



## **Secession, the South, and the Modern State**

**Guest: Donald Livingston**

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***Donald Livingston, professor emeritus of philosophy at Emory University, directs the Abbeville Institute.***

**WOODS:** If I had to come up with a list of 10 people who have influenced me and my thinking over the years, you are on it. And most of those people are dead, so to be able to talk to a living person who had that much influence on me is a real treat. Well, in particular, not that I needed to be persuaded of the moral soundness of secession, but all the same, I remember a talk you gave years ago on the subject of secession that absolutely blew me away. It was such a persuasive presentation, and it was delivered in a scholarly way. When you talk about topics like this, it's very easy to become a polemicist and to pound the podium, and you did none of those things, and I never forgot it. So let's start right there. Most people, when they hear secession, think this is some crazy talk by extremists who hate America, but according to you, really secession is quite a reasonable course of action in many situations.

**LIVINGSTON:** Yes, it is. I think the best way to get into it is that in the 17th century there developed a thing called the modern state, and we won't go into it too much, but one of the things the modern state is supposed to do is provide an indivisible central authority to rule over very large numbers of people. So all the modern states say they are one and indivisible. We say that in the Pledge of Allegiance. Well, if it's one and indivisible, there's not going to be any division. Secession is ruled out absolutely, the worst thing that could possibly happen to a modern state. The problem with that is that it's incompatible with republicanism. Most people don't realize that although Americans claim to be republican, as America is a republic, that the republican tradition over 2000 years taught that republics had to be very small. If you look at history, you are hard pressed to find any republic that's over 200,000 people. When it gets much larger than that, it collapses into an empire. Now, think about that. Great republics—Athens, 170,000 people; Venice, 100,000; Florence, 60,000—these created world-class culture. The Renaissance out of Florence, and Athens with very small numbers by our standards. So if that is what republicanism is, then if you have large states, you have to allow one of two things. You either have to rig the rules in such a way that these smaller polities have some considerable degree of self-government, and then you can keep the thing together in a federal

system, or you have to allow division. And the problem is, modern states don't allow division, and the most they can do is come up with federations, states, and cantons and smaller polities. That's what the United States is. So secession is necessary if you get too big. Let's put it that way.

**WOODS:** What would you say to one of the many counterarguments that might run like this? First, large states can advance liberty because when you have a large state, it will almost always establish full freedom of movement within that large state and full freedom of trade within that large state. Whereas if that territory had been divided into many small states, you are very likely to have had obstacles to travel across them and obstacles to trade across them. So really Livingston is giving us a nice story about a world of small states. But actually a world of large states is how we maximize liberty.

**LIVINGSTON:** Well, that's right, and people when they find themselves in that situation what they typically do, and we haven't had much experience with that, but what they typically do is they break down those barriers. Take the United States—13 states, very large territory but small population in the states. But they were republican. And we've got to remember how small the United States was. The largest city in 1776 was only 30,000 people. That was Philadelphia. Now, think of that. That's the largest city. Ancient Athens had 170,000. New York City did not reach the size of ancient Athens until around 1830. So when the founders talked about self-government and republicanism, they were thinking in this human scale way of political order. So in that system with those republican ideals, what would happen is that the states would divide. It got too big, so Kentucky seceded from Virginia. Later, West Virginia seceded from Virginia. So Virginia was divided into three states. Tennessee seceded from North Carolina, Maine from Massachusetts. And what was this secession about? The secession was about dividing into more manageable polities, and as the populations filled up, there could be more division. Now, these states, though, didn't have tariff barriers. They were federated states. So in federations you don't have tariff barriers. That's one of the good things about it. And so America could have continued to divide in this way.

Let's say the original 13 states is all we had. Those states would divide. Jefferson thought Virginia was too large and should be divided into what he called ward republics. These would be like the Swiss canton. Switzerland is a good example. It's a country of around eight million, but it's divided into 26 sovereign states. The smallest is only 15,000 people, and the largest is about a million. The average is around 300,000 of the 26 states. So Jefferson thought Virginia should be something like Switzerland. This could be true of Connecticut. This could be true of Pennsylvania. And these Swiss-style American states would be federated into a union of 13 states. Now, if you expanded to the Pacific, and this might get unmanageable, in which case as Jefferson said—he got us the Louisiana Territory—there should be three federations on the continent: an eastern federation, a Mississippi confederation along the Mississippi River, and a Pacific federation, because the thing would just be too big for self-government. So federation is a solution to your problem of trade barriers on a small scale.

**WOODS:** Let me take up what Jefferson is saying here, because Jefferson is obviously treating this question as a practical, earthly question—not as something in the heavens, not as something ethereal, but as a practical question of human organization. Maybe we should have this many political units, or we should have that many. Whereas today, anybody saying maybe the political unit is too large is treated like he's got some kind of mental problem. It's not just that he's wrong—he's so far wrong that we can't plug him into our existing political categories, which means *ipso facto* he's probably insane.

**LIVINGSTON:** (laughs) Well, I don't think people have thought much about America being too large. They've talked about big government. Republicans talk about big government. They just knew Washington spends the most money. But I don't really think they've raised the question of size. Let me give you an example. Madison thought there should be one representative for every 30,000 people. He didn't think you could have self-government if you got much bigger than that, and some people disagreed with that, but let's just take Madison's ratio. Self-government requires one person for every 30,000 people. Well, today we have one representative for every 725,000, which is beginning to be meaningless. There are only 435 members in the House, and that was capped by law in 1911—435 members. When we get 435 million, which will be the case by mid-century probably, there will be one representative in the house for every million persons. That is too big in the sense of being an unrepublican ratio of representation. One way to look at this is to consider that if we had Madison's ratio, there would be 10,500 representatives in the House. That's too big for a lawmaking body. You can see size matters. It matters in everything human. Should we increase the number of representatives from 435 to 10,500? No. Most lawmaking bodies are around 435, more or less, in the world. So that's a pretty good number. So what's the solution? It has to be something like territorial division. To put it another way, if Madison had our ratio in 1790, if his congress had that ratio, there would be only five members in the House—five states would have one representative each, but eight states would have no representation at all. Now, is that self-government? No, that's pathetic. That is exactly the situation we're in today. We do not have representative government in the House because the ratio of representation of population is out of anything that could be called self-government. But I don't think Americans have really started asking these questions. When they do, they can begin to see some things that would make them rethink.

**WOODS:** A very common follow-up objection is that small states can be oppressive, too, so how is this a solution to the problem of oppression by the state?

**LIVINGSTON:** Well, they sort of can be. A family could be oppressive. Two friends can be oppressive. As Sartre said, "Hell is other people." But the thing about small states is that the people can see the laws that are being passed and who is passing them, and they have a better way of controlling things. For example, most states have balanced budget amendments. The people get upset when the government goes beyond what it can afford. But the central

government doesn't have one. You can't control it. So the states are much better in that respect.

Take the meltdown, real estate meltdown in 2008. Look at how the big states handled that. They said too big to fail, so they bailed out the banks, and the people lost their money and all the rest of it. Little Iceland, they handled the thing differently. They didn't bail them out. So small states like Switzerland, for example, are among the wealthiest, most liberal states in the world. So, yes, small states can be bad. If you find yourself under Vlad the Impaler, that's pretty bad, but at least he's contained to the borders of that state. But once Vlad the Impaler becomes chancellor or Germany, or even the United States, then you got a problem, a real problem.

**WOODS:** Don, let's talk for a minute about the Abbeville Institute, which you run. The idea of the Institute, as I understand it, is to pursue in a scholarly way what is valuable in the southern tradition, the tradition of the American South. Now, that sets off alarm bells for everybody because we all know that anybody interested in the American South probably has sinister, intentions, since we all know that the American South is and was nothing but slavery and segregation.

My own interest in the South developed because I was an undergrad at Harvard, and you may recall Eugene Genovese gave a famous series of lectures there, I think in 1993. So I attended. Everybody was there, Don. It was a who's who in that audience. Everybody came to hear him, and he gave—

**LIVINGSTON:** I didn't know you heard those lectures.

**WOODS:** Oh, I heard them in person, yeah, before they appeared as that book. So he gave them, and he's giving this extremely erudite series of lectures. We all know Genovese was one of the great southern historians of the 20th century. He's one of the great historians of American slavery. And even he was saying it's an atrocity what's being done in southern history, that people are treating it all as if it's nothing but slavery. Look, the southern tradition gives you Patrick Henry, Thomas Jefferson, James Madison, George Mason, George Washington, Edgar Allan Poe, Mark Twain, William Faulkner, and Walker Percy, just for starters. I think there might have been something else going on other than slavery. What is it that you, Don Livingston, think is valuable that is to be found in the southern tradition?

**LIVINGSTON:** Well, we were founded at the University of Virginia 12 years ago. There were about 12, maybe 15 of us who thought that, as Genovese said, that this is a political and cultural atrocity what's being done in higher education about the southern tradition. So we formed the Institute to educate college and graduate students and academics, and you can look at the website, [www.abbevilleinstitute.org](http://www.abbevilleinstitute.org). Well, to begin with, see, the War Between the States was not a civil war. It was a revolution. It was a revolution as powerful as the French Revolution. We don't tend to think that way because Americans like to think of their history as one of continuity. It's one of great discontinuity. On the one side you have a Jeffersonian tradition. When Jefferson was elected in 1800, he was elected on a platform for resisting

centralization of power, and Americans agreed with him, or most of them, and so the Jeffersonians controlled the central government from 1800 up to 1860 until the war in 1861. During that time, for example, 11 presidents came from the South, and there were only five from the North. The attorney generals, 14 from the South and only five from the North. Supreme Court justices, 17 from the South, 11 from the North. Speakers of the House, 21 from the South, 12 from the North. All of the territory gained beyond the 13 states were gained under a southern administration.

So in 1861, when you thought of America, the image that came to mind was an image of southerners: Andrew Jackson, Thomas Jefferson, Calhoun, Henry Clay and so on. There were northern politicians, but they were not in the main positions of power. Americans just don't know that. They have no understanding of that. They think America is really just what happened after 1865. So the one question we explore is, what was this Jeffersonian America like? And I will just mention a few things. As of 1860 there were no inland federal taxes, none, no excise federal taxes. Jefferson established that and it stuck, except for the War of 1812, when some federal taxes were raised. But except for that there weren't any. There was hardly any federal debt for the little that appeared with the Mexican War. So in 1860, when South Carolina seceded, which was a Jeffersonian act, there were no inland federal taxes. Its income came from a tariff on imports and on land sales. It was virtually out of debt. It's an amazing thing. This was not a philosopher's utopia. This was the United States. This is what Switzerland to a large extent based its constitution on, and it stuck with those principles. The United States, of course, has not since Lincoln. So these are things Americans simply don't know. They are not part of popular history, and these are some of the things we explore. I can say something about slavery, too, if you'd like, but that's another topic.

**WOODS:** Please do.

**LIVINGSTON:** Yes, well, one of the things we need to understand is that slavery, of course it never should have existed, it was a national phenomenon. We are taught to think it was a southern thing that somehow unaccountability occurred in America in the South and had to be gotten rid of. It was a serpent at the Garden of Eden. That's simply not true. All of the colonies had slaves in 1776. Massachusetts was the first colony to work out a slave code. They began slave trading in the mid-17th century, and traded in slaves throughout the Western hemisphere for 160 years. That's a lot of slave trading. One out of every 14 persons in Rhode Island was a slave. Ministers owned slaves in New England, and so on. So New England was heavily in the slave trade, but also the wealth of New England and New York, as historians will admit, was not possible without slavery, not only the slave trade, but those regions, New York and New England, served as slave economies throughout the Western hemisphere. In America they insured slave-produced exports, they financed slave plantations and all the rest of it. And finally, the federal revenue, remember, was funded by a tariff on imports. The South was the only region that had anything to sell the world, really. The South accounted for 75% of exports in 1860, and that export trade was exchanged for imports, and the revenue from that went to

the federal government. So from the very beginning the federal government was funded mainly by revenue from slave-produced staples. So the Navy, the Army, the whole United States and the whole of the North benefited from and promoted this economy. They were all part of it.

And finally, there was no national political party up until 1861 that ever advocated emancipation. The morally right thing to have done about slavery was to have emancipated the slaves, compensated the slaveholders, and to have integrated the Africans into America as citizens. No one in the North ever proposed seriously an emancipation program, much less compensation. That was absolutely out of the question for them. And integration of the Africans into the North was an unscalable cliff. Lincoln's Illinois, the constitution of Illinois, forbade any free blacks from even entering the state.

**WOODS:** Now there will be a lot of people, even though that was the way that slavery came to end, for example, in the British-controlled world, was through a compensated emancipation scheme.

**LIVINGSTON:** Yes.

**WOODS:** There is something that offends our sensibilities about this. Why should people who were engaged in this moral enormity receive compensation? And the only answer you can really come up with is, because otherwise there would be no way to get rid of slavery other than a million and a half people dead, wounded, or missing, and the replacement of a decentralized system with the centralized regime we have now.

**LIVINGSTON:** Well, but see, that supposes, if I understand you, that the South alone was responsible for slavery. They didn't bring the slaves over. New England brought them over. The textile industry of New England had an insatiable demand for cotton. The insurance companies of New England, mainly in Connecticut, insured slave transport, shipping, and all the rest of it. So the point I want to make is slavery was, and Genovese makes this point, a *national* enormity. Americans—you have to get them by both ears and try to get them to see that it was a national enormity. We've been raised on the idea that the Founders established a principle opposed to slavery. They didn't. They did not do that. They talked about inalienable rights, liberty, and all the rest of it. Practically nobody in the North ever proposed, in any political party of any importance, emancipation, period. So it was a national sin, and the way that it should have been resolved is through a national effort—a bond floated to compensate slaveholders and the like.

Now, Lincoln did propose that midway through the war. It got no support in the North, and the war was going on, and so it was a mess, but it should have been proposed beforehand. In 1833 Virginia the governor called a session and said we've got to do something about slavery, and so they debated the question whether it should be abolished, and they didn't agree to abolish. They came close to it, but they tabled it because they couldn't figure out how to do it—the expense and all the rest of it. They would bear the full brunt of the expense. But if at that time there was a political party of the North that said, look, we are willing to help on this. We know

this is expensive, and we're willing to accept blacks into our states who are free as U.S. citizens. And that was just not on the radar screen at all. So Americans simply, just are morally adolescent in this respect. They cannot see what the real moral problem was, and Genovese did see what the problem was, even though he was from Brooklyn, and he was a Marxist.