

Schlesinger, Jr., Arthur M. *War and the American Presidency*.
New York: W.W. Norton Co., 2004.

This book collects and focuses recent writings of Arthur Schlesinger on the themes of its title. In its short Foreword and seven concise essays, the book aims to explore, in some contrast with the genre of “instant history,” the relationship between President George W. Bush’s Iraq adventure and the national past. This aim and the present work are deserving of wide attention, both because of the contemporary need to deal with the extended war in Iraq and because Americans, in particular, need to attend to their own history, if we are to avoid past mistakes and make the best use of our ongoing political traditions and institutions. In order to know better where we might go in the future, we need an adequate picture of where we have been in the past. Schlesinger invites us to debate the war, the Presidency, and their relation to the American past.

In light of his earlier writings, the theme of the “imperial presidency” is especially salient, and attention naturally falls on the third essay, “The Imperial Presidency Redux.” When America is at war, or stands under significant external threat, the powers assumed by the President tend to expand, given the constitutional role of federal chief executive, commander in chief of the armed forces, and the inaugural pledge to defend the nation and the Constitution against “all enemies foreign and domestic.” Only the President, among the three coordinate and competing branches of the federal government can be expected to act quickly and decisively in response to the exigencies of a world of dangerous and quickly changing events.

The American constitution contains a functional variability in the architecture of its division of powers which should normally result in a reassertion of the Congress and of the federal judiciary once an existing emergency has been met by the executive. In Schlesinger’s analysis, when the President retains and insists on extraordinary powers and on a predominance over the other branches of the government though the immediate threat has passed, then we are dealing with the phenomenon of the “imperial Presidency.” This must eventually be checked by the Congress and the courts, and by other constitutionally envisaged actors, to preserve the overall historical and constitutional order. The strong President provided for in the Constitution must be subject to an equally “strong accountability.” On Schlesinger’s view, only a “needless war” preserves a present imbalance, though some general tendency to imbalance was clearly established as a pattern by the long ordeal of the Cold War.

It belongs to the burden of argumentation of this book to establish that the present war in Iraq is indeed a needless war. Supposing on the

Reason Papers Vol. 30

contrary that the war and various associated domestic measures are essential to national defense, then the argument against the contemporary imperial Presidency collapses. To evaluate fully this book, the reader must consider not only the constitutional and historical issues involved in the characterization of an imperial Presidency, but also the facts and conditions which brought on and have functioned to maintain the war and the presence of American forces in Iraq: Was the invasion needed to meet a clear and present danger to national security which could be met in no other way? Would alternative, multilateral uses of American resources, diplomatic and military, have promised a more adequate defense? Is the continued American military effort in Iraq required by the pressing needs of national security? In this book, these and related questions are approached within the context of the historical development of American government and democracy and with a sharp eye for historical and constitutional precedent.

In sympathy with Schlesinger, I would argue that the prospect of a contemporary American empire, as this has recently been conceived and advocated, is fundamentally wrong-headed, even self-destructive. The warning draws, in part, on John Quincy Adams, who according to Schlesinger was “perhaps our greatest Secretary of State” (p. 42). We dare not “go abroad in search of monsters to destroy,” said Adams, thereby undertaking wars of interest and intrigue, for if we do, then our “policy would insensibly change from liberty to force,” and if we attempt to dictate to the world, then America “would no longer be the ruler of her own spirit” (p. 42).

What would it profit the nation, one may ask, to gain the whole world by military conquests, strategic bases, naval fleets, missiles, intrusive intelligence, and alliances, if, in the process, it loses its soul? Schlesinger points us to the right questions. The absence of scrupulous concern for human rights and civil liberties, in the present administration, represents a threat to that tolerance and openness of spirit in our domestic relations on which the nation is founded—and, given its internal diversity, needs continually to be re-founded. Americans need to consider, for example, that they do not want to live in the kind of country where their library borrowings are snooped on by federal agents or the local police as deputies. “Perhaps it is a universal truth,” as the book quotes James Madison, “that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad” (p. 47). Americans are and should be deeply indignant about the condition of prisoners at Guantánamo Bay, about tortured prisoners at Abu Ghraib in Iraq, concerning the prospect of indefinite detention without a court hearing, and by various doubtful proposals for domestic surveillance coming from the Bush Pentagon and Justice Department.

Schlesinger gives a clear sense, in his Foreword and in the opening essays, to the charge of unilateralism raised against the administration of President George W. Bush, a unilateralism more pernicious than that rooted in

Reason Papers Vol. 30

the isolation from entangling foreign alliance advocated by Washington and Jefferson in the early republic, since this new version also threatens, by an aggressive policy of preventive war, to forsake even any deeper concern for the good opinion of mankind at large.

There is basically no contradiction between national independence in foreign policy decisions and our international alliances and commitments; and no one wants to turn U.S. security and national interests over to the sole care of multilateral institutions. Arguably, though, the decision to go to war in Iraq was a mistake. There was no direct and immediate threat to the U.S. from that country. The invasion of Iraq diverted our focus from the task of hunting down the terrorists responsible for 9/11 in Afghanistan, and we gave up the prior policy of deterrence and containment of the Iraqi dictatorship—in the face of the opposition of some of our chief European allies—thus overstepping the historic constraints, and ignoring the advantages, of the multilateral approach in international affairs. The prior policy of deterrence and containment, based on international agreements and on the results of the first Gulf War, was multilateral, but the target of criticism is not merely the departure from the prior policy and the precedent of the first Gulf War.

We must reject preventive war as a policy. There are some marvelous historical quotations on the notion of “preventive war.” From Lincoln: The Philadelphia convention, Lincoln wrote, had “resolved to so frame the Constitution that *no one man* should hold the power of bringing this oppression upon us” (p. 43). From President Truman: “There is nothing more foolish than to think that war can be stopped by war. You don’t ‘prevent’ anything by war except peace” (p. 22). President Eisenhower: “...I don’t believe there is such a thing, and frankly I wouldn’t even listen to anyone seriously that came in and talked about such a thing” (p. 22). The notion of preventive war is clearly disreputable, and Schlesinger argues convincingly that we need to emphasize the distinction between “preventive war” and “preemptive war.” “Preventive war refers to potential, future, therefore speculative threats,” Schlesinger points out, while according to the Department of Defense manual, “preemptive war” implies “an attack initiated on the basis of incontrovertible evidence that an enemy attack is imminent” (p. 23). The choice of words becomes crucial.

This book facilitates public discussion and reconsideration of American commitments in Iraq and of the related policies of the current administration. It is a very appealing and well crafted little book, whether one is inclined to agree with Schlesinger or not. The hotly debated contemporary issues are removed, in significant degree, from steamy clouds of polemics and embedded in a concise survey of the relevant history. In spite of its conciseness, the book ranges widely. Anyone with a lively interest for American history will be delighted with the compilation of quotations and historical precedents. Schlesinger clearly sees the foreign policy of Franklin

Reason Papers Vol. 30

Roosevelt as paradigmatic for American internationalism. Philosopher William James is quoted approvingly to the effect that the nation was being asked to “puke up its ancient soul,” by re-electing President McKinley and continuing the long war against the Philippine insurgency in 1900 (p. 79), but little is said directly in judgment of the Spanish-American War. The emphasis falls instead on the historical fact and honorable tradition of patriotic dissent from America’s wars. The book may thus provide some room to disagree, particularly on matters of emphasis or regarding evaluation of the details of American history, and the attentive reader will also gain a better sense of the overall configuration of contemporary policy debates and alternatives. Some room to disagree is to be expected and welcomed.

Though the book will help in debates on contemporary policy, it ranges widely. It is not merely a matter of the invocation of historical incidents and precedents. Schlesinger directly addresses, by similar methods, not only the policy issues connected with war and peace, but also the historical precedents for public dissent in time of war. He leaves no doubt that patriotic duty may incline some to public dissent from war. “True patriotism,” he writes, “consists of living up to a nation’s highest ideals” (pp. 81-82).

Considering the American presidency apart from war, Schlesinger includes an interesting discussion of the electoral college, and the continuing prospect of our selecting a President against the expressed choice of a majority of the popular vote. He proposes reforms of the electoral system as consistent with its federalist character. The idea is to make the results of the electoral vote better approximate the national popular vote. First of all, do away with the Presidential electors—persons who may decide not to vote for the candidate to which they were pledged. So far so good. There is no prospect of the Electoral College as a significant deliberative body.

Secondly, the total electoral vote is to be augmented by “a national pool of 102 new electoral votes” (p. 102) awarded to the winner of the national popular vote. This would make it extremely difficult, if not technically impossible, for the winner of the national popular vote to lose the election by the presidential electoral vote. Part of the argument is that this plan would avoid the prospect of a proliferation of splinter parties implied by direct popular election. One may fear, however, that this solution will satisfy no one: not the democratic sentiment that insists on the popular vote, and not the contrasting, anti-nationalist, federalist concern to maintain the power, status, and constitutional role of the states. According to the Constitution, and American law, the states are political societies which are allowed some weight, over and above that of the citizens counted individually, in the selection of the President. That is the reason why each state presently has two presidential electoral votes in excess of those apportioned in accord with the relative size of the state’s population. Every bill ever passed into law by the U.S. Congress had to pass through the U.S. Senate, and the authority of

Reason Papers Vol. 30

Congress, and of federal law thus rests on this same recognition of the states as political societies which are to have their significance in national affairs.

The recognition of the states as political societies is also the reason, for instance, that a state legislature may decide on the allocation of the state's Presidential electoral vote, if the popular vote in the state cannot be conclusively tallied. Arguably, the addition of a national pool of electoral votes, while making the national presidential election more democratic, would also further diminish the status and influence of the states, moving further in the direction, away from federalism, and toward a more centralized, nationalist configuration of the country. That the proposal is likely to satisfy no one, points to a basic tension and paradox of the Constitution: a significant decentralized federalist structure combined with a strong national President. We want both, and always have, so we are chiefly content to moan, and do nothing, about the Electoral College. But in an era of imperial Presidencies, we should certainly think twice before preferentially elevating the democratic electoral mandate of the President above that of the Congress.

The final essay of the book, "The Inscrutability of History," takes the reader on an even more extensive leave of absence from the contemporary political polemics of the war in Iraq. But the author makes his plea of relevancy at the start: "As individuals deprived of memory become disoriented and lost, not knowing where they have been or where they are going, so a nation denied a conception of its past is disabled in dealing with its future" (p. 121). Part of the lesson here consists in a rejection of history as capable of making infallible predictions, and this is tied directly to the related point that any doctrine of preventive war makes too many demands on the prediction of details. More generally, Schlesinger's all-too-fallible stance on the guidance provided by history is consistent with a Popper-like critique of the poverty of historicism. There is to be no "comprehensive theory of historical change" (p. 123). At best we trace historical tendencies.

We "cannot reduce the function of history in public policy to that of mere rationalization," since the danger in that direction is that "historical models acquire a life of their own," and we may become "bewitched by analogy" (p. 123). Though policy decisions need history to know where we have been, and because it shows us the values embodied in the polity, our values also sometimes justly change. Though "history repeats itself enough to make possible a range of historical generalization," and generalizations multiplied "can generate insight into the shape of things to come," there is always a danger of being misled by historical analogies, and the imperfections of historical generalizations, and beyond that, when a prediction is better founded, it is always possible that we will take steps to avert feared consequences.

It has always been an unstated subtext of historicisms, whether conservative or radical, that history becomes, in degree, a matter of

Reason Papers Vol. 30

(organizing) self-fulfilling prophecies, if only there is sufficient normative and political control and discipline, guided by the glories of the past or alternatively by a dominant vision of the future. It is in this context that the vagaries and polemics and drama of competing historicisms can perhaps best be appreciated. If we overestimate the import of historical precedent, say, the formative force of Jeffersonian (or Jacksonian) democracy, transplanted into foreign terrain, then implicitly we are making the demand that others conform to the precedent, whether it reasonably fits other values, conditions, and precedents or not. Rewards and punishments come into view connected with compliance and its absence. What is not convincing in itself comes to depend on external incentives and disincentives. Destruction and constraint are relatively easy, as contrasted with establishment of common, constructive purposes.

As Schlesinger convincingly argues, Marxist confidence in the outcome of history presupposed overall constancy in the aims and means of capitalism and of the capitalistic state, which was thought inevitably and blindly to favor the holders of great wealth. Liberal reform upset the applecart of Marxist prediction—robbed it of its prospective factual basis in recurrent crisis and poverty—so that the revolutionary and utopian outcome expected came to depend on the normative control and discipline of the party exercised directly over the intellectuals and revolutionaries or through the state. A vision of a golden future became a rationalization for severe discipline by party and state. Where the attempt to convince and persuade has failed, then rewards and punishments come prominently into view tailored to supportive compliance and its absence.

The end of the Soviet Union strongly suggested that even the most highly developed state apparatus is not sufficient to maintain the prestige of a failing ideal. How much less will we suppose then that “political correctness” can be maintained via academic or social rewards and punishments, be there any false ideals maintained or arising in related quarters. The externality of rewards and punishments and the prevalence of polemics become signs of troubles to come. This much projection of social and intellectual trends does presuppose a background prevalence of rationalization among conflicting trend-makers—as contrasted with the trend-spotters. Liberal reforms may yet constrain the excesses of political correctness. As Schlesinger puts a similar point, we sometimes need to reverse Santayana’s aphorism: “too often it is those who can remember the past who are condemned to repeat it” (p. 133). Still, the prospect of projecting historical trends remains beyond reasonable doubt.

In the present context, Schlesinger is right to emphasize that America may do better to relent in the war in Iraq and avoid similar adventures. We need to avoid being captured by an image of inevitable Middle Eastern dominos falling or alternatively of an inevitable series of democracies arising.

Reason Papers Vol. 30

Some comparison to the Mexican-American War is in order, and Schlesinger quotes Ralph Waldo Emerson to illustrate the unpopularity of that war and the bite of public opposition: “The United States will conquer Mexico,” said Emerson, in a comment on President Polk’s war, “but it will be as the man swallows arsenic, which brings him down in turn. Mexico will poison us” (p. 77). As it turned out, the acquisition of the southwest in the Mexican War (whatever the benefit to its present governance) helped sustain the sectional competition for new slave-states and new free-states, leading down the path of growing sectional contention, and see-through compromises, toward the Civil War. Similarly, there is little guarantee of great successes in the present war and some significant threat of kindling further animosity, and further international conflict, plus unacceptable domestic restrictions on civil liberties and national disarray and embarrassment on human rights.

“Democracy is impossible,” Schlesinger argues, “without private ownership because private property—resources beyond the arbitrary reach of the state—provides the only secure basis for political opposition and intellectual freedom” (p. 111). Agreed. Still Schlesinger is keenly aware that there must be limits to capitalism and expanding marketization. “The unfettered market conservatives worship undermines the values—stability, morality, family, community, work, discipline, delayed gratification—conservatives avow. The glitter of the fast buck, the greed, the short-termism, the exploitation of prurient appetites, the ease of fraud, the devil-take-the-hindmost ethos—all are at war with purported conservative ideals.” (p. 112). Agreed again. Growing, even though relative, inequalities, are eventually a threat to democracy itself simply because the relative disparity of means puts the aims of the nonadvantaged at ever greater risk. The privileges of great wealth and position become a snowball progressively collecting ever greater privilege. In some circumstance, capitalism is an appropriate means to the displacement of an oppressive elite, but it may also throw up its own oppressive elites. Surely, then, in somewhat the spirit of Presidents Andrew Jackson and Franklin Roosevelt, the American government must be big enough and powerful enough to control the potential domination of any private economic or financial interests, and to control the threat of growing inequalities.

There is need of a broader emphasis on something like the distinction between “preventive war” and “preemptive war.” While the Left has often wanted to make preventive political measures against private economic concentration in the extreme by extinguishing the very possibility and predicting inevitable abuse of private economic power, American liberals should be content with countering economic power if and when it represents a clear and present danger. As with war, and the power of the President, if the immediate threat is great, then the government may need to expand its powers. Yet this point is consistent, though in live tension, with the

Reason Papers Vol. 30

contrasting conviction of the Founding Fathers that centralization and growing power of central government, large standing armies, etc., ultimately represent a threat to liberty. If the federal government can never shrink or relinquish powers, in the politics of liberal thought, then federalism and the broader constitutional division of powers are continually under threat, and something can and will grow up, a governing class, which threatens political equality by its self-aggrandizement through state-supported agency. The American Constitution is a perpetual balancing act which presupposes great depth and tenacity plus considerable wisdom and vitality in the public and in the institutions of civil society. The continual growth and centralization of government puts these roots of American democracy at risk.

This book helps us to see that no elitism is an adequate substitute for the needed balance. The general theme of the “preventive” versus the “preemptive” surely has broad political applications—as Schlesinger seems to recognize when he compares the task of intelligence collection under a policy of preventive war to that of the “precogs” work in crime prevention in Steven Spielberg’s film *Minority Report*.

H. G. Callaway
University of Mainz