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# *The Concept of Statesmanship in John Marshall's Life of George Washington*

Clyde Ray

*Brevard College*

By any conventional measure, Chief Justice John Marshall's *Life of George Washington* (1804) was a flop. Intended to be the authoritative biography of the nation's most celebrated general and president, the work was widely derided at the time of its overdue publication, and since then has been largely forgotten.<sup>1</sup> Surely the sense of personal embarrassment Marshall experienced must have been keen, for he admired no public figure more than Washington. Amid his Supreme Court duties, he labored for years on the *Life*, digging deep into American military and political history in hopes of etching in the minds of his fellow citizens the memory of the republic's foremost founder. Yet in spite of his efforts, on no other occasion were Marshall's failures more total and public. At one point, Marshall expressed the desire to publish the work anonymously, and one wonders if his wish was motivated less by self-effacement than a faint premonition of the biography's failure.<sup>2</sup>

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CLYDE RAY is Visiting Instructor of Political Science at Brevard College.

<sup>1</sup> C.V. Ridgely's verdict rings as true today as it did when he reviewed the *Life* in 1931: "Marshall's fame as a judge is still growing, but, as a biographer, he has long since been forgotten." See his "The Life of George Washington, by John Marshall," *Indiana Law Journal* 6.4 (1931), 277-288: 287.

<sup>2</sup> Marshall wished to remain anonymous from more or less the moment he began writing the *Life*. Consider, for instance, his letter to his friend Charles Cotesworth Pinckney in 1802, in which he declares he does "knot [sic] wish to be known" as the author of the biography. See "To Charles Cotesworth Pinckney, November 21, 1802," in *John Marshall: Writings*, ed. Charles F. Hobson (New York: Penguin, 2010), 225-227: 225.

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Yet however unfortunate the legacy of the *Life* may be, we should hesitate to dismiss its insights for understanding Marshall or his understanding of leadership. After all, we see a different side of our nation's arguably most famous Chief Justice in the *Life*. Though Marshall often drew on the statesman's vocabulary of duty and responsibility in his Supreme Court opinions, these occurred in judicial contexts, applying more often than not to the judiciary's charge to elevate law above politics.<sup>3</sup> Moreover, Supreme Court opinions focused on particular parties and specific controversies hardly afford the outlet for extended analysis of statesmanship. The *Life*, on the other hand, permitted Marshall to adopt both a different frame of mind and point of reference. He used the opportunity to paint a wide-ranging and at times philosophical view of George Washington's leadership, spanning the battlefields of the Revolution to his retirement to Mount Vernon. Across this life of public service, Marshall does not merely document Washington's contribution to the development of the new United States. As a work of political theory as well as history, the book dwells considerably on Washington's consistent facility in preserving principle, embracing expedience, and adopting a balanced form of prudence when the occasion required. In Marshall's description of Washington's statesmanship, there is much to learn: about George Washington, John Marshall, and the lessons conveyed by the *Life* for those in search of better political leadership today.

### **Background of *The Life of George Washington***

The story of Marshall's authorship of the *Life* began with his close connection to fellow Virginian and Supreme Court justice Bushrod Washington, the President's nephew. Having inherited his uncle's private papers upon his death in 1799, Bushrod approached Marshall with the idea of writing a biography of Washington, apparently out of pecuniary interest.<sup>4</sup> Of course, given its famous subject, much more than financial gain was at stake in the enterprise. Like most Americans, Marshall venerated Washington, and documenting his achievements

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<sup>3</sup> See, for instance, Marshall's famous insistence in *Marbury v. Madison* (1803) that "it is emphatically the province and duty of the Judicial Department to say what the law is" (5 U.S. 177).

<sup>4</sup> Marshall, who did not join the Supreme Court until 1801, stood in need of the money to pay his brother, James, for a land purchase in Virginia. See Marcus Cunliffe, "John Marshall's George Washington," in *In Search of America: Transatlantic Essays, 1951-1990* (Westport, CT: Greenwood Press, 1991), 141-151: 142.

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for the ages while earning a profit was an offer he could hardly refuse. After all, with access to the President's papers, he had good reason to believe he could deliver material that would be fresh and engaging for its audience.<sup>5</sup> Moreover, Marshall was doubtless buoyed by the fact that Washington himself had expressed ample confidence in his brother-in-arms' abilities. "General Marshall is so capable of making accurate observations," Washington had once observed, "that I am persuaded his information may be relied on with certainty."<sup>6</sup>

Yet Marshall underestimated the consuming work of the historian, work that was made all the more challenging as he assumed the taxing duties of Chief Justice of the United States in 1801. In the following years writing the biography might have provided a temporary escape from Marshall's bigger project of building the court's authority, but it was never a labor of love. Indeed, he had a premonition early on about the vast challenge before him. As he acknowledged in a candid letter to Charles Cotesworth Pinckney in 1802, "In march last Mr. Washington placd the papers of our late respected & belovd General in my hands, & requested me to enter, as soon as possible, on the very difficult task of composing the history of his life."<sup>7</sup> The *Life* was a part-time work, ever hanging over Marshall's head, and eventually turned into a plodding and uneven production that frustrated the usually calm and composed Marshall.<sup>8</sup> Until the end of his life, Marshall would labor painstakingly to revise and edit the biography. He lived to put the final touches on a one-volume version intended for use in schools, perhaps with the wistful hope that if the *Life* was no source of edification for his own generation, future Americans might read the condensed version with more favorable eyes.<sup>9</sup> Mostly, they have not read it at all.

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<sup>5</sup> Marshall's *Life* was one of a handful of Washington biographies (with remarkably similar titles) released in the years following the American Revolution, including David Humphreys' *The Life of General Washington* (1789), Mason Locke Weems' *Life and Memorable Actions of George Washington* (1800), John Corry's *Life of Washington* (1801), and David Ramsay's *Life of George Washington* (1807).

<sup>6</sup> Quoted in W.B. Allen, *George Washington: America's First Progressive* (New York: Peter Lang, 2008), 196.

<sup>7</sup> See "To Charles Cotesworth Pinckney," in Hobson, *John Marshall*, 225.

<sup>8</sup> Illustrative of the *Life's* incoherence was the fact that when the first of four volumes was finally brought out in 1803, Washington was barely mentioned at all. His name appears only twice in the first volume, which was primarily concerned with describing the territory of North America and the history of the British colonies prior to the Revolution.

<sup>9</sup> As Marshall lamented to the newspaper publisher Caleb P. Wayne, "Having, Heaven knows how reluctantly, consented against my judgement, to be known as the author of the work in question I cannot be insensible to the opinions entertained of it, but I am much more solicitous to hear the strictures upon it than to know what parts may be thought

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Even before it went to press, the *Life* was controversial. Its most prominent critic was none other than Thomas Jefferson, who seethed over the mere idea of the work. Despite owning two copies of the five-volume biography, Jefferson denounced the project as a “party diatribe” redolent with “libels on one side.”<sup>10</sup> Convinced that the work was being timed to influence public opinion before the 1804 presidential election, Jefferson and other Democratic-Republicans maneuvered to diminish the *Life’s* influence.<sup>11</sup> Scathing reviews were published, deliveries of the work to its subscribers were impeded, and authors were enlisted to write alternative political histories. When the counter-histories Jefferson encouraged failed to materialize, he wrote one himself.<sup>12</sup> The backlash was not simply a response to Marshall’s authorship, for while many Americans did admire Washington, many good republicans of the era had grown weary of hero worship. After all, long before Marshall embarked on the *Life*, John Adams had lambasted the public encomia of Washington and its diminishment of other Revolutionary leaders. “The History of our Revolution will be one continued Lye from one End to the other,” he once predicted. “The Essence of the whole will be that Dr Franklins electrical Rod, Smote the Earth and out Spring General Washington. That Franklin electrified him with his Rod—and thence forward these two conducted all the Policy Negotiations Legislation and War.”<sup>13</sup> Thus Marshall encountered a predicament that has beset many Washington biographers, that is, finding an authorial voice that balances candor with respect for a larger-than-life subject.<sup>14</sup>

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exempt from censure. . . . I wish to correct obvious imperfections & the animadversions of others woud aid me very much in doing so.” See “To Caleb P. Wayne, July 20, 1804,” in Hobson, *John Marshall*, 263-264: 264.

<sup>10</sup> See Cunliffe, “John Marshall’s George Washington,” 144; and “Jefferson to Adams, 15 June 1813,” quoted in Albert J. Beveridge, *The Life of John Marshall*, 4 vols. (Boston and New York: Houghton, Mifflin, and Co., 1919), III: 266.

<sup>11</sup> In fact, only the first two volumes were released by the time of the election. See Jean Edward Smith, *John Marshall: Definer of a Nation* (New York: Henry Holt and Co., 1996), 333.

<sup>12</sup> Cunliffe, “John Marshall’s George Washington,” 146. The product of Jefferson’s efforts was his unpublished *Anas*, a political history based on state papers, notes, and reports amassed during his tenure as the nation’s first Secretary of State. See Joanne B. Freeman, “Slander, Poison, Whispers, and Fame: Jefferson’s ‘Anas’ and Political Gossip in the Early Republic,” *Journal of the Early Republic* 15.1 (1995), 25-57.

<sup>13</sup> Quoted in Robert Ferguson, “The American Enlightenment, 1750-1820,” in *The Cambridge History of American Literature*, ed. Sacvan Bercovitch (Cambridge: Cambridge University Press, 1994), 348. In a letter to Thomas Jefferson in 1813, Adams ridiculed the *Life* as “a Mausolaeum, 100 feet square at the base, and 200 feet high” (quoted in Cunliffe, “John Marshall’s George Washington,” 143).

<sup>14</sup> As Curtis Nettels once lamented, “. . . the tradition of Washington as a semi-sacred

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In truth, Jefferson and his allies had little to fear from Marshall's *Life*. From a retail standpoint, the work was a commercial disaster. Other biographies, notably Mason Locke Weems's fanciful *A History of the Life and Death, Virtues and Exploits of General George Washington*, proved much more lively and popular.<sup>15</sup> Nor has its reputation improved with age. The *Life* was "a general disappointment," concluded the historian Edward Corwin.<sup>16</sup> Describing it as "pedantic," "dull," "laborious," and "rambling," Daniel Boorstin dubbed the work the "Marshall fiasco."<sup>17</sup> Calling it helpful "for grasping the nationalistic mood but otherwise without profound historical meaning," Bert James Loewenberg dismissed it as simply "a bad book."<sup>18</sup> Stylistically, Marcus Cunliffe grouses, the volumes are "prolix, sonorous, and lacking in psychological insight."<sup>19</sup> The biography was far "too long, too formal, and too slowly published" to find any commercial success, adds Gordon Wood.<sup>20</sup> Other scholars have leveled criticisms that would make the college student of a perhaps bygone era blush, criticizing Marshall's "lack of scholarly training," including the fact that some depictions of the American Revolution appear to have been directly lifted without attribution from contemporaneous histories and *The Annual Register*.<sup>21</sup> Surprisingly, among prominent historians, only Charles Beard complimented

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character is still so strong that one is not likely to undertake lightly the task of criticizing the hero symbol. The modern historian has thus become involved in a dilemma. He has hesitated to be caught in a cross fire of demands of sacred tradition on the one side and the exacting requirements of historical methods on the other." See his "The Washington Theme in American History," *Proceedings of the Massachusetts Historical Society* 68 (1952), 171-198: 178-179.

<sup>15</sup> See Christopher Harris, "Mason Locke Weems's *Life of Washington*: The Making of a Bestseller," *The Southern Literary Journal* 19.2 (1987), 92-101. Comparing Weems' work to Marshall's *Life*, Gordon Wood suggests that "Weems's fast-paced and fanciful biography sold thousands of copies and went through twenty-nine editions in two decades and a half following its publication in 1800. The public wanted Weems's human interest stories, even if they were fabricated." See Gordon Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (New York: Oxford, 2009), 566.

<sup>16</sup> Edward S. Corwin, *John Marshall and the Constitution* (New Haven, CT: Yale University Press, 1919), 208.

<sup>17</sup> Daniel J. Boorstin, *The Americans: The National Experience* (New York: Random House, 1965), 342.

<sup>18</sup> Bert James Loewenberg, *American History in American Thought: Christopher Columbus to Henry Adams* (New York: Simon and Schuster, 1972), 216, 215.

<sup>19</sup> Cunliffe, "John Marshall's George Washington," 145.

<sup>20</sup> Wood, *Empire of Liberty*, 565.

<sup>21</sup> See William A. Foran, "John Marshall as Historian," *American Historical Review* 43.1 (1937), 51-64, and Saul K. Padover, "The Political Ideas of John Marshall," *Social Research* 26.1 (1959), 47-70: 50.

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Marshall's *Life* as "a great work," at least in its portrayal of the economic conflicts that led to the adoption of the Constitution.<sup>22</sup> Such exceptions aside, Albert Beveridge, Marshall's most famous biographer, sums up the scholarly consensus in his description of the "dismal" product as "the least satisfactory of all the labors of Marshall's life."<sup>23</sup>

Nonetheless, some scholars have found something of value in the work. While acknowledging that the book falls far short of the literary heights of Marshall's Supreme Court opinions, a number of authors have called attention to its merits as more than a purely historical production. Max Lerner, for instance, once described the *Life* as setting forth a distinctly Burkean view of Washington's leadership, particularly in those passages dealing with the impact of Jacobin ideas on the American people.<sup>24</sup> More to our purposes, Morton Frisch notes that the work depicts Marshall's "ideal of a statesman" steadily pursuing the public interest out of a sense of duty to his country.<sup>25</sup> Similarly, William Raymond Smith sees "a Homeric quality" in the *Life* that connects the outcome of events to "the actions of a traditional hero, thus giving the story the dramatic tension of human action instead of the grandeur and sublimity of divine action."<sup>26</sup> For Robert Faulkner, this heroic element of the *Life* is its main achievement, with the book serving a didactic function in its argument on behalf of Washington's willingness to give "duty, honor, and country priority over a concern for his own reputation."<sup>27</sup> Together, these more sympathetic interpretations suggest

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<sup>22</sup> Charles A. Beard, *Economic Origins of Jeffersonian Democracy* (New York: Macmillan, 1915), 242. In addition to Beard, Washington Irving and Jared Sparks round out the notable historians defending the *Life's* historical credentials. See Allan B. Magruder, *John Marshall* (Boston and New York: Houghton, Mifflin and Co., 1885), 238, and Jared Sparks, ed., *The Writings of George Washington: Life of Washington* (New York: Harper & Brothers, 1852), xii.

<sup>23</sup> Beveridge, *The Life of John Marshall*, III: 239, 223.

<sup>24</sup> Max Lerner, "John Marshall and the Campaign of History," *Columbia Law Review* 39.3 (1939), 396-431: 397-398.

<sup>25</sup> Morton J. Frisch, "John Marshall's Philosophy of Constitutional Republicanism," *Review of Politics* 20.1 (1958), 34-45: 38.

<sup>26</sup> William Raymond Smith, *History as Argument: Three Patriot Historians of the American Revolution* (The Hague: Mouton & Co., 1966), 121. Similarly, Thomas Shevory argues that the *Life* represents Marshall's engagement in "what Friedrich Nietzsche called 'monumental history.' It is the celebration of political character and the exposition of political morality," made sharper in contrast to "the enthusiastic temperament of the nonvirtuous many." See his "John Marshall as Republican," in *John Marshall's Achievement: Law, Politics, and Constitutional Interpretations*, ed. Thomas C. Shevory (New York: Greenwood Press, 1989), 75-93: 79, 80.

<sup>27</sup> Robert K. Faulkner, "John Marshall and the 'False Glare' of Fame," in *The Noblest Minds: Fame, Honor, and the American Founding*, ed. Peter McNamara (Lanham, MD: Rowman & Littlefield, 1999), 163-186: 163-164.

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that the *Life's* ultimate value lies less in its historical accuracy than its philosophic education, and particularly in its treatment of the concept of statesmanship, an idea that begins with principle.

### *Principle*

Key to any assessment of Washington's leadership is his commitment to principles of independence, civic and national unity, and republican government. Certainly, he was hardly the first leader to tie public service to ends related to the public good. Indeed, in his *Nicomachean Ethics*, Aristotle provides the classic definition of principled statesmanship in classifying politics as "the most sovereign and most comprehensive master science," legislating "what people are to do and what they are not to do" as dictated by one's dedication to "the good of man."<sup>28</sup> While securing one's own good certainly proves "a source of satisfaction," Aristotle continues, "yet to secure it for a nation and for states is nobler and more divine."<sup>29</sup> Lest such a connection be deemed a bridge too far as applied to Washington, let us recall that scholars have not been shy about associating his accomplishments with ancient ideas of political excellence. According to Garry Wills, Washington embodied the classical model of noble leadership more than any other figure of the founding generation.<sup>30</sup> Similarly, in contrasting Washington's Aristotelian behavior with modern forms of leadership, Paul Carrese has suggested that Washington's "consistent dedication to liberty, constitutionalism, and moderation" represents a formidable alternative to "the Machiavellianism" of modern political thought.<sup>31</sup> For such authors, Washington's defense of the principles animating the American Revolution stand out as perhaps the strongest tie to classical ideas of statecraft, values that are typically at the heart of the abiding popular and academic paeans to his leadership.<sup>32</sup> In

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<sup>28</sup> Aristotle, *Nicomachean Ethics*, trans. Martin Ostwald (Upper Saddle River, NJ: Prentice Hall, 1999), 4.

<sup>29</sup> *Ibid.*, 5.

<sup>30</sup> Garry Wills, *Cincinnatus: George Washington and the Enlightenment* (Garden City, NY: DoubleDay, 1984).

<sup>31</sup> Paul Carrese, "George Washington's Greatness and Aristotelian Virtue: Enduring Lessons for Constitutional Democracy," in *Magnanimity and Statesmanship*, ed. Carson Holloway (Lanham, MD: Rowman & Littlefield, 2008), 145-169: 161. Similarities between Washington's political philosophy and Greek and Roman thought are further detailed in Jeffrey H. Morrison, *The Political Philosophy of George Washington* (Baltimore, MD: Johns Hopkins University Press, 2009), 62-106.

<sup>32</sup> See James Rees and Stephen J. Spignesi, *George Washington's Leadership Lessons: What the Father of Our Country Can Teach Us About Effective Leadership and Character* (Hoboken, NJ: Wiley, 2007); Richard Brookhiser, *George Washington on Leadership* (New York: Perseus,

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the *Life*, they certainly win the admiration of John Marshall.

The crucible of combat provided the earliest test of Washington's dedication to the principle of independence. The *Life* dwells at length on the various battles and skirmishes of the American Revolution, with a fastidiousness that only a veteran of the war such as Marshall could supply. Outnumbered and outgunned, the condition of the Continental Army augured poorly for the American cause. Great Britain held the advantage in military discipline, arms, and material supplies. Yet whatever misgivings Marshall or Washington may have privately harbored, pessimism never creeps into the narrative. On Marshall's telling, Washington's leadership was effective less for his grand displays of martial valor than his ability time and again to raise the flagging spirits of the Army by reminding his fellow Americans of their common goal: freedom. He did not have to wait long to issue such a charge, as the Army tasted an early defeat when British troops seized New York City as a result of the Battle of Long Island in August 1776. Sensing that the effect on morale "would be considerable," Washington rallied his sunken troops, calling forth "that enthusiastic love of liberty, that indignation against the invaders of their country, and that native courage, which were believed to animate the bosoms of his soldiers."<sup>33</sup> It was a refrain that resounded through the war's darkest days, Marshall notes, an exhortation that along with the example of Washington's character elicited such veneration from his officers and soldiers that neither "the discordant materials of which his army was composed" nor the stress and fatigue of battle could dampen their affection (138). What the Army lacked in munitions and formal training, Marshall suggests, they made up for with "active courage" and "patient suffering," inspired by their General's "unyielding firmness" of conviction (75). His was a courage under fire that steeled him against "the dangers which surrounded him" and forbade him to "relax his exertions, nor omit any thing which could retard the progress of the enemy." Indeed, the *Life* suggests, Washington's self-possession may have been the decisive influence in American victory: "To this perfect self-possession under the most

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2008); Gerald M. Carbone, *Washington: Lessons in Leadership* (New York: St. Martin's Press, 2010); and John Avlon, *Washington's Farewell: The Founding Father's Warning to Future Generations* (New York: Simon & Schuster, 2017).

<sup>33</sup> John Marshall, *The Life of George Washington: Special Edition for Schools*, ed. Robert Faulkner and Paul Carrese (Indianapolis, IN: Liberty Fund, 2000), 54. Originally released in 1838, this one-volume edition of the *Life* was Marshall's final revision of the *Life* in addition to being the most commercially successful. Subsequent references to the *Life*, hereafter incorporated in the text, refer to this edition.

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desperate circumstances," Marshall avers, "is America, in a great degree, indebted for her independence."

As the *Life* shifts from war to peacetime, Marshall portrays President Washington as faced with the more difficult challenge of preserving unity among the American people as opposed to the military rank and file. Yet as was the case during the Revolution, the threat to national cohesion came from without as well as within, and his resistance to such centrifugal forces help explain his resistance to national embroilment in the internecine wars of Europe. Washington's commitment to American neutrality, promulgated in the Proclamation of Neutrality of 1793 and reaffirmed in the Jay Treaty of 1795, faced an early and serious test when the French Revolution inspired a charged Francophilia in the United States—a fever that spread to members of his very own Cabinet. "Loud plaudits of France were re-echoed from every part of the American continent," Marshall writes, and hostility to the administration's policy ran deep (413). Neutrality was "at variance with the prejudices, the feelings, and the passions of a large portion of society," Marshall acknowledges, and supplied the occasion for the first open assault on "a character around which the affections of the people had thrown an armour theretofore deemed sacred" (381). Washington endured the slings and arrows mostly in silence, including the "loud, angry, and unceasing declamation" of the notorious French Ambassador Edmond-Charles Genêt (413). Critics, including the Democratic-Republican Societies taking root across the nation, excoriated the President's proclamation as "a royal edict," seizing "powers not belonging to the executive," and "proving the monarchical tendencies of that department" (386). At least in terms of policy, such broadsides did not have their designed effect: Washington would not budge from his stance.<sup>34</sup> As during the Revolution, Washington was dedicated above all to American independence, and neither the British Army nor the passions of the moment would deflect this course. "The judgment of the President was never hastily formed," Marshall writes, "but, once formed, it was seldom shaken" (391).

Blending principles of unity and independence, Washington's famous Farewell Address of 1796 represents one of the *Life's* most poignant

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<sup>34</sup> Marshall, who never concealed his abhorrence of the French Revolution's excesses, portrays Washington's position as a sign of respect toward the French nation that "was as strong as consisted with a due regard to the interests of his own" (380). Marshall's fears concerning the presence and effects of pro-French sentiment in America are mentioned repeatedly in the *Life* (406, 468).

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scenes. As described by Marshall, Washington's speech provided the occasion for the President to review his service to the nation, guided by principles that he hoped would continue to serve it going forward. In "bidding adieu to his friends," he writes, Washington "made a last effort to impress upon his countrymen those great political truths which had been the guides of his administration, and could alone, in his opinion, form a sure and solid basis, for the happiness, the independence, and the liberty of the United States" (448). Of course, the Address included a few practical recommendations: the creation of a robust naval force; a works program supporting national defense and agriculture; a military academy and national university; and more money for veterans of the Revolution (451). But ultimately, in Marshall's view, it was a valediction dedicated to and celebrating the spirit of independence and commitment to self-rule that had inspired the Continental Army and sustained the republic through the Washington administration, even as cracks in the nation's civic unity were then beginning to show. For all the stress of the preceding years, Marshall comments, Washington could not help but congratulate Congress and all Americans on "the success of the experiment" still being carried out. In Marshall's subdued assessment, the Address was "an interesting paper," received with "sentiments of veneration" throughout the nation, and replete with "precepts to which the American statesman cannot too frequently recur" (448).

Washington endures in our popular imagination as the principled statesman selflessly devoted to his country, and Marshall's *Life* does little to dispel this image. On Marshall's telling, Washington's resolve saw the nation through the trial of the Revolution, weathered the unpopularity of the Neutrality Proclamation, and was passed down to future generations in his Farewell Address, which emphasized the "political truths" that had guided his statecraft (448). His deep faith in the fundamental "good sense of the nation," based on "its real interests in opposition to its temporary prejudices," never faltered (469). Indeed, Marshall notes that Washington was willing to withstand the "gusts of passion" that sometimes overwhelmed "the real and deliberate sentiments of the people," and was ready to dig in his heels on behalf of his beliefs when the occasion called for doing so. Even so, Washington's stubbornness should not conceal from view a figure that was also highly adaptable to the situation and corresponding challenges that beset him. As much as Marshall's *Life* portrays Washington as a man of flinty principle, it also details the pragmatism that characterized his tenure as both General and President.

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## *Expedience*

In addition to a fixed ethical core, good statesmanship has seemed to require a healthy dose of expedience as well. After all, statesmanship is a practical skill, and principles, no matter how admirable or widely accepted, are not self-executing. Success in public affairs, many scholars of leadership argue, relies as much on flexibility and expedience as devotion to a grand code of conduct or ideology.<sup>35</sup> Breaking with past formulations, what counts for statesmanship today is not “that kind of statesmanship which had formerly been regarded as its essence: great, ‘way of life’-setting, character-forming political leadership.”<sup>36</sup> Rather, as Herbert Storing has discussed, a more functionalist model of statesmanship has come forth in the modern era, distinguished by a nuts-and-bolts proficiency with “the principles of government structure.” Of course, Washington is not often situated in either technique or expert-driven molds of statesmanship. But Marshall’s *Life* does indicate that Washington was not above employing a variety of stratagems—sometimes successfully, sometimes not—in fulfillment of his larger vision for the nation.

Nicknamed the “old fox” by Lord Cornwallis, General Washington was frequently compelled to adapt to military exigencies during the American Revolution, whether in terms of battlefield strategy or maintaining order within the Army’s ranks.<sup>37</sup> Needing some advantage to overcome the vastly more powerful British Army, he turned to informal tactics to thwart his opponents, most notably the element of surprise. Following Washington’s famous crossing of the Delaware River during the bleak winter of 1776 and 1777, the subsequent attacks

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<sup>35</sup> See, for example, Michael D. Mumford and Judy R. Van Doorn, “The Leadership of Pragmatism: Reconsidering Franklin in the Age of Charisma,” *Leadership Quarterly* 12.3 (2001), 279-309; Michael D. Mumford, Jazmine Espejo, Samuel T. Hunter, Katrina Bedell-Avers, Dawn L. Eubanks, and Shane Connelly, “The Sources of Leader Violence: A Comparison of Ideological and Non-ideological Leaders,” *Leadership Quarterly* 18.3 (2007), 217-235; and Katrina Bedell-Avers, Samuel T. Hunter, Amanda D. Angie, Dawn L. Eubanks, and Michael D. Mumford, “Charismatic, Ideological, and Pragmatic Leaders: An Examination of Leader-Leader Interactions,” *Leadership Quarterly* 20.3 (2009), 299-315.

<sup>36</sup> Herbert J. Storing, “American Statesmanship: Old and New,” in *Toward a More Perfect Union: Writings of Herbert J. Storing*, ed. Joseph M. Bessette (Washington, DC: AEI Press, 1995), 403-430: 413.

<sup>37</sup> Assessments of Washington’s generalship often differ on the question of whether he was an aggressive or defensive-minded strategist. Compare, for example, Dave R. Palmer, *The Way of the Fox: American Strategy in the War for America* (Westport, CT: Greenwood Press, 1975) with Russell F. Weigley, “American Strategy: A Call for Strategic History,” in *Reconsiderations on the Revolutionary War: Selected Essays*, ed. Don Higginbotham (Westport, CT: Greenwood Press, 1978), 32-53.

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on the Hessian soldiers and the British Army in the battles of Trenton and Princeton were remarkable for, in Marshall's view, the "bold, judicious, and unexpected" character of the engagements (82). It was a risky mission, as even a casual observer of the sorry shape of the Army could see.<sup>38</sup> Perhaps it was British General William Howe who was most startled by Washington's boldness that winter. As Marshall puts it, "nothing could surpass the astonishment of the British commander at this unexpected display of vigor on the part of the American General" (79). The surprise was, of course, essential to the plan's success. Yet even greater than the military victory, Washington's daring had "a much more extensive influence on American affairs than would be supposed from a mere estimate of the killed and taken" (82). Prior to the expedition that winter, the "gloomy" prospect of the Army's chances against the British had sunk the morale of officer and civilian alike "to the lowest point of depression" (73, 79). The collective suffering of the Army during the cold winter, the difficult crossing of the Delaware, and the surprising success of the campaign against Hessian forces at the Battle of Trenton had "revived the drooping spirits of the people, and gave a perceptible impulse to the recruiting service throughout the United States." The episode showed Washington's ability to seize an unexpected opportunity to take advantage of a nodding opponent and rejuvenate the flagging spirits of his countrymen.

If Washington was at times bold in his wartime maneuvers, he was not foolhardy. When a plan to invade and occupy parts of Canada was proposed that relied on allied French forces, the General demurred, sensing the strain this would place on the Army's already overstretched resources and manpower. While supportive of such measures against Québec in the past, Washington maintained that the principal military initiatives against the British should occur within the colonies, not all over North America. Struck "with the impracticability of executing that part of this magnificent plan," along with "the serious mischief which would result, as well from diverting so large a part of the French force to an object he thought so unpromising," Washington believed the risk of failure could not be justified (171, 172).<sup>39</sup> Similar restraint was exercised

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<sup>38</sup> Benjamin Rush, who treated the American army at Valley Forge, did not mince words in his diagnosis of the Army: "The troops dirty, undisciplined, and ragged" manned "pickets left 5 days and sentries, 24 hours, without relief . . . [there was] bad bread; no order; universal disgust." Quoted in *The Fire of Liberty*, ed. Esmond Wright (London: Folio Society, 1983), 118.

<sup>39</sup> Congress chose to table the planned expedition, but its supporters refused to let the scheme die. After it was again proposed Washington "repeated his objections to the plan,

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in much more dire circumstances. When British General William Howe captured Philadelphia unopposed in September 1777, Washington faced immense pressure to launch an immediate counterattack against the British. As Marshall notes, “[p]ublic opinion, which a military chief finds too much difficulty in resisting, and the opinion of Congress, required a battle,” yet relying on his own calculation, “Washington came to the wise determination of avoiding one for the present” (98). Washington recognized when to strike and when to hold back, revealing a deft intuitiveness that refused to be overwhelmed by either superior numbers and manpower or public pressure.

Compared to his military acumen, Washington’s expedience as President often appears muted in the *Life*. Unaccustomed to the workings of the national government, as any figure in his place would be, he had little opportunity to manipulate the levers of power. But why would he? As the beneficiary of widespread public approval and an absence of political parties in the early part of his administration, the greatest partisanship Washington encountered was within his own star-crossed cabinet. America’s first truly national government was the latest stage in America’s experiment with independence, and so Washington took into his confidence public servants who might get the job done rather than toe a partisan line. Thus Marshall emphasized Washington’s reliance on character and talent as benchmarks rather than merely rewarding the Constitution’s most uncritical supporters (341). A workable administration rather than ideological purity was the goal, which bespoke its own kind of expedience. Marshall remarks with striking generosity that, in nominating Thomas Jefferson to head the Department of State, Washington had chosen a figure that “had been long placed by America among the most eminent of her citizens, and had long been classed by the President with those who were most capable of serving the nation” (337). Edmund Randolph of Virginia, one of the few delegates to the federal convention who declined to sign his name to the Constitution, was appointed as the nation’s first Attorney General and later succeeded Jefferson as Secretary of State (338). A plethora of hitherto state-appointed officers, many of whom were revenue collectors unsympathetic to the national government, now served at the pleasure of the President of the United States. Yet Washington, “uninfluenced by considerations of personal regard,” could not be moved “to change men whom he found in place, if worthy of being

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stated the difficulties he felt in performing the duties assigned to him, and requested, if they persisted in their purpose, that they would give him more definite and explicit instructions” (172). Eventually, the invasion of Canada was reluctantly given up.

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employed" (340-341). In selecting or retaining individuals on the basis of merit rather than politics, the President had created an administration that "could not fail to make a rapid progress in conciliating the affection of the people" (341).<sup>40</sup> Few examples attest to Washington's statesmanship more impressively; fewer such gestures have been made since.

Unsurprisingly, President Washington's expedience was most visible in matters of military planning, a strength particularly useful in dealing with recalcitrant Native American tribes in the western United States. The Northwest Territory had been ceded to the United States by the British in the Treaty of Paris in 1783, but many tribes understandably refused to surrender control of the land to the national government. At first, Washington preferred negotiation to armed conflict on an uncharted frontier. Indeed, as Marshall puts it, Washington had tried earnestly "to give security to the northwestern frontier, by pacific arrangements" for some time. When conflict continued, however, Washington authorized a number of military expeditions to end the hostilities, though casualties, desertions, and recruitment failures plagued these efforts (354).<sup>41</sup> At last, Washington laid before Congress a plan to create "a competent force" that might end the resistance, a proposal eventually passed in spite of partisan squabbling.<sup>42</sup> The move was a dramatic reversal from his earlier, nonviolent overtures. But for Marshall, Washington's incremental approach revealed resourcefulness to avoid a catastrophe the nation could ill afford: "a general war with the Indians" (415). Of course, Washington was unable to solve the tension and competing land claims between Native and non-Native Americans. Yet his display of circumspection mixed with practicality did not go unnoticed, least of all by Marshall himself when confronting similar controversies decades later.<sup>43</sup>

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<sup>40</sup> Later in the *Life*, Marshall does not gloss over the acrimony that beset Washington's cabinet, nor does he heap blame for the drama solely on Thomas Jefferson. For Marshall, the split in the Cabinet was symptomatic of a more widespread phenomenon. By 1792, "irritation in the public mind" toward the national government had further widened an early "schism" between Jefferson and Alexander Hamilton, leading to an "open and irreconcilable hostility" that Marshall states was deeply mortifying to the President (364, 367).

<sup>41</sup> During this period Washington still held onto hope for peace with the tribes, though in language rather jarring to today's reader. At the opening session of the second Congress in 1791, Washington reviewed the nation's history with the Native American tribes, recommending "'justice to the savages, and such rational experiments for imparting to them the blessings of civilization, as might, from time to time, suit their condition'" (358).

<sup>42</sup> By 1791, partisanship had begun to rear its head in Congress. "It must excite some surprise," Marshall remarks, "that even this necessary measure encountered the most strenuous opposition. The debate was conducted in a temper which demonstrates the extent to which the spirit of party had been carried" (363).

<sup>43</sup> That is, in the famous "Marshall Trilogy" comprising *Johnson v. M'Intosh* (1823),

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## Prudence

Apart from principle and expedience, prudence represents a third characteristic of Washington's statesmanship in the *Life*. As in the case of principle and to some extent expedience, the role of prudence in politics harkens to an understanding of statesmanship that long preceded Washington or the United States. Indeed, many ancient writers went so far as to consider prudence and statesmanship as identical.<sup>44</sup> For the historian Thucydides, it was the Athenian commander Themistocles whose "natural prudence" permitted him to forecast "what was best or worst in any case that was doubtful."<sup>45</sup> In more abstract terms, Aristotle defined prudence—or *phronesis*—as the practical virtue that fit the right means to achieving an end determined through the use of right reason or theoretical wisdom. Politically, it is the virtue that distinguishes the statesman from the citizen, for such leaders "have the capacity of seeing what is good for themselves and for mankind," a farsightedness that renders "men capable of managing households and states."<sup>46</sup> Building on the Greek and Roman idea of prudence in the fifteenth century, Thomas Aquinas gave the concept a distinctly Christian character in his *Summa Theologica*, endowing prudence with qualities of moral discipline, temperance, courtesy, and charity.<sup>47</sup> Over time, the classical definition of

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*Cherokee Nation v. Georgia* (1831), and *Worcester v. Georgia* (1832).

<sup>44</sup> For Aristotle, statesmanship was the highest expression of prudence, a practical virtue that concerned the knowledge of both universals and particulars at the political level. On this point, see Terry Hoy's "The Idea of Prudential Wisdom in Politics," *The Western Political Quarterly* 11.2 (1958), 243-250: 243-244.

<sup>45</sup> See Thucydides, *The Peloponnesian War*, trans. David Grene (Chicago: University of Chicago Press, 1989), 79. Thucydides concludes that "by the natural goodness of his wit and quickness of deliberation," Themistocles "was the ablest of all men to tell what was fit to be done upon a sudden."

<sup>46</sup> Aristotle, *Nicomachean Ethics*, 153. In his *Politics*, Aristotle classifies prudence as the one virtue "peculiar to a ruler." See Aristotle, *Politics*, trans., Harris Rackham (Cambridge, MA: Harvard University Press, 2005), 195. Cicero, too, echoed this point much later in his dialogue between the Roman statesmen Scipio and Gaius Laelius, where prudence is said to be indispensable to preserving the balance inherent to the best practicable regime, i.e., the mixed state: "By his counsel and his action," the model statesman is said to possess the "political wisdom" (*caput civilis prudentiae*) that apprehends "the regular curving path through which governments travel, in order that, when you know what direction any commonwealth tends to take, you may be able to hold it back or take measures to meet the change." See Cicero, *De Res Publica*, trans. Clinton Walker Keyes (Cambridge: Harvard University Press, 1994), 161, 155. On the role of prudential statesmanship in Cicero's thought, see Walter Nicgorski, "Cicero's Focus: From the Best Regime to the Model Statesman," *Political Theory* 19.2 (1991), 230-251.

<sup>47</sup> Saint Thomas Aquinas, *Summa Theologica: Volume Three: II-II*, trans. Fathers of the English Dominican Province (London: Burns, Oates, and Washbourne, 1935), I-II, q. 57, art. 6.

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prudence has shifted. As Douglas Den Uyl has pointed out, the meaning of prudence that justified its inclusion among the cardinal virtues has changed, as prudence has increasingly been linked to those behaviors instrumental to individual self-preservation.<sup>48</sup> Yet notwithstanding the ambiguity that today surrounds the term, the classical understanding of political prudence—of using right reason to guide the political community with an eye toward the common good—continues to resonate as a hallmark of political leadership.<sup>49</sup>

Washington's prudence emerged most forcefully on the battlefield, and not only in shoot-outs with a vastly superior foe. Although Washington enjoyed great popularity among his men, the *Life* acknowledges that even he could not quell "long fomenting" discontent concerning the "accumulated sufferings and privations of the army" (245). In early 1781, while stationed on the Hudson River, Washington received word of an alarming mutiny involving several hundred soldiers led by the Pennsylvania Continental regiments. The mutineers declared their intention to march on Philadelphia and demand redress from the government or else resign *en masse* from the Army. The situation was grave: Washington could hardly afford the loss of troops, and casualties had already been suffered during efforts to suppress the uprising. Washington, "accustomed as he had been to contemplate hazardous and difficult situations," was unable, "under existing circumstances, to resolve instantly on the course it was most prudent to pursue" (246). Initially, his inclination was to report to the mutineers' camp and settle the matter in person. Yet opinions "formed on more mature reflection" prevailed, and he chose to leave negotiations with the regiments to congressional representatives who might actually resolve the financial complaints, in the meantime preparing his soldiers for dispatch in the dire event of failure. At first, it seemed the threat had passed when the regiments received concessions from the government relating to pay, clothing, and overdue discharges (247). Soon thereafter, however,

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<sup>48</sup> Douglas J. Den Uyl, *The Virtue of Prudence* (New York: Peter Lang, 1991), 115-121.

<sup>49</sup> See Wynne Walker Moskop, "Prudence as a Paradigm for Political Leaders," *Political Psychology* 17.4 (1996), 619-642; J. Patrick Dobel, "Political Prudence and the Ethics of Leadership," *Public Administration Review* 58 (1998), 74-81; Robert Hariman (ed.), *Prudence: Classical Virtue, Postmodern Practice* (University Park, PA: Pennsylvania State University Press, 2003); Carson Holloway (ed.), *Magnanimity and Statesmanship* (Lanham, MD: Lexington: 2008); Richard S. Ruderman, "Statesmanship Reconsidered," *Perspectives on Political Science* 41.2 (2012), 86-89; and Christopher Lynch and Jonathan Marks (eds.), *Principle and Prudence in Western Political Thought* (Albany, NY: State University of New York Press, 2016).

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a New Jersey brigade issued similar demands, and “the dangerous policy of yielding even to the just demands of soldiers with arms in their hands” was plain to see (248). Washington now wasted no time in ordering a detachment of New England troops “to bring [the New Jersey mutineers] to unconditional submission” and “to make no terms with them while in a state of resistance.”<sup>50</sup> The uprising was quashed, and Marshall speculates that Washington’s “vigorous measures taken in this instance” awoke the attention of the state governments to the plight of the Army and the dangers attending its neglect (248). Washington’s first disposition had been one of watchful waiting. But when concessions appeared to have ignited a dangerous chain reaction of rebellion, he refused to back down on defending the internal order essential for American victory. The incident showed Washington’s ability to resist his gut impulse, but only if such a pause did not mortally endanger the importance of a strong chain of command in wartime.

If Washington sought to extinguish internal dissension during the heat of battle, he was nonetheless an ardent advocate of his fellow soldiers in the aftermath of the Revolutionary War. In 1783, Washington’s sympathy with growing complaints concerning lapsed payments to veterans of the Revolution had to be balanced with the best means for achieving their compensation. Browbeating the state governments seemed unlikely to work, as under the Articles of Confederation procuring any funds for national purposes was a tall order indeed. The Army companies, “soured by their past sufferings, their present wants, and their gloomy prospects,” nonetheless resolved to apply pressure, sending delegations to the Confederation Congress in Philadelphia to devise what measures might be taken “to obtain that redress of grievances which they seemed to have solicited in vain” (291, 292). Upon learning of the proposed meeting, Marshall notes, Washington’s “characteristic firmness and decision did not forsake him” (292). The situation demanded not angry indignation directed to an ungrateful nation and its politicians, but “that his measures should be fit, but prudent and conciliatory.” For Marshall, Washington’s “fixed determination” and loyalty to his brothers-in-arms was tempered by his opposition to “rash proceedings” that would undermine the rectitude of their demands. Aware that it was easier to prevent than correct “intemperate measures,” he sought at first to stop a preliminary meeting of officers to be held before the march. But conscious of their keen injury

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<sup>50</sup> Even more striking, Marshall recounts, the surrender was to be followed by an “on the spot” execution of “the most active” insubordinates (247).

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and “fear of injustice,” he resolved to attend the gathering and direct the deliberations toward a peaceable conclusion in person. Of course, Washington was not just any officer. Exerting “the whole weight of his influence,” he endeavored “to calm the agitations of the moment” and reassure the veterans that their efforts would not go unrewarded for much longer (292, 293). Perhaps it was not his preferred course of action, but it accomplished the best possible outcome for the government and the veterans. As Marshall concludes, “it was all required by the occasion” (293).<sup>51</sup>

As president, Washington was again confronted with assuaging popular upheaval. The source of such tumult was often ordinary Americans confused and hostile to the revenue demands of the new national government. In particular, the Whisky Rebellion that occurred in western Pennsylvania beginning in 1791 provided a strong test of the Commander-in-Chief’s prudence as well as the military might of the federal government. The furor stemmed from an excise tax imposed on domestic spirits to pay down war debt. Farmers, particularly in the western United States, opposed the tax insofar as it disproportionately affected those living in agricultural regions, where the seasonal operation of whisky stills was an especially profitable sideline.<sup>52</sup> A congressional authorization of a militia in order to enforce the tax only heightened tensions, as those hostile to the law began traveling outside Pennsylvania “for the purpose of spreading their principles,

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<sup>51</sup> Marshall dwells at length on this meeting. On his telling, Washington “addressed [the officers] in terms well calculated to assuage the irritation which had been excited, and to give to their deliberations the direction which he wished. After animadverting with just severity on the irregular and unmilitary mutiny which had been invited, and on [a] dangerous and criminal anonymous paper which had been circulated through camp, he entered with affectionate warmth on their meritorious services and long sufferings, which had been witnessed with much approbation by himself, and which entitled them to the gratitude of their country, and the admiration of the world. He stated his own earnest endeavors to promote their just claims on the public, and his firm belief that Congress would make every exertion honorably to perform the engagements which had been made, and to pay the debt of gratitude and justice which had been contracted” (293). Marshall remarks that this speech, given by “the man whom the army had been accustomed to love, to revere, and to obey, could not fail to be irresistible.” It revived the officers’ “patriotism and devotion to their country” and “[t]he storm, which had been raised so suddenly, being thus happily dissipated, the commander-in-chief exerted all his influence in support of the application the officers had made to Congress” (294).

<sup>52</sup> See William Hogeland, *The Whisky Rebellion: George Washington, Alexander Hamilton, and the Frontier Rebels who Challenged America’s Newfound Sovereignty* (New York: Simon & Schuster, 2010), 65-68.

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and suppressing offices of inspection" (418). Not wishing to make things worse, Washington had initially adopted a conciliatory approach. But he drew the line at the incitement of mob violence against the government, and in September 1794 he issued a proclamation "declaring his fixed determination, in obedience to the high duty consigned to him by the constitution, to reduce the refractory to obedience" (419). Federal troops marched on Pennsylvania and, meeting no violent resistance from the disaffected, seized and detained for legal prosecution several insurrectionists "who had refused to give assurance of future submission to the laws." The threat of rebellion was quieted by the show of force—at least for the time being.<sup>53</sup> Thus without bloodshed, "the prudent vigor" of Washington halted "an insurrection which, at one time, threatened to shake the government to its foundations" (420).<sup>54</sup> In the *Life*, the episode of the Whisky Rebellion illustrates prudence in action, motivated not by rashness but a measured assessment of the best means to ensure the safety of the Union and the enforcement of its laws.

One final example of Washington's prudence occurs at the end of the *Life*, when he had finally retired to his beloved and long-neglected Mount Vernon in the summer of 1798. By then, the outrage concerning the controversial Neutrality Proclamation was ancient history. Due in no small part to the publication of Marshall's dispatches from Paris during the notorious XYZ Affair, public opinion had mostly soured on the French. Indeed, with its cruisers routinely seizing American vessels with impunity, war with France seemed increasingly likely (458). Congress had passed measures for "retaliating [against] the injuries which had been sustained, and for repelling those which were threatened," including a law endorsing the formation of a standing army (459). In light of these preparations, the nation turned once again to Washington for his ability to lead the army, organize and arrange its divisions, and "induce the utmost exertion of its physical strength." Stories of Washington's willingness to leave behind the comforts of home to serve his country were as much the stuff of legend in Marshall's time

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<sup>53</sup> Marshall describes a "sour and malignant temper" that stubbornly continued in Pennsylvania toward national policy, "which indicated, too plainly, that the disposition to resist had sunk under the great military force brought into the country, but would rise again should that force be withdrawn" (419).

<sup>54</sup> There was a warning implicit in Washington's success. That such a "perverse spirit" of opposition could so quickly grow "in the bosom of prosperity, without the slightest pressure of a single grievance," was an ominous sign (420). For Marshall, the episode illustrated the fickleness of human nature and mutability of public opinion, two variables "which the statesman can never safely disregard."

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as in our own. But this occasion was different. In June, President John Adams and his Secretary of War James McHenry separately wrote letters entreating Washington once again to lead the nation in its hour of need. And as he had so often in the past, he assented—but tentatively, and with important preconditions. He wrote to McHenry, “the principle by which my conduct has been actuated through life would not suffer me, in any great emergency, to withhold any services I could render when required by my country” (460). Moreover, he responded to Adams, if a war with France was truly imminent, any “delay in preparing for it may be dangerous, improper, and not to be justified by prudence.” But two stipulations quickly followed these assurances: that he, personally, would choose the highest-ranking officers under his command and that he should not be called out of his long-awaited retirement until France had actually invaded the United States. Washington correctly believed that the French Directory would collapse under its own internal weight and that the countries would reconcile their differences, though he did not live to see the restoration of friendship.<sup>55</sup> It was a clever move, and one that deserves a bit more lightheartedness than is found in Marshall’s praise of his fellow Virginian’s ability to balance “the cares and attentions of office with his agricultural pursuits” (461). Gladly would Washington answer the call of his country once more—but only if it really needed him.

The *Life* portrays Washington’s prudence as both military commander and president as a core characteristic of his statesmanship. Indeed, at times it appears to be the trait that stood out most in Marshall’s remembrance of the man. Washington’s career, he observes, provided “ample and repeated proofs” of the “practical good sense, and of that sound judgment, which is perhaps the most rare, and is certainly the most valuable quality of the human mind” (467). His character aimed at “no object distinct from the public good,” and contemplated “at a distance those situations in which the United States might probably be placed; and digest[ed], before the occasion required action, the line of conduct which it would be proper to observe.” On Marshall’s account, Washington understood the difference between efforts to accommodate and persuade, on the one hand, and the use of compulsion and force, on the other, preferring the former to the latter whenever possible. But he would not allow hopes for a peaceful resolution of conflict to endanger larger commitments to military discipline or public safety. Moreover, the *Life* shows that Washington’s prudence was applied to matters large

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<sup>55</sup> Eventually, “pacific overtures” did resolve the differences between the countries, culminating in the Treaty of Mortefontaine in 1800 (461).

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and small in public as well as in his private affairs: the prospect of war, however probable, should not unduly jeopardize the long-awaited comforts of domestic tranquility.

### *Conclusions*

*The Life of George Washington* is the story of a statesman as told by a statesman.<sup>56</sup> But in Marshall's time, it was George Washington who was the nation's most famous political leader, a fact that surely weighed heavily on the Chief Justice's mind as he performed revision after revision of the work. The *Life* does not seek to fundamentally alter so much as solidify the notion that Washington's success was, to a considerable degree, the nation's success. As Marshall reflects in his conclusion to the *Life*, "It is impossible to contemplate the great events which have occurred in the United States, under the auspices of Washington, without ascribing them, in some measure, to him" (468). But his celebrated status in the hearts and minds of his fellow Americans did not mean that his example should be frozen in the past, incapable of emulation for future generations of Americans. Despite the work's rocky path to publication and its widespread criticism, Marshall held out hope that someday people might read and profit from the *Life*, with its "ample and repeated proofs" of Washington's conduct serving as a model "of that practical good sense, and of that sound judgment, which is perhaps the most rare, and is certainly the most valuable quality of the human mind" (467). He intended the *Life* to live on not merely as a work of history or biography, but as an educational treatise providing "a lesson well meriting the attention of those who are candidates for political fame" (468).<sup>57</sup> Too often this civic aspiration on Marshall's part is neglected by the *Life*'s legion of critics who focus solely on the work's historical accuracy or impartiality (or lack thereof).

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<sup>56</sup> The concept of judicial statesmanship is elaborated in Gary J. Jacobsohn, *Pragmatism, Statesmanship, and the Supreme Court* (Ithaca, NY: Cornell University Press, 1977); Anirudh Prasad, "Imprints of Marshallian Judicial Statesmanship," *Journal of Indian Law Institute* 22.2 (1980), 240-258; and Neil S. Siegel, "The Virtue of Judicial Statesmanship," *Texas Law Review* 86.5 (2008), 959-1032. The particular contours of Marshall's judicial statesmanship—which I believe include the concepts of principle, expedience, and prudence we find in his *Life*—are worth more careful analysis than can be afforded here.

<sup>57</sup> As Marshall once wrote to his grandson, "History is among the essential departments of knowledge; and, to an American, the histories of England and of the United States are most instructive. Every man ought to be intimately acquainted with the history of his own country." See his letter "To John Marshall, Jr., November 7, 1834," in Hobson (2010), 847-848: 847.

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Marshall's interpretation of Washington's statesmanship invites in its turn a reconsideration of the *Life's* value in the twenty-first century. While broadly favorable, Marshall's assessment of Washington is human rather than hagiographic. Washington is no demigod able to shape military circumstances or the political realm according to his will. In light of events beyond his control, the picture that emerges is that of a military and political leader who was more calculating than we might expect, one compelled to balance attachment to principle with the particular demands of place and time. For Marshall, Washington's life illustrates the constraints imposed on statecraft by the two worlds of war and peace, whether in the form of an undersupplied military, a recalcitrant American frontier, or public opposition to his foreign policy. It was not Washington's ability to conquer fortune and completely determine the course of national events that wins Marshall's admiration. Rather, Marshall's admiration for Washington lies in the latter's ability to lead the nation in a manner that evinced the elements of principle, expedience, and prudence. The *Life* does not place Washington on a pedestal for readers to admire from afar, but brings readers close to events in order to better see the traits that enabled his various successes. Washington embodied qualities of statesmanship that transcend even his admirable accomplishments, forging a link between his life and those of future political leaders.

Beyond Marshall, Washington, and the history both men lived through, the core theme of the *Life* endures. The work addresses a perennial topic that merits the attention of all Americans: statesmanship, not simply in the abstract, but in its component parts, in its particular contexts, and in the obstacles that stand in the way of its success. Citizens pine for statesmanship to rescue them from (often self-imposed) political difficulties, but frequently struggle with defining the characteristics of such leadership. The *Life*, with its study of Washington's principles, expedience, and prudence, improves our understanding of these enduring characteristics. While Marshall's *Life* does not have the makings of a bestseller, his work should be dusted off for a new generation of would-be statesmen and stateswomen.