
THE FAILURE OF THE FOUNDERS:
Jefferson, Marshall, and the Rise of Presidential Democracy.

By Bruce Ackerman. Harvard Univ. Press. 384 pp. \$29.95

Thomas Jefferson played a leading role in two of the great moments in the founding of the United States. First, he wrote the Declaration of Independence in 1776, with help from John Adams, Benjamin Franklin, Robert Livingston, and Roger Sherman. Second, as the winner of the presidential election of 1800, he presided over the nation's first transfer of power from one party to another, from John Adams's Federalists to Jefferson's own Republicans. But in a third great moment—the framing of the Constitution in 1787—Jefferson has generally been deemed a nonplayer, far offstage as ambassador to France.

In the hands of Bruce Ackerman, however, Jefferson becomes the lead author of the American constitution—not the 1787 one, but its far superior successor of 1800. Ackerman, a professor of law and political science at Yale University, defines constitution making broadly, to include epochal moments when “We the People” exert our collective will to craft a “higher law” to govern the country—an idea he introduced at length in two earlier books, *We the People: Foundations* (1991) and *We the People: Transformations* (1998). When “We the People” declare a new tenet of higher law, there's no need for recourse to the cumbersome amendment process specified in the Constitution; instead, the Supreme Court recognizes the popular mandate of a victorious president and, through judicial rulings, stitches it into “the fabric of our higher law.” Though the phrases of the Constitution may be unchanged, they take on new meanings.

According to Ackerman, by electing Jefferson, the people implicitly enacted a new constitution in 1800—one giving precedence to “presidents claiming a popular mandate on the basis of their party's nationwide victory,” in contrast with the Constitution of 1787, which “gives center stage to congressional notables.” Ackerman makes no secret of his preference, repeatedly referring to the Constitution of 1787 and its framers as “stupid” and “silly” (for failing to anticipate operational problems with the

Constitution as well as political and social developments), and to the participants in the creation of the Jeffersonian constitution as “statesmen.” Which is not to say that there are no villains in the saga. John Marshall, chief justice of the Supreme Court throughout Jefferson's presidency and for many years afterward, is cast as a power-hungry, blundering lackey during John Adams's final weeks in office, and thereafter as a devious and intransigent yet ultimately unsuccessful leader of the Federalist Party's efforts to undermine the Jeffersonian constitution.

Reading history by Ackerman is like reading politics by Hunter S. Thompson. There's undeniable genius—fresh insights into events, personalities, and trends. There's swing-from-the-heels outrageousness that ranges from entertaining to obnoxious. And there are moments when the strands of theory aren't strong enough to support the story line—for instance, Ackerman hasn't yet settled on one set of convincing criteria for recognizing these epochal constitutional moments, an unavoidable obligation for his next book. The result is an engaging collection of discoveries, anecdotes, imaginings, and diatribes that's well worth reading, even though the parts don't quite coalesce into an entirely persuasive whole—at least pending his next volume.

—ROSS E. DAVIES

HEROES:
Saviors, Traitors, and Supermen—A History of Hero-Worship.

By Lucy Hughes-Hallett. Knopf. 496 pp. \$30

With his streaming hair and virile good looks, clad in his signature attire—a splendid red shirt topped by a poncho—Giuseppe Garibaldi swept into 19th-century Italy like a hero from a medieval romance. His timing, as befits a hero, was perfect. As uprisings flared from Milan to Sicily, Italians were waiting for a redeemer. Garibaldi was their man.

Except he wasn't: After skirmishing with the Austrians near Lake Como for a few weeks, most of his troops defected and he gave up. But no matter, writes Lucy Hughes-Hallett: “The man who dared to defy the might of an empire with his little band of poorly equipped men had proved himself worthy of the great role allotted

him.” Garibaldi was to experience many such defeats, but, combined with his extraordinary personal magnetism, they fed his myth, until all of Europe was enraptured. When he visited London in 1864, half a million people met his train. The crowd rushed against it with such force that the walls were torn off and the train fell apart.

No previous hero was a more popular celebrity than Garibaldi—only the fifth-century B.C. Athenian general Alcibiades could compete with him in glamour. Yet the public trivialized Garibaldi’s true claim to greatness, his unselfish devotion to the cause of Italian nationalism, and instead saw him as a sex symbol and even a marketing tool (his image helped sell Garibaldi biscuits).

The author, a critic for *The Sunday Times* of London, assembles the lives of eight men who stood in glorious, sometimes menacing isolation from their peers. Heroic status depended as much on the vagaries of public perception as on the hero’s own deeds; in some cases, perception trumped reality altogether. Just as Garibaldi’s heroism was widely misconstrued, that of others was simply manufactured. The 11th-century Spaniard El Cid (Rodrigo Díaz) and the 16th-century Briton Sir Francis Drake were self-serving mercenaries who, thanks to patriotic whitewashing, came to be hailed as national heroes after death.

Whereas these men had a seductive edge of danger, a touch of Achilles’ divine rage, Albrecht von Wallenstein, commander of the Holy Roman Emperor’s armies during the Thirty Years’ War in the 17th century, was wholly, savagely terrifying. “As a teenage student he was nicknamed ‘Mad Wallenstein.’ . . . He was one of a group who set upon a local man in the street and killed him.” The adult Wallenstein learned to hide his emotions, a talent that made him inscrutable and, hence, even more frightening. It was widely believed

that he had made a Faustian pact to ensure his invincibility in battle.

Each of the men spotlighted here was thought, in his day, to be capable of a feat that no one else could pull off. Only Alcibiades could save Athens, its people judged, even though they had once condemned him to death for sacrilege. Wallenstein alone could defend the enormous and unstable Holy Roman Empire.

In its subject and basic structure, Hughes-Hallett’s book recalls Thomas Carlyle’s lecture series *On Heroes, Hero-Worship, and the Heroic in History*, published in 1841. Carlyle’s “great man” theory of history fell out of fashion long ago, and the author doesn’t seek to revive it. Instead, she finds a deep ambivalence in hero worship. Heroism, she points out, is radically anti-democratic. The hero stands apart from common humanity by his gifts, whether they’re authentic or fictional. And the 20th century proved with dreadful clarity the link between the cult of the hero and authoritarianism. Adolf Hitler, invoking Wallenstein, scorned “half-measures,” while Benito Mussolini, who assumed Garibaldi’s epithet *il Duce*, declared, “Better to live one day as a lion than a hundred years as a sheep.”

Hughes-Hallett is a wonderful writer, and these stories—often-byzantine narratives of reversals and comebacks, schemes and counterschemes—are carried by the graceful vigor of her prose. Even so, *Heroes* feels overlong. One chapter in particular is compromised by the murkiness of the historical record: El Cid never comes fully to life. But these are minor flaws in a book that is otherwise thrilling and captivating. In the end, Hughes-Hallett rejects the lethally seductive Achilles for his Homeric foil, Odysseus, “a person heroic enough not to die but to live.”

—AMANDA KOLSON HURLEY

RELIGION & PHILOSOPHY

WHO SHALL LEAD THEM?

The Future of Ministry in America.

By Larry Witham. Oxford Univ. Press.
246 pp. \$26

Based on reams of sociological data, *Who Shall Lead Them?* paints an expansive portrait

of America’s Protestant and Catholic clergy. Journalist Larry Witham examines the personal, theological, and societal challenges that today’s pastors confront, as well as the resourcefulness and commitment that many of them exhibit in undertaking what must rank as