

# *The* TELLER REVIEW *of* BOOKS

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Nadine L. Jackson, Editor-in-Chief

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THE AMERICAN REPUBLIC	Orestes Brownson
LIBERTY, ORDER, AND JUSTICE	James McClellan
ON LAW, MORALITY, AND POLITICS	Thomas Aquinas
THE ART OF WAR	Sun Tzu
NICOMACHEAN ETHICS	Aristotle
ON LIBERTY	John Stuart Mill
REFLECTIONS ON THE REVOLUTION IN FRANCE	Edmund Burke
UTILITARIANISM	John Stuart Mill
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DEMOCRACY IN AMERICA	Alexis de Tocqueville
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COMMENT LES DÉMOCRATIES FINISSENT	Jean-François Revel
AN INSIDER'S GUIDE TO THE UN	Linda Fasulo

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Nadine L. Jackson, Editor-in-Chief

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Each Volume of the Teller Review of Books™ consists of concise reviews of books that follow specific themes, including: Christianity, Culture & the State; Political Science and Public Policy; and Natural Law Thinking.

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## I. American Government

### A. The American Republic (Orestes Brownson, edited with an introduction by Thomas E. Woods)

“Original Insights on American Order”

Orestes Brownson’s “The American Republic” deals with the reconciliation of law and liberty in the United States, whose constitution, tendencies, and destiny have come together through Providence to establish an order for the freedom of both individuals and the State. Although Brownson’s arguments appear at times to be artificial or disingenuous (especially those that support a united Republic from which secession is necessarily illegal), the overall treatise offers the reader original insights on American order and the roots on which it is founded.

Brownson begins his essay with a maxim from the ancients that sums up all human wisdom: know thyself. Yet though “no one has more need of full knowledge of itself than the United States, and no one has hitherto had less” than the United States, which has lived the “irreflective life of a child.” Brownson therefore welcomes the Civil War as a “severe trial ... to throw [the United States] back on itself and compel it to reflect on its own constitution, its own separate existence, individuality, tendencies, and end, ... to pass from thoughtless, careless, heedless, reckless adolescence to grave and reflecting manhood. ... [F]our years of civil war have wrought in the nation is great, and is sure to give it the seriousness, the gravity, the dignity, the manliness it has heretofore lacked” (§ 16).

The author goes on to point out the long-standing tradition of ordered liberty, which began first with the Jews, the “chosen people of God, through whom the primitive traditions were to be preserved in their purity and integrity, and the Messiah was to come,” and continuing through the Greeks, chosen by God “for the development and realization of the beautiful or the divine splendor in art, and of the true in science and philosophy,” and the Romans, “for the development of the state, law, and jurisprudence” (§ 18). The American Republic in turn “has a mission, and is chosen of God for the realization of a great idea” (§ 19). It has been appointed the providential mission of continuing the work of Greece and Rome, while bringing out in its life the union of “authority and liberty, of the natural rights of man and those of society ... The American Republic has been instituted by Providence to realize the freedom of [the individual and the State] with advantage to the other” (§ 19). The American system stands at the pinnacle of civilization and is “better than monarchy, better

than aristocracy, better than simple democracy, better than any possible combination of these several forms, because it accords more nearly with the principles of things, the real order of the universe” (§ 24) through a written constitution that “retains all the advantages of the constitutions of states thus far known, is unlike any of them, and secures advantages which none of them did or could possess” (§ 20).

The author goes on to examine the foundation for government, which is necessary for society, which in turn is necessary for man’s nature. Of the origins of government, Brownson cites eight different theories, ranging from the paternalistic view to the social compact theory and the views that government derives from the people, from spontaneous development of nature, from the immediate and express appointment of God, through the Pope, or visible head of the spiritual society, or from God through the people or through the natural law. All of these problematic theories have been invented by political writers who failed to “carefully [distinguish] between the fact and the right” of government (§ 40).

The written governmental constitution of every nation must conform to the unwritten “constitution of the state or nation.” Whereas the former originates in law, the latter originates in historical fact and is “providential, given by God himself, operating through historical events or natural causes” (§ 151). Every nation’s written constitution must suit its unwritten state constitution, for “Where there is a discrepancy between the two constitutions, the government has no support in the state, in the organic people, or nation, and can sustain itself only by corruption or physical force” (§ 192).

The written constitution of the United States must therefore accord with the unwritten constitution--”the genius, the character, the habits, customs, and wants of the people, or it will not work well, or tend to secure the legitimate ends of government” (§ 192). Whereas the written constitution is “simply a law ordained by the nation or people instituting and organizing the government,” the unwritten constitution is the providential “real or actual constitution of the people as a state or sovereign community” (§ 227). The American written constitution conforms perfectly to the unwritten constitution and to providence. After the War for Independence, the States severally simply continued the colonial organizations, holding the sovereignty that was originally in England. There was one people “existing in distinct State organizations, as before independence they were one people existing in distinct colonial organizations.” This, writes Brownson, “is the original, the unwritten, and

Providential constitution of the people of the United States” (§ 232). Brownson further argues for the place of religious faith in this unwritten constitution for the establishment of order and liberty in America: “Let the mass of the people in any nation lapse into the ignorance and barbarism of atheism, or lose themselves in that supreme sophism called pantheism, the grand error of ancient as well as of modern gentilism, and liberty ... would be lost and irrecoverable” (§ 144).

Brownson defines the relationship between the states and the federal government in anticipation of his arguments on the invalidity of the arguments of the secessionists. He writes that the citizens of the nation constitute a sovereign power comprised of the general government for the United States and particular governments for the States, which have charge “only of the particular interests of the State; and the two together constitute the government of the United States, or the complete national government” (§ 247). The secessionists, however, believed each State to be sovereign and thereby argued that secession was a right “inherent in the very conception of a sovereign State. Secession is simply the repeal by the State of the act of accession to the Union; and as that act was a free, voluntary act of the State, she must always be free to repeal it” (§ 282). The refutation of this argument “is in the facts adduced that disprove the theory of State sovereignty, and prove that the sovereignty vests not in the States severally, but in the States united, or that the Union is sovereign, ... a real, living, constitutional union, founded in the original and indissoluble unity of the American people, as one sovereign people” (§ 285). Brownson, in turn, argues that even if a State were to secede from the Union, it would become not a separate, independent sovereign, but rather, it would revert to its status as a pre-accession territory, for “the States acquire all their sovereign powers by being States in the Union, instead of losing or surrendering them” (§ 294). The State of Texas, however, poses a problem to this theory, for as even Brownson concedes, prior to its accession, it was an “independent foreign state [that was] annexed as a State without having been first subjected as territory to the United States.” Brownson nonetheless describes Texas as “an exceptional case [that] forms no precedent, and cannot be adduced as invalidating the general rule” (§ 294).

The author contrasts the political tendencies of the southern States with those of the northern States. Whereas the slaveholding States held to a “compact” view of government that focused on the right of each citizen to do as he pleased according to his individual rights, in the north, a view

based on social rights and civil authority prevailed. A third notion of government, which Brownson labels as “humanitarian democracy,” “scorns all geographical lines” (§ 354) and leads to the “abolition of all individualities” (§ 364). Brownson warns of the danger of taking the victory of the North to be a “victory for humanitarianism or socialism” (§ 366).

Brownson concludes with an analysis of the political and religious destiny of America. He articulates a vision in which faith and religion are inseparable from good government: “Church and state, as governments, are separate indeed, but the principles on which the state is founded have their origin and ground in the spiritual order--in the principles revealed or affirmed by religion--and are inseparable from them. There is no state without God, any more than there is a church without Christ or the Incarnation ... Theological principles are the basis of political principles” (§ 407).

## **B. Liberty, Order, and Justice: An Introduction to the Constitutional Principles of American Government (James McClellan)**

“Outstanding Introduction to the Constitution”

James McClellan’s *Liberty, Order, and Justice* was one of the best books I read in 2009. This seminal book is as important to the history and roots of American constitutional government as Russell Kirk’s *Roots of American Order* is to American political history. No other book that I am aware of does as well a job in presenting an engaging history of the American constitutional order and of presenting a wealth of information on the constitutions of ancient Greece and Rome, the English natural law and natural rights traditions, and the formation of the American political conscience. The key documents that helped shape what would become the American mind, including the Magna Carta and the English Bill of Rights, are discussed in prose so engaging that it makes it difficult for the reader to put the book down. This book is an excellent choice for anyone interested in American constitutional history.

The following is my summary of McClellan’s excellent treatise:

### Introduction

McClellan’s work deals with the principles and characteristics of the American political order by familiarizing readers with the basic principles of the Constitution. Resting on the assumption that “in order to achieve