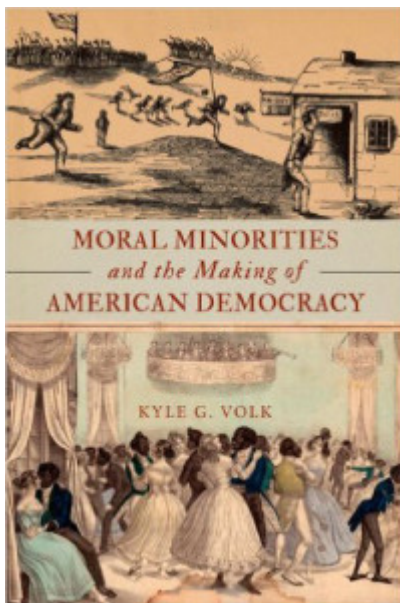


Major Problems in American Democracy



Not long ago, in a class discussion of the Federalist Papers, my students and I found ourselves debating James Madison's ideas about minority rights. When I asked who constituted the minority that Madison was most concerned with protecting, my students, with some surprise, recognized that the Constitution's chief framer was worried about the rights of the country's well-heeled citizens. As Madison wrote in Federalist 10, majoritarian democracies were invariably "incompatible with personal security or the rights of property," making such states "spectacles of turbulence and contention." The multitude of people with limited means threatened to eclipse the power of that small group who held the most. Madison's balanced constitution ensured that the American republic would avoid the early and violent demise that had afflicted the pure democracies of the past.



Kyle G. Volk, *Moral Minorities and the Making of American Democracy*. New York: Oxford University Press, 2014. 312 pp., \$34.95.

My students were surprised by Madison's argument because in the early twenty-first century, "minority rights" connotes something quite different from the rights of a cadre of the most advantaged (the "one percent"?). The minorities whose rights matter most in more recent American history are those who stand apart from the mainstream by virtue of some deeply held value or identity—be it related to race, religion, or sexuality—and who have been the targets of discrimination and disfranchisement as a result. The movement for African American civil rights in the last century fits this framework of minority rights, as does the push for same-sex marriage more recently.

Moral Minorities and the Making of American Democracy expertly bridges the gap between James Madison and my twenty-first-century students. This excellent book chronicles the rise of what Kyle G. Volk calls “a new, popular minority-rights politics” in the mid-nineteenth century that laid the groundwork for minority mobilization in the century and a half to follow (2). In six compelling chapters, the book tracks transformations in who were the most vocal minorities arguing for a place in American democracy and how those minorities made the case for protecting themselves from majoritarian demands. Though this story is set in the antebellum period, it illuminates a problem that resonates throughout American history: what is the ideal relationship between democracy and majority rule?

The two decades at the heart of this study—the 1840s and 1850s—matter to this question because they follow the moment when, under the influence of Andrew Jackson and Martin Van Buren (and in a marked turn away from Madisonian republicanism), Americans embraced majority rule as the essence of democracy. Or at least, a lot of them did. The other transformation that sets this study in motion is the rise of evangelical Protestant reform, a counterpoint to the rough-and-tumble of Jacksonian democracy. Volk labels Sabbatarians, temperance advocates, and other moral reformers as the vanguard of a “Christian moral majority.” These pious reformers, who included many erstwhile supporters of the defunct Federalist Party, both capitalized upon and tamed the majoritarianism of the new democracy in order to advance their own agendas. They argued that since most Americans were Christian, and most Christians worshipped on Sunday, American legislatures could and should criminalize working on Sunday. In the mid-nineteenth century, the temperance cause also had enough traction that popular sovereignty was a viable means to render a community dry. Christian temperance reformers pushed for “local option” laws, which allowed a simple majority of voters to ban liquor licensing in their communities.

The central figures of Volk’s book are a motley collection of Americans who questioned the power granted to majorities in the realms both of democratic politics and moral reform. They include “immigrants, entrepreneurs, drinkers, Jews, Catholics, Seventh Day Baptists, freethinkers, abolitionists, blacks, and others” (2). As this list suggests, those who called majoritarianism into question hardly constituted a singular front, and one of the challenges (and delights) of reading this book is trying to map out the relationships of the different sub-groups that, in various contexts, either embraced or opposed majority rule. Abolitionists, for instance, railed against majority rule when it was used to justify segregating schools and prohibiting interracial marriage, but they also tended to support the local option legislation that brought temperance to the ballot box. Liquor dealers in the 1850s insisted that prohibition was a majoritarian assault on their rights to property—an argument that put them at odds with abolitionists, since it strikingly echoed the complaints of Southern slaveowners who saw abolitionism as a popular affront to their own rights to (human) property.

How do the minority's arguments change when public opinion is its ally rather than its enemy?

These disagreements among the various parties who asserted minority rights on behalf of their own causes raise questions about the sincerity of their anti-majoritarian arguments. Did these groups take up the minority rights argument primarily out of political expediency, or did they wholeheartedly embrace the representation of *all* minorities (including those with beliefs or commitments oppositional to their own)? Addressing this question more directly would have helped Volk to clarify whether "popular minority-rights politics" should be understood as a political *strategy* or political *philosophy*. He is quite clear that his "is not a story of ideological consistency or of a coherent movement for minority rights over majority rule" (4). Nor does he suggest that minority rights advocates, whatever their primary cause, were simply being capricious or strategic in their critiques of majoritarianism. Instead, he sees his myriad subjects as collectively, but not cooperatively, opening up new ways of thinking and talking about how limiting majority rule could permit Americans to fulfill their democratic dreams. In Volk's account, whatever their driving cause, the moral minorities of the nineteenth century were looking forward rather than back: they "did not seek to oppose democracy or return to the elitist Federalist-style deferential politics. Instead, they saw a debate over different types of popular self-rule in which they favored its representative over its direct form. To them, it better ensured freedom within governments of popular sovereignty" (100).

As important as the *who* and the *what* in Volk's story is the *how*. To protect their interests, minority groups forged new kinds of associations, ranging from civil rights organizations (such as the Legal Rights Association, formed by black New Yorkers to fight segregation) to industry interest groups (such as the various state and local liquor dealers' associations that contested prohibition). These organizations encouraged their membership in active resistance, including African Americans attempting to board whites-only train cars and barkeepers maintaining their establishments in open defiance of anti-licensing laws. Recognizing the courts as the primary institution charged to protect the minority from the majority, moral minorities brought, and sometimes won, test cases. Building on the "moral suasion" tactics of nineteenth-century reform, they also appealed to public opinion via print culture and public gatherings.

Indeed, the role of public opinion is one topic that Volk might have explored in greater depth. In the course of the book, it serves as both the greatest obstacle for minorities and one of the most promising avenues for advancing their causes. Public opinion could be at the root of majoritarian oppression. Volk quotes Jacob Leiser, a German Jewish immigrant and vocal critic of Sunday laws, calling public opinion "a tyrant greater in power over the mind of men in a free country, than is the will of the Czar in his dominions" (58). Abolitionists decried popular racism, in the guise of public opinion, as the

force that blocked the African American minority's access to equal education and freedom of movement on trains and ferries. Yet anti-Sabbatarians, anti-prohibitionists, and abolitionists nonetheless continued to seek broader public support for their causes. As a political strategy, appealing to the public makes a lot of sense. But the question it raises for Volk's study is: what does it mean for a "moral minority" when the majority comes to support its cause? How do the minority's arguments change when public opinion is its ally rather than its enemy? At a moment when polls indicate that the American majority has tipped in support of same-sex marriage rights, this is a timely concern.

That Volk's book stirs up questions like these is one of its many strengths. This is the rare book that is both deeply historical and strikingly urgent. Volk's meticulous research in a wide range of primary sources provides a strong evidentiary basis for his claims while also offering vivid pictures of nineteenth-century political culture and social experience. Without forcing the past into a present-day frame, Volk points to antebellum dilemmas that resonate today regarding the nature of rights and representation in a heterogeneous democracy. This book is clever in its conception, rich in its research, wise in its argumentation, and eloquent in its writing. It deserves to be read by American historians of all stripes—and by anyone who has a stake in American democracy.

This article originally appeared in issue 15:4.5 (November, 2015).

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