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THE LIMITS OF JACKSONIAN LIBERALISM: INDIVIDUALISM, DISSENT, AND THE GOSPEL OF ANDREW ACCORDING TO LYSANDER SPOONER

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> The course of civilization is the progress of man from a state of savage individualism to that of an individualism more elevated, moral, and refined.
>
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> Society everywhere is in conspiracy against the manhood of every one of its members. Society is a joint-stock company, in which the members agree, for the better securing of his bread to each shareholder, to surrender the liberty and culture of the eater.
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> Ralph Waldo Emerson

> The only obligation which I have a right to assume is to do at any time what I think right.
>
> Henry David Thoreau

IN 1844 MASSACHUSETTS RESIDENT Lysander Spooner (1808–1887) advertised in the public press the establishment of the American Letter Mail Company.[1] That agency promised to carry letters from New York to Philadelphia, Baltimore, and Boston at a uniform rate of 5 cents (significantly less than the 12 ½ cents the federal postal service required for letters traveling from Boston to New York and 25 cents to Washington, D.C.); in so doing, it intentionally challenged

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[1]Various studies discuss Spooner's life and thought. Of those, Shively (1971) is the most thorough. Martin (1970) nicely analyzes many of Spooner's published works. Perry (1995, pp. 194–208, 282–85) looks at Spooner's antislavery and constitutional thought within a broader radical context. Also see Schuster (1932, pp. 143–52); Rocker (1949, pp. 86–96); Alexander (1950, pp. 200–17); Reichert (1976, pp. 117–40); and Smith (1992).

the legitimacy of the federal postal monopoly.[2] To be sure, Spooner intended to realize a profit from that venture. Yet, cheaper mailing rates, although an enticement for business, provided the means for Spooner's opposition to what he believed was an expensive, dilatory, and exclusive mail system, and expose as corrupt, tyrannical, and arbitrary the government that sanctioned and protected it.

Spooner implied as much in advertisements, which stated that his company intended "thoroughly to agitate the question, *and test the constitutional right*, of free competition in the business of carrying letters" (Spooner 1971, vol. 1, p. 24). Even more forceful and explicit was Spooner's pamphlet, *The Unconstitutionality of the Laws of Congress Prohibiting Private Mails* (1844), which asserted the logic for that right. And although that publication was made available for public purchase, Spooner sent complimentary copies to some members of Congress and to the Postmaster General himself. Not simply a provocation (though it may be interpreted as such), those actions, according to Spooner, "invited [the Postmaster General] to try the Constitutional question" (1971, vol. 1, p. 25). Such an opportunity never arose if only because the American Letter Mail Company, partially due to governmental intervention and the arrest of company agents, did not receive enough patronage to continue operations.[3] Thus, Spooner was forced not only to surrender his business but also, by default, the issue of the right of states and individuals to establish mails. That possibility ceased to be a contentious issue after a reduction of postage took place soon after Spooner's aborted venture.

Indeed, congressional legislation in 1845 that reduced postal rates effectively eliminated competition from private companies. Without the private mails, however—in which Spooner was but one of several entrepreneurial agitators who, for different reasons, challenged the exclusivity of the postal service—this reduction likely

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[2]*Appleton's Cyclopedia of American Biography*, p. 635; Alexander (1950, p. 201). (Shively 1971, vol. 1, p. 29). Olds (1995, p. 2) points out that the average one-page letter cost 14 ½ cents before the 1845 postal reduction.

[3]See Alexander (1950, p. 201); Spooner (1971, vol. 1, p. 31); Olds (1995, p. 13). Rather than try the constitutional question, the Postmaster General resorted to "extralegal measures," according to Shively, to drive Spooner out of business. "Transportation companies," continues Shively, "were told that they would lose their government contracts unless they stopped carrying American Letter Mail Company mail" (Shively 1971, vol. 1, p. 31). Moreover, several agents were arrested for infringement of a federal monopoly. Such intervention, and arguably intimidation, confronted Spooner with legal fees and fines, which not only undermined his business but probably proved a customer deterrent as well.

would not have taken place when it did.[4] Still, this was at best a hollow victory for Lysander Spooner from which he received little consolation, because more was at stake for Spooner than the money required to send letters. When he established the American Letter Mail Company he enlisted himself in the name of private enterprise, in defense of the freedom of speech and press, and in protection of individuals against coercive government. Whatever innocuous façade the postal system presented, and whatever beneficial services that agency promised, Spooner espied nothing but "a great national nuisance" and "a very great political evil" (Spooner 1971, vol. 1, p. 23). He considered that institution a serious threat to individual liberties in particular and the body politic in general, a monster no less monstrous than the Second Bank of the United States (BUS). Like a good Jacksonian, Spooner attacked it accordingly. Yet Spooner was not a Democratic partisan (nor a Whig for that matter); he was, in the words of one admirer, "radical to the bone, a nonconformist among nonconformists who refused to toe any party line" (Smith 1992, p. vii). Nor did Jacksonian Democrats share Spooner's sentiments about the postal system. On the contrary, Jacksonians relied upon postal patronage to secure party loyalty and assuage party factions, and they not surprisingly defended the federal government's monopoly of that agency.

What Lysander Spooner and Jacksonian Democrats held in common, however, was a libertarian ethos, or, at the least, a shared libertarian heritage (stemming most notably from the Revolutionary era). Where the similarity begins it also ends. This article seeks to understand that similarity as well as to distinguish it. On the one hand, it is about political economy. Since Spooner waged his battle against the postal service along lines reminiscent of Andrew Jackson's showdown with the Bank of the United States, the question then becomes, what does this suggest about Jacksonian political culture in general? Why was Andrew Jackson successful, and why did Lysander Spooner fail to mobilize converts to his cause? On the other hand, this article argues that Spooner's contest with the government over the right of individuals to establish private mails occurred during a defining period in his life. More than just an interesting biographical detail, Spooner's ideological development—as revealed through his writings—is broadly indicative of the indigenous radicalism that emerged during the second quarter of the nineteenth century. With

[4]This point is persuasively presented in Olds (1995, pp. 11–22). In John's (1995) fine study, Lysander Spooner's private mailing activities and pamphlets are not even subject for discussion.

that development, moreover, Spooner became a forerunner of late nineteenth century American individualist anarchists, and a source of influence for twentieth century and present-day anarcho-capitalists.

The 1840s was an especially productive decade for Spooner. Beside his published tract against the federal government's postal monopoly, he dedicated pamphlets to the questions of banking and the currency, poverty, and the constitutionality of slavery. Although those writings are fundamentally grounded in the author's tenacious libertarianism, only with the American Letter Mail Company did Spooner translate thought into action. That proved a transformative experience, for he was as much an anarchist then as he was later in life. In that respect, one may well consider his confrontational initiative in private enterprise an individualist anarchist's version of what late nineteenth century leftist revolutionaries called "propaganda by the deed." Unlike acts of terror that that term embraced, Spooner's state rebuttal came in the form of an alternative (and voluntary) institution, which would undermine governmental authority through competition (Horowitz 1964; Joll 1964; Kedward 1971; Miller 1984). To be sure, Spooner never expressly avowed an anarchist position; contemporary observations, however, leave no doubts as to where he stood. In an obituary that appeared in *Liberty*, Benjamin Tucker, a rare intimate of Spooner's, pointed out,

> Whatever he may have called himself or refused to call himself, he was practically an Anarchist. His leanings were Anarchistic from the first, and though he worked in earlier years in the direction of attacking certain phases of government, he saw later the necessity of leveling his most powerful guns against the government principle itself. To destroy tyranny, root and branch, was the great object of his life.[5]

True, Spooner's private mail excursion was not the cause for his antistatism; it did, however, entrench more deeply his opposition to any institution that obstructed an individual's autonomy and rights.

That decade, moreover, was essentially a period of maturation, which was not limited to Lysander Spooner, but permeated American society more generally. For example, the presidential election of 1840, specifically the Whig party's successful appropriation of the Democracy's electioneering tactics during the "Tippecanoe and

[5]Tucker (1887, p. 7). An obituary in the *Boston Daily Globe* (May 18, 1887) observed similarly: "Though Mr. Spooner did not call himself an Anarchist, his political and financial views coincided more nearly with those of the Individualistic Anarchists than with those of any other school."

Tyler too" campaign, signified not the arrival but the legitimization of mass party politics.[6] Outside of the political realm—although not far removed—the Garrisonian wing of American abolitionism transformed their antislavery campaign into a broad-based activist movement. Although immediate emancipation of slaves remained integral to Garrisonians, their verbal attack on southern slavery became, in the 1840s, an assault on American society. In their attempt to redeem what was considered a sinful nation, Garrisonians championed gender equality, castigated religious establishments that failed to denounce human enslavement, condemned the Constitution as a proslavery document, and called for the peaceful dissolution of the Union (Kraditor 1989; Krohn 2006a; Stewart 1992). At about the time that Garrisonians advocated nonresistance (extreme pacifism that opposed all coercive relationships) and disunionism, another Massachusetts resident not affiliated with Garrison, but intimately linked with the Transcendentalists, also espoused an uncompromising antistatist position. In 1849, Henry David Thoreau forcefully proclaimed in the essay "Resistance to Civil Government" (also known as "Civil Disobedience"): "That government is best which governs not at all" (Thoreau 1963, p. 36). Although Thoreau questioned the expediency of government, his was not simply a call for no government, but for a better one "at once" (p. 38). Yet, faced with a government that sponsored invasion of Mexican territory (beginning in 1846) and sanctioned the enslavement of millions of persons, Thoreau had but one remedy: that "honest men rebel and revolutionize" (p. 40).

Thus, the 1840s not only marked the solidification of the second party system but also the intensification of radical individualism. At the forefront of the latter—and diametrically opposed to the partisans of the former—was Lysander Spooner. Spooner's individualism, however, was not molded by events *per se*. That is, anti-abolition mobs (throughout the 1830s), the suppression of antislavery mails (in 1835), and congressional gag rules (from 1836 until 1844) prohibiting the introduction and discussion of abolitionist petitions did not incite his radicalism; nor did the Mexican-American war (1846–1848). On the contrary, it seems that Spooner was born, not full-grown like

[6]The pithy appellation of "Tippecanoe" referred to Whig presidential candidate William Henry Harrison, particularly his military exploits against Indian peoples of the Old Northwest. Harrison's vice-presidential running mate, "Tyler too," was John Tyler of Virginia. The electoral contest was also known as "The Log Cabin and Hard Cider Campaign."

Minerva, but a full-blown dissenter. "Why [he] was susceptible to radical and non-conformist ideas," states one historian, "we do not know, but an examination of his writings . . . reveals the fact that he was always against the *status quo*, always on the side of the attackers and revolutionaries" (Alexander 1950, p. 202). Another historian similarly concludes that Spooner, who "provided one of the most penetrating criticisms of the state idea, needed no teacher to discover the beauty of the anarchist idea" (Reichert 1976, p. 117). Indeed, from the outset of early adulthood, at the age of twenty-five, when Spooner left his father's farm near Athol, Massachusetts, to become a clerk in the office of the registry of deeds in Worcester, he established the pattern that would shape his life.

In 1834, Spooner published his first treatise, *The Deist's Immortality and an Essay on Man's Accountability for his Belief*. Two years later, a similar work appeared, *The Deist's Reply to the Alleged Supernatural Evidences of Christianity*. Although deism was not unique to Lysander Spooner, those documents suggest his predilection for the controversial and confrontational. More specifically, those pamphlets, written and released during a period of emotional religious revivalism known as the "Second Great Awakening," demonstrate that Spooner had little esteem for institutions (in this case organized religion) that, in his opinion, hindered or obfuscated an individual's moral and intellectual development. Armed with Enlightenment rationalism, his publications scrutinized with a logician's eye the supposed truths of Christianity. Thus, they centered on the Bible and Christ, the very source, for Spooner, of Christianity's deceitfulness and absurdity. Although the author's intent was to refute, for example, the divinity of Jesus, the "reality" of his miracles, and the resurrection, he revealed in the process his faith in progress, his belief in the inherent goodness of human beings, as well as their capacity, and reverence, for right (Spooner 1971, vol. 1, pp. 3–4). Spooner rejected the teachings of Jesus—as recorded in the Gospels—because "that whole system of morals and religion is based upon the selfish principle." This was, for Spooner, the worst kind possible. Since it did not emphasize "honesty of principle" and "purely virtuous sentiment," but advised instead that "we should do right" because "we shall be rewarded for it" and that "we should not do wrong" because "we should be punished for it," Spooner judged it "the most debasing . . . of all imaginable systems" (Spooner 1971, vol. 1, p. 17). And although he attacked the followers of Jesus as "ignorant, simple, and deluded men," his exposé sought

to liberate then present-day adherents from the chains of superstition.[7]

Spooner's dissent, however, was not limited to print. In 1835, after two years of legal study in the offices of Massachusetts governor and future United States Senator John Davis, Spooner decided to practice law independently, despite a state statute that required all noncollege educated individuals to complete five years of apprenticeship before admission to the bar was granted (college graduates, in comparison, needed to complete only three years training).[8] Although the state legislature rescinded this restriction in 1836, what is important is not Spooner's role in that process—if indeed he played one—but the very action itself. As a young man in his twenties, he already proved himself a nonconformist. Nor is this a historian's interpretation: said Spooner in *The Deist's Reply*, "All men of common sense disregard authority" (Spooner 1971, vol. 1, p. 41). He restated that sentiment—and would continually do so throughout his life—in an article that appeared in the *Worcester Republican*, wherein he gave his reasons for protest against the law that excluded "the well-educated poor" from entering the legal profession. "The right of rebelling against what I may think a bad government," insisted Spooner, "is as much my right as it is of the other citizens of the commonwealth" (Spooner 1971, vol. 2). On that right, lay the foundation of Spooner's libertarianism.

Although much of Spooner's past, as portrayed through personal correspondence, is irretrievable (due to insubstantial documentary evidence), the same cannot be said for the society in which he lived. Spooner's journey from childhood to adulthood coincided with the country's rapid economic changes after the War of 1812 that historians call the "Market Revolution." A revolution of a different kind occurred in the 1820s with the rise of mass political parties and the election of Andrew Jackson to the presidency in 1828. To be sure, the Jacksonian ascendancy did not usher in the age of the common man, but the modernizing society in which Jacksonians functioned did witness the democratization of America (albeit limited to white

[7]See Spooner (1971, vol. 1, p. 12). Spooner's deist tracts were published during a period of resurgent free-thought. See French (1980, pp. 202–21).

[8]Given Davis's political activities—he would shortly occupy the governorship after Spooner entered his apprenticeship—Spooner, states Shively, "probably learned much of his law from distinguished jurist, Charles Allen." Allen also served in the public domain as state senator and later, as Chief Justice of the Massachusetts Supreme Court. See Spooner (1971, vol. 1, p. 17).

men). And although Jacksonians embraced, and channeled to their advantage, the extension of the elective franchise, they were generally much more suspicious of the era's economic developments. Jacksonians may have (outwardly) accepted the liberal tenet of free enterprise, but they displayed uneasiness toward the capitalist marketplace. Where the market encouraged self-interested, profit-oriented individuals, Jacksonians, in contrast, preferred more traditional social arrangements and values. Despite their commitment to limited central governance, Jacksonians did not simply reaffirm their *laissez-faire* credentials when they rebuked the state-guided program of capitalist growth envisioned by National Republicans and later Whig partisans. Hostile to an activist federal government, they were anxious about the effects of capitalist expansion also. Jacksonian liberalism, in short, did and does not necessarily coincide with the Market Revolution. On the contrary, the former was often in revolt against the latter. Nowhere is this better illustrated than with Andrew Jackson's battle with the Bank of the United States.[9]

Of the documents of American history that have been enshrined in the pantheon of democracy, very few surpass in stature Jackson's bank veto message. Historians have played no small role in its sanctification. Arthur M. Schlesinger, Jr. (1945, p. 90) called the bank veto "a ringing statement of Jackson's belief in the essential rights of the common man." "The veto message," according to Harry Watson, "struck the nation like a manifesto for social revolution." Its rhetoric, Watson continues, "would become the language of protest, the slogans of embattled groups, such as farmers or workers who still thought of themselves as 'the people,' even when the rest of the country was ready to dismiss them as mere 'interest groups'" (Watson 1990, p. 148). Daniel Feller (1995, p. 170) has praised it as "a manifesto of democracy." The veto, he concludes, "became a totem for all who chafed under the rule of 'aristocracy'." Although Robert Remini recognized the veto as unabashedly propagandistic, he labeled it of "the highest order," and also called attention to the document's "rous[ing]" qualities and to the "throbbing sounds that stir

[9]On the Market Revolution—its social, religious, political, and economic consequences—see Sellers (1991). That work inspired a collection of essays that merit equal attention (Stokes and Conway, eds. 1996). Wilentz (1990), is insightful as well as a convenient starting point. Also see *Journal of Early Republic* (1996) special issue on the transition to capitalism in the early republic, particularly the articles by Gilje, and Matson. On the Market Revolution and the political realm, see Kohl (1989) and Watson (1990). On the Market Revolution and individualism, see (Curry and Valois 1991). Also see Diggins (1984).

men to action" (Remini 1967, p. 84). Those observations, however, conflate symbols and substance; they, in varying degrees, focus on what the veto became rather that what it was.

The brewing controversy over the recharter of the Bank of the United States, and the confrontation provided by that institution's president, Nicholas Biddle, not only challenged the authority of President Jackson but also jeopardized the security and order of his national household. Although Jackson's exercise of the veto power—more than all his predecessors combined—invested the executive office with greater influence, his reaction was simply one to which he was most accustomed: patriarchal. Indeed, one may argue that Jackson governed the country much as he would his plantation, or, more appropriately, an army regiment (certainly that background shaped his political style). Seen in this light, the veto message is not unlike the response of a military general, asserting his control and emphasizing his command.[10] Whatever calls to arms the bank veto sounded, the demagoguery does not mask the document's traditional—almost retrograde—sentiments.

This should come as no surprise. If the age of Jackson was, in Lawrence Kohl's words, "an age of inner-direction," not all Americans, he points out, "adapted equally well to the demands of the age" (Kohl 1989, p. 15). Instead, a binary opposition, as Kohl argued, developed during the Jacksonian era over the transition to a "society based on the ethic of individualism" (p. 6). Nowhere was this better displayed than in the political realm, which pitted tradition-directed Democrats—who generally felt more comfortable in a society of personal relationships—against inner-directed Whigs—who generally moved more easily in an impersonal, self-interested society. Thus, it is only appropriate that the standard-bearer of a tradition-directed party should unleash a bank veto that was vehemently reactionary.

At face value, the veto seems to reaffirm the fundamental precepts of classical liberalism, specifically governmental protection of the liberty of its citizens, so that the latter can pursue their interests.[11] Yet, Jackson's veto was not a liberal *tour de force* but a strikingly conservative one. "The conservative view of society," writes Stephen

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[10]On the relationship of slaveholding and southern statesmanship, see Greenberg (1985), chapter one in particular.

[11]The secondary literature on liberalism/individualism is vast and no less rich. Aside from the historical articles and monographs cited in note 9, this article primarily draws upon: Lukes (1973); Macpherson (1962); Pole (1984, vol. 2, pp. 623–35); Ross (1984, vol. 2, pp. 750–63); and Schapiro 1958).

Lukes, "is naturally hierarchical, whether the natural divisions are ranks or estates or classes" (Lukes 1973, p. 84). This conforms most faithfully with Jackson's social vision.

Regardless of the antiaristocratic, antiprivilege, and antimonopoly rhetoric of the veto, Jackson could not imagine society without divisions. "Distinctions in society will always exist under every just government," proclaimed this supposed manifesto of the common man. Nor could this decree be overturned, since "equality of talents, of education, or of wealth can not be produced by human institutions" (Richardson 1899, vol. 2, p. 590). True, liberal doctrine conceded discrepancies in abilities; it also contended that individuals were free and equal in their original state of nature. The latter point, however, need not be enlisted to reveal Jackson's deceptive liberalism. Nor should one misconstrue the president's words.

For Jackson, governmental intervention could ensure not social equality, but only equal protection of the laws. Special legislation that favored but one bank—the centralized BUS—was thus anathema to Jackson's understanding of the United States government's stated mission. Compounding the monopoly issue was the question of the bank's constitutionality, which from Jackson's strict constructionist point of view was constitutionally questionable at best. Still, admirable as it might seem that Old Hickory combated a financial establishment that, as he believed, prevented equal opportunities and favored elitist stockholders at home and abroad, it needs to be remembered that he enormously benefited from an institution that utterly reeked of corruption: the South's system of chattel slavery. Indeed, enslaved blacks were not only deprived of the basic legal opportunities and protections that Andrew Jackson and his cohorts loudly championed, but African-Americans were also refused—by white Americans in general and virulently more so by Jacksonians—basic humanity. Because of this, Jackson's liberalism was a significantly bastardized one, dependent as it was on the systematic oppression of black Americans. Racial slavery made Jackson socially influential, financially well off, politically powerful, and arguably hypocritical. As the beneficiary of state laws and constitutional provisions that (directly and indirectly) recognized and secured property in humans, he was also the recipient of a special privilege more heinous than the one supposedly extended to BUS itself as well as its stockholders.[12]

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[12]Aside from general property safeguards, slaveholders could (and did) point to Article IV, Section 2, Paragraph 3 of the Constitution to support their claim that the nation's founding document protected their chattel personal.

As for those white abolitionists who agitated for the liberation of slaves and the eradication of slavery, the Hero of New Orleans greeted their dissent with racial apostasy; such individuals, quite simply, were subjects for Jackson's especial wrath. Consider the following. On the evening of July 29, 1835, a group of angry Charlestonians broke into the city's post office and burgled postal bags containing antislavery newspapers and other abolitionist printed matter addressed to local dignitaries (i.e., slaveholders and clergymen).[14] That supposed inflammatory material, which abolitionists originally hoped would awaken slaveholding consciences to the sinfulness of slavery and duly inspire masters to emancipate their slaves, was set to fire the next day before an audience of some two to three thousand. Those developments particularly troubled the president. The Jackson administration, however, sought not the prosecution of the members of the Charleston mob who committed mail robbery—a crime according to federal law—but the punishment of northern antislavery activists who delivered their published appeals via the post office.

In his December 1835, annual message, General Jackson urged Congress to muster the necessary legislation that would quash abolitionist activities, regardless of the civil liberties enumerated in the Bill of Rights. Referring to abolitionists as "misguided persons" and to their postal campaign as "unconstitutional and wicked," President Jackson counseled for nothing less than a law prohibiting "the circulation in the Southern States, through the mail, of incendiary publications intended to instigate the slaves to insurrection."[13] In this way Jackson, ever faithful to the dictates of the master class, intended to deprive the First Amendments rights of a disagreeable minority of Americans in the North. Old Hickory may have considered himself the representative of the people in his personal battle against entrenched financial elites; such a pretension could not be enlisted when he acted on behalf of aristocratic slaveholders determined to eliminate any and all opposition to human enslavement.[15]

Known as the fugitive slave clause, that clause ensured not only that slaves retained their enslaved statuses wherever they escaped (free states included), but also guaranteed slaveholders' rights to recover that escaped property. On slavery and the Constitution, see Finkelman (2001).

[13]For Jackson's annual message, see Richardson (1899, vol. 2, pp. 175–76).

[14]On the abolitionist postal campaign and the southern response, see Wyly-Jones (2001, pp. 289–309).

[15]On the abolitionist postal campaign and the Jackson administration's response, see John (1995, chap. 7). On the broader topic of abolitionist civil liberties, see Krohn (2006b).

That effort to suppress antislavery dissent was ultimately unsuccessful—Congress never complied with Jackson's wishes on that matter. What is of significance, however, is not the congressional response to the abolitionist movement, but that of the chief executive. Northern antislavery agitators exposed a feature of Jackson not normally associated with him: his counterrevolutionary tendencies. Nor was Jackson's reactionary conservatism simply limited to his racially and, as a southern planter, class-based hierarchical *weltanschauung*, for in his attack on a latter-day Federalist institution (the Second Bank of the United States) he betrayed a quasi-Federalist visage.

According to Robert Shalhope, "Federalism rested upon a social ideal that stressed stability, harmony, tradition, dependence, and the common good" (Shalhope 1991, p. 67). To be sure, Andrew Jackson expected party loyalists to defer to his position on the BUS. As a southern gentleman thoroughly committed to the principles of honor, President-patron Jackson demanded nothing less than fidelity from his client-subordinates in congress.[16] His veto message also sought to reassure anxious Americans in an increasingly modernizing society, one in which the community became secondary to the individual, personal relations to impersonal ones, thrift and self-sufficiency to speculation and accumulation. Indeed, just as Federalists before him sought to maintain order in a society that Shalhope characterized as "rapidly splintering in competing interests," so too did President Jackson (ibid., p. 70). He warned that legislation that benefited the few had "arrayed section against section, interest against

[16]In his insightful article, Wyatt-Brown (1997) analyzes the role of honor, as well as the relationship of patron and client, to explain Andrew Jackson's political career and personal history; the author deftly utilizes Jackson's example as a window into the political culture—both nationally and regionally—of the early republic. In regards to the ethic of honor, Wyatt-Brown writes,

> [the] rules [of honor] governed all relations, but especially friendships, in Jackson's estimation, and in its rubrics he found his identity and his inspiration. By the guidelines of honor he appealed to a public that could affirm his integrity and status. In his political contests, Jackson sought the approval of the populace not because of a modern and liberal concept of democracy in which all conditions of people were equal but because he reckoned the popular will to be an instrument of self-vindication. (Wyatt-Brown 1997, pp. 35–36)

interest, and man against man, in a fearful commotion which threatens to shake the foundations of our Union."[17]

To quell such disruptive currents, Jackson expanded the prestige of the executive office. Thus, the presidency became, at least during his tenure, the greatest watchdog, if not the final arbiter, over majoritarian rule. Jackson did this, however, in the name of individualism and states' rights. "In thus attempting to make our General Government strong," declared Jackson, "we make it weak." "Its true strength," he continued,

> consists in leaving individuals and States as much as possible to themselves—in making itself felt, not in its power, but in its beneficence; not in its control, but in its protection; not in binding the States more closely to the center, but leaving each to move unobstructed in its proper orbit. (Richardson 1899, vol. 2, p. 590)

Despite that principled stance, principles alone do not account for Jackson's veto message.

Jackson's bank veto not only sought to return order but also to rescue a pastoral world that no longer existed. Its memory, however, survived in the minds of statesmen—Andrew Jackson especially. Indeed, his worldview was not only static but was borrowed as well. "In his own estimate," according to Marvin Myers's perceptive observation, "Jackson was the guardian of a threatened republican tradition which demanded not adjustment or revaluation but right action taken from a solid moral stance" (Meyers 1957, p. 17). What Jackson failed to recognize, however, was that even at the same time that the Revolution of 1800 ushered in a new political order (in which Thomas Jefferson himself struggled against supposed antirepublican forces), the American socioeconomic universe had undergone its own transformation—the self-sufficient producer was gradually becoming the competitive, profit-minded individual. This process had only increased by 1832. Perhaps this was why Jackson stated, "It is time to pause in our career to review our principles, and if possible revive that devoted patriotism and spirit of compromise which distinguishes the sages of the Revolution and the fathers of our

[17]See Richardson (1899, vol. 2, p. 590). Identifying the values of Federalism with Andrew Jackson, or with antebellum slaveholders more generally, is not by any means misguided. As Tise (1987) has cogently demonstrated, dissident New England Federalists, particularly clergymen, in the emergent Jeffersonian Republican political world articulated a conservative, counterrevolutionary ideology that inverted the ideals of the American Revolution and laid the theoretical foundation for an antebellum southern proslavery attack on abolitionism and defense of African enslavement.

Union" (Richardson 1899, vol. 2, p. 590). Yet compromise, for Jackson, excluded conciliation over the recharter of the BUS. Since Jackson espied nothing but wickedness from the Bank of the United States, which "corrupted our statesmen" and "threatened our liberties," he slew that "hydra-headed" monster like a modern day Hercules (Jackson quoted in Remini 1967, p. 15).

Jackson's battle with the BUS was fought not with emergent capitalism but against it. And despite Jackson's declaration that "every man is equally entitled to protection by law," his liberal moment vanished as quickly as it appeared, for Jackson mobilized class antagonisms and played upon popular fears to prevent change rather than shape it (Richardson 1899, vol. 2, p. 590). "The liberalism of Jackson's message," in Myers's memorable words, "did not communicate a liberating purpose: this was no vision of a fresh creation at the Western edge of civilization, certainly no dream of enterprise unbound" (Meyers 1957, p. 31). Whatever the Bank's monstrosity, modernization loomed more formidably—General Jackson alone could not fundamentally alter its course. To preserve the Revolutionary heritage and uphold the Jeffersonian legacy was his chief aim. Indeed, that heritage and that legacy represented Jackson's paramount solution to societal changes during his presidency.[18]

Unlike Andrew Jackson, Lysander Spooner had few qualms with the Market Revolution. On the contrary, he embraced its virtues and extolled its rewards. This is where Jackson and Spooner part company. Although both adhered to notions of political individualism, only Spooner unequivocally championed its economic counterpart. Whereas Jackson reacted against modernization, Spooner sought to harness that perceived progressive force to natural law. The American Letter Mail Company was not only illustrative of Spooner's individualist ideas but was also his attempt to put those ideas into practice.

Indeed, Spooner's company rested firmly on classical-liberal foundations. Given this, it challenged the federal government's postal monopoly not only because the latter was, as he argued, unconstitutional, but also because it expanded the government's influence beyond its prescribed boundaries. Such an unconstitutional encroachment, from Spooner's perspective, could only

[18]The above discussion is diametrically opposed to Diggins's understanding of the significance of the bank veto. He writes, "Jackson deliberately chose to destroy the Bank to assure that economic individualism would prevail against the threat of monopolies and corporate charters" (Diggin 1984, p. 106). See Wilson (1995, pp. 619–47) for an alternative viewpoint, and an analysis of the political rhetoric of Bank War participants.

infringe upon an individual's rights and inhibit an individual's interests, thereby invalidating the social contract. His company also challenged the federal government's commitment to *laissez faire*. Thus, the American Letter Mail Company seemingly redeemed competitive private enterprise. That is, if left unhindered, the "invisible hand" of the marketplace would bestow the general good; if impeded, coercive authority would usurp minimum government, and arbitrary rule would arrest economic liberty.

That Lysander Spooner, in his confrontation with the federal postal service, rebelled against similar pernicious forces that mobilized Jackson on behalf of the people and against the recharter of the BUS is made clear from the striking resemblance between the rhetoric in President Jackson's bank veto message with the language of Spooner's pamphlet, *The Unconstitutionality of the Laws of Congress Prohibiting the Private Mails*. Orator and author portrayed their respective subjects as tyrannical and corrupt. Both outlined the evils inherent in their targeted institutions, and the serious threat each posed to the health and well being of individuals and the country in general. If the BUS continued to exist, privilege and monopoly would crush a virtuous citizenry; if the federal postal service exercised an exclusive right over the post office, not only were civil liberties sacrificed at the alter of a centralized government, but that same government, unless checked, would ultimately exercise unlimited authority over individuals.

Spooner's protest revolved around not only the infringement but also the abrogation of individuals' rights. The legal justification for his company rested on constitutional and natural law foundations. As Spooner simply and no less persuasively noted, although the Constitution allowed congress "to establish post-offices and post roads," it neither explicitly nor implicitly vested the federal government with exclusive postal control. Instead, stated Spooner in strict constructionist fashion, "the extent of the authority granted to Congress" was limited to the mails they established. Since the Constitution did not prevent the states and individuals from acting similarly, any governmental interference was a violation of that document. Thus, Spooner's legitimization of private mails was predicated on a fundamental premise: the power to establish and the power to prohibit were anything but synonymous. They were separate and distinct, and the federal government possessed only the former (thus it could not forbid private competitors) (Spooner 1971, vol. 1, pp. 5–6).

Spooner's defense went beyond the syllogistic; he enlisted and relied upon natural law. "On the subject of the mails," declared

Spooner, "the power granted to Congress is both in *terms*, and in its *nature*, *additional to*, not destructive of, the pre-existing rights of the States, and the natural rights of the people." He reminded readers that, "In matters of government, the people are the principals, and the government mere agents." "It is only as the servants and agents of the people," stated Spooner, "that Congress can establish post-offices and post roads." Although the principals—the people—allowed the federal government to do so in their name, it did not follow that the principals "will not carry on business of the same kind." Nor did principals need to consult agents in this regard for the latter were limited to the responsibilities granted by the former (Spooner 1971, vol. 1, p. 7). This argument places Spooner firmly within modern Natural Law theorists, from Hobbes to Kant. Those philosophers, according to Otto Gierke, asserted that, "all forms of social life were the creation of individuals" and "could only be regarded as means to individual ends" (Lukes 1973, p. 74). For Lysander Spooner, natural law had supremacy over its human counterpart. According to Spooner, whatever doubts remained concerning the government's postal power "would have to be decided in favor of the largest liberty, and the natural rights of individuals, because our governments, state and national, profess to be founded on the acknowledgement of men's natural rights, and to be designed to secure them." "Anything ambiguous," he unequivocally concluded, "must be decided in conformity with this principle" (Spooner 1971, vol. 1, p. 7). If this did not occur, to extend Spooner's argument to its logical conclusion, then the social contract was invalidated—more specifically it was usurped. If this occurred, then revolution was the only recourse.

That the federal government maintained a postal monopoly was, for Spooner, evidence of but one thing: despotism. Spooner informed readers that the "one great, if not the principal motive of despotic governments, for maintaining this monopoly in their own hands, is that in case of necessity, they may use it as an engine of police, and in times of civil commotion, it is used in this manner" (Spooner 1971, vol. 1, p. 8). Indeed, only a decade before did abolitionists witness a curtailment of their civil liberties when the postal service refused to deliver antislavery literature in the South because the appearance and circulation of that so-called incendiary material violated state laws that essentially strangled public discussion of the peculiar institution. The suppression of the private mails was in Spooner's opinion but another example of the American government's abridgement of its citizens' First Amendment rights, for "if the people have no power to establish mails of their own, their whole rights, both of private correspondence and of transmitting

printed intelligence, are at the feet of the government" (Spooner, vol. 1, p. 16).

If such a monopoly prevailed it was uncertain what further calamities lay ahead. Spooner, however, suggested that if the federal government opposed the private mails because "it was simply similar to what the government had power to do, they might forbid [individuals] from borrowing money," because that was also a power granted to congress. Also, if the federal government could prevent competition from private mails, then it could "prohibit any other labor that tends to diminish the revenues derived from any other particular source," such as home manufacture of articles that competed to the detriment of articles imported (vol. 1, pp. 8–9). Yet, for Spooner, such an exclusive and absolute power could only have corrosive consequences, for "the other despotic powers, such as those of unlimited taxation, and unlimited military establishments, may be *perverted* to purposes of oppression." Nor did one have to await those effects. The federal government's postal monopoly, Spooner noted, "involve[d] a tyranny and a destruction of individual rights that are now, and ever must be, felt through every ramification of society." Spooner refused to countenance such developments and he wanted readers to react similarly; but "if the people should surrender this principle," the right to establish private mails, "they would thereby prove that their minds are most happily adapted to the degradations of [political] slavery" (vol. 1, p. 17).

In this way Lysander Spooner presented his case. Unlike Andrew Jackson's mission, however, Spooner's did not excite similar suspicion and outrage against its foe. Quite simply, a radical deist could not match the Hero of New Orleans. Spooner did not possess a loyal following, such as the cadre of politicos that rallied around Jackson's bank veto and helped sustain his bid for reelection in 1832. Yet Spooner's inability to generate popular support may also have stemmed from the relative absence of inflammatory language in his pamphlet (especially when compared with Jackson's fiery rhetoric). To be sure, that document exposed what its author believed was not only governmental corruption, but also the corruptness of government. Unlike Jackson, Spooner refrained from unleashing an extravagant conspiracy thesis. Whereas Spooner cautioned his audience against a central government that overstepped its constitutional boundaries, Jackson alerted Americans to a scheming capitalist aristocracy bent on economic plunder and exploitation. Whereas Spooner largely sought the minds of readers (from rational argument), Jackson ultimately appealed to their emotions.

A greater obstacle than popular support obstructed Spooner's protest, for in his efforts to justify private mails he confronted the federal government itself. Since the spoils system was an integral component in the mass party machine, and since the postal service supplied a majority of that patronage, politicians defended the government's monopoly.[19] Yet, to preserve the status quo, and to eliminate private competition, the government enacted legislative reform that reduced postal rates. Thus, Jacksonians—who supported such legislation—were at best only partial, or half way, libertarians. At worst they resorted to demagoguery to secure party victory. Put another way, Jacksonians espoused libertarian principles if they corresponded with their political interests. Jackson did it when he combated the very symbol of the Market Revolution: the Bank of the United States. And Jacksonian Democrats put aside any such pretensions when they acted in behalf of a vast bureaucracy, rather than protect private enterprise.

Given this, Lawrence Kohl's generalizations about the political character of Jacksonians invite qualification. According to Kohl, "Democrats believed [that] government actions could in no way improve upon the undirected actions of individuals in the economy" (Kohl 1989, p. 115). This suggests that Jacksonians were exponents of *laissez-faire*, yet the suppression of the private mails was hardly a reaffirmation of that position. "The essence of the Jacksonian view of government," he observed, "was distrust. By its very nature the state [for Democrats] was suspect" (p. 123). If Jacksonians distrusted centralized government, their suspicions did not apply to the federal government's postal monopoly. Kohl also maintained that since the Jacksonian "saw deception and oppression in existing laws, he necessarily [considered] any attempt to add to these artificial rules as a step taking him further from the natural world to which he longed to return" (p. 148). Yet Jacksonians—to use Andrew Jackson himself as a measuring stick—wished not for a state of nature but for a world in which not even the founders inhabited. This is not, however, an attempt to refute or debunk Kohl's interpretations. This analysis reveals the danger of accepting what politicians said as the sole criterion for defining their worldviews without analyzing what they did and in what context. This article has also taken Jacksonian

[19]"The Post Office," writes Olds, "was the largest commercial enterprise in the antebellum United States. In 1831, three-fourths of all civilian federal employees worked for [it]. By the time of the Civil War, that fraction had risen to almost five-sixths" (Olds 1995, p. 1). On the relationship between the post office and mass parties see John (1995, chap. 6).

libertarian rhetoric seriously, if only to provide a foil for Spooner's unyielding and steadfast stance.

Spooner was a devout individualist throughout his life; his opposition to the federal government's postal monopoly only strengthened that faith. As a result of that conflict, he became an even greater champion of individual sovereignty and an even stauncher guardian of natural rights. Shortly after the demise of his private mailing company and his inability to receive a Supreme Court hearing over the matter, Spooner attacked yet another arbitrary institution: slavery. In *The Unconstitutionality of Slavery* (1845), arguably Spooner's most known tract, he condemned slavery because it ruthlessly abused natural law and egregiously denied the enslaved their natural rights. Unlike Garrisonians, Spooner did not attack the Constitution because it sanctioned slavery but asserted that it could not, and did not, do so. That is, "*constitutional law*," according to Spooner, "*under any form of government, consists only of those principles of the written constitution, that are consistent with natural law, and men's natural rights*" (Spooner 1971, vol. 4, p. 14). For Spooner there could be no law except natural law, "that universal, impartial and inflexible principle, which under all circumstances, *necessarily* fixes, determines, defines, and governs the civil rights of men" (vol. 4, p. 6). Since slavery was against nature it was therefore unconstitutional, unlawful, and void.

A *Part Second* followed in 1847—largely a rejoinder to Garrisonian abolitionist Wendell Phillips's critical reception of the original work (Phillips 1969). Before that, Spooner published a tract that addressed another social iniquity, *Poverty, Causes and Cure* (1846). As this indicates, Spooner was quite active during the 1840s, a decade in which he molded the central elements of his philosophy that transformed him over the next forty years from a radical individualist to an individualist anarchist. Stated differently, as the federal government retreated from the liberalism of its founding documents, but continued to appropriate that heritage, Spooner remained a purist, so much so, that he moved easily in anarchist circles later in his life (McElroy 1981, pp. 291–304 and 2003; Martin 1970; Shively 1971). Instrumental in that metamorphosis was the American Letter Mail Company. Spooner received an invaluable experiential lesson from that endeavor; because he perceived a governmental rebuke of natural freedoms, he considered the state as not so much a necessary evil as simply evil. An individual's only obligation to unjust law, advised Spooner, was "disobedience, resistance, destruction;" certainly, the same applied to the government that protected such injustice (Spooner 1971, vol. 4, p. 9).

Yet an analysis of Spooner's thought is not an exercise in history for history's sake; nor for that matter is it an attempt to celebrate a nominally obscure intellectual gadfly. At its simplest, this study (as any exploration into the history of ideas should) has suggested the interpenetration of ideas and behavior, specifically how the former shapes and informs the latter, and vice versa. That dynamic interrelationship, however, was viewed, not in the abstract, but within an historical environment.

This investigation has more importantly presented a different perspective—namely Spooner's—on the Market Revolution. What is of importance is not the pitch and scale of modernization, but its impact on American society, and more specifically, Americans. Andrew Jackson confronted it with apprehensiveness, Spooner with confidence. In response to that phenomenon, President Jackson battled an institution that symbolized all that was seemingly disruptive in a changing society; he created a stronger executive ostensibly on behalf of the people but essentially in the name of tradition. His was primarily a conservative (as well as a reactionary) response. True, historians of the age of Jackson shall find aspects of this interpretation familiar. Yet, in the ongoing academic discussion on the nature of Jacksonian political culture and the significance of the Jacksonian era, this article has disputed persistent scholarly notions concerning the liberating and revolutionary qualities of one of the period's defining texts: the bank veto message. That statement was hardly a democratic clarion call, and a testament to anything but Old Hickory's dedication to economic individualism.[20] Indeed, despite the rhetoric, even equality of opportunity was substantially less important than the destruction of an institution so strongly identified, not only with market expansion, but also with President Jackson's arch-nemesis, Kentucky Senator Henry Clay. The latter's

[20]Although John Ashworth underscores the anticapitalistic and antientrepreneurial tendencies of Jacksonian Democrats (as well as their general adherence to agrarian values and ideals), he contends that those politicians' "crusade against partial legislation [i.e., corporations] was . . . grounded in the leveling egalitarianism that was the distinguishing feature of Democratic ideology" (Ashworth 1983, p. 41). Similar to the previous comments concerning Kohl's observations, Ashworth takes Jacksonians at their word, without a full contextualization of their statements. See Ashworth (1983, p. 41). For Hofstadter, Jacksonians represented economic men on the make and ambitious entrepreneurs for whom Andrew Jackson was their greatest symbol. See Hofstadter (1989). Diggins (1984) also makes a case for Andrew Jackson-led economic individualism.

neomercantilist policies—including a centralized bank as well as federally sponsored internal improvements and federal protection for the nation's infant industries—provoked vigorous and wonderfully sounding democratic and anticapitalistic language from Jackson and his personal advisors, so much so that historians still lavish (too much) praise.

It is axiomatic that historians must contextualize the past, and to understand the past according to its own terms. Yet, when scholars impute such concepts as liberalism, individualism, egalitarianism, and natural rights advocacy to Jacksonian Democrats, they sometimes misrepresent their subjects, if not err in their portrayals. Although this article may strike some as an unfair indictment of Andrew Jackson's motivations and frame of thought, its primary aim is to emphasize the limitations of Jackson's and his followers' intellectual universe. To be sure, historians readily concede that Jacksonians (and politicians in general) were not doctrinaire purists; yet their shortcomings and inconsistencies are most apparent when compared, not with the opponent Whig Party, but with seemingly insignificant "zealots" whom scholars relegate to the lunatic fringe. Spooner is one example of the latter. Part of the historical value in studying someone like Spooner is that he represents everything Jacksonians were not, but supposedly were (either according to themselves or to scholars).[21]

Old Hickory's strange bedfellow Lysander Spooner combated centralized institutions as well—in order to genuinely secure human freedoms and to advance basic economic liberties. Despite efforts to vindicate a free marketplace and voluntary exchanges his mailing outfit proved an ineffective David. Whatever that defeat, and whatever Spooner's peripheral status (then as now), his dissent provides a stark contrast to mainstream Jacksonians who presented a liberal façade. To be sure, his opposition also had a traditional component: not the founding father utopia of Andrew Jackson but the actual liberalism of the Declaration of Independence. Spooner took seriously the assertion that life, liberty, and the pursuit of happiness are self-evidently natural rights, not only for white Americans, but for all Americans. True, he was not alone in that understanding, for abolitionists in general felt similarly; Spooner, however, arrived at the

[21]This is a broad statement, and exceptions, especially at the more complicated state levels, certainly existed. It is tempting, however, to suggest that if historians are to better understand Jacksonian Democrats, they must either downplay Andrew Jackson's prestige or altogether remove him from the equation.

conclusion not from any religious impulses, but from his belief in the sovereignty of the individual. Indeed, Spooner is an example of someone fundamentally at odds with society. In an age of individualism he was, in comparison to contemporaries, an extremist. In an age of partisanship, he was thoroughly antiparty. In the age of Jackson, Lysander Spooner outdid its namesake.

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