

Interpretation

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Nicole Mellow and Jeffrey Tulis present a challenging new thesis in *Legacies of Losing in American Politics*, arguing that political “winners” sometimes achieve hollow victories, while even the nation’s most memorable political “losers” may manage to facilitate later victories for their principles. By examining three critical periods in American history—the Ratification Debate, Andrew Johnson’s efforts to undermine Reconstruction, and Barry Goldwater’s 1964 challenge to the New Deal and its legacy—they show that the losers in each case lost while also setting the stage for their principles to mount a resurgence. Notably, Mellow and Tulis argue that these losses were actually instrumental in shaping the later successes; the later successes arose not despite the loss, but precisely because of it.

This argument is nowhere clearer than in their examination of the Ratification Debate. The authors argue that the Anti-Federalists and Federalists both recognized the Constitution for what it was: a proposal to create a strong—if not omnipotent—national government and launch a wholly new political order spread over an extended land mass and held together by commercial acquisitiveness (44). But while the Anti-Federalists voiced their fears openly, Publius was forced to employ mollifying language that played down the animating nationalist and liberal logic of the Constitution. As a result, we have too often remembered only Publius’s ostensible defenses of limited government and state power while missing his deeper argument: that the Constitution’s structure and logic would inevitably result in a powerful national government and completely undermine state power (48–49). The seemingly moderate case made by *The Federalist* defeated the

Anti-Federalists, but the losers recognized in their loss a strategy for future challenges to the new government. After ratification, the Anti-Federalists appropriated Publius's mollifying language as an accurate description of the aims of the Constitution, reclaiming "through interpretation what they had lost through constitutional construction and ratification" (31–32).

The analysis of the ratification debate sets the tone for the rest of the book, which argues that the principles of limited government and state power, despite repeated defeats, have continued to surge to prominence and offer serious challenges to the Constitution's animating logic. Thus, Tulis and Mellow see Andrew Johnson's and Barry Goldwater's challenges to their nationalist and liberal opponents as an outgrowth or unfolding of the original Federalist–Anti-Federalist debate. Johnson, Goldwater, and their followers, they argue, are heirs to the Anti-Federalists, seeking to reinterpret the modern, liberal, commercial Constitution and re-create some version of a republican, small-government regime more in line with the Articles of Confederation.

The chapter on Reconstruction presents an interesting case for the ultimate success of Andrew Johnson's policies. While Johnson had an opportunity to adopt a statesmanlike middle ground, moderating Radical Republicans without undermining Reconstruction, he chose instead to obstruct Republican efforts and offer the South a chance to reenter the Union on its own terms. Although the radicals hoped to use Reconstruction to impose a new ideological framework on the South, complete with redistribution of property and voting rights for black males, Johnson short-circuited the process, allowing southerners to reclaim their status as citizens in good standing at the cost only of a loyalty oath and offering thousands of presidential pardons. By allowing the southern states to reenter the Union and undermining more radical plans, he gave the South time to get back on its feet and paved the way for the introduction of Jim Crow laws. Moreover, even when Johnson was hamstrung by congressional Republicans, he successfully modeled for the South a strategy of obstruction and delay. Johnson's tactics were promptly adopted by southern Democrats and used to defend states' rights and prevent liberal reforms. Johnson's actions may have destroyed his own political career, but they also paved the way for the success of his policies for a hundred years.

Finally, Tulis and Mellow show how Barry Goldwater's 1964 electoral defeat opened the door to future challenges to the New Deal and its legacy by setting the stage for Ronald Reagan's election in 1980. Because Goldwater

valued integrity over electoral success, he proposed an outright rejection of the New Deal, refusing to soften or compromise his principles for the sake of election. While the moderate wing of the GOP, represented by Richard Nixon, Nelson Rockefeller, and a northeastern elite, accepted the basic principles of the New Deal and offered the nation “New Deal-extension” or “New Deal-light” (126), Goldwater articulated a real conservative-libertarian alternative focused on individual liberty and freedom from government (and especially national) control. Goldwater’s rhetoric and principles were too radical for the electorate in 1964, but he forced the GOP to the right, energized grassroots activists, and enunciated a vision capable of producing a new conservative coalition of southern and western states. By 1980, sixteen years too late for Goldwater’s electoral fortunes, these efforts had prepared the country to accept the conservative-libertarian principles he had championed and reached fruition with Reagan’s election.

Legacies of Losing addresses itself to an American political development audience, proposing an alternative to two major narratives in American politics. In contrast to scholars such as Bruce Ackerman, Theodore Lowi, and Walter Dean Burnham, who emphasize the Founding, the Civil War, and the New Deal as key transformative “constitutional moments” or “critical realignments,” our authors view these moments not as radical breaks from the past, but as a continuing unfolding of the nationalist and liberal logic of the Constitution. This logic, they contend, has consistently advanced even while being repeatedly challenged by the Anti-Federalists and their intellectual heirs, as represented by the states’ rights principles of Andrew Johnson and the small-government conservatism of Barry Goldwater. Similarly, they propose to complicate and make more complete Louis Hartz’s thesis, which paints a picture of an inherently liberal tradition in America. To this end, they argue that although the Constitution’s animating logic did win out in each of their three case studies, nevertheless these victories have been incomplete, for what they view as the Constitution’s fundamentally liberal trajectory has been persistently challenged by what they call an “ascriptive” republican tradition which defends “inequality and hierarchy” (7).