

Reattacking Leviathan

Starving the Beast

by Mark Royden Winchell



In 1989, Russell Kirk recalled browsing through the library at Michigan State College as an “earnest sophomore” over 50 years earlier. It was there that he happened upon Donald Davidson’s *The Attack on Leviathan*. “It was written eloquently,” Kirk notes, “and for me it made coherent the misgivings I had felt concerning the political notions popular in the 1930s. The book was so good that I assumed all intelligent Americans, or almost all, were reading it.” As Kirk would later learn, nothing could have been further from the truth. When it sold fewer than 600 copies in the 11 years after its publication, the University of North Carolina Press pulped the remaining unbound copies of the book and allowed it to go out of print.

Though *The Attack on Leviathan* was widely ignored at the time of its first printing, it has been reprinted at least twice (most recently by Transaction Press in 1991 as part of Kirk’s own series, the Library of Conservative Thought) and seems more pertinent today than it did at the height (or depth) of the New Deal. Consisting mostly of essays previously published in the *American Review*, Davidson’s book is subtitled *Regionalism and Nationalism in American Life*. Although regionalism has been one of the defining tenets of agrarian thought since ancient times, none of Davidson’s fellow contributors to *I’ll Take My Stand* emphasized the concept as much as he did.

If anything, their desire to restore the agricultural economy of the South led several of the Nashville Agrarians to look to the federal government for deliverance. Herman Clarence Nixon was a lifelong proponent of the New Deal, while John Crowe Ransom and Lyle Lanier did not believe that the Roosevelt administration had gone far enough in championing the small

farmer against the captains of industry. In contrast, Davidson expressed early skepticism concerning policies that simply transferred control of a centralized economy from private industrialists to government bureaucrats. Not only did he believe in limited government, he regarded the United States herself as more of a domestic empire than a legitimate nation.

Although not as well known as his pronouncements about the frontier, Frederick Jackson Turner’s theory of sectionalism seemed to give scholarly validity to much of what Davidson instinctively knew to be true. Sectionalism has become so pronounced in the United States for a variety of reasons, not the least of which is the sheer size of the country. As Turner points out, the distance between Charleston, South Carolina, and the West Coast is comparable to the distance between Constantinople and the west coast of Spain. Similarly, the distance between our northern and southern borders is comparable to the distance between the Baltic coast and the island of Sicily. Add to this the cultural diversity of our people, and it is difficult to think of America as a nation in the same sense that France and England are nations.

Because Davidson’s native South had economic and cultural interests but insufficient political power, it had been perpetually exploited by the industrial Northeast. Were the two regions not part of a larger political entity called the “United States,” the situation Davidson describes might well be labeled colonialism. Sociologists such as Howard Odum of the University of North Carolina demonstrated the enormity of the situation. “You cannot accuse a page of statistics of being nostalgic,” Davidson writes in *The Attack on Leviathan*. “There is no Javeh-worship in a chart of taxation figures. It is impossible to charge Mr. Odum with renewing the War Between the States when he points out that the per capita farm income for New York state in 1929 was \$493, while in Tennessee it was

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\$137.”

If the Agrarians were philosophically committed to a devotion of economic power, their identity as Southerners added a pragmatic urgency to such a position. During antebellum times, the political representatives of the North continually raised the tariff to oppressive levels. This increased the price of industrial goods purchased by the Southern farmer, while inviting international retaliation against the agricultural exports of the South. As Thomas J. DiLorenzo and other economic historians have shown, Lincoln was less concerned by slavery in the South than by the prospect of free-trade ports cropping up in an independent Confederacy. The economic imbalance between the regions was only exacerbated during Reconstruction and its long aftermath.

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Both public and private forces were creating the sort of centralized economy envisioned by Alexander Hamilton. The Agrarians, however, believed that the good society is one in which private property is widely distributed. They agreed with Marx that the centralization that came with industrial capitalism was a necessary and inevitable prelude to communism. This alone was sufficient reason for opposing industrialism. Like their Distributist brethren in England, the Agrarians wanted to return to a pre-capitalist society of self-supporting farmers, laborers, and small businessmen. A situation in which everyone had his own small but personal stake in the economy seemed a formula for social stability.

Although Davidson was initially a cautious supporter of the New Deal, he soon became convinced that Roosevelt’s attempts to forge a national political coalition would leave the interests of the South ill served. (Andrew Lytle’s image of the hind tit comes to mind.) In “The Dilemma of the Southern Liberals” (Chapter 13 of *The Attack on Leviathan*), Davidson argues that the liberal movement in the South had gradually abandoned its agrarian Jeffersonian roots to become an alien ideology. When he published the original version of this es-

say in the *American Mercury*, he still regarded liberalism as an honorable philosophy, even if those who professed it were taking positions with which he disagreed.

One can claim that modern liberalism was perpetuating the theoretical legacy of Jefferson while abstracting that legacy from its specific historical and social context. When Jefferson praises liberty for the common man, Davidson argues, he has a particular kind of common man and a particular kind of society in mind—“some Tom Jones of Virginia or Tennessee, a responsible individual with the stuff of God in him. Jeffersonian liberalism proposed to give Tom Jones his fair chance with the ‘rich and well-born’ on whom Hamilton wished to confer power.” Although it is proper to defend a kind of metaphysical equality of persons within such a society, it would be foolhardy to destroy the society itself in order to enforce an unnatural equality of condition. That is why John C. Calhoun could claim the Jeffersonian mantle while defending slavery and opposing the tyranny of majorities.

Jefferson, of course, is a kind of national Rorschach test in which we see our own perceptions reflected and magnified. While Southerners such as Calhoun saw the Jefferson who advocated states’ rights and a limited federal government, their Northern counterparts seized on the egalitarian aspects of Jefferson’s rhetoric, while remembering his willingness to use the powers of the presidency to achieve his desired political ends. As a result, Davidson sees the War Between the States as “a struggle between two kinds of [Jeffersonian] liberalism.”

Despite his criticism of the direction he saw modern liberalism taking, Davidson tries to convey the impression that he is writing from within the tradition rather than outside of it. Nowhere does he propose a systematic conservative position with which to replace liberalism. (When the word *conservative* is used at all, it is as an adjective rather than a noun.) What he finally endorses is a recovery of what he takes to be the original Jeffersonian position—liberalism, properly understood. Davidson urges Southern liberals to break their ties with industrial capitalism, which he assumes is doomed anyway, and once again unite their intelligence with the sentiments of patriotic Southerners. “The Southern liberals, in short, may escape their dilemma by becoming more Southern.”

Given Davidson’s negligible political influence during his own time and his continuing lack of a national audience, one is tempted to see him as a kind of regional curiosity. Of all the Agrarians, however, he may have held the views most relevant to our present age. If the 19th century was the great era of nationalism and the 20th century, an epoch of totalitarianism, the 21st century may well be a time of devolution.

The fall of the Soviet Empire and the rise of separatist movements around the world suggest that centralization can only go so far before a kind of natural implosion occurs. It is interesting to note how many recent insurgencies fly the Confederate Battle Flag along with their own national banners. What is regarded as a symbol of political incorrectness in our supposedly indivisible nation is an emblem of freedom in much of the rest of the world.

If America in the 1930’s struck Davidson as a Leviathan, that description is immeasurably truer today. In 1651, Thomas Hobbes used this term, originally the Hebrew name given to the sea monster of the Old Testament, to refer to the all-powerful civil state. Unlike those on the nationalist right (fascists in his time and neoconservatives in ours), Davidson distrusted

the Leviathan most when it seemed most benign. (Like Hamlet's devil, this monster has the power to assume a pleasing shape.) That is why he was more interested in attacking it than in teaching it to eat grits or speak with a Southern drawl.

If Davidson could still consider himself a liberal, that term has now been too corrupted to remain available to lovers of individual liberty. But *conservatism* is not much better. The central government continues to grow whether it is Democrats or Republicans (or, as with the USA PATRIOT Act, an occasional bipartisan consensus) who manipulate the levers of government. Is it any wonder that a majority of Americans do not vote, while those who do seem so evenly divided? A Davidsonian vision of the good society would be one in which power was returned to the American people in their individual communities. Davidson's student M.E. Bradford and other political philosophers referred to this as the concept of corporate liberty.

All sane people realize that the highest form of human liberty does not and cannot exist in nature. It can exist only in communities united by what Saint Augustine called "loved things held in common." Such communities must be strong enough to preserve their common values and deferential enough to leave people alone in matters not essential to their common well-being. The freer such communities are to flourish, the likelier it is for individual citizens to discover where and how they want to live. In crushing the natural diversity of community life, national uniformity inevitably crushes liberty.

No doubt, much of the historic resistance to the concept of devolution and regional autonomy was because of its entanglement with the issue of race. (Davidson dissipated much of his own intellectual and emotional energy in a quixotic defense of segregation.) Now that Jim Crow is a distant memory, however, we may be able to take a more objective view of the virtues of decentralization. In fact, in Davidson's own lifetime, some black radicals were beginning to see the advantages of something they called "community control." (In an entry in his diary dated June 10, 1963, Davidson writes approvingly of Malcolm X and his desire for a separate "Negro state.") All that is needed is a practical agenda for restoring corporate liberty in the context of American federalism.

If the federal judiciary has done much to stifle state sovereignty, the proper response is not to propose separate constitutional amendments to reverse individual decisions—no matter how objectionable. As Raoul Berger has demonstrated in his book *Government by Judiciary* (1977), such decisions can generally be traced to an expansive interpretation of the Fourteenth Amendment. The doctrine of incorporation (most vigorously expounded by Justice Hugo Black) uses the freedoms guaranteed in the Bill of Rights as a pretext to dictate social policy in the individual states.

This is, of course, a complete reversal of the intentions of those who drafted and ratified the Bill of Rights. The restrictions enumerated in these first ten amendments to the Constitution were meant to apply *only* to the federal government. One could even argue that the first nine amendments were summed up in the tenth, which promised state sovereignty in all matters not specifically delegated to the central government. What is needed is a definitive judgment (or, lacking that, an additional amendment) that would invalidate the doctrine of incorporation.

Unfortunately, hoping for the appointment of "conservative" judges is not enough. By their very nature, judicial conservatives show an exaggerated deference for settled law (the principle of *stare decisis*). What is needed to restore the original federalist balance is the sort of counterrevolutionary judicial activism that we are not likely to see. At a more fundamental level, it is ludicrous for the states to allow their sovereignty to be defined by lifetime appointees of the central government.

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The principles of interposition, nullification, and—ultimately—secession would allow the states an active role in determining and enforcing their own prerogatives. Few would argue that the United States should abandon her vital national interests to adhere to a pronouncement by the United Nations. Believers in federalism would allow the states the same latitude in dealing with the government in Washington.

Although the federal government has proved itself able and willing to invade its own provinces to enforce its will, the preferred method of control is financial. Federal "aid" means federal control of everything from educational policy to speed limits on the highway. The only way to slay the beast is to starve it—not by cutting taxes but by eliminating its ability to tax. Let the central government be supported in its legitimate functions by voluntary assessments from the individual states. The power of the purse would be the most tangible means of enforcing interposition and nullification.

As the Agrarians knew, the true strength of America was not in the machinations of its imperial class but in the lives of its ordinary people. In the Preface to his book *The Nine Nations of North America* (1981), Joel Garreau writes that, "if Washington, D.C., were to slide into the Potomac tomorrow under the weight of its many burdens and crises, . . . North America would not suddenly look around to discover a strange and alien world. It would see a collection of healthy, powerful constituent parts that we've known all our lives." I suspect that Donald Davidson would have agreed.

The Case for American Secession

Still a Good Idea

by Kirkpatrick Sale

There has always been talk about secession in this country by those variously disgruntled on both the right and left, but, since the last presidential election, which revealed deep-seated divisions in American society over a variety of fundamental issues, that talk has grown exponentially. Such talk is not likely to lead to a dissolution of this country into separate states or regions, but that is by no means inconceivable. The issue should be taken seriously and examined carefully.

The first question is whether secession is legal—whether the Constitution can be read, and history cited, as permitting (or at least not forbidding) a state to declare its independence from the Union. Scholars have come down on both sides of this issue, but that fact alone suggests that there is a legitimate argument to be made. To put it simply: The Tenth Amendment reserves powers not delegated to the United States to the states or the people, so states may act unless specifically prohibited. The Constitution in fact says nothing about secession, and, as Southern states were seceding, Congress considered an amendment *forbidding* secession—a strong indication that secession is permissible. Three of the original thirteen states (Rhode Island, New York, and Virginia) kept an explicit right to secede when they joined the Union, and, since that was never challenged or questioned, it must be a right that all states enjoy. In the 19th century, before South Carolina began the bandwagon of secession in 1860, seven states (Kentucky, Pennsylvania, Georgia, South Carolina, Wisconsin, Massachusetts, and Vermont) enacted acts of nullification—refusing to recognize some or all of the powers of the federal government—without any retaliation by Washington.

Of course, Lincoln's government acted as if secession were illegal and unconstitutional, and its victory established the practical case that states will be punished if they try to secede, and the Constitution is irrelevant. It did not establish a legal case, however, and the legal (not to mention moral) argument for the *right* to secede remains strong—so strong that, even if it were denied in the U.S. courts, it would likely be defended in the court of international opinion by many of the world's nations, including those in the European Union and those that have recently exercised that right (in the former Soviet Union and the former Yugoslavia, for example). And that might make it difficult for the federal government to act against a state that has voted for secession, particularly if there were no overriding moral issues (e.g., slavery) and the state proved agreeable to negotiation over federal property and assets within its boundaries.

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A second question arises over whether the U.S. government *could* allow a state (or a group of states) to secede, if this action threatened its sovereignty and power over the remaining states. The federal government might not want to let California go, for fear that Cascadia (Oregon and Washington) and New England (and who knows how many disgruntled others?) would follow suit. If it still had the military means and the loyalty of the remaining troops, it might be expected to contrive a way (a Gulf of Tonkin or WMD excuse) to justify an invasion.

And yet, it is hard to believe that Washington would actually command its troops to mow down Los Angelenos and San Franciscans the way they do the civilians of Fallujah and Najaf, or withstand the barrage of criticism, domestic and international, if it did. Such an act would more likely propel additional secessions than gain support. It is harder still to think that the troops would actually carry out such an order, killing (ex-)Americans on (ex-)American territory. And if the troops did actually succeed in conquering and occupying an independent state, the population would be virtually uncontrollable: If it is not possible to win the hearts and minds of Vietnamese and Iraqis by invasion, think how much less possible it would be to win over people who had voted for secession with the full knowledge that it might lead to war.

It is not fantastic, then, to imagine that, instead of a futile war, Washington would be willing to negotiate a settlement in the hopes that, by giving concessions on, say, autonomy and self-regulation and by demonstrating the extent of federal dollars lost, it could win a secessionist state back into the Union. In some cases, that might well happen, and, if it failed, it would at least show a government intelligent and confident enough to act as a future ally rather than a marauding warmonger. And as an ally, it might be able to establish diplomatic and trade ties that would allow it to continue using such resources and talents of the new state as it wanted, perhaps even the bases it had previously used—with the additional benefit of no longer having to maintain federal offices, regulators, highways, parks, dams, and such, and even presumably with a negotiated fee in compensation for these lost assets.

There is another strategy that a federal government determined to quash secession might take that involves no troops, no war—nothing but a few phone calls. Washington might put pressure on large chain operations—Wal-Mart, Target, McDonald's, General Motors, Gannett, *etc.*—to cease doing business in the secessionist state, lest the feds make things difficult for them in all the others. And, unless the secession is so widespread that more states are out than in (a highly unlikely scenario), the corporations will comply. Would such a threat cut the legs out from under a secessionist state and force it to come crawling back to the Union? I think not, for several reasons.

First, a seceding state would already be working toward self-