorist method trivialized politics. Strauss emphasized that political questions are inherently moral and cannot be evaded. They should be understood on their own terms, from the perspective of the political actor. Thus, Strauss explained:

Political things are by their nature subject to approval or disapproval, to choice and rejection, to praise and blame. It is of their essence not to be neutral but to raise a claim to men’s obedience, allegiance, decision, or judgment. One does not understand them as what they are, as political things, if one does not take seriously their explicit claims to be judged in terms of goodness or badness,

or of justice, i.e., if one does not measure them by some standard of goodness or justice. To judge soundly one must know the true standards. If political philosophy wishes to do justice to its subject matter, it must strive for genuine knowledge of these standards.10

Intellectual developments like historicism, which will be discussed shortly, coupled with the carnage and horror of two world wars led to a disenchantment with all assertions of absolute value as totalitarian and intolerant. The effort to avoid conflict over questions of ultimate value led to a movement known as positivism and the development of the fact-value distinction as a criterion for truth. This distinction became the underlying assumption of many of the value-free social sciences of the time, and it remains so today. In contrast to facts, which are objective and scientifically verifiable, values are subjective and rooted in arbitrary preferences, interests, or power. Thus, there is no rational basis to judge between competing values. Given that conflicts over subjective values can never be resolved on an objective ground, the responsible social scientist is called upon to expose their relative and preferential basis in a spirit of tolerance, humility, and openness.

Seemingly benign and scientific, the fact-value distinction was revealed by Strauss to be neither benign nor scientific. It was harmful because its moral relativism undermined the authoritativeness of all norms or moral standards, including those held most dear by well-intentioned liberals, such as equality, liberty, and any firm basis for human dignity. It was unscientific because the positivist’s commitment to the fact-value distinction was itself a subjective value or preference that could not be defended on objective or scientific grounds. Finally, despite its pretense of tolerance, the fact-value distinction was actually dogmatic in its absolute rejection of the possibility of moral and political truth about human nature.

Strauss excoriated modern social science as feckless. Writing in the wake of the twin totalitarian horrors of fascism and communism, he explained that “when we were brought face to face with tyranny—with a kind of tyranny that surpassed the boldest imagination of the most powerful thinkers of the past—our political science failed to recognize it.”11 In sum, he believed that a crisis in Western civilization had been reached in the postwar period. This crisis consisted of the victorious liberal democracies’ inability to defend their own

10. Deutsch and Murley, Leo Strauss, the Straussian, and the American Regime, 59.
11. Quoted in Deutsch and Murley, Leo Strauss, the Straussian, and the American Regime, 58.
The moral purpose required to strive for human excellence and to confront new threats to human dignity and freedom was being steadily sapped by the prevailing relativism and value-free social science. Strauss wryly summed up the contribution of the new political science this way: “One may say of it that it fiddles while Rome burns. It is excused by two facts: it does not know that it fiddles, and it does not know that Rome burns.”

To remedy the crisis of liberal democracy, Strauss prescribed a return to the two wisdom traditions of Athens and Jerusalem. While the progressives of his own time looked forward to faith in the historical process to bring about improvement, he looked backward in an effort to revive the respective teachings of classical political rationalism and Judeo-Christian revelation. A fresh engagement with the great books of these traditions and the wisdom contained therein could help lead to the recovery of moral norms to shore up liberal democracy and to provide clearer guidance to future statespersons charged with defending Western civilization. In *Leo Strauss, the Straussian, and the American Regime*, Kenneth L. Deutsch summarizes some of the major themes of Strauss’s work that animated students like Jaffa: “the question of natural right, the significance of the founders’ texts and the importance of constitutional form, the seminal role of statesmen, liberal education, and liberal democracy, the fecklessness of the American political science profession, religion and the city, and the vocation of the political philosopher in a liberal democratic regime.”

In *Natural Right and History*, a work crucial to understanding Jaffa’s view of the American founding and Lincoln, Strauss reveals the role of historicism in sapping the moral foundations of liberal democracies. Consistent with his mentor’s interpretation, Jaffa described historicism “as the great enemy of Plato and of philosophy” and defined it as “the belief that historical circumstances determined thought no less than action and that we are all prisoners in thought no less than in action, of our particular time and place.” Strauss traced the origins of historicism to the discovery of the “historical sense,” which began with thinkers like Jean-Jacques Rousseau in the eighteenth century. Pursued further by G. W. F. Hegel and social Darwinists in the early

nineteenth century, the development of the “historical sense” led to “the metamorphosis of natural rights into historic rights.” A defining moment was reached when the concept of a fixed human nature was replaced by historical forces beyond one’s control, thereby depriving human agency of genuine reflection and choice in politics. Historicism would culminate in Karl Marx’s dialectical materialism and Friedrich Nietzsche’s pronouncement that “there are no moral phenomena, only interpretations of moral phenomena.”

Contrary to classical and Christian medieval political philosophy that took its bearings from an unchanging human essence or nature as the standard to judge man and society, historicism looks to the dynamics of historical change as the key to understanding human thought and action. All principles and values are thus relative to context, time, and place. Consequently, historicism erases the distinction between the “is” and the “ought” in moral judgment. It blurs or negates any meaningful distinction between occurrences that are a matter of brute force, necessity, or destiny and the existence of rational norms of how things “ought to be” as a genuine guide in politics. If historical forces beyond our control bring about unintended change, then there is no basis for saying that “might makes right” is wrong. The mass murder of the twentieth century was justified by a historical process or destiny that would bring about the utopian dreams of a classless society in the case of Joseph Stalin or a racially pure society in the case of Adolf Hitler.

Like the positivist, the historicist scholar is unaware that adherence to the historicist thesis undermines his or her own claim to objectivity. While taking great pride in exposing the contextual basis of all political values, the historicist never considers that his or her own judgments are likewise historically conditioned by time and place. If there is no fixed vantage point outside the historical process itself, then there is no reliable yardstick for making judgments about history. Accordingly, there is no place for classical statesmanship and for genuine political greatness. Ultimately, it is irrational forces that drive history, not the actions of great individuals. Historicism is particularly suspicious of “great man” theories of history as a reflection of the prevailing moral orthodoxy.

Jaffa indicted the progressive school of thought for its historicist interpretation of Lincoln and its ultimate denial of the political greatness that he embodied: “To identify nature with history is to

17. Ibid., 83–84.
identify the unchanging with the changing, or to alter the meaning of nature into its opposite. . . . Accordingly, Lincoln’s greatness did not stem from reasons for his policy but from his historical destiny or success.”

In sum, progressive historians like James G. Randall, Richard Hofstadter, and Allan Nevins “believed that, while Lincoln was praiseworthy for being on the side of Progress, it was Progress, understood as historical necessity, not Lincoln, or any abstract truth, that was destined to bring about the end of slavery.”

It is worth mentioning a caveat here. Though Professor Jaffa seemed to leave no scholar unscathed, he did not believe that all historians were guilty of historicism. True to his character, he was capable of both great blame and great praise in regard to scholars of both history and political science.

In *Natural Right and History* (1953), Strauss traced the metamorphosis of natural rights into historical rights. Notably, he began this important work by citing the famous prologue of the Declaration and by questioning the nation’s current devotion to the political creed therein:

“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.” The nation dedicated to this proposition has now become, no doubt partly as a consequence of this dedication, the most powerful and prosperous of nations of the earth. Does this nation in its maturity still cherish the faith in which it was conceived and raised? Does it still hold those “truths to be self-evident”?  

Indeed, Harry V. Jaffa’s work can be seen as a lifelong effort to answer this question affirmatively in response to historicist scholars like Carl Becker who believed that “to ask whether the natural rights philosophy of the Declaration of Independence is true or false is essentially a meaningless question.”

Revealing his debt to Strauss, Jaffa states:

But the Declaration of Independence, with its foundations in a rationalist tradition that included Aristotle and John Locke, was
not taken seriously in the academic community. Hence they did not take Abraham Lincoln seriously, a supreme rationalist who would have gladdened the heart of Socrates. Crisis was the first work by an academic to examine the moral reasoning implicit in the Declaration and in the speeches and writings of Abraham Lincoln. It was also perhaps the first to import into the study of the American political tradition Leo Strauss’s revival of classical political philosophy.22

Given Strauss’s influence it is no coincidence that the first chapter of Crisis of the House Divided is titled “The Crisis in Historical Judgment.” Jaffa takes aim at Professor Randall for minimizing the significance of the Lincoln-Douglas debates as “a talking point rather than a matter for governmental action, a campaign appeal rather than a guide for legislation.” He further states, “The depreciation of the debates is accompanied by—indeed, it may be the consequences of—a debunking of the belief which is at the root of their fame: the belief that Lincoln had opposed Douglas on a great issue and for the sake for a great cause. Randall, in his ‘reanalysis,’ concludes that Lincoln and Douglas only ‘seemed to differ’ . . . while actually they were in substantial agreement on all important questions.”23 Looking back on this earlier work, Jaffa attributed the greater sympathy of many of the time’s leading historians for Douglas rather than Lincoln because of their distrust of moral absolutes in politics. Many of these scholars were in thrall to the revisionist “needless war” thesis that minimized the conflict over slavery as a misunderstanding that could have been resolved by greater willingness to compromise and by the progressive optimism that the institution would inevitably die a natural death over time.24

The central idea of Jaffa’s work “from which all its minor thoughts radiate” is his interpretation of “natural rights under natural law” philosophy of the Declaration of Independence as the moral foundation of the American experiment.25 Referring to “the laws of nature and nature’s God” as the ultimate ground of rights in the Declaration,

24. Ibid., 19.
Jaffa states, “Modern social science appears to know neither God nor nature. . . . The abolition of God and nature has therefore been accompanied by the abolition of that correlative concept, man, from this same world.”

Relentlessly pursuing the logical consequences of Becker’s argument, Jaffa retorts that “if the question as to whether the philosophy of the Declaration is true or false is essentially meaningless, then questions as to whether slavery is right or wrong or whether freedom is better than despotism are equally meaningless.”

Much of Jaffa’s lifelong debate with his opponents on both the right and the left of the political spectrum involved disagreement over the interpretation of the Declaration of Independence and its place in the American regime. To be sure, Jaffa attributed much of Lincoln’s greatness as a statesman to his articulation and defense of the Declaration’s philosophy of natural right against the proslavery views of John C. Calhoun, Douglas, and their modern-day followers.

The doctrine of natural rights under natural law understands the principles of the Declaration of Independence as universal truths about human nature, which serve as a transhistorical, rational standard to rule and measure the legitimacy of government. Jaffa explains, “Republican government understands itself to be in accordance with a natural order that is itself in harmony with the divine government of the universe.”

Speaking of his own contribution to the field, he further notes:

Lincoln had made his appeal to an ancient faith, although the fourscore years since the founding did not make the government notably ancient. But the principles of the Declaration, he made clear, were the principles of nature, and nature is more ancient than history. My articulation of Lincoln’s principles in Crisis was proof that classical natural right could succeed within the framework of American history and politics. But this crisis of our time is essentially the same as the rejection of Lincoln by American historians and, a fortiori, by the academic world as a whole.

In the above passage, written near the end of his life, Jaffa speaks of the “crisis of our time.” He was under no illusion that intellectual trends in the academy had improved since the time of Strauss.

Historicism masquerades under different guises. Today, for example, the shibboleth of “presentism” is a heresy often pronounced by scholars against those who would exploit history by tearing ideas and actions out of their proper context and applying them to current events for partisan purposes. The claim that Lincoln would be a card-carrying member of either the modern Republican or Democratic party provides a crass example of presentism. To be sure, the concern with presentism is valid to the extent that we are necessarily influenced by our times and to the extent that politics necessarily involves contingencies and changing circumstances. However, to the other extent that historians refuse to acknowledge the role of timeless truths and universal principles in human affairs, the charge of presentism against philosophy is subject to Jaffa’s critique of historicism. It is one thing to consider context to illuminate a text; it is quite another to reduce the ideas in a text to context. Our country is fortunate that Lincoln’s statesmanship was not constrained by an academic fear of presentism. On the contrary, he forthrightly invoked the timeless truths of the Declaration against slavery. Lincoln’s reply to the Dred Scott decision validates Jaffa’s teaching of Lincoln as perhaps the greatest defender and expositor of natural rights under natural law in American history (full quotation is warranted):

I had thought the Declaration contemplated the progressive improvement in the condition of all men everywhere; but no, it merely “was adopted for the purpose of justifying the colonists in the eyes of the civilized world in withdrawing their allegiance from the British crown, and dissolving their connection with the mother country.” Why, that object having been effected some eighty years ago, the Declaration is of no practical use now—mere rubbish—old wadding left to rot on the battle-field after the victory is won.

I understand you are preparing to celebrate the “Fourth,” tomorrow week. What for? The doings of that day had no reference to the present; and quite half of you are not even descendants of those who were referred to at that day. But I suppose you will celebrate; and will even go so far as to read the Declaration. Suppose after you read it once in the old fashioned way, you read it once more with Judge Douglas’ version. It will then run thus: “We hold these truths to be self-evident that all British subjects who were on this continent eighty-one years ago, were created equal to all British subjects born and then residing in Great Britain.”

And now I appeal to all—to Democrats as well as others,—are you really willing that the Declaration shall be thus frittered
away?—thus left no more at most, than an interesting memorial of the dead past? thus shorn of its vitality, and practical value; and left without the germ or even the suggestion of the individual rights of man in it?30

To elucidate further the teaching of natural rights under natural law, Jaffa contrasts the Founders’ understanding of this doctrine to (1) “the historical rights of Englishmen under the British Constitution” and (2) the modern understanding of rights as entitlements or interests divorced from moral obligation and a natural hierarchy of human ends. To the extent that the Founders invoked traditional rights of Englishmen under the British constitution during the Revolution, Jaffa argued, it was because they saw these rights as being consistent with a universal standard under the natural law. He vigorously disagreed with those conservatives who saw the rights of the American Revolution as having their basis exclusively in British customs, conventions, and tradition rather than in an unchanging nature. The Founders, according to Jaffa, believed that the ancestral basis of these rights could not provide a sufficient basis for an ultimate moral justification for the Revolution. Instead, they appealed more broadly to those timeless and self-evident truths that were a hallmark of the Enlightenment. Demonstrating the Founders’ view of the universality of natural rights under natural law, Jaffa devotes the first chapter of New Birth of Freedom to an analysis of the Summary View of the Rights of British America, a precursor to the Declaration of Independence that Jefferson wrote for the First Continental Congress in 1774. He shows that in resisting the crown, Jefferson appealed more broadly to “a right which nature has given all men,” and that he went so far as to claim that even Britain’s Saxon liberties, which were thought to be ancestral, found their true origin “under this universal law.”31

On the other hand, Jaffa distinguishes the doctrine of natural rights under natural law from the modern view of rights as mere interests or entitlements divorced from moral obligation. This latter view is based on an egocentric understanding of human beings primarily as possessive individuals rather than social and political animals. It is derived from the materialist teachings and legal positivism of Thomas Hobbes and a particular understanding of Locke as a more palatable Hobbes in sheep’s clothing. Contrary to this modern interpretation, Jaffa argued that the Founders’ view of natural right included classical

and medieval elements that presumed the existence of a rationally discernible moral order. He explains:

Individual rights become valuable only insofar as they result in a good society—a society in which man’s moral and intellectual virtues can find their fullest measure of opportunity. 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. The opposition between the demands of society and the rights of the individual, so familiar in our time, arose only as those rights were no longer understood to be natural rights subject to the natural law.32

Jefferson undeniably plays a leading role in Jaffa’s political thought as the quintessential expositor of the Founders’ philosophy of the Declaration. He states: “Jefferson’s doctrine, which is the American doctrine in its purest form, is a doctrine of natural rights under natural law, owing nothing of its intrinsic character to the ‘rights of Englishmen.’”33 To demonstrate Jefferson’s continuity with the older classical and medieval tradition of natural right under natural law, Jaffa assigns great weight to the Virginian’s statements that human beings “are inherently independent of all but moral law,” that “the great principles of right and wrong are legible to every reader,” and that “the whole art of government consists in the art of being honest.”34

Contrary to those who view “the pursuit of happiness” as idiosyncratic, Jaffa argues that the term has a much more ancient lineage consistent with moral virtue. Given the Declaration’s moral grounding, the pursuit of happiness was not an invitation to subjective contentment, materialism, and hedonism; but a call to objective perfection, consistent with Aristotle and Cicero’s older use of the term to represent the good or the virtuous life. According to Jaffa, the Founders believed “there could be no idea of happiness, whether individual or public, inconsistent with virtue and the moral law.”35 He thus connects the teaching of Aristotle, the Founders, and Lincoln, explaining, “Happiness is the objective good, and therefore the rational good, at which all laws and institutions aim. This is assumed by Jefferson, here and elsewhere, no less than by Aristotle, as it was by American public opinion of the Revolutionary generation.”36

32. Ibid., 27.
33. Ibid., 26.
34. Ibid., 9.
35. Ibid., 11.
36. Ibid., 9.
Jaffa’s interpretation of the continuity between the classical, Judeo-Christian, and American natural law tradition is known in some academic circles as the grand synthesis of Athens, Jerusalem, and Peoria. The first two cities are representative of the traditions of Greek philosophy and revelation respectively, while Peoria is representative of the American tradition of natural rights under law as represented by Lincoln and the Founders. Peoria is the metaphor of the American tradition in view of Lincoln’s magisterial account of the Declaration as the moral foundation of the American regime in his Peoria Address of October 16, 1854.

Debate continues as to whether or not Jaffa’s grand synthesis philosophically holds together. Does he paint with too broad a brush in connecting the dots between Greek philosophy, Judeo-Christianity, and the American Founding? How compatible are they? Is there not greater discontinuity between them? Finally, is it possible, in view of the double truth theory of the Averroists who influenced Strauss’s work, to distinguish between their ultimate philosophical coherence or incoherence on a theoretical level and their seeming compatibility on a practical level?37

Consistent with Jaffa’s synthesis, Jefferson’s own understanding of the Declaration in his 1825 letter to Henry Lee a year before his death, acknowledges the intellectual legacy of premodern thinkers like Aristotle and Cicero, as well as Locke:

> With respect to our rights, and the acts of the British government contravening those rights, there was but one opinion on this side of the water. All American whigs thought alike on these subjects. When forced, therefore, to resort to arms for redress, an appeal to the tribunal of the world was deemed proper for our justification. This was the object of the Declaration of Independence. Not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject, in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion.

37. I explain this debate and raise this question in my book Abraham Lincoln’s Political Faith, pp. 95–97.
All its authority rests then on 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. 38

Though Jaffa readily noted Locke’s seminal influence on the Founders, he maintained they (mistakenly or not) understood Locke’s natural rights teaching as contiguous with the wider classical and Christian tradition of natural rights under natural law. The debate over whether the Declaration and the American founding should be understood primarily through the eyes of Hobbes and a Hobbesian version of Locke or through the wider lens of classical and Christian antecedents led to a schism amongst Strauss’s students. 39 Those who subscribed to the Hobbesian version are known as the East Coast Straussians, since many of them taught at East Coast institutions. Adherents to the latter view are appropriately known as West Coast Straussians,” because their leader, Jaffa, taught at Claremont in California.

Notwithstanding the ultimate philosophical coherence of Jaffa’s grand synthesis, how seriously can we take the claim of natural rights under natural law, given Jefferson was a slaveholder? Did he really understand the principles of the Declaration as universal in applying to African Americans as Lincoln claimed? On this question, Jaffa seeks to vindicate not only Jefferson but also Lincoln as his legitimate heir. Adducing Jefferson’s own speeches and writings, he argues that the Virginian clearly recognized the injustice of slavery before, during, and after the Declaration. For example, in his Summary View, Jefferson stated, “The abolition of domestic slavery is the great object of desire in those colonies, where it was unhappily introduced in their infant state.” In the same writing, he refers to the “the rights of human nature” as “deeply wounded” by the foreign slave trade. 40 This condemnation of the slave trade was repeated in a draft of the Declaration, referring to the practice as “cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him.” Finally, in Notes on the

State of Virginia, written in the 1780s, Jefferson significantly referred to slaves as “half the citizens” of the nation and famously warned of a divine judgment on slavery:

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 for ever: that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation 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.41

Jaffa claims these statements clearly acknowledge the common humanity of African Americans and their possession of natural rights. Indeed, Lincoln often cited the passage above in defense of the Founders’ antislavery views. Jaffa believed it prefigured the sixteenth president’s political theology in the Second Inaugural Address. Despite Jefferson’s inability to act in accordance with his principles, he nonetheless recognized the incompatibility between slavery and republican government. By contrast, later generations of southerners like John C. Calhoun and Alexander Stephens would embrace slavery as a positive good, thereby departing from Jefferson’s moral intent.

While Jaffa highlights the antislavery passages in Notes on the State of Virginia, he minimizes the significance of Jefferson’s racist musings in the same work as tentative speculations that do not carry the same weight as his antislavery utterances. In forthrightly proclaiming Jefferson’s antislavery convictions, he is notably silent about these other statements: “Much has been written about Jefferson himself being laggard, later in life, in his efforts against slavery. But in Jefferson the draftsman and spokesman for the American people in the American Revolution, the man of whom Lincoln would say that he ‘was, is and perhaps will continue to be, the most distinguished politician of our history,’ there was never the least equivocation as to slavery’s injustice and immorality.”42

41. Thomas Jefferson, “The Particular Customs and Manners That May Happen to Be Received in the State?,” Notes on the State of Virginia, in Koch and Peden, Life and Selected Writings, 258.
42. Jaffa, New Birth of Freedom, 23.
Lincoln was correct, then, according to Jaffa, in viewing the Declaration of Independence as “a standard maxim” for free society that should be approximated as much as possible under the circumstances. For both Lincoln and Jaffa, the Declaration promulgates the creed of the nation’s “ancient faith.” It represents symbolically the moral covenant that binds the nation to the transcendent “laws of nature and nature’s God.” The standard remains even if never perfectly realized, as in the case of concessions to slavery before the Civil War. Jaffa explains, “As an abstract truth [the principle of equality] may nonetheless supply a direction to policy, and to the improvement of the laws.”43 Lincoln was correct in observing that the Declaration “meant to declare the right so that the enforcement should follow as far as circumstances should permit.”44

As noted, Jaffa attributes his own contribution to the field as the discovery of a “Socratic Lincoln.” He regards Lincoln as a philosopher statesman who displayed the possibility of a coincidence of wisdom and political power. Jaffa rhapsodically praises Lincoln’s refutation of secession and vindication of the Union based on the principles of the Declaration in these poetic terms:

Never since Socrates has philosophy so certainly descended from the heavens into the affairs of mortal men. While addressing the immediate crisis, Lincoln is delivering a lecture to all men and all times on the essentials of free government. He is, we are tempted to say, the eternal science professor addressing the eternal class. Starting from his premises, the mathematical character of his reasoning leaves no options except the ones to which he points. Ironically, the coincidence of philosophy and political power that Lincoln here represents only serves to underscore the Platonic truth, which Lincoln learned from Shakespeare, that philosophy cannot cause the “evil in the cities” to cease and that politics is the realm of the tragic.45

Indeed, Jaffa’s first great work, Crisis of the House Divided, was inspired by the parallel he saw between Socrates’s confrontation with the sophist Thrasymachus in the Republic and Lincoln’s epic debate with Douglas.46 Jaffa was struck by Socrates’s and Lincoln’s similar philosophical responses to the argument that “justice is the will of the stronger”

43. Jaffa, Crisis of the Strauss Divided, 18.
44. Ibid., 12.
46. Jaffa, Crisis of the Strauss Divided, 10.
made by their opponents. Were there limits to popular sovereignty, or did the people have a natural right to do wrong? As Jefferson, the Founders, and Lincoln realized, the tyranny of the majority is as unjust as the tyranny of a king or an oligarch.

Lincoln’s philosophical statesmanship unites greatness of thought and action, theory and practice. Indeed, it displays the potential reconciliation between greatness and consent in a popular government. The natural rights under natural law philosophy of the Declaration is the touchstone of this philosophical statesmanship. Jaffa presents the core of Lincoln’s political thought in part 3 of Crisis of the House Divided: “The Political Philosophy of a Young Whig.” Located in the center of the book—between his initial case for Douglas and his subsequent case for Lincoln—this section consists of a close textual analysis of two early speeches by Lincoln, the 1838 Lyceum Address and the 1842 Temperance Address. These two early works shed light on understanding his subsequent political thought in later works like the Second Inaugural and the Gettysburg Address. The Lyceum Address raises the theme of ambition and political salvation. The Temperance Address provides a lesson in political moderation. According to Jaffa, both speeches emphasize the importance of the rule of law and inveigh against the political immoderation of the radical abolitionists. In the Lyceum Address, Lincoln famously invoked a “political religion” based on reverence for the laws and cold, calculating reason as an antidote to the unbridled passions unleashed by democracy itself.

Lincoln’s Socratic rationalism probed the moral foundations of the American regime and provided an ultimate justification for self-government in response to the rival proslavery and states’ rights sophistry of Calhoun. Jaffa viewed the intellectual clash between Lincoln and Calhoun as part of the continuing battle between philosophy and sophistry that began in ancient Greece and continues today. Thus, he observes, “The salvation of the Union depends, first and foremost, upon the defeat of the Unjust Speech by the Just Speech, or the victory of philosophy over sophistry. Lincoln is perhaps the greatest of all exemplars of Socratic statesmanship.”

In particular, Lincoln’s greatness as a philosopher statesman consisted in his ability to provide the most coherent intellectual articulation of the meaning of equality and its relationship to consent and popular government. Consistent with the Socratic quest for an unchanging nature, Lincoln correctly understood equality in terms of a universal, human essence. The self-evident truth of human equality

47. Jaffa, New Birth of Freedom, 368.
is really an affirmation of our common humanity as free and rational, yet fallible beings. The acknowledgment of this truth is a precondition from which just governments must take their bearings.

Jaffa reveals Lincoln’s clarity and profundity in demonstrating the correlative relationship between consent, equality, and popular government. Because all human beings are fundamentally equal, consent is the only legitimate principle of governance. Consent is thus both implied by equality and a requirement of it. Differences between human beings are differences in degree and not in kind. As such, they do not provide a title to govern another without that other’s consent. At Peoria in 1854, Lincoln intoned:

No man is good enough to govern another man, without that other’s consent. I say this is the leading principle—the sheet anchor of American republicanism. . . . According to our ancient faith, the just powers of governments are derived from the consent of the governed. Now the relation of masters and slaves is, PRO TANTO, a total violation of this principle. The master not only governs the slave without his consent; but he governs him by a set of rules altogether different from those which he prescribes for himself. Allow all the governed an equal voice in the government, and that, and that only is self government.48

Moreover, consent is the only principle of governance that provides the minority with a voice to defend its rights in the social contract that creates government. Given human fallibility, it ensures that the majority will not run roughshod over the rights of the minority and that the common interest of all will be considered by government. In sum, without consent, government is based on either force or fraud.

Throughout his career, Jaffa expounded Lincoln’s teaching on human equality in terms of the great chain and hierarchy of being, with human beings occupying an in-between status above the subhuman and below the superhuman:

The divine government of the universe, so prominent in the Declaration of Independence and other documents of the Founding, does not arise from the voluntary agreement of men to be governed by God’s providence. Nor does the human government of the lower orders of creation depend upon the voluntary agreement of dogs or horses or cattle. But there is no such difference

between man and man as there is between man and God, on the one hand, or man and beast, on the other, that would make the government of one man by another the natural and involuntary consequence of the differences between them. This is not to deny the fact of human differences or to minimize the importance of these differences, especially those involving wisdom and virtue, for government. But whatever differences there may be, they do not constitute a rightful ground for the assertion of the authority of one man over another until voluntary agreement has authorized legitimate government itself. It is one thing to say the one man is wiser than another. It is a different thing to say that such wisdom confers a right to rule on the other side or a duty to obey on the other.49

Slavery and the divine right of kings both denied this fundamental equality by elevating some human beings to the rank of the superhuman and degrading others to the level of subhuman. Either way, the principle of consent was violated.

Unlike philosophy per se, which is prone to abstract inebriation, Lincoln’s philosophical statesmanship possessed the sobriety of practical wisdom or prudence. Jaffa maintained that this virtue was essential to Lincoln’s statesmanship. Throughout history, visionaries have sought to impose their utopian schemes on reality with disastrous consequences. Consider how the lofty ideas of fraternity, equality, and liberty during the French Revolution began with “the republic of virtue” and ended with “the reign of terror.” Because politics is the art of the possible, not the ideal, it requires the crucial virtue of practical wisdom in applying moral principles under varying circumstances and in relating just means to ends in political decision making. Prudence means attaining as much of the good as possible and minimizing as much of the evil under the circumstances. It is the virtue that bridges theory and practice in politics.

More specifically, Lincoln displayed prudence in his regard for the constitutional boundaries thrown around slavery, his recognition that racist public opinion constrained the possibilities of dealing with slavery, his timing and means toward the Emancipation Proclamation, and his understanding that the defeat of the Confederacy was the indispensable means to attaining “a new birth of freedom.” Prudence should not be confused with a Machiavellian cunning or an amoral pragmatism that judges policies in terms of success or expediency

rather than their inherent good or evil. On the contrary, prudence is both principled and practical. This virtue explains why Lincoln made preservation of the Union his “paramount object” in the war without compromising his antislavery views. A careful reading of Lincoln’s speeches and writings before and during the war reveals he always believed preserving the Union meant preserving the principles of the Declaration for which it stood. Short-term compromises with slavery thus should always be considered in view of the moral end of its ultimate extinction.

Teaching the virtue of prudence in Lincoln’s statesmanship led Jaffa to criticize sharply those scholars who praised the abolitionists as the more principled antislavery heroes of American history. As Lincoln noted in an early protest against an antislavery gag petition in 1837, abolitionism could lead to the unintended consequence of “increasing rather than abating” the evil of slavery by undermining the rule of law and the success of more practical antislavery efforts that avoided a potential tyranny or bloodshed.50 Speaking of the abolitionists, Jaffa observes “that there is a danger of tyranny in the attempt to treat the desirable as if it were always possible, when in fact it is not. This teaching against political utopianism is certainly one of the great lessons of classical political philosophy. It is manifest in the Lyceum Speech when Lincoln warns against freeing the slaves by enslaving the free.”51

Given Professor Jaffa’s preference for the disputed method, this essay would be incomplete without mentioning some of his epic intellectual battles against his antagonists. Jaffa’s intellectual arch-nemesis in American political thought is Calhoun, mastermind of states’ rights, nullification, slavery as a positive good, and secession in defense of slavery. Indeed, much of New Birth of Freedom is dedicated to refuting Calhoun’s interpretation of the Constitution and the Union as a compact of free and independent states. Not surprisingly, Jaffa sees Calhoun’s teachings as guilty of historicism in replacing inalienable rights with historic rights that were grounded not in a universal human nature but in the interests of the white state majorities. Calhoun further repudiated the principle of equality in the Declaration. He claimed the rights at the time of the founding were corporate or collective rights of states, not individual rights. Finally, he contended

that the Union was a compact between states, in which the authority and sovereignty of the states preceded the Union.

In a fascinating but far too complicated argument to summarize at greater length here, Jaffa attempts to prove that James Madison and Thomas Jefferson’s 1798 “Kentucky and Virginia Resolutions” do not provide support for Calhoun’s twin doctrines of nullification and the compact theory of states’ rights, which led to secession. According to Jaffa, the “Kentucky and Virginia Resolutions” were still operating within a framework of the right to revolution. In the early struggle between Federalists and Jeffersonian-Republicans, it was still uncertain as to whether the rule of law would afford protection to the rights of the minority party and whether those defeated at the polls would relinquish power once they were defeated. The “Revolution of 1800” firmly established the precedents of constitutional change through free elections, the peaceful transition of power, the recognition of legitimate opposition, and the reconciliation of consent with the protection of minority rights: the very principles that Lincoln defended in preserving the Union against secession in defense of slavery. Jaffa emphasizes that for Lincoln the principle of republican government based on ordered liberty, the Union, and free elections “are one and the same.” He uses the trinity as an analogy: just as Christians believe there are three persons in one God, so there is an underlying unity “in Lincoln’s mind between republican government, the Union, and the idea of rule by free elections.”

Jaffa often referred to his modern-day antagonists as “present day followers of Calhoun.” These included Wilmoore Kendall, George Carey, and M. E. Bradford. Though they regarded slavery as an evil, these southern conservatives nonetheless agreed with Calhoun’s states’ rights interpretation of the Constitution, his view of corporate rather than individual rights, and his rejection of the authoritativeness of the Declaration as a moral standard. Bradford, who engaged in an epic battle with Jaffa over the meaning of equality in the American political tradition, stated, “Let us have no foolishness indeed. Equality as a moral or political imperative pursued as an end in itself—Equality, with the capital “E”—is the antonym of every legitimate conservative.”

53. Deutsch and Fornieri, Lincoln’s American Dream, 60–140.
accused Lincoln of refounding the Constitution by granting a constitutional status to the Declaration and assigning preeminence to its principle of equality at Gettysburg. They argued that Lincoln’s actions in expanding the scope of the federal government during war and making equality the nation’s primary goal anticipated the modern welfare “nanny state” and entitlement programs like affirmative action that are anathema to conservatives.

In response, Jaffa provides a magisterial overview of founding documents, including state constitutions and declaration of rights to show that equality was indeed understood at the time of the founding as a statement of individual rights rather than a statement of corporate identity. Moreover, he vindicates Lincoln’s interpretation that the states received their constitutional status as states within a union, not as independent sovereignties; that an incipient union preceded the Constitution at the time of the Declaration; and that the Declaration was indeed believed to have a constitutional status by the Founders. Jaffa’s battles with judges William Rehnquist, Robert Bork, and Antonin Scalia over original intent was likewise a debate over whether the Constitution should be read through the prism of the “natural law under natural right” teaching in the Declaration.

In response to critics on the right, Jaffa defended equality as a conservative principle. Lincoln’s view of equality did not support an equality of results or conditions. Rather, he espoused, in Aristotelian terms, equality as a principle of distributive justice or merit: the idea that rewards should be distributed proportionally to those who contribute a greater share in society. That is to say, individuals should be rewarded on the basis of ability, not on the accidents of birth or station. Equality, according to Jaffa, really means an equality of opportunity. Regardless of birth, wealth, race, class, creed, or gender, all should have a chance to improve their moral and material condition. For Lincoln, equality of opportunity implied the abolition of permanent castes and artificial barriers that would prevent individuals from competing for advancement in the race of life. His impromptu speech to the 166th Ohio Regiment on August 22, 1864, provides one of the most enduring expressions of the right to rise:

I am a living witness that any one of your children may look to come here as my father’s child has. It is in order that each of you may have through this free government which we have enjoyed, an open field and a fair chance for your industry, enterprise and intelligence; that you may all have equal privileges in the race of life, with all its desirable human aspirations. It is for this the
struggle should be maintained, that we may not lose our birthright—not only for one, but for two or three years. The nation is worth fighting for, to secure such an inestimable jewel.54

Lincoln, then, according to Jaffa, correctly defined the Civil War as a war for the American dream and recognized that the principles of “liberty” and “equality” included an economic imperative that guaranteed each human being “the right to rise.”

Finally, it is worth mentioning Jaffa’s critique of Garry Wills’s Pulitzer Prize–winning Lincoln at Gettysburg. The former maintained that Wills’s refounding thesis shared the same Calhounian assumptions as his other conservative adversaries—namely, that the states’ rights compact theory of the Constitution was in fact historically correct, that individual equality was not central to the founding, and that the Declaration did not enjoy a constitutional status. Jaffa takes aim at each of these propositions and refutes them. He first notes Wills was a student of Kendall’s and seemed to have imbibed his Calhounianism from the master. However, Wills’s thesis also includes a creative twist. He argues that Lincoln used his rhetorical prowess at Gettysburg to refound the nation on a more egalitarian basis that would sanction his antislavery policies. Lincoln used “sleight of hand” to intellectually pickpocket the American public then and ever since. Wills states,

Lincoln performed one of the most daring acts of open-air sleight-of-hand ever witnessed by the unsuspecting. Everyone in that vast throng of thousands was having his or her intellectual pocket picked. The crowd departed with a new thing in its ideological luggage, that new constitution Lincoln had substituted or the one they brought there with them. They walked off, from those curving graves on the hillside, under hanged sky, into a different America. Lincoln had revolutionized the Revolution, giving people a new past to live that would change their future indefinitely.55

In sum, Wills merely praises what Kendall, Carey and Bradford condemn. Contrary to the refounding thesis, Jaffa cited evidence to show that Lincoln’s reading of the Declaration was consistent with the Founders’ universal intent. Lincoln’s “new birth of freedom”

redeemed and extended the principles of the founding without supplanting them. Jaffa forthrightly responds:

At Gettysburg, Lincoln added neither a jot nor a title to the Declaration. Not for a moment did he think that he was imposing any interpretation upon that faith that did not authentically belong to it as it came from the hand of God and the Continental Congress. The proposition “that all men are created equal,” within the context of the second paragraph of the Declaration, means that no man has, in principle, any right to govern another man, without that other man’s consent. It means that those who live under the law should share in making that law. It denounces as tyranny whatever departs from these essential norms of free government. It denounces as immoral American slavery in the antebellum South. It denounces as immoral the tyrannies of communism and national socialism, and all other tyrannies, now or hereafter, that attempt to collectivize the rights of man. It is, as Lincoln said, a “rebuke and a stumbling block to the very harbingers of re-appearing tyranny and oppression” for all time. The glory of the Gettysburg Address is that it restores to the American people—uncompromised and untainted—the pristine majesty of the true American Revolution.56

If Lincoln is Jefferson and the Founders’ successor, then Jaffa is Lincoln’s intellectual successor in perpetuating the “ancient faith” of the American regime. No scholar has done more to vindicate the “natural right under natural law” teaching of the Declaration of Independence. Though a political philosopher, Professor Jaffa was also a poet and a patriot who stirred the moral imagination of his fellow countrymen to keep their eyes fixed upon the greatness of thought and character embodied by Lincoln and the Founders. I conclude with Jaffa’s poetic and patriotic exhortation at the end of New Birth of Freedom as the most fitting eulogy:

Lincoln left Springfield for Washington on February 11, 1861, with a task greater than that which rested upon Washington. He was the truest heir of Washington, because of both the clarity of his understanding and the strength of his character. The attempts to diminish the cause of Lincoln in the American mind, in Lincoln’s lifetime and in our own, have been substantially identical. Cal-

houn’s heirs have dominated the academy and by a shallow and permissive historicism and relativism have subjected “the laws of nature and nature’s God” to scorn and contempt. They have done so by propaganda appealing to the basest of passions, and reason has been in retreat. Nonetheless, “truth is great and will prevail, unless deprived of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them.” We must then take up the weapons of truth and go forth to battle once again for the cause of Father Abraham, of Union, and of Freedom, as in the olden time.

*Requiescat in pace* Professor Jaffa and in the bosom of Father Abraham.