



KINDER INSTITUTE
on CONSTITUTIONAL DEMOCRACY



NEWSLETTER | WINTER 2021



The COLUMNS



After achieving the rare “five talks in five Fridays” feat in October, the pace of programming relented somewhat in the semester’s final two months, with a pair of November talks followed by a December 4 send-off to Fall 2020 featuring University of Pennsylvania Roy F. and Jeanette P. Nichols Chair in American History **Mia Bay**. All October-through-December talks are recapped here, but first a special thanks to M.A. in Atlantic History & Politics candidates **Sijan McGinnis** and **William Bloss**, who filled in for our typical reporter on October 9 and November 13, respectively, providing summaries for **Max Edling’s** talk on “The Constitution as a Federal Treaty” and **Christina Bambrick’s** comparative study of vertical and horizontal constitutional rights.

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We’ve lost track of how many times we’ve uttered some version of this statement, but it’s one that’s true enough that it warrants repeating: Fall 2020 was a different kind of semester. Typically scheduled Google calendar wall-to-Google calendar wall with classes, our seminar room on the fourth floor of Jesse was largely vacant from the time

the semester opened in August to when it closed in December. Typically worked to (and, in some cases, beyond) its breaking point, nary a gurgle came from the Keurig.

On all fronts, though, the show went on, and nowhere was this clearer than among our undergraduates, who, in the understatement of the year, gamely adapted to a new normal and breathed energy into difficult times. Our Society of Fellows was as active as ever, gathering for a week of Mount Vernon-sponsored talks on “Elections that Shaped the American Presidency,” a post-election autopsy with Kinder Institute Endowed Chair **Jay Sexton**, and a trio of one-read events: on Baldwin’s “Letter to My Nephew” with Kinder Institute Assistant Professor **Jennie Ikuta**; on wrongful convictions with Kinder Institute Swiss Army Knife **Caroline Spalding**; and on the free labor politics of Reconstruction with KICD Distinguished Visiting Research Fellow **Reeve Huston**. Additionally, members of our Kinder Institute Residential College (small groups of them, mind you) made the trek to Jesse 410 every Friday for colloquium watch parties and de-briefs with members of our inaugural M.A. cohort, and a new student seemed to come out of the woodwork every other day to declare either our B.A. in Constitutional Democracy (26 majors and counting!) or our Minor in American Constitutional Democracy.

And as the excerpt on pp. 14-15 shows, student articles for our annual *Journal on Constitutional Democracy* are as exceptional as ever, with a record 18 student writers on this year’s staff. We hope to feature news about our graduating seniors and recent alum in the Spring 2021 newsletter, so stay tuned for that, but for now, enjoy brief notes on our next cohort of students heading out to D.C. in June and a working draft of the first volley of **Jacob Hager’s** study of the 20th- and 21st-century evolution of conservatism in the United States.



Kinder Institute on Constitutional Democracy
University of Missouri

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Also, as a somewhat unanticipated bonus of shifting to the Zoom format, video recordings of many of our Fall 2020 talks, including Q&As in most cases, are available on the Kinder Institute on Constitutional Democracy YouTube page, so if any of what follows piques your interest, feel free to catch up on what you missed.



Policing & Criminal Justice Reform: A Conversation

Manhattan Institute Deputy Director of Legal Policy Rafael Mangual, University of Missouri Ruth L. Hulston Professor of Law S. David Mitchell, and MU Assistant Professor of Constitutional Democracy, Political Science, and Public Affairs Jen Selin (moderator)

Numbers vs. historical narrative took center stage in the opening remarks for the October 2 “Policing & Criminal Justice Reform” panel delivered by Manhattan Institute Deputy Director of Legal Policy **Rafael Mangual** and University of Missouri Ruth L. Hulston Professor of Law **S. David Mitchell**. On the empirical side, when asked about the most important aspects of contemporary reform movements, Mangual focused on a range of issues that, he argued, have become unmoored from data.

Incarceration: While we are living in a moment when people are calling for drastic cuts in incarceration rates, Mangual first offered that international comparisons shed light on a lack of context that often informs these calls. For example, Germany, a country of 83 million people, saw just under 2,500 homicides over a recent 12-month span. By contrast, slices of high crime areas in Chicago, Baltimore, Detroit, and St. Louis saw 13.6% as many homicides as Germany during that same time-span (approx. 340) despite making up just 0.5% of Germany’s population. Similar misconceptions, he continued, plague our understanding of who is in jail, for what, and for how long. While many voices of reform hold that prisons are majority populated by non-violent offenders (specifically, non-violent drug offenders) serving unnecessarily long sentences, the statistics suggest otherwise: in state prisons, only 15% of

people are incarcerated for drug offenses, and their median time served is 16 months, with 40% of those convicted serving less than a year. Finally, Mangual added that we should keep in mind that incarceration serves the important end of incapacitating serious offenders, a fact whose importance he underscored by pointing to an 83% re-offense rate among released prisoners.

Defunding, Abolishing, and De-Militarizing the Police: We need to likewise consider how data does or does not support current arguments to defund, abolish, or demilitarize the police. In over a million recent calls for police service in Arizona, North Carolina, and Louisiana—calls which resulted in 114,000 criminal arrests—there was one fatal police shooting. Of the roughly 76 million police-related contacts that occur per year in the U.S., 0.003% on average involve a police officer firing a service weapon. On the other hand, every dollar spent on policing yields \$1.63 in return, making defunding tantamount to reducing our capacity to do what we know is consistent with decreasing crime.

Responding to the same question about reform movements from the perspective of narrative, Prof. Mitchell noted that we must begin by acknowledging the sociohistorical and socio-legal context of the longstanding negative relationship between law enforcement and Black communities. The distrust of law enforcement that has developed in these communities, he continued, is reified each time an egregious act of police violence occurs, and a historical lack of accountability when it comes to these violent events means that a benefit of the doubt has been lost. Addressing this narrative of distrust—which law enforcement institutions across the country have not adequately done, Prof. Mitchell argued—requires drawing a distinction between police and policing. While it is, to be sure, necessary to respond to individual acts of police violence in relation to the individuals who commit them, a “bad apple” rhetoric cannot prevail. Rather, we must think in broadband terms in order to attend to and reform those daily interactions with law enforcement that don’t end in bodily harm or death but that nonetheless fuel the aforementioned negative relationship. We must, for example, address inconsistent definitions of the use of force. In our own hometown of Columbia, as in so many hometowns nationwide, we must address racial profiling—which statistics bear out as a truth year after year—as a structural issue. And we must curb the immediate response from critics of reform—and especially from police unions—that it’s somehow offensive to be critiqued for needing to do better. This institutional mistrust of reform in particular mistakes what drives the animosity harbored by communities of color toward police. Law enforcement and safety *are* important to these communities, Prof. Mitchell stressed. But so are reforms that work to ensure the existence

of an enforcement body that doesn’t perceive everyone as criminal and that instead respects the humanity, dignity, and integrity of all who call them.

He added that, in considering how to enact meaningful change, we must recognize that policing reform *is* criminal justice reform. They cannot be decoupled, as police are the tip of the criminal justice spear—the first point of interaction in determining who to arrest, who to charge, and who is assessed fees. For example, when police are called to a minor issue and that interaction escalates because of a lack of respect, more severe charges far too often ensue. But that lack of respect is prerogative. Respect is not something one is entitled to in service positions, and so better police training in de-escalation can become a tool of criminal justice reform. In other words, recognizing that there are structural flaws in the framework of who gets arrested—and recognizing that these flaws create a disproportionate entry pattern into the prison system which in turn has a disproportionate effect on who suffers the collateral consequences of incarceration—is the critical first step in instigating change.

Prof. Mitchell then went on to acknowledge that there are actions beyond policing reform that can be taken to aid in this process and that there are non-law enforcement institutions that must be held accountable for not doing so. We must, for example, collectively come to terms with the fact that defunding police would re-allocate resources to already defunded services (e.g., social work, psycho-therapy) that can assist the police in jobs they aren’t trained to do. We can, additionally, better use the courts to enact practical reform. We can take legislators to task for their reluctance to stand up and say we over-criminalize and for their refusal to take advantage of the spate of tools at their disposal to address this issue. And, finally, we must reform a system that has repeatedly failed to find effective ways to re-integrate formerly incarcerated individuals into society and that has instead denied them housing, jobs, and the franchise—a factor in why recidivism rates double from the first to the third year after release.

In offering a response, Mangual began by noting that the measured approach which he sees as conducive to advancing effective reform doesn’t necessarily square with popular topics. Rather than de-funding or abolishing police, for example, Mangual suggested that reforming recruitment in a way that increases professionalization—a tactic that was monumentally successful with decreasing police violence among NYPD officers—could be a critical first step. Rather than training in de-escalation—which he argued the data doesn’t support as being effective—he lobbied for greater police training on the legal side of issues, highlighting how incredulity (and the escalation that follows) is often the result

of a knowledge gap. And finally, there are simple, practical steps that can be taken to increase transparency: wider body camera options, constraining the use of no-knock warrants, and better transmission of what data shows.



A Union, Not a Nation-State: The Constitution as a Federal Treaty

King's College London Reader in Early American History
Max Edling

Providing a sneak peek of his forthcoming Oxford University Press monograph, *Perfecting the Union: National and State Authority in the U.S. Constitution*, King's College London Reader in Early American History **Max Edling** began his October 9 talk at the Kinder Institute, delivered via Zoom from Sweden, by describing how his ambition for the book is that it might underscore not only the ways in which the Constitution was seen to matter in early America (as well as the ways in which it is seen to matter now) but also how its role might be somewhat overstated by modern historians. In particular, his talk brought a unionist scholar's approach to examining the "blurred line" that existed at the time of the republic's founding regarding where state powers ended, where national powers began, and vice versa. Unionist scholars, he showed, perceive the U.S. Constitution as a document that serves as an agreement between sovereign states and *not* as the fundamental law of the nation-state. In this context, the Constitution solidified, as well as institutionalized, the United States as a formal government which, perhaps supreme among other things, could forge international relationships with greater ease. Running counter to this unionist interpretation, he continued, is the far more historically-acclaimed (and practiced) progressive interpretation, which understands the U.S. Constitution in terms of its function as a document that redistributes properties and status for the nation's citizenry.

In further drawing out the details of his own approach, one aspect which Dr. Edling highlighted was the meaning of "internal police," a phrase that came up repeatedly in his

research on the 1787 Constitutional Convention and the subsequent state ratifying conventions. "Internal Police," he noted, carries little meaning in contemporary political discussions, and he found no works from the time that clearly laid out what exactly it refers to. Thus having to rely heavily on the historical context in which the term was used to clarify national versus state power, Dr. Edling worked from there to try to identify whether internal police powers were principled restraints or practical limitations on authority, a distinction that would end up playing a key role in shaping the overall narrative of his new book.

As for his methodology for unpacking both the meaning and significance of "internal police," Dr. Edling explained how he researched over 400 laws passed by Congress from 1789-1797 and then compared them to the legislation of several states during this same time period to determine both the themes therein and what these themes said about the broader focus and domain of each legislative body. What he found was that many of Congress' laws were international in what they addressed, while the state-level legislation's focus was almost entirely on domestic issues, a division of interest that supports the unionist reading of the perceived role of the U.S. Constitution at the time of the founding, as well as how that role should continue to shape our thinking about the framing document in the present.



Moderation in America

Indiana University Professor of Political Science
Aurelian Craiutu

The specter of Barry Goldwater hangs over the recent history of moderation. "Extremism in defense of liberty," he proclaimed in his presidential nomination acceptance speech at the 1964 Republican National Convention, "is no vice. Moderation in pursuit of justice is no virtue." As Indiana University Professor of Political Science **Aurelian Craiutu** noted in introducing his October 16 talk, today's climate of political intransigence and hyperbole does moderates no favors. They are deemed, on the one hand, indecisive and soft-hearted; on the other hand, opportunistic and devoid of

substance, not democratic enough in their lacking the true political compass necessary to bring about reform. Over the course of his presentation, however, Prof. Craiutu showed that re-visiting and de-bunking this conventional image—or, perhaps better, this popular misconception—of moderates as weak and ineffectual reveals a complex virtue that transcends the political categories of left and right and that may, in fact, be necessary for contemporary society to adequately address its equally complex problems.

Moderation found its way into American political thought through a lineage that spans from Tacitus, for whom it was the “most difficult virtue,” to Montesquieu, who thought it the most valuable virtue to legislators. If moderation’s Aristotelian, ethical dimension is its most familiar, the founding generation likewise saw in it a distinctly institutional and constitutional significance: the animating principle of a government that places power in different hands so as to avoid it being abused and, in doing so, is capable of governing without violence and with openness toward multiple religions and interests. This was the moderation of John Adams, who saw it as a virtue “without which every man in power becomes a ravenous beast of prey.”

Still, this leaves questions unanswered: What, for example, does moderation presuppose? Can moderation even exist in contemporary America?

In terms of a central tenet, Prof. Craiutu explained that moderation requires a courageous defiance of moral absolutes. It is thus without a precise algorithm that can be applied indiscriminately in all situations, meaning that what was considered moderate in, say, the 1920s or 1930s is no longer moderate today. In practice, because moderation is a non-conformist virtue that resists the litmus test of ideological purity and thrives on partisanship and dialogue with opponents, the moderate legislator has worn many different masks over time: the prudent man (Aristotle); the nautical trimmer who leans against the weight of others to preserve evenness and evade danger (Marcus of Halifax); the skeptic (Hume); the defender of healthy pluralism (Madison); the individual who stands above the fray and contemplates with equanimity the faults and virtues of aristocracy and democracy (Washington); and the critic of zealotry (Burke). In thinking about the on-the-ground political ramifications of moderation, Prof. Craiutu argued that there is one important thing to keep in mind: while it might be easy to equate moderation with centrism, this would be an oversimplification; moderation can easily and often does exist to the left or right of center.

As for concrete political agendas that have embodied the theory of moderation, Prof. Craiutu pointed to the middle road

doctrine between revolution and reaction in France; the social market economy that led to Germany’s post-WW II recovery; the Prague Spring of 1968 and the later rise of Václav Havel; the solidarity and self-limiting revolution of Communist Poland in the 1970s and 1980s; and the tenure of Tony Blair in late-20th and early-21st-century Great Britain. Zooming out, what each of these examples and figures shared was a willingness to operate without fixed ideological contours that enabled sensible decisions to be made within rapidly evolving political contexts. Weaving in Lincoln, Prof. Craiutu went on to describe how, in understanding the multidimensionality of the public good, the moderate tends to “think politically”—i.e., in terms of the lesser evil vs. the ideal outcome; in terms of peaceful reforms vs. revolutionary moves; and in terms of a decent vs. a perfectly just society.

This ability to think politically—to foster a flexible mindset that opposes fanaticism and that is capable of correcting mistakes—was one of many advantages that Prof. Craiutu assigned to moderation in his talk. It likewise accommodates a wide range of political ideas because it has affiliation with and affinity for multiple stops on the political spectrum. It is conducive to civility, compromise, and tradeoffs, as it fights through echo chambers in insisting that all sides be heard. And while it is a virtue of humility and self-restraint, these qualities manifest themselves in a determination to swim against the current.

But what are moderation’s chances of rising to prominence today and, beyond this, what might moderation even look like in our present moment? What we need, Prof. Craiutu emphasized, is not the moderate cowardice that Dr. King justly denounced in his “Letter from a Birmingham Jail”: the moderation of those white men who tolerated injustice out of false modesty and who didn’t care about reducing inequality. We instead need a muscular, radical form of moderation that doesn’t call for illusory bipartisanship but that actively trims between the extremes, operating with proportionality, strength of character, and even irreverence in challenging the dogmatic politics of us vs. them.

In further developing this vision of a current strain of moderation, Prof. Craiutu left the audience with the action points that Saul Alinsky laid out in his 1971 *Pragmatic Primer for Realistic Radicals*: (1) Refuse to define a single best way, accept facts and modify beliefs as facts change; (2) Avoid sectarianism; (3) Don’t be a perfectionist, work with the world as it is vs. how it should be; (4) Embrace eclecticism over ideological purity; (5) Acknowledge that political issues have more than one side and learn to use partisanship to your advantage.



Unsettling Genealogies of Haitian Revolutionary History

University of Virginia Professor of History and African Diaspora Studies Marlene Daut

It was through the ascendance of Michel-Rolph Trouillot's 1995 *Silencing the Past* that a long line of Haitian historians came to have an immeasurable impact on scholarship in the present day. As UVA Professor of History and African Diaspora Studies **Marlene Daut** explained, though, this influence comes with a sizable asterisk. The vast majority of European and U.S. scholars who acknowledge the vital importance of *Silencing the Past* have never heard of the 19th-century thinkers who shaped Trouillot's groundbreaking work. Instead, they read Trouillot associatively—as indebted, for example, to the Marxist tradition of Gramsci and Althusser—and the result is a history of Haiti, and specifically the Haitian Revolution, that is filtered through a Western lens which silences this history's real source.

At the heart of Prof. Daut's current work on Trouillot—and at the heart of her October 23 talk at the Kinder Institute, which was co-sponsored by MU's Afro-Romance Institute—is an act of un-silencing that might decolonize Haiti's history. This process of de-colonization starts not with *Silencing the Past*, however, but rather with Trouillot's 1977 *Ti difé boulé sou istoua Ayiti*, the first history of the Revolution written in Haitian creole. Unpacking the genealogies of 19th-century Haitian thought that Trouillot draws on in this work—as well as the way of thinking and the mode of historiographical inquiry that emerges from these genealogies—leads us to an historical point of view that doesn't privilege Western perspectives. And this new understanding of the past likewise has present-tense and future-tending consequences for Haiti itself. “When you know where you came from,” Trouillot wrote in *Ti difé boulé*, “the path forward that you must take becomes more clear.”

Extracting Haitian revolutionary history from Western grips, Prof. Daut showed, first requires going “beyond Foucault.”

Foucault is mentioned once in *Ti difé boulé*, but even this reference—“In history, power begins with the source”—proves Foucault derivative, as Prof. Daut traced it back instead to 19th-century Haitian historian Beaubrun Ardouin, who anticipated Foucault in arguing that the historian is the source of power. “The past is the regulator for the present,” Ardouin wrote, “as it is for the future.” In terms of the impact of Trouillot's work, by concerning himself with the present of Ardouin and Thomas Madiou, he was directly addressing—or redressing—a Western incapacity and unwillingness to understand the Revolution on its own terms. Specifically, because the very idea of a slave revolution was ontologically incompatible with the world theories of European thinkers—because they were concerned only with a Haiti that involved them—the histories that came out of the West were riddled with prejudice and bias. By re-examining the Revolution from the vantage of Haitian historians, Trouillot was thus able to un-suffocate a Haitian perspective and craft a history from a point of view that was natural, rather than foreign, to the nation. On one hand, this corrected what colonists had missed when, for example, their histories placed too much emphasis on Toussaint Louverture and not enough on the public masses (the brave maroons who were, for Baron de Vastey, the true authors of Haitian independence). On the other hand, by focusing on the sources themselves—by attending to who is historiographically included and excluded—Trouillot was able to begin to draw to the surface the vast, if also ignored, influence of Haitian intellectual history on 19th- and 20th-century Atlantic thought.

Trouillot's insistence on returning to these original sources of Haitian history highlights, Prof. Daut continued, a new epistemological technique: a reverse ventriloquism through which second-generation Haitian nationalists like Vastey speak for the dead. Such a technique brings us to a point in time “before Michelet.” By attributing the substantiation of revolutionary discourse to European luminaries like Michelet—who wrote the first history of the Revolution from the French perspective—we erase what and who came prior to them and, in turn, mis-credit who is responsible for the big ideas that shape how we tell history and develop national traditions. Reviving the voices of those who are buried—as not only Trouillot did but also the thinkers whose genealogy he traces—we unveil the heinous crimes which precipitated the Haitian Revolution and rightfully celebrate who fought against empire and why. As Prof. Daut explored by turning to Haitian poet Hérard Dumesle's 1824 *Voyage Dans Le Nord D'Hayti*, this process does not simply involve underscoring atrocity, nor is it confined to the study of figures and facts. As the Great Wanderer in Dumesle's poem traverses the natural

and built landscapes of Haiti—its edifices, monuments, and palaces—we find new allegories and symbols to guide us not only in learning a true history of Haiti but also in bringing this history into the present. Works of poetry, in this sense, become their own spiritually evocative medium of retrieval. They show us, as Trouillot wrote, all that “is left when we close the history books with their verifiable facts.”

Which leads us, finally, “beyond Trouillot.” Haiti’s has always been what Prof. Daut deemed an “inconvenient history”—inconvenient particularly to the legacies of colonialism and white supremacy—and assessing and moving past Trouillot’s impact is necessary for undoing the silencing “lessons of kings” by seeking out more of Haitian political thought and its influence on Western historiography.



Republics of the New World

Hilda Sabato, Head Researcher at Argentina’s National Scientific & Technical Research Council

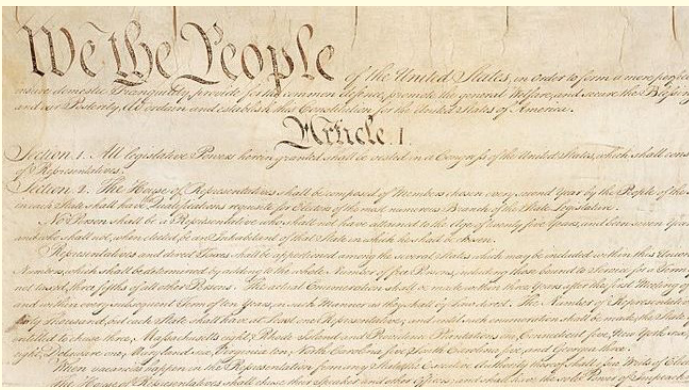
*What follows is a brief synopsis of Dr. Sabato’s opening remarks for her October 30 talk, during which she provided an overview of her recent Princeton University Press monograph, *Republics of the New World: The Revolutionary Political Experiment in Nineteenth-Century Latin America*. The full version of the opening remarks, as well as the extended Q&A that followed, is available on YouTube.*

Though a spate of wars of independence broke Spain’s colonial foothold in Latin America in the early 19th century, it would take decades of nation building for the map we know today to be consolidated. As Dr. **Hilda Sabato**, Head Researcher at Argentina’s National Scientific & Technical Research Council, explained, the reason for this was the radical political experiment in which the former colonies engaged. After liberating themselves from Spanish rule, the burgeoning nations of Latin America faced a dilemma of regime options that was familiar in the 19th-century world of Atlantic revolutions: constitutional monarchy or republicanism? But

whereas so many of their counterparts opted for the former, Latin America embraced popular sovereignty on a scale unseen outside of the U.S.

Of course, the boldness of this adventure in self-government required acts of political revisualization of immense magnitude. Specifically, and as Dr. Sabato argues in *Republics of the New World*, in order to make popular sovereignty an operational principle, not only would the relationship between the people and the government have to be redefined, but the very notion of the people themselves—who was and who wasn’t included in the polity—would have to be invented. As in all cases of republican experimentation, widely extending citizenship in Latin America was central to this act of invention. Through integrating large (if also largely male) sections of the population into political life, regimes were able to gain legitimacy through elections by the people, even as broader, at times compromising consequences emanated out from this turn toward representative government. As far as these broader consequences go, even if the elections weren’t necessarily democratic in our sense of the word—participation was channeled through a system of hierarchies, Dr. Sabato noted—expanding the electorate nonetheless meant on the one hand that those seeking power had to involve the people in the political process; the few had to resort and appeal to the many. Prestige thus became a factor not of social status but rather of a form of political capital that was measured by the popular opinion of the polity and that crossed and to some degree collapsed spaces of belonging and exclusion. On the flipside, rivalries between the few and their followers immediately began to emerge. Turbulence animated politics, territorial boundaries fell under contest, and governance became a somewhat ephemeral concept, shaped by a civic rhetoric that shifted as different sectors of the polity were mobilized at different times, by different people, for different reasons.

Ultimately, the 19th-century Latin American state became de-centralized as a result of recurrent instability. Dr. Sabato emphasized, however, that this was decidedly *not* an outcome that reflected some failure on the part of the developing nations to “play the game of republicanism.” Quite on the contrary, this was the result of their abiding by the game’s rules. Instability was, that is, the natural byproduct of republican inclusivity, and the difficulty that these nations faced in legitimating regimes was not unique to the region. Few attempted republics lasted long into the 19th century, and the fact that this wasn’t the case in Latin America—the fact that the central tenets of a new order were in the end embraced—can be attributed to an insistence on trying multiple ways to tame uncertainty.



Who's Responsible for Constitutional Rights?

University of Notre Dame Assistant Professor of Political Science Christina Bambrick

In 1989, the Supreme Court ruled in *DeShaney v. Winnebago County* that the Fourteenth Amendment to the Constitution of the United States does not create an obligation on behalf of the state to prevent child abuse when (a) the child is in the custody of a parent; and (b) the state did not create or increase the danger of abuse. Which is to say that, in this particular case, the Winnebago County Department of Social Services had not violated Joshua DeShaney's right to liberty, under the Fourteenth Amendment, by failing to prevent his abuse by his father. For all that is heartbreaking about *DeShaney v. Winnebago County*, the case entrenched a particular—what is now termed a vertical—understanding of constitutional rights as being the responsibility of the state to abide by but not enforceable within a private sphere. In her November 13 talk at the Kinder Institute, Notre Dame Assistant Professor of Political Science **Christina Bambrick** explored a number of issues that emerge from what has now become this conventional legal construction: how a polity's understanding of constitutional rights influences the ways in which rights are discussed; the kinds of constitutional questions that come before judges, as well as the ways in which courts rule, as a result of the manner in which rights are conceived; and perhaps most importantly to this particular discussion, the tradeoffs that come when we think about constitutional rights as horizontally, rather than vertically, oriented.

According to Prof. Bambrick, a vertical model of rights is defined by a relationship between the state and private citizens in which the former promotes the rights and protects the liberties of the latter by regulating the public and private

spheres as separate entities, each with its own set of laws: constitutional law for the state and common law for the private sphere. Though a jurisprudential standard in the U.S., this model is not without alternative. As Prof. Bambrick demonstrated in examining the comparative case of post-Apartheid South Africa, a horizontal model for understanding rights exists which places specific emphasis on relationships between individual citizens. This model, derived from the nation's commitment to equality in its 1996 constitution, aims to protect rights and remedy harms not only by regulating both public *and* private life via constitutional law but also by placing private actors in the position of being bound to themselves protect and promote constitutional rights. Since the adoption of the nation's constitution, Prof. Bambrick continued, the South African Constitutional Court has consistently ruled that citizens have constitutional duties to one another and, as a byproduct of this arrangement: that citizens have a right to housing (2004); that citizens have a duty to not interfere with education (2011); that landlords have the duty to ensure dignity in tenants' living conditions (2017); and that schools have the duty to provide a basic education to students (2020).

As Prof. Bambrick noted, however, both models have their tradeoffs. In preserving a separate public and private sphere of law, the vertical model grants legislators, courts, and private citizens more flexibility in understanding rights in a varied manner across various contexts, thereby allowing people, companies, churches, and state actors to have different rights and duties. That said, vertical models can leave tragic gaps in accountability like those that came to bear in *DeShaney v. Winnebago*. In contrast, horizontal models apply rights more evenly and broadly across a society but leave very little room for nuance.

Prof. Bambrick concluded her talk with three points that might further flesh out the distinctions between these two models of constitutional interpretation: (1) Different models of understanding constitutional rights lead to different questions being asked in courts; (2) Variability in models of constitutional rights directly shapes the conversation of constitutional issues; and (3) It is worth considering the strengths and weaknesses of both models and what one can learn from each. Ultimately, she argued, there is no perfect model, and a nation's approach to constitutional rights must thus be understood as a unique development of that nation's history and the unique circumstances of its constitutional creation.



Anglican Evangelism and the Maintenance of Slavery in the 18th-Century Atlantic World

University of Missouri Associate Professor of Black Studies
Daive Dunkley

Drawn from a larger project examining the Anglican Church's involvement in British slave trafficking in the Americas, MU Associate Professor of Black Studies **Daive Dunkley's** November 20 talk focused on a number of evangelical actors who history often—and problematically—miscasts as having some abolitionist leanings.

Specifically, Prof. Dunkley argued that, in figures like Morgan Godwyn (in the late-17th century) and Thomas Clarkson and Thomas Bray (in the 18th), we see very clearly the ways in which the Church of England used catechism, and especially baptism, to suppress the resistance of enslaved people in the Atlantic World and, in turn, to guarantee the perpetuation of the hierarchies of the slaveholding empire. In “The Negro’s and Indian’s Advocate,” for example, Godwyn leaves no uncertainty regarding baptism’s benefit to the planter class. The promise of heaven was, he explains, predicated on the fact that enslaved people would “thereby be continued in their present State of Servitude notwithstanding their being afterward baptized.” Similarly, a law proposed in a 1681 supplement to the work was also designed to ensure that planters’ just interest in enslaved people came with the promise of continued servitude. The goal, then, was to use baptism not simply to dissuade those who might otherwise be inclined to flight or to purchasing their freedom from doing so but also to use scripture to discourage enslaved people from considering themselves equals. While the secondary literature on Godwyn and Clarkson—including commentary from Frederick Douglass—often treats their criticism of the conduct of slavery as forerunning later abolition movements, Prof. Dunkley emphasized that this widely ignores how their underlying ambition was to keep people enslaved.

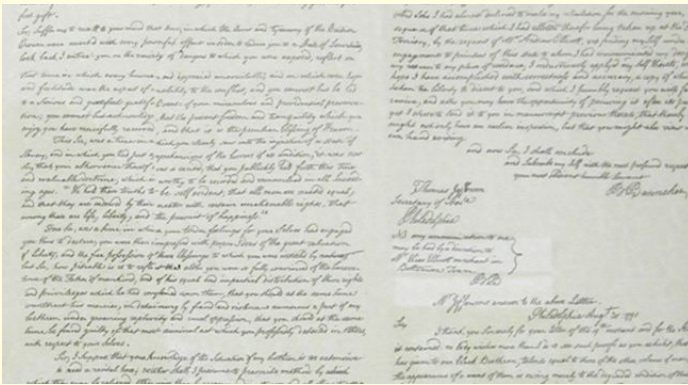
A similar argument could be made about Thomas Bray, founder of the Society for the Propagation of Gospel in Foreign Parts (SPG), who, along with close friend and founder of Colonial Georgia James Oglethorpe, publicly supported colonization *without* slaveholding. This was not, to be sure, undertaken out of opposition to slavery per se. Rather, Bray saw enslaved people as unable to raise themselves above “the lowness of brutes” without religious education and, in this, as a threat to colonial societies and markets. This potential threat, he reasoned, could better be defused via indoctrination than by adding new slave colonies to the empire, and so he set in on a project of Christianization to preserve the economic well-being of enslavers. Baptism thus became a means of redeeming enslaved people from those racial incivilities and African traditions that he believed had adversely affected their development as a people and, far more importantly for Bray, that he saw as conducive to disrupting the plantation system. As was the case with Godwyn, Bray made clear that heavenly redemption *did not* imply earthly freedom but rather required a pledge of fidelity to plantation owners. And as rumors circulated among enslaved populations in South Carolina, Virginia, and Jamaica that the opposite was true—that baptism would deliver them from bondage—the SPG would double-down on its efforts to appease planters, even more forcefully shaping their rhetoric around the idea that baptism would in no way alter enslaved people’s earthly condition and that the “liberation of Christianity [was] only spiritual.”

In closing, Prof. Dunkley pointed to a final example that placed in stark relief the degree to which we must understand the ambitions of the SPG in terms of reconciling Christianity and slavery. Following his death, Barbados enslaver Christopher Codrington bequeathed his two plantations and the three hundred enslaved people thereon to the SPG “for the foundation of a college in Barbados.” His will stipulated, though, that the enslaved people must remain in the status of human chattel, making it apparent that he perceived the SPG as an organization that was not only well-suited to ensuring his wishes were carried out but also, more broadly, one that was uniquely capable of showing that neither the laws of god nor man prevented the institution of slavery.

Talking Back to Thomas Jefferson: African-American Nationalism in the Early Republic

University of Pennsylvania Roy F. and Jeannette P. Nichols
Chair in American History Mia Bay

Though it was produced centuries after the time period on which her December 4 talk focused, University of Pennsylvania



Roy F. and Jeannette P. Nichols Chair in American History **Mia Bay** cited the juxtaposition of Thomas Jefferson and Dr. Martin Luther King, Jr. in Faith Ringgold's 2009 "As Free and Independent States" as embodying exactly the overlooked relationship which her new book project attempts to unpack. Specifically, Prof. Bay discussed how Ringgold's work nods toward a tradition in African-American thought of dialoguing with Jefferson that has largely gone unnoticed—or at least un-explored—by academics. Scholars of African-American thought—particularly in the nascent United States—have tended to devote attention to the rise of Black nationalism, she explained, while Jefferson scholars' discussions of race have focused primarily on his views on African Americans, rather than the other way around. What is lost in this equation is the curiously central, quite complicated role that Jefferson plays in the history of Black thought as a figure who, in embodying the contradictions of the new nation, was as celebrated as he was abhorred.

In fact, African American thinkers of the early republic were fascinated with Jefferson not in spite of but *because* of his contradictions. He was the author, on the one hand, of one of the most egalitarian endorsements of human rights, in the Declaration of Independence, but also one of the earliest articulations of scientific racism, in *Notes on the State of Virginia*. It was precisely this disconnect that Benjamin Banneker seized on in his correspondence with Jefferson. In the letter that accompanied the copy of his *Almanac* that he sent to Monticello, Banneker praised Jefferson's revolutionary spirit while at the same time presenting himself as a living rebuttal to the theories about Black inferiority that permeate *Notes*, ultimately using the dialogue to challenge Jefferson to live up to his ideals. It was pitiable, Banneker reasoned, that the mind behind the Declaration of Independence should likewise be guilty of that criminal act which he so detested in others.

As Prof. Bay would go on to show, this line of argumentation, which crafted contradiction into a mandate for racial justice, was a common theme in both free and enslaved African Americans' writings about Jefferson. In a 24-page long, 1808 letter to Jefferson signed only "A Slave," for example, the writer

utilizes Jefferson's status as a symbol of flawed democracy to introduce the African-American freedom struggle into the republican canon. A withering, often angry critique of Jefferson's failure to manifest his philosophy, the letter appeals to the "brave sons of '76" in demanding that Jefferson follow up the 1808 abolition of the slave trade with wholesale abolition. (In this, the letter bears some resemblance to Lemuel Haynes' 1776 *Liberty Further Extended*, which champions the language of the Declaration's Preamble in the course of petitioning to redefine discourse on the aims of the American Revolution to include the liberation of enslaved people.) Similarly, Daniel Coker's *Dialogue between a Virginian and an African Minister*, the first African-American-authored anti-slavery tract published in a slave state, celebrates Jefferson's philosophical commitment to anti-slavery while using his [Jefferson's] own natural rights arguments to disprove both the divine sanction of the institution of slavery and the premise of racial inferiority. In his orations, William Hamilton, too, lauded Jefferson's abolition of the slave trade but only as a way to underscore his intellectual limitations and inconsistencies as an "ambidexter philosopher" whose denial of his own declaration of equality violated the axioms of geometry.

Perhaps nowhere was this dialogue with Jefferson clearer than in David Walker's 1829 *Appeal*. In framing the Jefferson of *Notes* as someone who gave voice and name to some of white America's most racist ideas regarding slavery, colonization, and discrimination, Walker's *Appeal* functioned not only as a rallying cry for Black Americans to refute the ideas of racial inferiority contained in Jefferson's writings but also as an open call for revolt. Important to note, though, is the degree to which Walker rooted the enslaved community's right to revolt in the same principles that Jefferson himself penned into the Declaration. As Prof. Bay argued in closing, this was characteristic of the antebellum era. As Southerners gravitated toward a pro-slavery ideology that left no room for the idea of Black freedom, Jefferson became all the more important as a figure whose understanding of rights, especially when coupled with those actions which contradicted said understanding, could be drawn on by abolitionists as evidence of a promise left unfulfilled. After emancipation, Lincoln almost immediately displaced Jefferson as the lodestar around whom African Americans oriented discussion of their precarious position in free society, which might to some extent explain why Jefferson's place in African-American thought has for so long gone relatively unplumbed. That said, the latter was not entirely erased from the record. In E.G. Renesch's 1919 "Emancipation Proclamation," for example, there is Lincoln, squarely in the foreground as a symbol of liberation, but it is not his own 1863 Proclamation which he holds as an embodiment of American democracy, but rather Jefferson's 1776 Declaration.

SPRING EVENTS PREVIEW

Some people reading this may have already received their Spring 2021 Kinder Institute events calendar in the mail, but for anyone who hasn't, below is a preview of just a handful of the almost 20 talks and workshops that we'll sponsor this semester. As was the case in the fall, events will be relegated to Zoom to start the semester, but with any luck at all, we'll be back—safely—in Jesse 410 come April or May.

On February 19, and roughly on the two-year anniversary of our international conference on the Missouri Crisis, Northwestern historian **Kate Masur** will re-visit the subject with a talk that underscores the importance of state citizenship in the 19th century by looking at the debates that raged about Missouri's proposed state constitution.

Kinder Chair in Constitutional Democracy **Jay Sexton** will convene a March 5 panel of renowned historians from around the globe to offer an international perspective on the United States' 2020 election crisis.

The last of our Spring 2021 trans-Atlantic virtual visitors, University of Edinburgh Senior Lecturer in British Politics **Harshan Kumarasingham** will share his research on the overlooked political importance of the British monarch in a March 12 talk on "Viceregalism: Constitutional Crises, Heads of State, and their History in Britain and the Postcolonial World"

Continuing an annual tradition, on April 30, **Reeve Huston**, the Kinder Institute's 2020-21 Distinguished Research Fellow visiting from Duke University, will present a chapter of the book he's been working on while in Columbia, a sweeping tell all on the multiple, competing kinds of mass democracy that emerged in the United States during the period from 1815-1840.

The semester will also feature a do-over on Professors **Alan Gibson** and **Michael Zuckert's** joint talk on Madison's political thought, originally scheduled for Spring 2020; a multi-day book launch celebration for Kinder Institute Postdoc **Billy Coleman's** *Harnessing Harmony: Music, Power, and Politics in the United States, 1788-1865*; and much, much more.

 <p>KINDER INSTITUTE ON CONSTITUTIONAL DEMOCRACY</p> <p>SPRING 2021 EVENTS</p> <p>FRIDAY COLLOQUIUM SERIES</p> <p><i>All colloquia will be held on Fridays at 3:30pm via Zoom unless otherwise noted. Anyone interested in being added to the email list of people who receive Zoom links for all Kinder Institute talks on the morning of events should contact Thomas Kane, KaneTC@missouri.edu.</i></p> <p>1/22 Hidden Laws: Understanding the Resilience of the American Constitution</p> <p>Leading off our spring programming, Howard University political scientist Robinson Woodward-Burns will explain the longevity of the U.S. Constitution, the world's longest-lived as of this writing, by provocatively crediting the state constitutions for this federal success. Ongoing state constitutional revision, he argues, resolves national constitutional controversies, preempting amendments to the federal Constitution and quieting conflict between the branches of the federal government.</p>	<p>1/29 Small Islands, Great Depression: Jamaica and Barbados, 1932-1939</p> <p>In the first of many trans-Atlantic talks this semester, Dr. Michael Joseph, M.G. Brock Junior Research Fellow at University of Oxford (Corpus Christi College), will revisit the period of labor unrest and economic depression in 1930s Jamaica and Barbados to draw out the forms of anti-colonial nationalism that evolved in British Caribbean politics and political thought during this time.</p> <p>2/5 "A terror to others": Thomas Jefferson's Quiet Campaign against the Slave Trade, 1801-1807</p> <p>For the next installment in our "Contextualizing Jefferson" speaker series, co-authors Andrew J. B. Fagal, Associate Editor of <i>The Papers of Thomas Jefferson</i>, and Craig Hollander, Associate Professor of History at the College of New Jersey, will discuss their recent essay which examines how the Jefferson administration, with the aid of various other institutions acting under his direct orders, waged a vigorous campaign against the international slave trade even before the constitutionally-delayed 1808 ban through the enforcement of existing anti-trade legislation.</p> <p>2/12 Lincoln, the Founding, and the Challenge of Self-Government</p> <p>In a talk delivered on Lincoln's birthday, Lucas Morel, John K. Boardman, Jr. Professor of Politics and Head of the Politics Department at Washington and Lee University, will examine the 16th President's political thought through the lens of how it was influenced by the principles of the U.S. Founding, especially those articulated in the Declaration of Independence, and the structures and political practices of the early American republic.</p>	<p>2/19 The Missouri Compromise, Black Americans, and the Problem of State Citizenship in the Antebellum United States</p> <p>In a talk illuminating the importance of the often-neglected question of state citizenship in the history of the struggle for Black civil rights, Prof. Kate Masur of Northwestern University will assess the impact on national politics and legal history of the debates that raged over acceptance of the proposed 1820 Missouri constitution, with its instruction that the legislature bar African Americans from migrating into the state. The talk will draw on Prof. Masur's forthcoming W.W. Norton book, <i>Until Justice Be Done: America's First Civil Rights Movement, from the Revolution to Reconstruction</i>.</p> <p>2/26 Misleading Myths of the Missouri Crisis</p> <p>Presenting a key contribution to the Kinder Institute's forthcoming Missouri bicentennial book, <i>A Fire-Bell in the Pantheon</i>, Rothermere American Institute Senior Research Fellow Donald Ratcliffe, perhaps the world's foremost authority on the politics of the early American republic, will challenge popular interpretations of the Missouri Compromise, arguing, among other things, that the legislation's passage was not a result of weak-willed Northern doughfaces' betrayal of the antislavery cause but was rather the culmination of the strategic work of a handful of strongly antislavery congressmen.</p> <p>3/5 The 2020 Election Crisis in Global Perspective</p> <p>Historians from around the globe will join Kinder Institute Chair Jay Sexton to discuss how America's current electoral crisis is being understood abroad and place it in a frame of reference beyond U.S. presidential politics. What damage is being done to the liberal international order and how does the volatility experienced in other polities relate and compare to recent events in America?</p>	<p>3/12 Viceregalism: Constitutional Crises, Heads of State, and their History in Britain and the Postcolonial World</p> <p>The last of our trans-Atlantic speakers in the Spring 2021 semester, University of Edinburgh Senior Lecturer in British Politics Harshan Kumarasingham will revisit Walter Bagehot's 1867 writings on the function of the British monarch, specifically exploring the role and rights of a Parliamentary Head of State in modern moments of crisis in order to foster greater understanding of the importance of this neglected position.</p> <p>1pm Start Time</p> <p>3/19 The President Mind of James Madison: A Mini-Symposium</p> <p>Rebooting an event that was originally scheduled for Spring 2020, two leading scholars on the U.S. Founders' political thought will speak on the career of James Madison. KICD Distinguished Research Fellow Alan Gibson will present "James Madison: Thinking Revolutionary," combining insights into Madison's methodology for addressing political questions with examination of some of his most present and intelligent observations as a politician and elitist. Then, Michael Zuckert, Nancy R. Drexel Professor of Political Science Emeritus at the University of Notre Dame, will address not only Madison but also some of the events of 2020 and the debates arising from them in "Slavery and the Constitution: A Neo-Madisonian Perspective."</p> <p>3/26 The Recurring Crises of American Democracy</p> <p>Co-authors Suzanne Metter, John L. Senior Professor of American Institutions in Cornell University's Department of Government, and Robert C. Lieberman, Krieger-Eisenhower Professor of Political Science at Johns Hopkins,</p>
<p>will present on their August 2020 St. Martin's Press book, <i>Four Threats: The Recurring Crises of American Democracy</i>, an urgent, historically-contextualized exploration of the major factors that undermine democracy in the U.S. and what we can do to address them.</p> <p>4/9 Two Views of Universal Suffrage: Anticolonial and Neoliberal</p> <p>Kevin Duong, Assistant Professor of Politics at the University of Virginia, will reconstruct and assess two competing, post-WW II unipolar constructs of universal suffrage: anticolonial radicals' conception of the mass franchise as paving the way to economic democracy and "African" socialism, and early neoliberal economists' counterargument that the free market offered a form of suffrage superior to "one person, one vote."</p> <p>4/16 Rethinking the Separation of Powers</p> <p>Jacob T. Levy, Tomlinson Professor of Political Theory at McGill University in Montreal, will explore two sources of dysfunction in the separation of powers as currently understood—the interaction of separate powers with separate parties, and the growing complexity of the executive branch—arguing that the first calls for serious reform, while the second demands far-reaching re-consideration of how we conceive of executive power.</p>	<p>4/23 Music and Politics in the Young Republic: A Symposium</p> <p>We're excited to host a special afternoon of Zoom panels on the broad subject of Kinder Institute Postdoctoral Fellow and Residential College Coordinator Billy Coleman's newly published book, <i>Harnessing Harmony: Music, Power and Politics in the United States, 1788-1865</i>, not so much the musical but rather the sonic history of early America.</p> <p>4/30 Patronage and Money in the Making of the Second Party System, 1825-1840</p> <p>An annual Kinder Institute tradition, Distinguished Visiting Research Fellow Reeve Huston (Duke University) will present a chapter from the book project he's been at work on while in Columbia which examines how patronage, appointments and legislative favors not only provided the labor and cash necessary to fuel a mid-19th-century revival of partisan democracy but also bred discontent in the masses with the corruption of political parties and electoral politics.</p>	<p>Black History Month Lecture</p> <p>2/18 Unraveling Marriage: White Supremacy and the Black Family</p> <p>As part of 2021 Black History Month programming at Mizzou, the Kinder Institute, in partnership with the Truman School of Public Affairs, will bring Seymour Institute for Black Church and Policy Studies Executive Director Jacqueline C. Rivers to campus (via Zoom) for a talk on the structural dissonances and cultural patterns that have led to fewer black people participating in marriage in recent decades; the generational consequences of this trend; and the social policy levers and church-based action that might help us begin the long, difficult process of reversing it.</p> <p>3:30 pm</p> <p>Catch any talks you missed at http://bit.ly/KinderTalks</p> <p>Kinder Institute on Constitutional Democracy University of Missouri</p> <p>409 Jesse Hall Columbia, MO 65211 573.582.3350 democracy@missouri.edu</p>	
<p>Missouri Regional Seminar on Early American History</p> <p>Following their 3:30 colloquium talk on February 5, Andrew J. B. Fagal and Craig Hollander will lead a discussion of their co-authored essay, "A terror to others": Thomas Jefferson's Quiet Campaign against the Slave Trade, 1801-1807. As part of April's "Music and Politics in the Young Republic" symposium, MISCAP participants will gather on April 23 at 3:30pm to discuss Virginia State Professor of English Rebecca Bechold's article-in-progress on slavery and the antebellum Southern soundscape, "My ears flap in your favor": Early American Plantation Novels and the Sounds of Slavery."</p>			

Contact **Thomas Kane**, KaneTC@missouri.edu, to get on the email list of people who receive Zoom links for talks on the day of the events.

LINCOLN'S HOUSE DIVIDED AND OURS

December 4, 2020
Justin Dyer



*If there is no truth, no
common standards of
judgment, no right and
wrong, then all that is
left is power. If all that is
left is power, then there
is no reason to listen to
one another, no reason
to be open to persuasion,
no reason to protect
the freedom of speech
or academic freedom,
no reason to defend
individual rights, no
reason for anything.*

FACULTY SCHOLARSHIP

One thing we haven't done regularly in *The Columns* is share the work that our professors do when they're not in the classroom or chairing search committees. In 2021, we're hoping to change that. To launch what will, with any luck, become a regular newsletter feature spotlighting faculty scholarship, we're re-running below Kinder Institute Director and Professor of Political Science **Justin Dyer's** essay on "Lincoln's House Divided and Ours," which was originally prepared as remarks for a November 11 panel on "Protests, Patriots, and Partisanship" sponsored by MU's Middleton Center for Race, Citizenship, and Justice and later re-published by *Starting Points*.

Lincoln's House Divided and Ours

by Justin Dyer

All three of the synoptic Gospels tell a story in which Jesus says, "If a kingdom is divided against itself, that kingdom cannot stand. If a house is divided against itself, that house cannot stand." Abraham Lincoln alluded to this at the close of the 1858 Illinois Republican Party Convention, where he had just been nominated as the Republican Party candidate for U.S. Senate in a race against the Democratic incumbent, Stephen Douglas.

In what became known as his House Divided speech, Lincoln famously said: "A house divided against itself cannot stand." We often forget what he said next: "I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing or all the other."

The rest of Lincoln's speech was an analysis of why he thought that was the case, why the country could not permanently exist half slave and half free. For Lincoln, this was because of the irreconcilable conflict between the principles of the American founding—that we are all created equal and endowed by our creator with unalienable rights and that the just powers of government are derived from the consent of the governed—and the way those principles are denied by the institution of slavery. That institution stood as a contradiction and scandal in light of our founding affirmation of natural equality, natural rights, and government by consent.

The immediate way in which that conflict manifested in American politics in 1858 was over the principle of popular sovereignty in the federal territories and the debate over whether the states admitted from those territories would be slave states or free states. Senator Douglas had authored a bill called the Kansas-Nebraska Act in 1854, signed by Franklin Pierce, that would allow the settlers in those territories to choose whether to allow slavery within their borders, and he professed that he personally didn't care whether slavery was voted up or down. When combined with the Supreme Court's decision in *Dred Scott v. Sandford* in 1857, which implausibly held that the Constitution protects the right of citizens to own and traffic in human property in the territories, Lincoln perceived a distinct trend toward the nationalization of slavery. The President at the time of the *Dred Scott* decision, James Buchanan, said

just days before the case was handed down that he would, in common with all good citizens, submit to the Supreme Court's decision whatever it happened to be.

Lincoln looked at all this, surveyed the landscape, and then accused Pierce, Douglas, Roger Taney (the author of the *Dred Scott* decision), and Buchanan of putting together the machinery that would extend slavery across the nation. The house would cease to be divided, and in the process, the American people would repudiate their own founding principles. Lincoln's speech is, in an important sense, about *keeping the house divided*—at least for a time, until there can be a just resolution of the crisis.

What Lincoln called for was for the Republicans to “meet and overthrow the power of that dynasty,” and the first step was removing Stephen Douglas from the Senate. In Lincoln's interpretation, there was much more at stake in that race, and the issues it represented, than ordinary politics. As he said in his seventh and final debate with Douglas during their 1858 Senate campaign, if you cut through everything, the issue ultimately boiled down to this: whether slavery is right or whether it is wrong.

As he said:

That is the real issue. That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles – right and wrong – throughout the world. They are the two principles that have stood face to face from the beginning of time; and will ever continue to struggle. The one is the common right of humanity and the other the divine right of kings. It is the same principle in whatever shape it develops itself. It is the same spirit that says, ‘You work and toil and earn bread, and I'll eat it.’ No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation and live by the fruit of their labor, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle.

We know how the story ends: Lincoln loses the Senate race to Douglas in 1858, but he wins the Presidency in 1860 in a four-way race that included Stephen Douglas as the Democratic party nominee for President. And as Lincoln later reflected in his Second Inaugural Address, using the passive voice, “the war came.”

There were many reasons for that war—economic and geopolitical—but we must not forget that it was marked foremost by deep and irreconcilable differences of principle.

What relevance does all of this have for us today? There is much that could be said. Let me leave you with three thoughts:

- **History is necessary.** We cannot understand our present moment or even who we are unless we understand how we got here. In the very first sentence of his House Divided speech, Lincoln said: “If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it.” That remains true today.

- **A belief in truth is essential.** It is common in some academic disciplines and in the broader culture to hear that there is no truth, or—what is the same thing—that everyone has their own truth. If there is no truth, no common standards of judgment, no right and wrong, then all that is left is power. If all that is left is power, then there is no reason to listen to one another, no reason to be open to persuasion, no reason to protect the freedom of speech or academic freedom, no reason to defend individual rights, no reason for anything. There is only power and assertions of will—what Lincoln called the tyrannical principle.

- **Civic friendship is important.** Not all of our differences are differences of deep principle. The good of our families and the good of our communities are bound up together. In Lincoln's First Inaugural Address, on the eve of secession, he said, “We are not enemies, but friends. We must not be enemies.” That is a lesson very much for today. There are things worth fighting for and fighting about, but we must strive to maintain civic friendship, to see ourselves as members of one community, and to recognize that our good is bound up with the good of others in our community.

We have focused here on Lincoln's House Divided speech. Together with his Inaugural Addresses and the Gettysburg Address, Lincoln provided a powerful, extended meditation on the meaning and tragedy and hope of America. And so, it is fitting to conclude with the final lines of Lincoln's Second Inaugural Address, delivered at the close of the Civil War and a month before his own death at the hands of one of his fellow countrymen. “With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive to finish the work we are in...to do all which may achieve a just and lasting peace, among ourselves, and with all nations.”

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JOURNAL ON CONSTITUTIONAL DEMOCRACY

Don't Let My Sorrow Turn to Hate: Conservatism, Populism, and Social Development in the Rural United States

by Jacob Hager



I always sat in the middle of the room when I was in my high school American government class. I suppose it was a nice median position between being in a prime note-taking spot and not being in my teacher's view enough to where she could call on me to answer questions. On a particularly stormy test day, however, I should have considered my seating choice more carefully. Focusing on the questions that lay in front of me, I didn't consciously notice the sensation of something dripping down my neck until I felt the dampness of the back of my shirt. I then became all too aware of the slow pitter patter of water on my head, and I came to the realization that our school's roof was leaking...again.

Problems of leaky roofs and flooded gym floors were not new but rather the norm for my small high school in rural southeastern Missouri. I remember that as I shifted my chair out of the radius of the dripping water, I began to think about the irony of how this was happening during my American government exam. After all, our school district had tried and failed three times in the four years prior to that test day to pass a tax levy with district voters to fix our roof. Similar proposals had failed to get laptops for students and new textbooks, all of them struck down on the basis of the district's voters' desires to not have their taxes raised for the sake of primary education. One thing that did pass quite well in that area, though, was the 2016 election of Donald

Trump, who received 80 percent of my home county's vote, though this statistic and all that it implies will be revisited with a greater emphasis later on in this essay. Before we get to that, I believe it is first imperative to explore the roots of such a disdain for additional taxes in rural areas like my hometown, where services from public health to public education are not only quite underfunded but also held in general disregard by voters. To put it simply, the implication of higher taxes is only indicative of one thing in southeastern Missouri: a larger government that seeks to control its population and enforce its own shadowy agenda.

Rewind to 2010. It is here that we find ourselves at the central tenet of the American Tea Party movement, which was advocating at this time for stringent fiscal conservatism in the face of President Obama's efforts for a national healthcare system, or "Obamacare" as it was dubbed by Tea Party members. (It should be no surprise that this moment of anti-executive protest came to national attention almost immediately—just over a year—after the president's inauguration, which coincided with the defeat of the old-guard Republicans.) As the protests and activism of the Tea Party spread across the country, we began to see how seismically an ideology can change with shifts of power in a two-party republic. At this moment, conservatism began to develop its new identity in the American consciousness, as the face of the right was no longer the stately and poised George H. W. Bush, but instead your average citizen protesting against a perceived political establishment. The principles and ideas of the Tea Party and the political aftershocks that followed in the political

right of the United States were not created in a vacuum, though, but were instead a natural, new iteration of the unique flavor that American conservatism had already exhibited in various forms. To understand such an ideological evolution and how it has been able to continue, it is first imperative to discuss and evaluate the history of such ideas in the American system. On one hand, it is possible, I suppose, to look at the rise and fall of politicians and media icons such as Richard Nixon, William Buckley, Ronald Reagan, and George Bush in terms of the individual actors merely being products of their political eras. I would argue, however, that the stories of these figures and the watershed events that they presided over are much more interconnected, glued together by ideological shifts in right-wing politics that evolved with the unique issues of the United States. While American conservatism has certainly had many faces throughout our extensive history, I would like to begin our story not at the start of this ideology, but instead at the supposed death of its counterpart, New Deal liberalism.

The persistence of the New Deal coalition for nearly 40 years was an unprecedented era of ideological consistency in American political history, as the liberal wing of the Democratic Party controlled the White House for most of this period. That said, due to the natural complications of the big-tent ideologies of political parties in the United States (once again, this point will be revisited with greater emphasis later in this essay), the New Deal's home party began to exhibit a wide array of competing interests during its reign. The coalition was already entering troubled waters after the death of Franklin Roosevelt, as parts of the Southern conservative wing of the Democratic Party ran their own candidate, Strom Thurmond, in the 1948 presidential election on the "Dixiecrat" ticket to oppose Harry S. Truman, largely because of his [Truman's] more liberal positions on civil rights. The 1968 presidential election finally shattered the post-WW II New Deal "machine" by splintering the base of the Democratic Party, which fully lost the South, this time to another segregationist: George Wallace. Richard Nixon, who, it could be argued, was the forefather of the new mainstream conservative movement of the time, easily won the presidency with the help of his "silent majority" of mostly blue collar, middle class voters from the Midwest, West, and South, who had grown anxious about the social changes and protests that marked the 1960s...

KINDER SCHOLARS

Continuing the semester-long theme of finding some semblance of normalcy amidst the chaos, October marked the seventh annual deadline for students to apply to take part in our Kinder Scholars D.C. Summer Program, which sends up to 22 rising MU juniors and seniors to the nation's capital for two months of studying, interning, and adventuring. Continuing the other semester-long theme of new wrinkles to old processes, the number of available spots wasn't 22 this time around, but rather nine, as a number of students who were selected to participate in the Summer 2020 version of the program, canceled due to the pandemic, chose to roll their candidacy over to 2021. Names and majors for everyone heading to D.C. in June are below, with * denoting those students who were selected a year ago. We'd also be remiss not to point out that 2021 will mark the first time that we send a Constitutional Democracy major east for the summer, yet another watershed moment in that new and quickly developing degree program.

Ann Birsinger (Political Science)*

Logan Boone (History)*

Matthew Bozeman (Political Science)

Kadie Clark (Geography)*

Brendan Durbin (Political Science & Philosophy)

Olivia Evans (Journalism)*

Cameron Furbeck (Economics & Political Science)*

David Garcia (History & Constitutional Democracy)*

Kathryn Gluesenkamp (Public Health & Economics)

Emily Hickey (Journalism & Political Science)

Claudia Levens (Journalism & Constitutional Democracy)

Caleb Long (History, Political Science, & Philosophy)*

Emily Lower (Political Science, Statistics, & Economics)*

Evan Moylan (Economics & Political Science)*

Paul Odu (Economics & Constitutional Democracy)

Zoe Rich (Art & Business)*

Isabelle Robles (Journalism)*

Venkatesh Satheeskumar (Biological Sciences)

Austin Stafford (History & International Studies)*

Megan Steinheimer (History & Sociology)

Kendall Tucker (Political Science)*

Hanna Watson (Interdisciplinary Studies & Constitutional Democracy)

Invest in the mission of the Kinder Institute with your donation to:

Kinder Institute Scholarship Fund

Supports student participation in one of four transformational opportunities for MU undergraduates: our academic internship program in Washington, D.C., Society of Fellows, “Global History at Oxford” study abroad class, and Kinder Institute Residential College.

Kinder Institute Endowment

Allows us to expand the scope of programming designed to engage our constituents in thoughtful dialogue about the nation’s experience with democratic governance, from the founding of the United States through the present day. These programs are essential to attracting the very best students and scholars to the University of Missouri and to heightening the quality and civility of discourse about matters of the utmost national importance on our campus and in our community.

For more information about contributing to the Kinder Institute, please feel free to contact Institute Director Justin Dyer, DyerJB@missouri.edu

**Kinder Institute on
Constitutional Democracy**
University of Missouri

409 Jesse Hall
Columbia, MO 65211
573.882.3330
democracy.missouri.edu

NEWS IN BRIEF

It’s too soon to announce final decisions and name names, and more news about this will come in the spring edition of *The Columns*, but the early returns on grad school placements for our current seniors are looking good, with law school offers already having been made from University of Colorado, Washington University, and Arizona State University . . . We’re delighted to welcome **Prof. Sarah Beth Kitch** back into the faculty fold as a Kinder Institute Senior Fellow, starting in the Spring 2021 semester . . . Congratulations to longtime friend of the Kinder Institute and University of Missouri Professor of Economics **Jeff Milyo** on the October 2020 publication of his new University of Chicago Press book, *Campaign Finance and American Democracy*, co-authored with Prof. **David Primo** of University of Rochester . . . A second congratulations to Kinder Institute Director **Justin Dyer** who was named to the Missouri Humanities Council’s Board of Directors in November . . . And a third to Kinder Institute Chair **Jay Sexton** who was named founding co-editor of Columbia University Press’ new *Global America* monograph series as well as (in big in-house news) the Rich and Nancy Kinder Chair of Constitutional Democracy . . . Finally, add Kinder Institute Ph.D. Fellow in Political History **Joe Ross** to the tally of published historians, as his recent article, “‘Strange Doings with Respect to Preemptions’: Federal Power and Political Interests at the Chillicothe Land Office, 1800-1802,” appeared in the Fall 2020 volume of *Ohio Valley History*.

