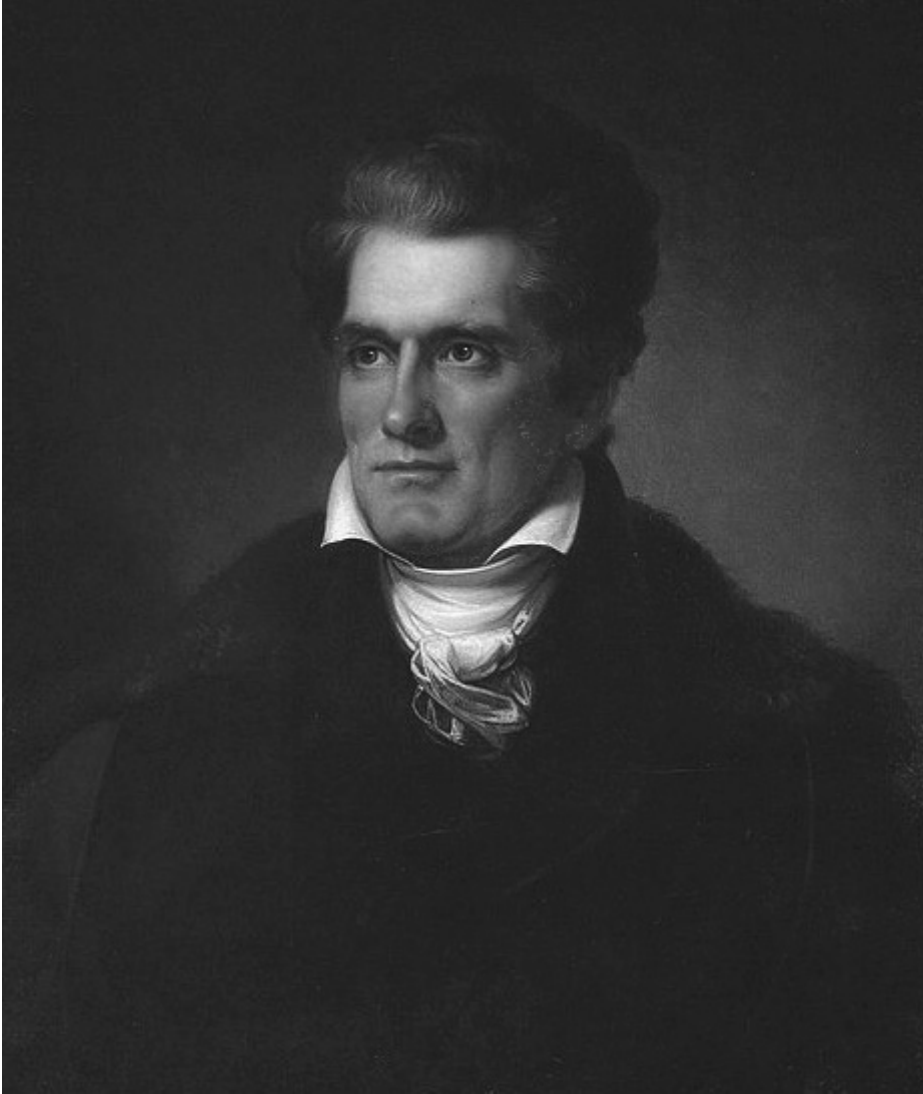


**Political Philosophy of John C. Calhoun
(Source texts)**



John C. Calhoun
(march 18, 1782 – march 30, 1850)

University of Warsaw
Faculty of Journalism and Political Science

Political Philosophy of John C. Calhoun (Source Texts)

collected and introduction by
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Warsaw 2013



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Translation

Jarosław Szczepański – Speech on the Introduction of His Resolutions on the Slave Question; Speech on the Admission of California – and the General State of the Union;

Lucyna Wawro-Jastrzębska – A Disquisition on Government; Speech on the Reception of Abolition petitions.

Cover project

Tomasz Kasperczyk

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Publishing sheets 15

Publisher:

Faculty of Journalism and Political Science, University of Warsaw
ul. Krakowskie Przedmieście 26/28, 00-046 Warsaw
tel./fax (48-22) 55 22 952
www.wydawnictwo.wdinp.uw.edu.pl

ISBN: 978-83-63183-23-3

Printing: Zakład Graficzny UW, Zam. 936/2012

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Forward

Polish science is rich in texts on American constitutionalism at the beginning of functioning of the Union under the Constitution of the United States. This heritage is much poorer when we turn to the period prior to its enactment, i.e. the time of the Articles of Confederation and Perpetual Union, or turbulent, the nineteenth-century clash between two conceptions of the state proposed by the North and South – the two great economic and cultural regions of the United States.

In the complex world of struggle between two regions of the United States lived and worked, born on March 18, 1782 John Caldwell Calhoun. Raised in a family of Scots-Irish he turned out to be one of the greatest statesmen of the nineteenth-century United States – creating (with Henry Clay of Kentucky and Daniel Webster of Massachusetts) Great Triumvirate that kept Union in peace in the first half of the nineteenth century.

John C. Calhoun in his early years obtained elementary education only (he attended the school several months of the year). He was to receive a higher level of education when he went to a private academy in Appling, Georgia, but the school was closed soon. It forced the young boy to start self-education, which lasted until the death of his father. It was then that John C. Calhoun had to make an effort to manage the family plantation. Intellectual abilities of the young man did not go unnoticed by his mother, who decided on his return to the academy. From 1800, John C. Calhoun attended classes at Yale University. He graduated in 1802, joining the ranks of its illustrious alumni. The legal education he began after the stay in Newport, Rhode Island in 1804. Calhoun studied law in Litchfield in Connecticut Tapping Reeve school. The practice he began in 1806 after the return to South Carolina (Charleston and Abbeville). The period of adolescence, study and practice he crowned with a speech delivered in connection with the attack on the British American ship Chesapeake.

Political career of John C. Calhoun rolled out quickly. After two terms of office in the state legislature in 1810 he was elected to the House of Representatives. From that moment he climbed through the ranks of the

federal legislature and the executive. The mandate of the representative held until 1817, when he was appointed as Secretary of War under President James Monroe. In the election of 1824 managed to win the office of Vice President of the United States with President John Q. Adams. After entering into the alliance with Andrew Jackson, he was able to repeat the success in the elections of 1828. Calhoun has never managed to get the presidential office.

During exercising the second vice-presidency debate on the possibility of entering the institution of nullification to the U.S. Constitution raged in the Senate. During the clashes between supporters and opponents of the possibility of denial of federal rights recognized by the states to be unconstitutional John C. Calhoun resigned as Vice President of the United States and took the office of South Carolina senator. At the same time he became the leader of the group advocating the introduction of the institution nullification.

The last period of his political career dedicated to the fight against distortions and misinterpretations in his ideas of nullification. John C. Calhoun, in his submission, saw it as an instrument to balance intersectional policy, agrarian South and the industrialized North, not a tool for secession.

Calhoun Doctrine

Francis Ryszka in his theoretical considerations of the dependencies and relationships between concepts such as ideology, doctrine, and finally the political program proposed hierarchical classification. The professor pointed out that ideology is the broadest term, which contains in itself two more. In his description of the doctrine was the intermediate between ideology and political program. It was therefore concretization and refinement of ideology to express intellectual boundaries, while remaining sufficiently wide to on its basis it was possible to create flexible political agendas.

Assuming the division proposed by Franciszek Ryszka and applying it to John C. Calhoun's doctrine can be stated that it contains within the American conservative ideology, which referred to the terms of freedom – liberalism – and respect for the rights of the state. The key for the description of the legal and political thought of John C. Calhoun are his works *A Disquisition on Government* and *A Discourse on the Constitution and Government of the United States*. Rich source of information remain the recordings of speeches and letters of vice-president.

In the first of these works the author describes the state of nature and the human condition living in it. Writing in the forties of the nineteenth century, John C. Calhoun certainly already know the work of Thomas Hobbes, John Locke and Jean-Jacques Rousseau and drew from their works. He describes the man as torn on the one hand by selfish feelings, on the other hand the social feelings. Author of the work points out the fact that the more we feel

that what affects us directly than that which applies to the society of which we are part. State of nature is a condition in which comes to clash of individualism. Way of settling disputes and conflicts is the establishment of the government. John C. Calhoun writes: “ It follows, then, that man is so constituted, that government is necessary to the existence of society, and society to his existence, and the perfection of his faculties”. He then points out that the government elected to protect and preserve society has a strong tendency to abuse its power. For this reason, necessary is to establish a constitution about which John C. Calhoun writes, “ Having its origin in the same principle of our nature, *constitution* stands to *government*, as *government* stands to *society*;”. Author of the work points out that a society without government is doomed to fall, but the government without a constitution is also not able to survive.

Constitutive difference to the way in which the government and the emerging of how the constitution is created that streamline the functioning of society and, therefore, affect the human condition is that the existence of the former is outside the sphere of the will of man. John C. Calhoun says that every society must create some form of government. Otherwise is with the Constitution, and the difference is in the fact that: “Constitution is the contrivance of man, while government is of Divine ordination. Man is left to perfect what the wisdom of the Infinite ordained, as necessary to preserve the race”.

At this point, due to the nature of this work, one must skip the John C. Calhoun’s reflections on the state of nature and the human condition at the dawn of civilization. One should mention, however, that A Disquisition on Government introduced, in the course of the description of the proper functioning of limited government in the Constitution, the distinction between the rule of the numerical majority and the concurrent majority. Doctrine that assumes the functioning the doctrine of concurrent majority was coined by John C. Calhoun as a remedy for maintaining the stability of the political system of the United States divided into two increasingly hostile sections.

This design assumed the need for continuous efforts to reach a consensus. Decisions could not be taken by a simple majority at the national level. Individual sections have their delegates in the structures of sovereign powers have had the opportunity to veto the provisions striking in their particular interests. John C. Calhoun gives examples of countries that recognize the functioning of the institution of the veto by replacing successively the Confederation of Six Nations and the Polish-Lithuanian Commonwealth, and finally the Roman Republic.

Thread of functioning national – federal – government has also been developed in the book *A Discourse on the Constitution and Government of the United State*. This time, John C. Calhoun does not refer to how the exercise of power *in abstracto*, but is trying to explain how the federal government should function and the state governments *in concreto* in the Union. The matter raised in

the book can be divided into three clearly divided parts: first – inquire about original intentions of the Founding Fathers regarding the creation and ratification of the Constitution of the United States, second – discussion on the risks of appropriation by the federal government the power reserved to the states, thirdly call the restaurant most consistent doctrine, whether it was introduced in order to avoid dissolution of the Union.

Doctrine of social thought, and in particular the functioning and the impact that has on the people of the South a peculiar institution – slavery – can be reconstructed on the basis of public speeches and letters of John C. Calhoun. In contrast to the debate on the functioning of the government he attempted to write a disquisition entirely devoted to the issue of slavery. Defending it during his speeches in Congress seems to have always had particular regard to the political interests of his section, only later to maintain the validity of a peculiar institution, or its abolition due to economic reasons.

In the next two sections will be presented widely John C. Calhoun's views on the relationship of states and the federal government, and slavery. The last observation noted in this place let it remain that the seventh Vice President of the United States developed a comprehensive political and legal doctrine which has become dominant in the South.

Constitutional thought

The following analysis here constitutional thought will be limited to the analysis of the substance of the federal government of the Union and its relations with the state authorities. It will not be made however study on the various polemics of John C. Calhoun of articles issued in the pages of "The Federalist", or the validity of placing the doctrine of concurrent majority proposed in the third part of the book *A Discourse on the Constitution and Government of the United State*.

The author describes the U.S. government as the federal and puts it in opposition to the national on the one hand, on the other hand, the confederated. The first distinction – federal versus national – was made to emphasize that it is the government of the States remain in a political union not a unitary country. Continuing this thought, it is the Government of the societies of each state not a single state or nation. Seeking justification for such an interpretation of the position government John C. Calhoun refers to General George Washington's letters from the period of writing the constitution. In one of them, the first president of the United States wrote, "General Government of the Union" in another and "federal government the of those States". Author of the book derives from this principle that the federal government was to be in its assumption the Government of states that have adopted the act that establishes it.

Following political changes John C. Calhoun indicates that in the period of the revolutionary government, the Declaration of Independence, in the part that relates to the nature of the former colony says: "These United Colonies are entitled to be free and independent states". The next act, which were Articles of the Confederation and Perpetual Union, asserted that "each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled". Referring to maintaining the same style of writing regulations at each stage of functioning of the state, the author of the discourse argues that the relationship between States and the federal government under the Constitution, as it was, has not changed. While in the Constitution of the United States of America, we find the wording identical to those used on the previous two stages of the functioning of the American political system.

Leaving in this point issues on border of semantics and interpretation of the law John C. Calhoun gives argument purely legal. Bearing in mind that at the time of adoption and ratification of the Constitution, the states acting in their independent and sovereign character, it indicates the rules for the ratification of the Constitution. U.S. Constitution in the seventh article stipulated that "The Ratification of the Conventions of nine States, Shall be sufficient for the Establishment of this Constitution Between the States so ratifying the same". It is clear, therefore, writes John C. Calhoun, that the states that have not ratified the constitution take the form of independent states. And those that ratification is taken, by the very act of confirmation of the Constitution or provisions lose their individual attributes of sovereignty and independence as long as it is national, not federal. As a result, the relationship between federal and state authorities will determine the answer to the question whether the act of ratification caused the ridding ourselves of states character of sovereign and independent community for the benefit of the larger community – the American people?

Looking for an answer to this question, the author of the book stresses that the recognition of the creation of one nation, in place of a coalition the societies of each state, would mean social, not a political unification. John C. Calhoun concludes that the merging of the individual communities in a mass revolution would be more radical than that preceded the Declaration of Independence. Referring once again to the history of the political system he points out that during the colonial period there were a separate societies with its own governments and laws. The revolution broke out against the metropolis, which violated their rights. Acting under the label United Colonies, they announced declaration of independence, which allowed them to stand out on independence, but they still work as in colonial times, as individual entities, each in its own name. John C. Calhoun points out that the Declaration of Independence was adopted unanimously, because all the

delegates voted for her. This was because most of the delegates in each delegation supported the joining the act. This meant that the declaration was adopted on behalf of the colonial communities assembled in Congress, not by a single, coherent American people.

At the time of the ratification of the Constitution, then, the states acted at all times as an independent confederated political entities. Furthermore, John C. Calhoun indicates that the usual formula used during the ratification process was: “We, the delegates of the State,” (naming the State) “to, in Behalf of the people of the State, assent it, and ratify the said constitution. “Ratification was supposed to be so, the act of each individual State in its individual character.

Leaving sure what to who and on whose behalf has ratified, John C. Calhoun examines the preamble to the Constitution. Its purpose is to answer the question: by whom, for what and for whom the Union has been established.

Puzzle solution for the plaintiff will be deciphering the meaning of “We the people of the United States”, on behalf of which the Union was founded. John C. Calhoun has no doubt that this could be the only one who has made ratification of the act. In his view, therefore, the preamble should read as follows – “We the peoples of the several States of the Union”. Following this line of reasoning, you can say – “we the peoples of the several States of the Union acting as a free, sovereign and independent states.”

Responding to a question about the entity on whose behalf the constitution is established John C. Calhoun moves to solve the question “the whom?”. Here the answer is obvious, because the preamble expressly indicates the United States of America. Similarly, a simple solution to the puzzle is the goal. The preamble was exhaustive calculation: “(...) in order to establish more perfect Union, establish justice, secure the peace in the country, provide common defense, improve overall well-being and protect blessing of liberty to ourselves and our posterity (...),” and then added “(...) ordain and establish this Constitution for the United States of America”. John C. Calhoun reads the word “for” as an indication that it may be a constitution for the individual states in the Union, not for herself. Thus a blessing, happiness, etc. to be provided to individual states, and indirectly – their nations. He ends his argument about the possibility of carefully reading the people also, as nations in the plural, because the English language does not have another transcription for plural.

The answer to the key question posed above: “does the act of ratification, caused the getting rid of states the character of sovereign and independent community for the benefit of the larger community – the American people?” is so “states do not rid of their special character, and the goal is to enable better implementation of their particular purposes enumerated in the preamble”.

This short exposition of John C. Calhoun in his opinion, the proper concern, and therefore consistent with the intentions of the Founding Fathers, how to read the Constitution. Another part of the book is devoted to the analysis of the following the provisions of the U.S. Constitution. Because of the need to maintain work in the relevant frames, as well as the volume of content I suggest to follow the reasoning of the Seventh Vice President on example of only the provisions of the 10th Amendment and Article 1, paragraph 1 of the U.S. Constitution.

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people “ – is the 10th Amendment John C. Calhoun sees the original of this provision in Article 2 Articles of Confederation and Perpetual Union, which stated: “Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled”. Referring to the tradition believes that the amendment should be interpreted in the spirit that is present in the constitution of the confederation.

John C. Calhoun shows that reasoning is wrong, that the federal government had the authority referred to it in an absolute way, without the possibility of its recovery. Such reasoning, in conjunction with the thesis about the existence of a single political nation, which is an emanation of the federal government, as it allows to make unauthorized extensions ponadstanowych powers The seventh vice president, recalling the tradition of American constitutionalism suggests that the word “delegate” as used in the 10th Amendment does not mean getting rid of forever the the power their states The authority is granted and can only be received the federal government to individual states and their people.

The problem that faces advocated by John C. Calhoun’s interpretation is related to the method of writing Article 1 paragraph 1 of the U.S. Constitution It provides: “All legislative power herein granted shall have the Congress of the United States, which shall consist of a Senate and House of Representatives.” It states that used the word “granted” does not rule out the interpretation, what’s more it is the doctrine used interchangeably with the word “delegate”.

As for the other branches, that is, the executive and judicative, John C. Calhoun notes that the provisions of the Constitution which are: “The executive Power Shall be vested in a President of the United States of America” and “The judicial Power of the United States, Shall be vested in one supreme Court, and in a dry inferior courts as the Congress may from time to time ordain and establish “means that they have been delegated to the President and the courts respectively.

Social Thought

John C. Calhoun did not create a comprehensive work treating of social thought. This does not, however, prevent the reconstruction of its desired vision of society on the basis of talks and speeches in the U.S. Congress Text to present the most valuable social thought of John C. Calhoun concerning his views on slavery's *Speech on the reception of Abolition Petitions* of February 6, 1837. This is where he introduced the first special institution noon, as a "positive good".

In his speech, John C. Calhoun points out that the South can not give up its institutions, including the abolition and the Union can not coexist Maintaining relations between the two races in the South will be, what is more, the guarantor of peace and happiness for the whole country Emotion basis of the social system of the South, in his opinion, will result in the blood wash in the country. Therefore, there is nothing else than to accept already established institutions, including slavery.

John C. Calhoun notes that the approval of the then state of things should be easier to the extent that slavery is good. The black race of Central Africa through the institution of slavery may be the first time in its long history, experience the benefits of civilization It also lives not only in better conditions, but also has the opportunity to develop as a moral as well as intellectual John C. Calhoun notes that Negroes came to America at low, degenerate and wild form. Living conditions, which have been provided to them in the South, let them in just a few generations to make leap Finally Negroes as slaves, living in the civilized world, and acquire higher value. The measure of their happiness and benefits experienced, is also a high birth rate.

The argument for slavery would be that it does not lead to the degeneration of Caucasians. Moreover, the pace of development of civilization free and slave sections were identical. John C. Calhoun calculates that features as a virtue, intelligence, patriotism, courage, etc.. are shared by both the North and South. This last is second only to the so-called free states art acquiring. Differences in wealth are two sections, however, be due to the harmful effects of the Federal Government affecting the possibility of free trade in agricultural products from the south of the Union and by redistribution in favor of the North.

Describing the situation in which the two races with different skin color and other attributes of living together in society, slavery, John C. Calhoun concludes that it is not a bad system but rather good – a "positive good." He points out that never in history has there existed a rich society in which one portion of it would not become richer at the expense of other work Such accuracy was manifest in the ancient systems based on strength, as well as in the modern fiscal system John C. Calhoun indicates that the slave system of the South is no different in their way of other management systems. On the

other hand it is the only system in which so much attention is paid to the working class, and so little of it enforces It shows the differences between the poor working-class neighborhoods in the developed countries of Europe and the orderly life of slaves in the cabins on the plantation. Cites the example of the poor, sick and elderly slum dwellers slaves, survivors of his days among family members in the care of his master and mistress.

In his speech John C. Calhoun indicates that the slave is the best system to create a stable political institutions. While not saying so explicitly, his argument is that the main arguments presented in the previous paragraph shows that the stability of the slave system is related to the lack of the presence of antagonism between capital and labor Growers are both owners of capital and labor. As long as it functioned smoothly slavery, so long there will be no riots or social revolution. That's what John C. Calhoun says simply, is that the lack of social unrest and conflict in the southern states and the stable political situation relative to that in the North.

Concluding his speech he points out that the transition from the slave system to a free society does not improve the situation of the black population Indeed freedmen will not be forced to work by the supervisor, but the one hand, they will have the bayonets of the army together with the other – the rod magistrate. Thus, they become slaves of state coercion.

Calhoun today

Nowadays the political thought of John C. Calhoun is more current on the eastern side of the Atlantic than in his homeland. The problems faced by the European Union – the controversy regarding her shape; place of nation-states; sovereignty; creating a federal state, etc. 150 years ago, John C. Calhoun resolved these problems and pointed to one of the possible alternatives to pursue. The European Union standing at a crossroads can on the one hand look at the United States, on the other, at their Vice President's political thought, which, though unrealized is fully mature alternative. An alternative, which is closer to the heart of those Europeans who are thinking about creating the so-called the Europe of Nations.

* * *

The summary volume was devoted to the presentation of a mature mind of John C. Calhoun (as far as is possible in a single volume source texts). In this publication, has failed to hold the second of the great works of Vice President – *Discourse of the Constitution and Government of the United States*, which would result in doubling of the reprint volume of the book. Nevertheless, an

essay included in *Disquisition on Government* completed by three fundamental for understanding the constitutional and social thought Calhoun's speeches should prove valuable in themselves.

The first is the work written in the last years of the author's life and together with (not included) *Discourse of the Constitution and Government of the United States* is a summary of the views of Calhoun on the functioning of the fair state. *Disquisition on Government* includes analysis of what is public, the government and the constitution but also the relationships between them. It is an interesting and copyright collection of views on the origin of the state and what constitutes it.

The collection of speeches opens the address delivered on Feb. 6, 1837 acceptance *Speech on the Reception of Abolition Petitions*. It has been posted primarily due to the definition of slavery as a "positive good", which, contrary to the intention of John C. Calhoun was later used to fight the abolitionists (though he was a supporter of the current system of slavery in the South, always insisted that slavery, as such (*in abstracto*) was bad and you could search its justification only in this case, and given time). For a full picture of the author's thoughts here are included both *the First Report* and *the Revised Report*.

Speech on the Introduction of His Resolutions on the Slave Question and *Speech on the Admission of California – and the General State of the Union* delivered in Calhoun last years show his views in a mature. In addition, allow the current to find ideas later developed in the *Disquisition on Government* and *Discourse of the Constitution and Government of the United States*.

Selected articles were reprinted in the original and in translation into Polish. Combination of two languages on the one hand will capture the spirit of each instance of John C. Calhoun, on the other hand send the reader in a convenient way to the English version in case of any doubt as to the translation used. Each text is preceded by an introduction presenting the historical and political context in which it was written.

Jarosław Szczepański

John C. Calhoun

A Disquisition on Government

Introduction

Written in 1849, that is one year before the author's death, the work has become the most widely known and most frequently cited works of Calhoun. It is the essence of the concept, thoughts or political ideas propounded by the author in the last period of his activity in the U.S. Congress.

The text opens with a theoretical hearing, in which the author – describing the genesis of the state – refers to the Aristotelian concept of *zoon politicon* and presents the human being as a social unit. Life in society is the natural state of man. His nature also makes it need government to introduce order and secure the peace in a society of people. Calhoun presents further reasons that people need a certain amount of order provided by the government. The reason for this is a stronger sense of what affects us directly (and thus the existence of what the author calls selfish feelings) and less to what concerns our society (social feelings). In other words, men by nature seek primarily to meet their needs – even at the expense of the society in which to live and alive. The solution to this problem is related to the introduction of the constitution. Calhoun says that the Constitution is for the government the same as the government is for the society where, although each is created only for the improvement of the previous, only society and government there must be due to their origin. Society and government are directly justified by the intention of Providence (identified in the text with God). The Constitution is the way to upgrade what Infinite Wisdom instilled in man as the idea of government.

Theory precedes the main part of the text largely devoted to the presentation of the idea of concurrent majority. It is to be by Calhoun the solution to the problem of functioning both fair and constitutional government. In the course of the argument the author cites (again referring to the achievements of Aristotle and Plato, a division of regimes to just and unjust, and the theory of perishing regimes) examples of countries in which the successful application of “negative principle” (as defined in the possibility of a veto of one of the groups that govern society against arbitrary second decision) has built strong organisms. These countries have had to endure so far not betrayed the “negative principle” and not distorted it. One of these countries was the Rzeczpospolita in period of so called noble democracy, when thanks to her regime (as emphasized by Calhoun) she became a powerhouse – the largest Catholic country in the continent interfering in events abroad. After the change of regime (to the aristocratic oligarchy system) and a “negative principle” distortion her fall came, and it was an area of struggle for influence in neighboring states.

More space than for the Rzeczpospolita, however, Calhoun devotes to the Roman Republic and the United Kingdom, which were probably in the intention of the author great predecessors of growing (but still slowly) on the

importance of the United States. Author shows the division of the two orders, social groups or political parties whose concurrent agreement to take specific actions allowed the state to build empires. With the help of these examples Calhoun tries to point out that the Union consisting of two different from each other economically, socially and politically sections if it applies the rule of the concurrent majority, can become a powerful and righteous state. Do not use it leads inevitably to forms of absolute rule – Calhoun, referring to thoughts of his contemporaries, Alexis de Tocqueville and John Stuart Mill, allows for the functioning of a democratic society, but still absolute because of political correctness and uncompromisingly adherence to the principles of most of the numeric majority.

Reading *Disquisition on Government* allows the location of John C. Calhoun in the mainstream of ideology of freedom. What's more, together with already evocated Alexis de Tocqueville and John Stuart Mill, he can be placed in a group of philosophers, anticipating modern society dominated by the fourth power, and which formed the inspiration for the twentieth century concept of totalitarian democracy – a term popularized by Jacob Leib Talmon.

Jarosław Szczepański

Disquisition...

In order to have a clear and just conception of the nature and object of government, it is indispensable to understand correctly what that constitution or law of our nature is, in which government originates; or, to express it more fully and accurately — that law, without which government would not, and with which, it must necessarily exist. Without this, it is as impossible to lay any solid foundation for the science of government, as it would be to lay one for that of astronomy, without a like understanding of that constitution or law of the material world, according to which the several bodies composing the solar system mutually act on each other, and by which they are kept in their respective spheres. The first question, accordingly, to be considered is — What is that constitution or law of our nature, without which government would not exist, and with which its existence is necessary?

In considering this, I assume, as an incontestable fact, that man is so constituted as to be a social being. His inclinations and wants, physical and moral, irresistibly impel him to associate with his kind; and he has, accordingly, never been found, in any age or country, in any state other than the social. In no other, indeed, could he exist; and in no other — were it possible for him to exist — could he attain to a full development of his moral and intellectual faculties, or raise himself, in the scale of being, much above the level of the brute creation.

I next assume, also, as a fact not less incontestable, that, while man is so constituted as to make the social state necessary to his existence and the full development of his faculties, this state itself cannot exist without government. The assumption rests on universal experience. In no age or country has any society or community ever been found, whether enlightened or savage, without government of some description.

Having assumed these, as unquestionable phenomena of our nature, I shall, without further remark, proceed to the investigation of the primary and important question — What is that constitution of our nature, which, while it impels man to associate with his kind, renders it impossible for society to exist without government?

The answer will be found in the fact (not less incontestable than either of the others) that, while man is created for the social state, and is accordingly so formed as to feel what affects others, as well as what affects himself, he is, at the same time, so constituted as to feel more intensely what affects him directly, than what affects him indirectly though others; or, to express it differently, he is so constituted, that his direct or individual affections are stronger than his sympathetic or social feelings. I intentionally avoid the expression, *selfish* feelings, as applicable to the former; because, as commonly used, it implies an unusual excess of the individual over the social feelings, in the person to whom it is applied; and, consequently, something depraved

and vicious. My object is, to exclude such inference, and to restrict the inquiry exclusively to facts in their bearings on the subject under consideration, viewed as mere phenomena appertaining to our nature — constituted as it is; and which are as unquestionable as is that of gravitation, or any other phenomenon of the material world.

In asserting that our individual are stronger than our social feelings, it is not intended to deny that there are instances, growing out of peculiar relations — as that of a mother and her infant — or resulting from the force of education and habit over peculiar constitutions, in which the latter have overpowered the former; but these instances are few, and always regarded as something extraordinary. The deep impression they make, whenever they occur, is the strongest proof that they are regarded as exceptions to some general and well understood law of our nature; just as some of the minor powers of the material world are apparently to gravitation.

I might go farther, and assert this to be a phenomenon, not of our nature only, but of all animated existence, throughout its entire range, so far as our knowledge extends. It would, indeed, seem to be essentially connected with the great law of self-preservation which pervades all that feels, from man down to the lowest and most insignificant reptile or insect. In none is it stronger than in man. His social feelings may, indeed, in a state of safety and abundance, combined with high intellectual and moral culture, acquire great expansion and force; but not so great as to overpower this all-pervading and essential law of animated existence.

But that constitution of our nature which makes us feel more intensely what affects us directly than what affects us indirectly through others, necessarily leads to conflict between individuals. Each, in consequence, has a greater regard for his own safety or happiness, than for the safety or happiness of others; and, where these come in opposition, is ready to sacrifice the interests of others to his own. And hence, the tendency to a universal state of conflict, between individual and individual; accompanied by the connected passions of suspicion, jealousy, anger and revenge — followed by insolence, fraud and cruelty — and, if not prevented by some controlling power, ending in a state of universal discord and confusion, destructive of the social state and the ends for which it is ordained. This controlling power, wherever vested, or by whomsoever exercised, is GOVERNMENT.

It follows, then, that man is so constituted, that government is necessary to the existence of society, and society to his existence, and the perfection of his faculties. It follows, also, that government has its origin in this twofold constitution of his nature; the sympathetic or social feelings constituting the remote — and the individual or direct, the proximate cause.

If man had been differently constituted in either particular — if, instead of being social in his nature, he had been created without sympathy for his kind, and independent of others for his safety and existence; or if, on the other

hand, he had been so created, as to feel more intensely what affected others than what affected himself (if that were possible) or, even, had this supposed interest been equal — it is manifest that, in either case, there would have been no necessity for government, and that none would ever have existed. But, although society and government are thus intimately connected with and dependent on each other — of the two society is the greater. It is the first in the order of things, and in the dignity of its object; that of society being primary — to preserve and perfect our race; and that of government secondary and subordinate, to preserve and perfect society. Both are, however, necessary to the existence and well-being of our race, and equally of Divine ordination.

I have said — if it were possible for man to be so constituted, as to feel what affects others more strongly than what affects himself, or even as strongly — because, it may be well doubted, whether the stronger feeling or affection of individuals for themselves, combined with a feebler and subordinate feeling or affection for others, is not, in beings of limited reason and faculties, a constitution necessary to their preservation and existence. If reversed — if their feelings and affections were stronger for others than for themselves, or even as strong, the necessary result would seem to be, that all individuality would be lost; and boundless and remediless disorder and confusion would ensue. For each, at the same moment, intensely participating in all the conflicting emotions of those around him, would, of course, forget himself and all that concerned him immediately, in his officious intermeddling with the affairs of all others; which, from his limited reason and faculties, he could neither properly understand nor manage. Such a state of things would, as far as we can see, lead to endless disorder and confusion, not less destructive to our race than a state of anarchy. It would, besides, be remediless — for government would be impossible; or, if it could by possibility exist, its object would be reversed. Selfishness would have to be encouraged, and benevolence discouraged. Individuals would have to be encouraged, by rewards, to become more selfish, and deterred, by punishments, from being too benevolent; and this, too, by a government, administered by those who, on the supposition, would have the greatest aversion for selfishness and the highest admiration for benevolence.

To the Infinite Being, the Creator of all, belongs exclusively the care and superintendence of the whole. He, in his infinite wisdom and goodness, has allotted to every class of animated beings its condition and appropriate functions; and has endowed each with feelings, instincts, capacities, and faculties, best adapted to its allotted condition. To man, he has assigned the social and political state, as best adapted to develop the great capacities and faculties, intellectual and moral, with which he has endowed him; and has, accordingly, constituted him so as not only to impel him into the social state, but to make government necessary for his preservation and well-being.

But government, although intended to protect and preserve society, has itself a strong tendency to disorder and abuse of its powers, as all experience and almost every page of history testify. The cause is to be found in the same constitution of our nature which makes government indispensable. The powers which it is necessary for government to possess, in order to repress violence and preserve order, cannot execute themselves. They must be administered by men in whom, like others, the individual are stronger than the social feelings. And hence, the powers vested in them to prevent injustice and oppression on the part of others, will, if left unguarded, be by them converted into instruments to oppress the rest of the community. That, by which this is prevented, by whatever name called, is what is meant by CONSTITUTION. in its most comprehensive sense, when applied to GOVERNMENT.

Having its origin in the same principle of our nature, *constitution* stands to *government*, as *government* stands to *society*; and, as the end for which society is ordained, would be defeated without government, so that for which government is ordained would, in a great measure, be defeated without constitution. But they differ in this striking particular. There is no difficulty in forming government. It is not even a matter of choice, whether there shall be one or not. Like breathing, it is not permitted to depend on our volition. Necessity will force it on all communities in some one form or another. Very different is the case as to constitution. Instead of a matter of necessity, it is one of the most difficult tasks imposed on man to form a constitution worthy of the name; while, to form a perfect one — one that would completely counteract the tendency of government to oppression and abuse, and hold it strictly to the great ends for which it is ordained — has thus far exceeded human wisdom, and possibly ever will. From this, another striking difference results. Constitution is the contrivance of man, while government is of Divine ordination. Man is left to perfect what the wisdom of the Infinite ordained, as necessary to preserve the race.

With these remarks, I proceed to the consideration of the important and difficult question: How is this tendency of government to be counteracted? Or, to express it more fully — How can those who are invested with the powers of government be prevented from employing them, as the means of aggrandizing themselves, instead of using them to protect and preserve society? It cannot be done by instituting a higher power to control the government, and those who administer it. This would be but to change the seat of authority, and to make this bigger power, in reality, the government; with the same tendency, on the part of those who might control its powers, to pervert them into instruments of aggrandizement. Nor can it be done by limiting the powers of government, so as to make it too feeble to be made an instrument of abuse; for, passing by the difficulty of so limiting its powers, without creating a power higher than the government itself to enforce the observance of the limitations, it is a sufficient objection that it would, if practicable, defeat the

end for which government is ordained, by making it too feeble to protect and preserve society. The powers necessary for this purpose will ever prove sufficient to aggrandize those who control it, at the expense of the rest of the community.

In estimating what amount of power would be requisite to secure the objects of government, we must take into the reckoning, what would be necessary to defend the community against external, as well as internal dangers. Government must be able to repel assaults from abroad, as well as to repress violence and disorders within. It must not be overlooked, that the human race is not comprehended in a single society or community. The limited reason and faculties of man, the great diversity of language, customs, pursuits, situation and complexion, and the difficulty of intercourse, with various other causes, have, by their operation, formed a great many separate communities, acting independently of each other. Between these there is the same tendency to conflict — and from the same constitution of our nature — as between men individually; and even stronger — because the sympathetic or social feelings are not so strong between different communities, as between individuals of the same community. So powerful, indeed, is this tendency, that it has led to almost incessant wars between contiguous communities for plunder and conquest, or to avenge injuries, real or supposed.

So long as this state of things continues, exigencies will occur, in which the entire powers and resources of the community will be needed to defend its existence. When this is at stake, every other consideration must yield to it. Self-preservation is the supreme law, as well with communities as individuals. And hence the danger of withholding from government the full command of the power and resources of the state; and the great difficulty of limiting its powers consistently with the protection and preservation of the community. And hence the question recurs — By what means can government, without being divested of the full command of the resources of the community, be prevented from abusing its powers?

The question involves difficulties which, from the earliest ages, wise and good men have attempted to overcome — but hitherto with but partial success. For this purpose many devices have been resorted to, suited to the various stages of intelligence and civilization through which our race has passed, and to the different forms of government to which they have been applied. The aid of superstition, ceremonies, education, religion, organic arrangements, both of the government and the community, has been, from time to time, appealed to. Some of the most remarkable of these devices, whether regarded in reference to their wisdom and the skill displayed in their application, or to the permanency of their effects, are to be found in the early dawn of civilization — in the institutions of the Egyptians, the Hindoos, the Chinese, and the Jews. The only materials which that early age afforded for the construction of constitutions, when intelligence was so partially diffused, were applied with

consummate wisdom and skill. To their successful application may be fairly traced the subsequent advance of our race in civilization and intelligence, of which we now enjoy the benefits. For, without a constitution — something to counteract the strong tendency of government to disorder and abuse, and to give stability to political institutions — there can be little progress or permanent improvement.

In answering the important question under consideration, it is not necessary to enter into an examination of the various contrivances adopted by these celebrated governments to counteract this tendency to disorder and abuse, nor to undertake to treat of constitution in its most comprehensive sense. What I propose is far more limited — to explain on what principles government must be formed, in order to resist, by its own interior structure — or, to use a single term, organism — the tendency to abuse of power. This structure, or organism, is what is meant by constitution, in its strict and more usual sense; and it is this which distinguishes, what are called, constitutional governments from absolute. It is in this strict and more usual sense that I propose to use the term hereafter.

How government, then, must be constructed, in order to counteract, through its organism, this tendency on the part of those who make and execute the laws to oppress those subject to their operation, is the next question which claims attention.

There is but one way in which this can possibly be done; and that is, by such an organism as will furnish the ruled with the means of resisting successfully this tendency on the part of the rulers to oppression and abuse. Power can only be resisted by power — and tendency by tendency. Those who exercise power and those subject to its exercise — the rulers and the ruled — stand in antagonistic relations to each other. The same constitution of our nature which leads rulers to oppress the ruled — regardless of the object for which government is ordained — will, with equal strength, lead the ruled to resist, when possessed of the means of making peaceable and effective resistance. Such an organism, then, as will furnish the means by which resistance may be systematically and peaceably made on the part of the ruled, to oppression and abuse of power on the part of the rulers, is the first and indispensable step towards *forming* a constitutional government. And as this can only be effected by or through the right of suffrage — (the right on the part of the ruled to choose their rulers at proper intervals, and to hold them thereby responsible for their conduct) — the responsibility of the rulers to the ruled, through the right of suffrage, is the indispensable and primary principle in the *foundation* of a constitutional government. When this right is properly guarded, and the people sufficiently enlightened to understand their own rights and the interests of the community, and duly to appreciate the motives and conduct of those appointed to make and execute the laws, it is all-sufficient to give to those who elect, effective control over those they have elected.

I call the right of suffrage the indispensable and primary principle; for it would be a great and dangerous mistake to suppose, as many do, that it is, of itself, sufficient to form constitutional governments. To this erroneous opinion may be traced one of the causes, why so few attempts to form constitutional governments have succeeded; and why, of the few which have, so small a number have had durable existence. It has led, not only to mistakes in the attempts to form such governments, but to their overthrow, when they have, by some good fortune, been correctly formed. So far from being, of itself, sufficient — however well guarded it might be, and however enlightened the people — it would, unaided by other provisions, leave the government as absolute, as it would be in the hands of irresponsible rulers; and with a tendency, at least as strong, towards oppression and abuse of its powers; as I shall next proceed to explain.

The right of suffrage, of itself, can do no more than give complete control to those who elect, over the conduct of those they have elected. In doing this, it accomplishes all it possibly can accomplish. This is its aim — and when this is attained, its end is fulfilled. It can do no more, however enlightened the people, or however widely extended or well guarded the right may be. The sum total, then, of its effects, when most successful, is, to make those elected, the true and faithful representatives of those who elected them — instead of irresponsible rulers — as they would be without it; and thus, by converting it into an agency, and the rulers into agents, to divest government of all claims to sovereignty, and to retain it unimpaired to the community. But it is manifest that the right of suffrage, in making these changes, transfers, in reality, the actual control over the government, from those who make and execute the laws, to the body of the community; and, thereby, places the powers of the government as fully in the mass of the community, as they would be if they, in fact, had assembled, made, and executed the laws themselves, without the intervention of representatives or agents. The more perfectly it does this, the more perfectly it accomplishes its ends; but in doing so, it only changes the seat of authority, without counteracting, in the least, the tendency of the government to oppression and abuse of its powers.

If the whole community had the same interests, so that the interests of each and every portion would be so affected by the action of the government, that the laws which oppressed or impoverished one portion, would necessarily oppress and impoverish all others — or the reverse — then the right of suffrage, of itself, would be all-sufficient to counteract the tendency of the government to oppression and abuse of its powers; and, of course, would form, of itself, a perfect constitutional government. The interest of all being the same, by supposition, as far as the action of the government was concerned, all would have like interests as to what laws should be made, and how they should be executed. All strife and struggle would cease as to who should be elected to make and execute them. The only question would

be, who was most fit; who the wisest and most capable of understanding the common interest of the whole. This decided, the election would pass off quietly, and without party discord; as no one portion could advance its own peculiar interest without regard to the rest, by electing a favorite candidate.

But such is not the case. On the contrary, nothing is more difficult than to equalize the action of the government, in reference to the various and diversified interests of the community; and nothing more easy than to pervert its powers into instruments to aggrandize and enrich one or more interests by oppressing and impoverishing the others; and this too, under the operation of laws, couched in general terms — and which, on their face, appear fair and equal. Nor is this the case in some particular communities only. It is so in all; the small and the great — the poor and the rich — irrespective of pursuits, productions, or degrees of civilization — with, however, this difference, that the more extensive and populous the country, the more diversified the condition and pursuits of its population, and the richer, more luxurious, and dissimilar the people, the more difficult is it to equalize the action of the government — and the more easy for one portion of the community to pervert its powers to oppress, and plunder the other.

Such being the case, it necessarily results, that the right of suffrage, by placing the control of the government in the community must, from the same constitution of our nature which makes government necessary to preserve society, lead to conflict among its different interests — each striving to obtain possession of its powers, as the means of protecting itself against the others — or of advancing its respective interests, regardless of the interests of others. For this purpose, a struggle will take place between the various interests to obtain a majority, in order to control the government. If no one interest be strong enough, of itself, to obtain it, a combination will be formed between those whose interests are most alike — each conceding something to the others, until a sufficient number is obtained to make a majority. The process may be slow, and much time may be required before a compact, organized majority can be thus formed; but formed it will be in time, even without preconcert or design, by the sure workings of that principle or constitution of our nature in which government itself originates. When once formed, the community will be divided into two great parties — a major and minor — between which there will be incessant struggles on the one side to retain, and on the other to obtain the majority — and, thereby, the control of the government and the advantages it confers.

So deeply seated, indeed, is this tendency to conflict between the different interests or portions of the community, that it would result from the action of the government itself, even though it were possible to find a community, where the people were all of the same pursuits, placed in the same condition of life, and in every respect, so situated, as to be without inequality of condition or diversity of interests. The advantages of possessing the control of

the powers of the government, and, thereby, of its honors and emoluments, are, of themselves, exclusive of all other considerations, ample to divide even such a community into two great hostile parties.

In order to form a just estimate of the full force of these advantages — without reference to any other consideration — it must be remembered, that government — to fulfill the ends for which it is ordained, and more especially that of protection against external dangers — must, in the present condition of the world, be clothed with powers sufficient to call forth the resources of the community, and be prepared, at all times, to command them promptly in every emergency which may possibly arise. For this purpose large establishments are necessary, both civil and military (including naval, where, from situation, that description of force may be required) with all the means necessary for prompt and effective action — such as fortifications, fleets, armories, arsenals, magazines, arms of all descriptions, with well-trained forces, in sufficient numbers to wield them with skill and energy, whenever the occasion requires it. The administration and management of a government with such vast establishments must necessarily require a host of employees, agents, and officers — of whom many must be vested with high and responsible trusts, and occupy exalted stations, accompanied with much influence and patronage. To meet the necessary expenses, large sums must be collected and disbursed; and, for this purpose, heavy taxes must be imposed, requiring a multitude of officers for their collection and disbursement. The whole united must necessarily place under the control of government an amount of honors and emoluments, sufficient to excite profoundly the ambition of the aspiring and the cupidity of the avaricious; and to lead to the formation of hostile parties, and violent party conflicts and struggles to obtain the control of the government. And what makes this evil remediless, through the right of suffrage of itself, however modified or carefully guarded, or however enlightened the people, is the fact that, as far as the honors and emoluments of the government and its fiscal action are concerned, it is impossible to equalize it. The reason is obvious. Its honors and emoluments, however great, can fall to the lot of but a few, compared to the entire number of the community, and the multitude who will seek to participate in them. But, without this, there is a reason which renders it impossible to equalize the action of the government, so far as its fiscal operation extends — which I shall next explain.

Few, comparatively, as they are, the agents and employees of the government constitute that portion of the community who are the exclusive recipients of the proceeds of the taxes. Whatever amount is taken from the community, in the form of taxes, if not lost, goes to them in the shape of expenditures or disbursements. The two — disbursement and taxation — constitute the fiscal action of the government. They are correlatives. What the one takes from the community, under the name of taxes, is transferred to the portion of

the community who are the recipients, under that of disbursements. But, as the recipients constitute only a portion of the community, it follows, taking the two parts of the fiscal process together, that its action must be unequal between the payers of the taxes and the recipients of their proceeds. Nor can it be otherwise, unless what is collected from each individual in the shape of taxes, shall be returned to him, in that of disbursements; which would make the process nugatory and absurd. Taxation may, indeed, be made equal, regarded separately from disbursement. Even this is no easy task; but the two united cannot possibly be made equal.

Such being the case, it must necessarily follow, that some one portion of the community must pay in taxes more than it receives back in disbursements; while another receives in disbursements more than it pays in taxes. It is, then, manifest, taking the whole process together, that taxes must be, in effect, bounties to that portion of the community which receives more in disbursements than it pays in taxes; while, to the other which pays in taxes more than it receives in disbursements, they are taxes in reality — burthens, instead of bounties. This consequence is unavoidable. It results from the nature of the process, be the taxes ever so equally laid, and the disbursements ever so fairly made, in reference to the public service.

It is assumed, in coming to this conclusion, that the disbursements are made within the community. The reasons assigned would not be applicable if the proceeds of the taxes were paid in tribute, or expended in foreign countries. In either of these cases, the burthen would fall on all, in proportion to the amount of taxes they respectively paid.

Nor would it be less a bounty to the portion of the community which received back in disbursements more than it paid in taxes, because received as salaries for official services; or payments to persons employed in executing the works required by the government; or furnishing it with its various supplies; or any other description of public employment — instead of being bestowed gratuitously. It is the disbursements which give additional, and, usually, very profitable and honorable employments to the portion of the community where they are made. But to create such employments, by disbursements, is to bestow on the portion of the community to whose lot the disbursements may fall, a far more durable and lasting benefit — one that would add much more to its wealth and population — than would the bestowal of an equal sum gratuitously: and hence, to the extent that the disbursements exceed the taxes, it may be fairly regarded as a bounty. The very reverse is the case in reference to the portion which pays in taxes more than it receives in disbursements. With them, profitable employments are diminished to the same extent, and population and wealth correspondingly decreased.

The necessary result, then, of the unequal fiscal action of the government is, to divide the community into two great classes; one consisting of those who, in reality, pay the taxes, and, of course, bear exclusively the burthen of

supporting the government; and the other, of those who are the recipients of their proceeds, through disbursements, and who are, in fact, supported by the government; or, in fewer words, to divide it into taxpayers and tax-consumers.

But the effect of this is to place them in antagonistic relations, in reference to the fiscal action of the government, and the entire course of policy therewith connected. For, the greater the taxes and disbursements, the greater the gain of the one and the loss of the other — and vice versa; and consequently, the more the policy of the government is calculated to increase taxes and disbursements, the more it will be favored by the one and opposed by the other.

The effect, then, of every increase is, to enrich and strengthen the one, and impoverish and weaken the other. This, indeed, may be carried to such an extent, that one class or portion of the community may be elevated to wealth and power, and the other depressed to abject poverty and dependence, simply by the fiscal action of the government; and this too, through disbursements only — even under a system of equal taxes imposed for revenue only. If such may be the effect of taxes and disbursements, when confined to their legitimate objects — that of raising revenue for the public service — some conception may be formed, how one portion of the community may be crushed, and another elevated on its ruins, by systematically perverting the power of taxation and disbursement, for the purpose of aggrandizing and building up one portion of the community at the expense of the other. That it *will* be so used, unless prevented, is, from the constitution of man, just as certain as that it *can* be so used; and that, if not prevented, it must give rise to two parties, and to violent conflicts and struggles between them, to obtain the control of the government, is, for the same reason, not less certain.

Nor is it less certain, from the operation of all these causes, that the dominant majority, for the time, would have the same tendency to oppression and abuse of power, which, without the right of suffrage, irresponsible rulers would have. No reason, indeed, can be assigned, why the latter would abuse their power, which would not apply, with equal force, to the former. The dominant majority, for the time, would, in reality, through the right of suffrage, be the rulers — the controlling, governing, and irresponsible power; and those who make and execute the laws would, for the time, be, in reality, but *their* representatives and agents.

Nor would the fact that the former would constitute a majority of the community, counteract a tendency originating in the constitution of man; and which, as such, cannot depend on the number by whom the powers of the government may be wielded. Be it greater or smaller, a majority or minority, it must equally partake of an attribute inherent in each individual composing it; and, as in each the individual is stronger than the social feelings, the one would have the same tendency as the other to oppression and abuse of power. The reason applies to government in all its forms — whether it be that of the one, the few, or the many. In each there must, of necessity, be

a governing and governed — a ruling and a subject portion. The one implies the other; and in all, the two bear the same relation to each other — and have, on the part of the governing portion, the same tendency to oppression and abuse of power. Where the majority is that portion, it matters not how its powers may be exercised — whether directly by themselves, or indirectly, through representatives or agents. Be it which it may, the minority, for the time, will be as much the governed or subject portion, as are the people in an aristocracy, or the subjects in a monarchy. The only difference in this respect is, that in the government of a majority, the minority may become the majority, and the majority the minority, through the right of suffrage; and thereby change their relative positions, without the intervention of force and revolution. But the duration, or uncertainty of the tenure, by which power is held, cannot, of itself, counteract the tendency inherent in government to oppression and abuse of power. On the contrary, the very uncertainty of the tenure, combined with the violent party warfare which must ever precede a change of parties under such governments, would rather tend to increase than diminish the tendency to oppression.

As, then, the right of suffrage, without some other provision, cannot counteract this tendency of government, the next question for consideration is — What is that other provision? This demands the most serious consideration; for of all the questions embraced in the science of government, it involves a principle, the most important, and the least understood; and when understood, the most difficult of application in practice. It is, indeed, emphatically, that principle which *makes* the constitution, in its strict and limited sense.

From what has been said, it is manifest, that this provision must be of a character calculated to prevent any one interest, or combination of interests, from using the powers of government to aggrandize itself at the expense of the others. Here lies the evil: and just in proportion as it shall prevent, or fail to prevent it, in the same degree it will effect, or fail to effect the end intended to be accomplished. There is but one certain mode in which this result can be secured; and that is, by the adoption of some restriction or limitation, which shall so effectually prevent any one interest, or combination of interests, from obtaining the exclusive control of the government, as to render hopeless all attempts directed to that end. There is, again, but one mode in which this can be effected; and that is, by taking the sense of each interest or portion of the community, which may be unequally and injuriously affected by the action of the government, separately, through its own majority, or in some other way by which its voice may be fairly expressed; and to require the consent of each interest, either to put or to keep the government in action. This, too, can be accomplished only in one way — and that is, by such an organism of the government — and, if necessary for the purpose, of the community also — as will, by dividing and distributing the powers of government, give to each division or interest, through its appropriate organ,

either a concurrent voice in making and executing the laws, or a veto on their execution. It is only by such an organism, that the assent of each can be made necessary to put the government in motion; or the power made effectual to arrest its action, when put in motion — and it is only by the one or the other that the different interests, orders, classes, or portions, into which the community may be divided, can be protected, and all conflict and struggle between them prevented — by rendering it impossible to put or to keep it in action, without the concurrent consent of all.

Such an organism as this, combined with the right of suffrage, constitutes, in fact, the elements of constitutional government. The one, by rendering those who make and execute the laws responsible to those on whom they operate, prevents the rulers from oppressing the ruled; and the other, by making it impossible for any one interest or combination of interests or class, or order, or portion of the community, to obtain exclusive control, prevents any one of them from oppressing the other. It is clear, that oppression and abuse of power must come, if at all, from the one or the other quarter. From no other can they come. It follows, that the two, suffrage and proper organism combined, are sufficient to counteract the tendency of government to oppression and abuse of power; and to restrict it to the fulfilment of the great ends for which it is ordained.

In coming to this conclusion, I have assumed the organism to be perfect, and the different interests, portions, or classes of the community, to be sufficiently enlightened to understand its character and object, and to exercise, with due intelligence, the right of suffrage. To the extent that either may be defective, to the same extent the government would fall short of fulfilling its end. But this does not impeach the truth of the principles on which it rests. In reducing them to proper form, in applying them to practical uses, all elementary principles are liable to difficulties; but they are not, on this account, the less true, or valuable. Where the organism is perfect, every interest will be truly and fully represented, and of course the whole community must be so. It may be difficult, or even impossible, to make a perfect organism — but, although this be true, yet even when, instead of the sense of each and of all, it takes that of a few great and prominent interests only, it would still, in a great measure, if not altogether, fulfil the end intended by a constitution. For, in such case, it would require so large a portion of the community, compared with the whole, to concur, or acquiesce in the action of the government, that the number to be plundered would be too few, and the number to be aggrandized too many, to afford adequate motives to oppression and the abuse of its powers. Indeed, however imperfect the organism, it must have more or less effect in diminishing such tendency.

It may be readily inferred, from what has been stated, that the effect of organism is neither to supersede nor diminish the importance of the right of suffrage; but to aid and perfect it. The object of the latter is, to collect

the sense of the community. The more fully and perfectly it accomplishes this, the more fully and perfectly it fulfils its end. But the most it can do, of itself, is to collect the sense of the greater number; that is, of the stronger interests, or combination of interests; and to assume this to be the sense of the community. It is only when aided by a proper organism, that it can collect the sense of the entire community — of each and all its interests; of each, through its appropriate organ, and of the whole, through all of them united. This would truly be the sense of the entire community; for whatever diversity each interest might have within itself — as all would have the same interest in reference to the action of the government, the individuals composing each would be fully and truly represented by its own majority or appropriate organ, regarded in reference to the other interests. In brief, every individual of every interest might trust, with confidence, its majority or appropriate organ, against that of every other interest.

It results, from what has been said, that there are two different modes in which the sense of the community may be taken; one, simply by the right of suffrage, unaided; the other, by the right through a proper organism. Each collects the sense of the majority. But one regards numbers only, and considers the whole community as a unit, having but one common interest throughout; and collects the sense of the greater number of the whole, as that of the community. The other, on the contrary, regards interests as well as numbers — considering the community as made up of different and conflicting interests, as far as the action of the government is concerned; and takes the sense of each, through its majority or appropriate organ, and the united sense of all, as the sense of the entire community. The former of these I shall call the numerical, or absolute majority; and the latter, the concurrent, or constitutional majority. I call it the constitutional majority, because it is an essential element in every constitutional government — be its form what it may. So great is the difference, politically speaking, between the two majorities, that they cannot be confounded, without leading to great and fatal errors; and yet the distinction between them has been so entirely overlooked, that when the term *majority* is used in political discussions, it is applied exclusively to designate the numerical — as if there were no other. Until this distinction is recognized, and better understood, there will continue to be great liability to error in properly constructing constitutional governments, especially of the popular form, and of preserving them when properly constructed. Until then, the latter will have a strong tendency to slide, first, into the government of the numerical majority, and, finally, into absolute government of some other form. To show that such must be the case, and at the same time to mark more strongly the difference between the two, in order to guard against the danger of overlooking it, I propose to consider the subject more at length.

The first and leading error which naturally arises from overlooking the distinction referred to, is, to confound the numerical majority with the people;

and this so completely as to regard them as identical. This is a consequence that necessarily results from considering the numerical as the only majority. All admit, that a popular government, or democracy, is the government of the people; for the terms imply this. A perfect government of the kind would be one which would embrace the consent of every citizen or member of the community; but as this is impracticable, in the opinion of those who regard the numerical as the only majority, and who can perceive no other way by which the sense of the people can be taken — they are compelled to adopt this as the only true basis of popular government, in contradistinction to governments of the aristocratical or monarchical form. Being thus constrained, they are, in the next place, forced to regard the numerical majority, as, in effect, the entire people; that is, the greater part as the whole; and the government of the greater part as the government of the whole. It is thus the two come to be confounded, and a part made identical with the whole. And it is thus, also that all the rights, powers, and immunities of the whole people come to be attributed to the numerical majority; and, among others, the supreme, sovereign authority of establishing and abolishing governments at pleasure.

This radical error, the consequence of confounding the two, and of regarding the numerical as the only majority, has contributed more than any other cause, to prevent the formation of popular constitutional governments — and to destroy them even when they have been formed. It leads to the conclusion that, in their formation and establishment nothing more is necessary than the right of suffrage — and the allotment to each division of the community a representation in the government, in proportion to numbers. If the numerical majority were really the people; and if, to take its sense truly, were to take the sense of the people truly, a government so constituted would be a true and perfect model of a popular constitutional government; and every departure from it would detract from its excellence. But, as such is not the case — as the numerical majority, instead of being the people, is only a portion of them — such a government, instead of being a true and perfect model of the people's government, that is, a people self-governed, is but the government of a part, over a part — the major over the minor portion.

But this misconception of the true elements of constitutional government does not stop here. It leads to others equally false and fatal, in reference to the best means of preserving and perpetuating them, when, from some fortunate combination of circumstances, they are correctly formed. For they who fall into these errors regard the restrictions which organism imposes on the will of the numerical majority as restrictions on the will of the people, and, therefore, as not only useless, but wrongful and mischievous. And hence they endeavor to destroy organism, under the delusive hope of making government more democratic.

Such are some of the consequences of confounding the two, and of regarding the numerical as the only majority. And in this may be found the reason

why so few popular governments have been properly constructed, and why, of these few, so small a number have proved durable. Such must continue to be the result, so long as these errors continue to be prevalent.

There is another error, of a kindred character, whose influence contributes much to the same results: I refer to the prevalent opinion, that a written constitution, containing suitable restrictions on the powers of government, is sufficient, of itself, without the aid of any organism — except such as is necessary to separate its several departments, and render them independent of each other — to counteract the tendency of the numerical majority to oppression and the abuse of power.

A written constitution certainly has many and considerable advantages; but it is a great mistake to suppose, that the mere insertion of provisions to restrict and limit the powers of the government, without investing those for whose protection they are inserted with the means of enforcing their observance, will be sufficient to prevent the major and dominant party from abusing its powers. Being the party in possession of the government, they will, from the same constitution of man which makes government necessary to protect society, be in favor of the powers granted by the constitution, and opposed to the restrictions intended to limit them. As the major and dominant party, they will have no need of these restrictions for their protection. The ballot box, of itself, would be ample protection to them. Needing no other, they would come, in time, to regard these limitations as unnecessary and improper restraints — and endeavor to elude them, with the view of increasing their power and influence.

The minor, or weaker party, on the contrary, would take the opposite direction — and regard them as essential to their protection against the dominant party. And, hence, they would endeavor to defend and enlarge the restrictions, and to limit and contract the powers. But where there are no means by which they could compel the major party to observe the restrictions, the only resort left them would be, a strict construction of the constitution, that is, a construction which would confine these powers to the narrowest limits which the meaning of the words used in the grant would admit.

To this the major party would oppose a liberal construction — one which would give to the words of the grant the broadest meaning of which they were susceptible. It would then be construction against construction; the one to contract, and the other to enlarge the powers of the government to the utmost. But of what possible avail could the strict construction of the minor party be, against the liberal interpretation of the major, when the one would have all the powers of the government to carry its construction into effect — and the other be deprived of all means of enforcing its construction? In a contest so unequal, the result would not be doubtful. The party in favor of the restrictions would be overpowered. At first, they might command some respect, and do something to stay the march of encroachment; but they

would, in the progress of the contest, be regarded as mere abstractionists; and, indeed, deservedly, if they should indulge the folly of supposing that the party in possession of the ballot box and the physical force of the country, could be successfully resisted by an appeal to reason, truth, justice, or the obligations imposed by the constitution. For when these, of themselves, shall exert sufficient influence to stay the hand of power, then government will be no longer necessary to protect society, nor constitutions needed to prevent government from abusing its powers. The end of the contest would be the subversion of the constitution, either by the undermining process of construction — where its meaning would admit of possible doubt — or by substituting in practice what is called party-usage, in place of its provisions — or, finally, when no other contrivance would subserve the purpose, by openly and boldly setting them aside. By the one or the other, the restrictions would ultimately be annulled, and the government be converted into one of unlimited powers.

Nor would the division of government into separate, and, as it regards each other, independent departments, prevent this result. Such a division may do much to facilitate its operations, and to secure to its administration greater caution and deliberation; but as each and all the departments — and, of course, the entire government — would be under the control of the numerical majority, it is too clear to require explanation, that a mere distribution of its powers among its agents or representatives, could do little or nothing to counteract its tendency to oppression and abuse of power. To effect this, it would be necessary to go one step further, and make the several departments the organs of the distinct interests or portions of the community; and to clothe each with a negative on the others. But the effect of this would be to change the government from the numerical into the concurrent majority.

Having now explained the reasons why it is so difficult to form and preserve popular constitutional government, so long as the distinction between the two majorities is overlooked, and the opinion prevails that a written constitution, with suitable restrictions and a proper division of its powers, is sufficient to counteract the tendency of the numerical majority to the abuse of its power — I shall next proceed to explain, more fully, why the concurrent majority is an indispensable element in forming constitutional governments; and why the numerical majority, of itself, must, in all cases, make governments absolute.

The necessary consequence of taking the sense of the community by the concurrent majority is, as has been explained, to give to each interest or portion of the community a negative on the others. It is this mutual negative among its various conflicting interests, which invests each with the power of protecting itself — and places the rights and safety of each, where only they can be securely placed, under its own guardianship. Without this there can be no systematic, peaceful, or effective resistance to the natural tendency of

each to come into conflict with the others: and without this there can be no constitution. It is this negative power — the power of preventing or arresting the action of the government — be it called by what term it may — veto, interposition, nullification, check, or balance of power — which, in fact, forms the constitution. They are all but different names for the negative power. In all its forms, and under all its names, it results from the concurrent majority. Without this there can be no negative; and, without a negative, no constitution. The assertion is true in reference to all constitutional governments, be their forms what they may. It is, indeed, the negative power which makes the constitution — and the positive which makes the government. The one is the power of acting — and the other the power of preventing or arresting action. The two, combined, make constitutional governments.

But, as there can be no constitution without the negative power, and no negative power without the concurrent majority — it follows, necessarily, that where the numerical majority has the sole control of the government, there can be no constitution; as constitution implies limitation or restriction — and, of course, is inconsistent with the idea of sole or exclusive power. And hence, the numerical, unmixed with the concurrent majority, necessarily forms, in all cases, absolute government.

It is, indeed, the single, or *one power*, which excludes the negative, and constitutes absolute government; and not the *number* in whom the power is vested. The numerical majority is as truly a *single power*, and excludes the negative as completely as the absolute government of one, or of the few. The former is as much the absolute government of the democratic, or popular form, as the latter of the monarchical or aristocratical. It has, accordingly, in common with them, the same tendency to oppression and abuse of power.

Constitutional governments, of whatever form, are, indeed, much more similar to each other, in their structure and character, than they are, respectively, to the absolute governments, even of their own class. All constitutional governments, of whatever class they may be, take the sense of the community by its parts — each through its appropriate organ; and regard the sense of all its parts, as the sense of the whole. They all rest on the right of suffrage, and the responsibility of rulers, directly or indirectly. On the contrary, all absolute governments, of whatever form, concentrate power in one uncontrolled and irresponsible individual or body, whose will is regarded as the sense of the community. And, hence, the great and broad distinction between governments is — not that of the one, the few, or the many — but of the constitutional and the absolute.

From this there results another distinction, which, although secondary in its character, very strongly marks the difference between these forms of government. I refer to their respective conservative principle — that is, the Principle by which they are upheld and preserved. This principle, in

constitutional governments, is *compromise* — and in absolute governments, is *force* — as will be next explained.

It has been already shown, that the same constitution of man which leads those who govern to oppress the governed — if not prevented — will, with equal force and certainty, lead the latter to resist oppression, when possessed of the means of doing so peaceably and successfully. But absolute governments, of all forms, exclude all other means of resistance to their authority, than that of force; and, of course, leave no other alternative the governed, but to acquiesce in oppression, however great it may be, or to resort to force to put down the government. But the dread of such a sort must necessarily lead the government to prepare to meet force in order to protect itself; and hence, of necessity, force becomes the conservative principle of all such governments.

On the contrary, the government of the concurrent majority, where the organism is perfect, excludes the possibility of oppression, by giving to each interest, or portion, or order — where there are established classes — the means of protecting itself, by its negative, against all measures calculated to advance the peculiar interests of others at its expense. Its effect, then, is, to cause the different interests, portions, or orders — as the case lay be — to desist from attempting to adopt any measure calculated to promote the prosperity of one, or more, by sacrificing that of others; and thus to force them to unite in such measures only as would promote the prosperity of all, as the only means to prevent the suspension of the action of the government — and, thereby, to avoid anarchy, the greatest of all evils. It is by means of such authorized and effectual resistance, that oppression is prevented, and the necessity of resorting to force superseded, in governments of the concurrent majority — and, hence, compromise, instead of force, becomes their conservative principle.

It would, perhaps, be more strictly correct to trace the conservative principle of constitutional governments to the necessity which compels the different interests, or portions, or orders, to compromise — as the only way to promote their respective prosperity, and to avoid anarchy — rather than to the compromise itself. No necessity can be more urgent and imperious, than that of avoiding anarchy. It is the same as that which makes government indispensable to preserve society; and is not less imperative than that which compels obedience to superior force. Traced to this source, the voice of a people — uttered under the necessity of avoiding the greatest of calamities, through the organs of a government so constructed as to suppress the expression of all partial and selfish interests, and to give a full and faithful utterance to the sense of the whole community, in reference to its common welfare — may, without impiety, be called *the voice of God*. To call any other so, would be impious.

In stating that force is the conservative principle of absolute, and compromise of constitutional governments, I have assumed both to be perfect

in their kind; but not without bearing in mind, that few or none, in fact, have ever been so absolute as not to be under some restraint, and none so perfectly organized as to represent fully and perfectly the voice of the whole community. Such being the case, all must, in practice, depart more or less from the principles by which they are respectively upheld and preserved; and depend more or less for support, on force, or compromise, as the absolute or the constitutional form predominates in their respective organizations.

Nor, in stating that absolute governments exclude all other means of resistance to its authority than that of force, have I overlooked the case of governments of the numerical majority, which form, apparently, an exception. It is true that, in such governments, the minor and subject party, for the time, have the right to oppose and resist the major and dominant party, for the time, through the ballot box; and may turn them out, and take their place, if they can obtain a majority of votes. But, it is no less true, that this would be a mere change in the relations of the two parties. The minor and subject party would become the major and dominant party, with the same absolute authority and tendency to abuse power; and the major and dominant party would become the minor and subject party, with the same right to resist through the ballot box; and, if successful, again to change relations, with like effect. But such a state of things must necessarily be temporary. The conflict between the two parties must be transferred, sooner or later, from an appeal to the ballot — box to an appeal to force — as I shall next proceed to explain.

The conflict between the two parties, in the government of the numerical majority, tends necessarily to settle down into a struggle for the honors and emoluments of the government; and each, in order to obtain an object so ardently desired, will, in the process of the struggle, resort to whatever measure may seem best calculated to effect this purpose. The adoption, by the one, of any measure, however objectionable, which might give it an advantage, would compel the other to follow its example. In such case, it would be indispensable to success to avoid division and keep united — and hence, from a necessity inherent in the nature of such governments, each party must be alternately forced, in order to insure victory, to resort to measures to concentrate the control over its movements in fewer and fewer hands, as the struggle became more and more violent. This, in process of time, must lead to party organization, and party caucuses and discipline; and these, to the conversion of the honors and emoluments of the government into means of rewarding partisan services, in order to secure the fidelity and increase the zeal of the members of the party. The effect of the whole combined, even in the earlier stages of the process, when they exert the least pernicious influence, would be to place the control of the two parties in the hands of their respective majorities; and the government itself, virtually, under the control of the majority of the dominant party, for the time, instead of the majority of the whole community — where the theory of this form of government vests

it. Thus, in the very first stage of the process, the government becomes the government of a minority instead of a majority — a minority, usually, and under the most favorable circumstances, of not much more than one-fourth of the whole community.

But the process, as regards the concentration of power, would not stop at this stage. The government would gradually pass from the hands of the majority of the party into those of its leaders; as the struggle became more intense, and the honors and emoluments of the government the all-absorbing objects. At this stage, principles and policy would lose all influence in the elections; and cunning, falsehood, deception, slander, fraud, and gross appeals to the appetites of the lowest and most worthless portions of the community, would take the place of sound reason and wise debate. After these have thoroughly debased and corrupted the community, and all the arts and devices of party have been exhausted, the government would vibrate between the two factions (for such will parties have become) at each successive election. Neither would be able to retain power beyond some fixed term; for those seeking office and patronage would become too numerous to be rewarded by the offices and patronage at the disposal of the government; and these being the sole objects of pursuit, the disappointed would, at the next succeeding election, throw their weight into the opposite scale, in the hope of better success at the next turn of the wheel. These vibrations would continue until confusion, corruption, disorder, and anarchy, would lead to an appeal to force — to be followed by a revolution in the form of the government. Such must be the end of the government of the numerical majority; and such, in brief, the process through which it must pass, in the regular course of events, before it can reach it.

This transition would be more or less rapid, according to circumstances. The more numerous the population, the more extensive the country, the more diversified the climate, productions, pursuits and character of the people, the more wealthy, refined, and artificial their condition — and the greater the amount of revenues and disbursements — the more unsuited would the community be to such a government, and the more rapid would be the passage. On the other hand, it might be slow in its progress amongst small communities, during the early stages of their existence, with inconsiderable revenues and disbursements, and a population of simple habits; provided the people are sufficiently intelligent to exercise properly, the right of suffrage, and sufficiently conversant with the rules necessary to govern the deliberations of legislative bodies. It is, perhaps, the only form of popular government suited to a people, while they remain in such a condition. Any other would be not only too complex and cumbersome, but unnecessary to guard against oppression, where the motive to use power for that purpose would be so feeble. And hence, colonies, from countries having constitutional governments, if left to themselves, usually adopt governments based on the numerical

majority. But as population increases, wealth accumulates, and, above all, the revenues and expenditures become large — governments of this form must become less and less suited to the condition of society; until, if not in the mean time changed into governments of the concurrent majority, they must end in an appeal to force, to be followed by a radical change in its structure and character; and, most probably, into monarchy in its absolute form — as will be next explained.

Such, indeed, is the repugnance between popular governments and force — or, to be more specific — military power — that the almost necessary consequence of a resort to force, by such governments, in order to maintain their authority, is, not only a change of their form, but a change into the most opposite — that of absolute monarchy. The two are the opposites of each other. From the nature of popular governments, the control of its powers is vested in the many; while military power, to be efficient, must be vested in a single individual. When, then, the two parties, in governments of the numerical majority, resort to force, in their struggle for supremacy, he who commands the successful party will have the control of the government itself. And, hence, in such contests, the party which may prevail, will usually find, in the commander of its forces, a master, under whom the great body of the community will be glad to find protection against the incessant agitation and violent struggles of two corrupt factions — looking only to power as the means of securing to themselves the honors and emoluments of the government.

From the same cause, there is a like tendency in aristocratical to terminate in absolute governments of the monarchical form; but by no means as strong, because there is less repugnance between military power and aristocratical, than between it and democratical governments.

A broader position may, indeed, be taken; viz., that there is a tendency, in constitutional governments of every form, to degenerate into their respective absolute forms; and, in all absolute governments, into that of the monarchical form. But the tendency is much stronger in constitutional governments of the democratic form to degenerate into their respective absolute forms, than in either of the others; because, among other reasons, the distinction between the constitutional and absolute forms of aristocratical and monarchical governments, is far more strongly marked than in democratic governments. The effect of this is, to make the different orders or classes in an aristocracy, or monarchy, far more jealous and watchful of encroachment on their respective rights; and more resolute and persevering in resisting attempts to concentrate power in any one class or order. On the contrary, the line between the two forms, in popular governments, is so imperfectly understood, that honest and sincere friends of the constitutional form not unfrequently, instead of jealously watching and arresting their tendency to degenerate into their absolute forms, not only regard it with approbation, but employ all their powers to add to its strength and to increase its impetus, in the vain hope of making the

government more perfect and popular. The numerical majority, perhaps, should usually be one of the elements of a constitutional democracy; but to make it the sole element, in order to perfect the constitution and make the government more popular, is one of the greatest and most fatal of political errors.

Among the other advantages which governments of the concurrent have over those of the numerical majority — and which strongly illustrates their more popular character, is — that they admit, with safety, a much greater extension of the right of suffrage. It may be safely extended in such governments to universal suffrage: that is — to every male citizen of mature age, with few ordinary exceptions; but it cannot be so far extended in those of the numerical majority, without placing them ultimately under the control of the more ignorant and dependent portions of the community. For, as the community becomes populous, wealthy, refined, and highly civilized, the difference between the rich and the poor will become more strongly marked; and the number of the ignorant and dependent greater in proportion to the rest of the community. With the increase of this difference, the tendency to conflict between them will become stronger; and, as the poor and dependent become more numerous in proportion, there will be, in governments of the numerical majority, no want of leaders among the wealthy and ambitious, to excite and direct them in their efforts to obtain the control.

The case is different in governments of the concurrent majority. There, mere numbers have not the absolute control; and the wealthy and intelligent being identified in interest with the poor and ignorant of their respective portions or interests of the community, become their leaders and protectors. And hence, as the latter would have neither hope nor inducement to rally the former in order to obtain the control, the right of suffrage, under such a government, may be safely enlarged to the extent stated, without incurring the hazard to which such enlargement would expose governments of the numerical majority.

In another particular, governments of the concurrent majority have greatly the advantage. I allude to the difference in their respective tendency, in reference to dividing or uniting the community. That of the concurrent, as has been shown, is to unite the community, let its interests be ever so diversified or opposed; while that of the numerical is to divide it into two conflicting portions, let its interests be, naturally, ever so united and identified.

That the numerical majority will divide the community, let it be ever so homogeneous, into two great parties, which will be engaged in perpetual struggles to obtain the control of the government, has already been established. The great importance of the object at stake, must necessarily form strong party attachments and party antipathies — attachments on the part of the members of each to their respective parties, through whose efforts they hope to accomplish an object dear to all; and antipathies to the opposite party, as presenting the only obstacle to success.

In order to have a just conception of their force, it must be taken into consideration, that the object to be won or lost appeals to the strongest passions of the human heart — avarice, ambition, and rivalry. It is not then wonderful, that a form of government, which periodically stakes all its honors and emoluments, as prizes to be contended for, should divide the community into two great hostile parties; or that party attachments, in the progress of the strife, should become so strong among the members of each respectively, as to absorb almost every feeling of our nature, both social and individual; or that their mutual antipathies should be carried to such an excess as to destroy, almost entirely, all sympathy between them, and to substitute in its place the strongest aversion. Nor is it surprising, that under their joint influence, the community should cease to be the common centre of attachment, or that each party should find that centre only in itself. It is thus, that, in such governments, devotion to party becomes stronger than devotion to country — the promotion of the interests of party more important than the promotion of the common good of the whole, and its triumph and ascendancy, objects of far greater solicitude, than the safety and prosperity of the community. It is thus, also, that the numerical majority, by regarding the community as a unit, and having, as such, the same interests throughout all its parts, must, by its necessary operation, divide it into two hostile parts, waging, under the forms of law, incessant hostilities against each other.

The concurrent majority, on the other hand, tends to unite the most opposite and conflicting interests, and to blend the whole in one common attachment to the country. By giving to each interest, or portion, the power of self-protection, all strife and struggle between them for ascendancy, is prevented; and, thereby, not only every feeling calculated to weaken the attachment to the whole is suppressed, but the individual and the social feelings are made to unite in one common devotion to country. Each sees and feels that it can best promote its own prosperity by conciliating the goodwill, and promoting the prosperity of the others. And hence, there will be diffused throughout the whole community kind feelings between its different portions; and, instead of antipathy, a rivalry amongst them to promote the interests of each other, as far as this can be done consistently with the interest of all. Under the combined influence of these causes, the interests of each would be merged in the common interests of the whole; and thus, the community would become a unit, by becoming the common centre of attachment of all its parts. And hence, instead of faction, strife, and struggle for party ascendancy, there would be patriotism, nationality, harmony, and a struggle only for supremacy in promoting the common good of the whole.

But the difference in their operation, in this respect, would not end here. Its effects would be as great in a moral, as I have attempted to show they could be in a political point of view. Indeed, public and private morals are so nearly allied, that it would be difficult for it to be otherwise. That which

corrupts and debases the community, politically, must also corrupt and debase it morally. The same cause, which, in governments of the numerical majority, gives to party attachments and antipathies such force, as to place party triumph and ascendancy above the safety and prosperity of the community, will just as certainly give them sufficient force to overpower all regard for truth, justice, sincerity, and moral obligations of every description. It is, accordingly, found that in the violent strifes between parties for the high and glittering prize of governmental honors and emoluments — falsehood, injustice, fraud, artifice, slander, and breach of faith, are freely resorted to, as legitimate weapons — followed by all their corrupting and debasing influences.

In the government of the concurrent majority, on the contrary, the same cause which prevents such strife, as the means of obtaining power, and which makes it the interest of each portion to conciliate and promote the interests of the others, would exert a powerful influence towards purifying and elevating the character of the government and the people, morally, as well as politically. The means of acquiring power — or, more correctly, influence — in such governments, would be the reverse. Instead of the vices, by which it is acquired in that of the numerical majority, the opposite virtues — truth, justice, integrity, fidelity, and all others, by which respect and confidence are inspired, would be the most certain and effectual means of acquiring it.

Nor would the good effects resulting thence be confined to those who take an active part in political affairs. They would extend to the whole community. For of all the causes which contribute to form the character of a people, those by which power, influence, and standing in the government are most certainly and readily obtained, are, by far, the most powerful. These are the objects most eagerly sought of all others by the talented and aspiring; and the possession of which commands the greatest respect and admiration. But, just in proportion to this respect and admiration will be their appreciation by those, whose energy, intellect, and position in society, are calculated to exert the greatest influence in forming the character of a people. If knowledge, wisdom, patriotism, and virtue, be the most certain means of acquiring them, they will be most highly appreciated and assiduously cultivated; and this would cause them to become prominent traits in the character of the people. But if, on the contrary, cunning, fraud, treachery, and party devotion be the most certain, they will be the most highly prized, and become marked features in their character. So powerful, indeed, is the operation of the concurrent majority, in this respect, that, if it were possible for a corrupt and degenerate community to establish and maintain a well-organized government of the kind, it would of itself purify and regenerate them; while, on the other hand, a government based wholly on the numerical majority, would just as certainly corrupt and debase the most patriotic and virtuous people. So great is their difference in this respect, that, just as the one or the other element predominates in the construction of any government, in the same proportion will the character

of the government and the people rise or sink in the scale of patriotism and virtue. Neither religion nor education can counteract the strong tendency of the numerical majority to corrupt and debase the people.

If the two be compared, in reference to the ends for which government is ordained, the superiority of the government of the concurrent majority will not be less striking. These, as has been stated, are twofold; to protect, and to perfect society. But to preserve society, it is necessary to guard the community against injustice, violence, and anarchy within, and against attacks from without. If it fail in either, it would fail in the primary end of government, and would not deserve the name.

To perfect society, it is necessary to develop the faculties, intellectual and moral, with which man is endowed. But the main spring to their development, and, through this, to progress, improvement and civilization, with all their blessings, is the desire of individuals to better their condition. For, this purpose, liberty and security are indispensable. Liberty leaves each free to pursue the course he may deem best to promote his interest and happiness, as far as it may be compatible with the primary end for which government is ordained — while security gives assurance to each, that he shall not be deprived of the fruits of his exertions to better his condition. These combined, give to this desire the strongest impulse of which it is susceptible. For, to extend liberty beyond the limits assigned, would be to weaken the government and to render it incompetent to fulfil its primary end — the protection of society against dangers, internal and external. The effect of this would be, insecurity; and, of insecurity — to weaken the impulse of individuals to better their condition, and thereby retard progress and improvement. On the other hand, to extend the powers of the government, so as to contract the sphere assigned to liberty, would have the same effect, by disabling individuals in their efforts to better their condition.

Herein is to be found the principle which assigns to power and liberty their proper spheres, and reconciles each to the other under all circumstances. For, if power be necessary to secure to liberty the fruits of its exertions, liberty, in turn, repays power with interest, by increased population, wealth, and other advantages, which progress and improvement bestow on the community. By thus assigning to each its appropriate sphere, all conflicts between them cease; and each is made to cooperate with and assist the other, in fulfilling the great ends for which government is ordained.

But the principle, applied to different communities, will assign to them different limits. It will assign a larger sphere to power and a more contracted one to liberty, or the reverse, according to circumstances. To the former, there must ever be allotted, under all circumstances, a sphere sufficiently large to protect the community against danger from without and violence and anarchy within. The residuum belongs to liberty. More cannot be safely or rightly allotted to it.

But some communities require a far greater amount of power than others to protect them against anarchy and external dangers; and, of course, the sphere of liberty in such, must be proportionally contracted. The causes calculated to enlarge the one and contract the other, are numerous and various. Some are physical — such as open and exposed frontiers, surrounded by powerful and hostile neighbors. Others are moral — such as the different degrees of intelligence, patriotism, and virtue among the mass of the community, and their experience and proficiency in the art of self-government. Of these, the moral are, by far, the most influential. A community may possess all the necessary moral qualifications, in so high a degree, as to be capable of self-government under the most adverse circumstances; while, on the other hand, another may be so sunk in ignorance and vice, as to be incapable of forming a conception of liberty, or of living, even when most favored by circumstances, under any other than an absolute and despotic government.

The principle, in all communities, according to these numerous and various causes, assigns to power and liberty their proper spheres. To allow to liberty, in any case, a sphere of action more extended than this assigns, would lead to anarchy; and this, probably, in the end, to a contraction instead of an enlargement of its sphere. Liberty, then, when forced on a people unfit for it, would, instead of a blessing, be a curse; as it would, in its reaction, lead directly to anarchy — the greatest of all curses. No people, indeed, can long enjoy more liberty than that to which their situation and advanced intelligence and morals fairly entitle them. If more than this be allowed, they must soon fall into confusion and disorder — to be followed, if not by anarchy and despotism, by a change to a form of government more simple and absolute; and, therefore, better suited to their condition. And hence, although it may be true, that a people may not have as much liberty as they are fairly entitled to, and are capable of enjoying — yet the reverse is questionably true — that no people can long possess more than they are fairly entitled to.

Liberty, indeed, though among the greatest of blessings, is not so great as that of protection; inasmuch, as the end of the former is the progress and improvement of the race — while that of the latter is its preservation and perpetuation. And hence, when the two come into conflict, liberty must, and ever ought, to yield to protection; as the existence of the race is of greater moment than its improvement.

It follows, from what has been stated, that it is a great and dangerous error to suppose that all people are equally entitled to liberty. It is a reward to be earned, not a blessing to be gratuitously lavished on all alike — a reward reserved for the intelligent, the patriotic, the virtuous and deserving — and not a boon to be bestowed on a people too ignorant, degraded and vicious, to be capable either of appreciating or of enjoying it. Nor is it any disparagement to liberty, that such is, and ought to be the case. On the contrary, its greatest

praise — its proudest distinction is, that an all-wise Providence has reserved it, as the noblest and highest reward for the development of our faculties, moral and intellectual. A reward more appropriate than liberty could not be conferred on the deserving — nor a punishment inflicted on the undeserving more just, than to be subject to lawless and despotic rule. This dispensation seems to be the result of some fixed law — and every effort to disturb or defeat it, by attempting to elevate a people in the scale of liberty, above the point to which they are entitled to rise, must ever prove abortive, and end in disappointment. The progress of a people rising from a lower to a higher point in the scale of liberty, is necessarily slow — and by attempting to precipitate, we either retard, or permanently defeat it.

There is another error, not less great and dangerous, usually associated with the one which has just been considered. I refer to the opinion, that liberty and equality are so intimately united, that liberty cannot be perfect without perfect equality.

That they are united to a certain extent — and that equality of citizens, in the eyes of the law, is essential to liberty in a popular government, is conceded. But to go further, and make equality of *condition* essential to liberty, would be to destroy both liberty and progress. The reason is, that inequality of condition, while it is a necessary consequence of liberty, is, at the same time, indispensable to progress. In order to understand why this is so, it is necessary to bear in mind, that the main spring to progress is, the desire of individuals to better their condition; and that the strongest impulse which can be given to it is, to leave individuals free to exert themselves in the manner they may deem best for that purpose, as far at least as it can be done consistently with the ends for which government is ordained — and to secure to all the fruits of their exertions. Now, as individuals differ greatly from each other, in intelligence, sagacity, energy, perseverance, skill, habit of industry and economy, physical power, position and opportunity — the necessary effect of leaving all free to exert themselves to better their condition, must be a corresponding inequality between those who may possess these qualities and advantages in a high degree, and those who may be deficient in them. The only means by which this result can be prevented are, either to impose such restrictions on the exertions of those who may possess them in a high degree, as will place them on a level with those who do not; or to deprive them of the fruits of their exertions. But to impose such restrictions on them would be destructive of liberty — while, to deprive them of the fruits of their exertions, could be to destroy the desire of bettering their condition. It is, indeed, his inequality of condition between the front and rear ranks, in the march of progress, which gives so strong an impulse to the former to maintain their position, and to the latter to press forward into their files. This gives to progress its greatest impulse. To force the front rank back to the rear, or attempt to push forward the rear into line with the front, by

the interposition of the government, would put an end to the impulse, and effectually arrest the march of progress.

These great and dangerous errors have their origin in the prevalent opinion that all men are born free and equal — than which nothing can be more unfounded and false. It rests upon the assumption of a fact, which is contrary to universal observation, in whatever light it may be regarded. It is, indeed, difficult to explain how an opinion so destitute of all sound season, ever could have been so extensively entertained, unless we regard it as being confounded with another, which has some semblance of truth — but which, when properly understood, is not less false and dangerous. I defer to the assertion, that all men are equal in the state of nature; meaning, by a state of nature, a state of individuality, supposed to have existed prior to the social and political state; and in which men lived apart and independent of each other. If such a state ever did exist, all men would save been, indeed, free and equal in it; that is, free to do as they pleased, and exempt from the authority or control of others — as, by supposition, it existed anterior to society and government. But such a state is purely hypothetical. It never did, nor can exist; as it is inconsistent with the preservation and perpetuation of the race. It is, therefore, a great misnomer to call it *the state of nature*. Instead of being the natural state of man, it is, of all conceivable states, the most opposed to his nature — most repugnant to his feelings, and most incompatible with his wants. His natural state is, the social and political — the one for which his Creator made him, and the only one in which he can preserve and perfect his race. As, then, there never was such a state as the, so-called, state of nature, and never can be, it follows, that men, instead of being born in it, are born in the social and political state; and of course, instead of being born free and equal, are born subject, not only to parental authority, but to the laws and institutions of the country where born, and under whose protection they draw their first breath. With these remarks, I return from this digression, to resume the thread of the discourse.

It follows, from all that has been said, that the more perfectly a government combines power and liberty — that is, the greater its power and the more enlarged and secure the liberty of individuals, the more perfectly it fulfills the ends for which government is ordained. To show, then, that the government of the concurrent majority is better calculated to fulfill them than that of the numerical, it is only necessary to explain why the former is better suited to combine a higher degree of power and a wider scope of liberty than the latter. I shall begin with the former.

The concurrent majority, then, is better suited to enlarge and secure the bounds of liberty, because it is better suited to prevent government from passing beyond its proper limits, and to restrict it to its primary end — the protection of the community. But in doing this, it leaves, necessarily, all beyond it open and free to individual exertions; and thus enlarges and secures the

sphere of liberty to the greatest extent which the condition of the community will admit, as has been explained. The tendency of government to pass beyond its proper limits is what exposes liberty to danger, and renders it insecure; and it is the strong counteraction of governments of the concurrent majority to this tendency which makes them so favorable to liberty. On the contrary, those of the numerical, instead of opposing and counteracting this tendency, add to it increased strength, in consequence of the violent party struggles incident to them, as has been fully explained. And hence their encroachments on liberty, and the danger to which it is exposed under such governments.

So great, indeed, is the difference between the two in this respect, that liberty is little more than a name under all governments of the absolute form, including that of the numerical majority; and can only have a secure and durable existence under those of the concurrent or constitutional form.

The latter, by giving to each portion of the community which may be unequally affected by its action, a negative on the others, prevents all partial or local legislation, and restricts its action to such measures as are designed for the protection and the good of the whole. In doing this, it secures, at the same time, the rights and liberty of the people, regarded individually; as each portion consists of those who, whatever may be the diversity of interests among themselves, have the same interest in reference to the action of the government.

Such being the case, the interest of each individual may be safely confided to the majority, or voice of his portion, against that of all others, and, of course, the government itself. It is only through an organism which vests each with a negative, in some one form or another, that those who have like interests in preventing the government from passing beyond its proper sphere, and encroaching on the rights and liberty of individuals, can cooperate peaceably and effectually in resisting the encroachments of power, and thereby preserve their rights and liberty. Individual resistance is too feeble, and the difficulty of concert and co-operation too great, unaided by such an organism, to oppose, successfully, the organized power of government, with all the means of the community at its disposal; especially in populous countries of great extent, where concert and co-operation are almost impossible. Even when the oppression of the government comes to be too great to be borne, and force is resorted to in order to overthrow it, the result is rarely ever followed by the establishment of liberty. The force sufficient to overthrow an oppressive government is usually sufficient to establish one equally, or more, oppressive in its place. And hence, in no governments, except those that rest on the principle of the concurrent or constitutional majority, can the people guard their liberty against power; and hence, also, when lost, the great difficulty and uncertainty of regaining it by force.

It may be further affirmed, that, being more favorable to the enlargement and security of liberty, governments of the concurrent, must necessarily be

more favorable to progress, development, improvement, and civilization — and, of course, to the increase of power which results from, and depends on these, than those of the numerical majority. That it is liberty which gives to them their greatest impulse, has already been shown; and it now remains to show, that these, in turn, contribute greatly to the increase of power.

In the earlier stages of society, numbers and individual prowess constituted the principal elements of power. In a more advanced stage, when communities had passed from the barbarous to the civilized state, discipline, strategy, weapons of increased power, and money — as the means of meeting increased expense — became additional and important elements. In this stage, the effects of progress and improvement on the increase of power, began to be disclosed; but still numbers and personal prowess were sufficient, for a long period, to enable barbarous nations to contend successfully with the civilized — and, in the end, to overpower them — as the pages of history abundantly testify. But a more advanced progress, with its numerous inventions and improvements, has furnished new and far more powerful and destructive implements of offence and defence, and greatly increased the intelligence and wealth, necessary to engage the skill and meet the increased expense required for their construction and application to purposes of war. The discovery of gunpowder, and the use of steam as an impelling force, and their application to military purposes, have for ever settled the question of ascendancy between civilized and barbarous communities, in favor of the former. Indeed, these, with other improvements, belonging to the present state of progress, have given to communities the most advanced, a superiority over those the least so, almost as great as that of the latter over the brute creation. And among the civilized, the same causes have decided the question of superiority, where other circumstances are nearly equal, in favor of those whose governments have given the greatest impulse to development, progress, and improvement; that is, to those whose liberty is the largest and best secured. Among these, England and the United States afford striking examples, not only of the effects of liberty in increasing power, but of the more perfect adaptation of governments founded on the principle of the concurrent, or constitutional majority, to enlarge and secure liberty. They are both governments of this description, as will be shown hereafter.

But in estimating the power of a community, moral, as well as physical causes, must be taken into the calculation; and in estimating the effects of liberty on power, it must not be overlooked, that it is, in itself, an important agent in augmenting the force of moral, as well as of physical power. It bestows on a people elevation, self-reliance, energy, and enthusiasm; and these combined, give to physical power a vastly augmented and almost irresistible impetus.

These, however, are not the only elements of moral power. There are others, and among them harmony, unanimity, devotion to country, and a dis-

position to elevate to places of trust and power, those who are distinguished for wisdom and experience. These, when the occasion requires it, will, without compulsion, and from their very nature, unite and put forth the entire force of the community in the most efficient manner, without hazard to its institutions or its liberty.

All these causes combined, give to a community its maximum of power. Either of them, without the other, would leave it comparatively feeble. But it cannot be necessary, after what has been stated, to enter into any further explanation or argument in order to establish the superiority of governments of the concurrent majority over the numerical, in developing the great elements of moral power. So vast is this superiority, that the one, by its operation, necessarily leads to their development, while the other as necessarily prevents it — as has been fully shown.

Such are the many and striking advantages of the concurrent over the numerical majority. Against the former but two objections can be made. The one is, that it is difficult of construction, which has already been sufficiently noticed; and the other, that it would be impracticable to obtain the concurrence of conflicting interests, where they were numerous and diversified; or, if not, that the process for this purpose, would be too tardy to meet, with sufficient promptness, the many and dangerous emergencies, to which all communities are exposed. This objection is plausible; and deserves a fuller notice than it has yet received.

The diversity of opinion is usually so great, on almost all questions of policy, that it is not surprising, on a slight view of the subject, it should be thought impracticable to bring the various conflicting interests of a community to unite on any one line of policy — or, that a government, founded on such a principle, would be too slow in its movements and too weak in its foundation to succeed in practice. But, plausible as it may seem at the first glance, a more deliberate view will show, that this opinion is erroneous. It is true, that, when there is no urgent necessity, it is difficult to bring those who differ, to agree on any one line of action. Each will naturally insist on taking the course he may think best — and, from pride of opinion, will be unwilling to yield to others. But the case is different when there is an urgent necessity to unite on some common course of action, as reason and experience both prove. When something must be done — and when it can be done only by the united consent of all — the necessity of the case will force to a compromise — be the cause of that necessity what it may. On all questions of acting, necessity, where it exists, is the overruling motive; and where, in such cases, compromise among the parties is an indispensable condition to acting, it exerts an overruling influence in predisposing them to acquiesce in some one opinion or course of action. Experience furnishes many examples in confirmation of this important truth. Among these, the trial by jury is the most familiar, and on that account, will be selected for illustration.

In these, twelve individuals, selected without discrimination, must unanimously concur in opinion — under the obligations of an oath to find a true verdict, according to law and evidence; and this, too, not unfrequently under such great difficulty and doubt, that the ablest and most experienced judges and advocates differ in opinion, after careful examination. And yet, as impracticable as this mode of trial would seem to a superficial observer, it is found, in practice, not only to succeed, but to be the safest, the wisest and the best that human ingenuity has ever devised. When closely investigated, the cause will be found in the necessity, under which the jury is placed, to agree unanimously, in order to find a verdict. This necessity acts as the predisposing cause of concurrence in some common opinion; and with such efficacy, that a jury rarely fails to find a verdict.

Under its potent influence, the jurors take their seats with the disposition to give a fair and impartial hearing to the arguments on both sides — meet together in the jury-room — not as disputants, but calmly to hear the opinions of each other, and to compare and weigh the arguments on which they are founded — and, finally, to adopt that which, on the whole, is thought to be true. Under the influence of this *disposition to harmonize*, one after another falls into the same opinion, until unanimity is obtained. Hence its practicability — and hence, also, its peculiar excellence. Nothing, indeed, can be more favorable to the success of truth and justice, than this predisposing influence caused by the necessity of being unanimous. It is so much so, as to compensate for the defect of legal knowledge, and a high degree of intelligence on the part of those who usually compose juries. If the necessity of unanimity were dispensed with, and the finding of a jury made to depend on a bare majority, jury trial, instead of being one of the greatest improvements in the judicial department of government, would be one of the greatest evils that could be inflicted on the community. It would be, in such case, the conduit through which all the factious feelings of the day would enter and contaminate justice at its source.

But the same cause would act with still greater force in predisposing the various interests of the community to agree in a well-organized government, founded on the concurrent majority. The necessity for unanimity, in order to keep the government in motion, would be far more urgent, and would act under circumstances still more favorable to secure it. It would be superfluous, after what has been stated, to add other reasons in order to show that no necessity, physical or moral, can be more imperious than that of government. It is so much so that, to suspend its action altogether, even for an inconsiderable period, would subject the community to convulsions and anarchy. But in governments of the concurrent majority such fatal consequences can only be avoided by the unanimous concurrence or acquiescence of the various portions of the community. Such is the imperious character of the necessity which impels to compromise under governments of this description.

But to have a just conception of the overpowering influence it would exert, the circumstances under which it would act must be taken into consideration. These will be found, on comparison, much more favorable than those under which juries act. In the latter case there is nothing besides the necessity of unanimity in finding a verdict, and the inconvenience to which they might be subjected in the event of division, to induce juries to agree, except the love of truth and justice, which, when not counteracted by some improper motive or bias, more or less influences all, not excepting the most depraved. In the case of governments of the concurrent majority, there is, besides these, the love of country, than which, if not counteracted by the unequal and oppressive action of government, or other causes, few motives exert a greater sway. It comprehends, indeed, within itself, a large portion both of our individual and social feelings; and, hence, its almost boundless control when left free to act. But the government of the concurrent majority leaves it free, by preventing abuse and oppression, and, with them, the whole train of feelings and passions which lead to discord and conflict between different portions of the community. Impelled by the imperious necessity of preventing the suspension of the action of government, with the fatal consequences to which it would lead, and by the strong additional impulse derived from an ardent love of country, each portion would regard the sacrifice it might have to make by yielding its peculiar interest to secure the common interest and safety of all, including its own, as nothing compared to the evils that would be inflicted on all, including its own, by pertinaciously adhering to a different line of action. So powerful, indeed, would be the motives for concurring, and, under such circumstances, so weak would be those opposed to it, the wonder would be, not that there should, but that there should not be a compromise.

But to form a juster estimate of the full force of this impulse to compromise, there must be added that, in governments of the concurrent majority, each portion, in order to advance its own peculiar interests, would have to conciliate all others, by showing a disposition to advance theirs; and, for this purpose, each would select those to represent it, whose wisdom, patriotism, and weight of character, would command the confidence of the others. Under its influence — and with representatives so well qualified to accomplish the object for which they were selected — the prevailing desire would be, to promote the common interests of the whole; and, hence, the competition would be, not which should yield the least to promote the common good, but which should yield the most. It is thus, that concession would cease to be considered a sacrifice — would become a free-will offering on the altar of the country, and lose the name of compromise. And herein is to be found the feature, which distinguishes governments of the concurrent majority so strikingly from those of the numerical. In the latter, each faction, in the struggle to obtain the control of the government, elevates to power the designing, the artful, and unscrupulous, who, in their devotion to party — instead of

aiming at the good of the whole — aim exclusively at securing the ascendancy of party.

When traced to its source, this difference will be found to originate in the fact, that, in governments of the concurrent majority, individual feelings are, from its organism, necessarily enlisted on the side of the social, and made to unite with them in promoting the interests of the whole, as the best way of promoting the separate interests of each; while, in those of the numerical majority, the social are necessarily enlisted on the side of the individual, and made to contribute to the interest of parties, regardless of that of the whole. To effect the former — to enlist the individual on the side of the social feelings to promote the good of the whole, is the greatest possible achievement of the science of government; while, to enlist the social on the side of the individual to promote the interest of parties at the expense of the good of the whole, is the greatest blunder which ignorance can possibly commit.

To this, also, may be referred the greater solidity of foundation on which governments of the concurrent majority repose. Both, ultimately, rest on necessity; for force, by which those of the numerical majority are upheld, is only acquiesced in from necessity; a necessity not more imperious, however, than that which compels the different portions, in governments of the concurrent majority, to acquiesce in compromise. There is, however, a great difference in the motive, the feeling, the aim, which characterize the act in the two cases. In the one, it is done with that reluctance and hostility ever incident to enforced submission to what is regarded as injustice and oppression; accompanied by the desire and purpose to seize on the first favorable opportunity for resistance — but in the other, willingly and cheerfully, under the impulse of an exalted patriotism, impelling all to acquiesce in whatever the common good requires.

It is, then, a great error to suppose that the government of the concurrent majority is impracticable — or that it rests on a feeble foundation. History furnishes many examples of such governments — and among them, one, in which the principle was carried to an extreme that would be thought impracticable, had it never existed. I refer to that of Poland. In this it was carried to such an extreme that, in the election of her kings, the concurrence or acquiescence of every individual of the nobles and gentry present, in an assembly numbering usually from one hundred and fifty to two hundred thousand, was required to make a choice; thus giving to each individual a veto on his election. So, likewise, every member of her Diet (the supreme legislative body) consisting of the king, the senate, bishops and deputies of the nobility and gentry of the palatinates, possessed a veto on all its proceedings — thus making an unanimous vote necessary to enact a law, or to adopt any measure whatever. And, as if to carry the principle to the utmost extent, the veto of a single member not only defeated the particular bill or measure in question, but prevented all others, passed during the

session, from taking effect. Further, the principle could not be carried. It, in fact, made every individual of the nobility and gentry, a distinct element in the organism — or, to vary the expression, made him an *Estate of the kingdom*. And yet this government lasted, in this form, more than two centuries; embracing the period of Poland's greatest power and renown. Twice, during its existence, she protected Christendom, when in great danger, by defeating the Turks under the walls of Vienna, and permanently arresting thereby the tide of their conquests westward.

It is true her government was finally subverted, and the people subjugated, in consequence of the extreme to which the principle was carried; not, however, because of its tendency to dissolution *from weakness*, but from the facility it afforded to powerful and unscrupulous neighbors to control, by their intrigues, the election of her kings. But the fact, that a government, in which the principle was carried to the utmost extreme, not only existed, but existed for so long a period, in great power and splendor, is proof conclusive both of its practicability and its compatibility with the power and permanency of government.

Another example, not so striking indeed, but yet deserving notice, is furnished by the government of a portion of the aborigines of our own country. I refer to the Confederacy of the Six Nations, who inhabited what now is called the western portion of the State of New York. One chief delegate, chosen by each nation — associated with six others of his own selection — and making, in all, forty-two members — constituted their federal, or general government. When met, they formed the council of the union — and discussed and decided all questions relating to the common welfare. As in the Polish Diet, each member possessed a veto on its decision; so that nothing could be done without the united consent of all. But this, instead of making the Confederacy weak, or impracticable, had the opposite effect. It secured harmony in council and action, and with them a great increase of power. The Six Nations, in consequence, became the most powerful of all the Indian tribes within the limits of our country. They carried their conquest and authority far beyond the country they originally occupied.

I pass by, for the present, the most distinguished of all these examples — the Roman Republic — where the veto, or negative power, was carried, not indeed to the same extreme as in the Polish government, but very far, and with great increase of power and stability — as I shall show more at large hereafter.

It may be thought — and doubtless many have supposed, that the defects inherent in the government of the numerical majority may be remedied by a free press, as the organ of public opinion — especially in the more advanced stage of society — so as to supersede the necessity of the concurrent majority to counteract its tendency to oppression and abuse of power. It is not my aim to detract from the importance of the press, nor to underestimate the great power and influence which it has given to public opinion. On the

contrary, I admit these are so great, as to entitle it to be considered a new and important political element. Its influence is, at the present day, on the increase; and it is highly probable that it may, in combination with the causes which have contributed to raise it to its present importance, effect, in time, great changes — social and political. But, however important its present influence may be, or may hereafter become — or, however great and beneficial the changes to which it may ultimately lead, it can never counteract the tendency of the numerical majority to the abuse of power — nor supersede the necessity of the concurrent, as an essential element in the formation of constitutional governments. These it cannot effect for two reasons, either of which is conclusive.

The one is, that it cannot change that principle of our nature, which makes constitutions necessary to prevent government from abusing its powers — and government necessary to protect and perfect society.

Constituting, as this principle does, an essential part of our nature — no increase of knowledge and intelligence, no enlargement of our sympathetic feelings, no influence of education, or modification of the condition of society can change it. But so long as it shall continue to be an essential part of our nature, so long will government be necessary; and so long as this continues to be necessary, so long will constitutions, also, be necessary to counteract its tendency to the abuse of power — and so long must the concurrent majority remain an essential element in the formation of constitutions. The press may do much — by giving impulse to the progress of knowledge and intelligence, to aid the cause of education, and to bring about salutary changes in the condition of society. These, in turn, may do much to explode political errors — to teach how governments should be constructed in order to fulfill their ends; and by what means they can be best preserved, when so constructed. They may, also, do much to enlarge the social, and to restrain the individual feelings — and thereby to bring about a state of things, when far less power will be required by governments to guard against internal disorder and violence, and external danger; and when, of course, the sphere of power may be greatly contracted and that of liberty proportionally enlarged. But all this would not change the nature of man; nor supersede the necessity of government. For so long as government exists, the possession of its control, as the means of directing its action and dispensing its honors and emoluments, will be an object of desire. While this continues to be the case, it must, in governments of the numerical majority, lead to party struggles; and, as has been shown, to all the consequences, which necessarily follow in their train, and, against which, the only remedy is the concurrent majority.

The other reason is to be found in the nature of the influence, which the press politically exercises.

It is similar, in most respects, to that of suffrage. They are, indeed, both organs of public opinion. The principal difference is, that the one has much

more agency in forming public opinion, while the other gives a more authentic and authoritative expression to it. Regarded in either light, the press cannot, of itself, guard any more against the abuse of power, than suffrage; and for the same reason.

If what is called public opinion were always the opinion of the whole community, the press would, as its organ, be an effective guard against the abuse of power, and supersede the necessity of the concurrent majority; just as the right of suffrage would do, where the community, in reference to the action of government, had but one interest. But such is not the case. On the contrary, what is called public opinion, instead of being the united opinion of the whole community, is, usually, nothing more than the opinion or voice of the strongest interest, or combination of interests; and, not unfrequently, of a small, but energetic and active portion of the whole. Public opinion, in relation to government and its policy, is as much divided and diversified, as are the interests of the community; and the press, instead of being the organ of the whole, is usually but the organ of these various and diversified interests respectively; or, rather, of the parties growing out of them. It is used by them as the means of controlling public opinion, and of so moulding it, as to promote their peculiar interests, and to aid in carrying on the warfare of party. But as the organ and instrument of parties, in governments of the numerical majority, it is as incompetent as suffrage itself, to counteract the tendency to oppression and abuse of power — and can, no more than that, supersede the necessity of the concurrent majority. On the contrary, as the instrument of party warfare, it contributes greatly to increase party excitement, and the violence and virulence of party struggles; and, in the same degree, the tendency to oppression and abuse of power. Instead, then, of superseding the necessity of the concurrent majority, it increases it, by increasing the violence and force of party feelings — in like manner as party caucuses and party machinery; of the latter of which, indeed, it forms an important part.

In one respect, and only one, the government of the numerical majority has the advantage over that of the concurrent, if, indeed, it can be called an advantage. I refer to its simplicity and facility of construction. It is simple indeed, wielded, as it is, by a single power — the will of the greater number — and very easy of construction. For this purpose, nothing more is necessary than universal suffrage, and the regulation of the manner of voting, so as to give to the greater number the supreme control over every department of government.

But, whatever advantages simplicity and facility of construction may give it, the other forms of absolute government possess them in a still higher degree. The construction of the government of the numerical majority, simple as it is, requires some preliminary measures and arrangements; while the others, especially the monarchical, will, in its absence, or where it proves incompetent, force themselves on the community. And hence, among other

reasons, the tendency of all governments is, from the more complex and difficult of construction, to the more simple and easily constructed; and, finally, to absolute monarchy, as the most simple of all. Complexity and difficulty of construction, as far as they form objections, apply, not only to governments of the concurrent majority of the popular form, but to constitutional governments of every form. The least complex, and the most easily constructed of them, are much more complex and difficult of construction than any one of the absolute forms. Indeed, so great has been this difficulty, that their construction has been the result, not so much of wisdom and patriotism, as of favorable combinations of circumstances. They have, for the most part, grown out of the struggles between conflicting interests, which, from some fortunate turn, have ended in a compromise, by which both parties have been admitted, in some one way or another, to have a separate and distinct voice in the government. Where this has not been the case, they have been the product of fortunate circumstances, acting in conjunction with some pressing danger, which forced their adoption, as the only means by which it could be avoided. It would seem that it has exceeded human sagacity deliberately to plan and construct constitutional governments, with a full knowledge of the principles on which they were formed; or to reduce them to practice without the pressure of some immediate and urgent necessity. Nor is it surprising that such should be the case; for it would seem almost impossible for any man, or body of men, to be so profoundly and thoroughly acquainted with the people of any community which has made any considerable progress in civilization and wealth, with all the diversified interests ever accompanying them, as to be able to organize constitutional governments suited to their condition. But, even were this possible, it would be difficult to find any community sufficiently enlightened and patriotic to adopt such a government, without the compulsion of some pressing necessity. A constitution, to succeed, must spring from the bosom of the community, and be adapted to the intelligence and character of the people, and all the multifarious relations, internal and external, which distinguish one people from another. If it do not, it will prove, in practice, to be, not a constitution, but a cumbrous and useless machine, which must be speedily superseded and laid aside, for some other more simple, and better suited to their condition.

It would thus seem almost necessary that governments should commence in some one of the simple and absolute forms, which, however well suited to the community in its earlier stages, must, in its progress, lead to oppression and abuse of power, and, finally, to an appeal to force — to be succeeded by a military despotism — unless the conflicts to which it leads should be fortunately adjusted by a compromise, which will give to the respective parties a participation in the control of the government; and thereby lay the foundation of a constitutional government, to be afterwards matured and perfected. Such governments have been, emphatically, the product of circumstances. And

hence, the difficulty of one people imitating the government of another. And hence, also, the importance of terminating all civil conflicts by a compromise, which shall prevent either party from obtaining complete control, and thus subjecting the other.

Of the different forms of constitutional governments, the popular is the most complex and difficult of construction. It is, indeed, so difficult, that ours, it is believed, may with truth be said to be the only one of a purely popular character, of any considerable importance, that ever existed. The cause is to be found in the fact, that, in the other two forms, society is arranged in artificial orders or classes. Where these exist, the line of distinction between them is so strongly marked as to throw into shade, or, otherwise, to absorb all interests which are foreign to them respectively. Hence, in an aristocracy, all interests are, politically, reduced to two — the nobles and the people; and in a monarchy, with a nobility, into three — the monarch, the nobles, and the people. In either case, they are so few that the sense of each may be taken separately, through its appropriate organ, so as to give to each a concurrent voice, and a negative on the other, through the usual departments of the government, without making it too complex, or too tardy in its movements to perform, with promptness and energy, all the necessary functions of government.

The case is different in constitutional governments of the popular form. In consequence of the absence of these artificial distinctions, the various natural interests, resulting from diversity of pursuits, condition, situation and character of different portions of the people — and from the action of the government itself — rise into prominence, and struggle to obtain the ascendancy. They will, it is true, in governments of the numerical majority, ultimately coalesce, and form two great parties; but not so closely as to lose entirely their separate character and existence. These they will ever be ready to re-assume, when the objects for which they coalesced are accomplished. To overcome the difficulties occasioned by so great a diversity of interests, an organism far more complex is necessary.

Another obstacle, difficult to be overcome, opposes the formation of popular constitutional governments. It is much more difficult to terminate the struggles between conflicting interests, by compromise, in absolute popular governments, than in an aristocracy or monarchy.

In an aristocracy, the object of the people, in the ordinary struggle between them and the nobles, is not, at least in its early stages, to overthrow the nobility and revolutionize the government — but to participate in its powers. Notwithstanding the oppression to which they may be subjected, under this form of government, the people commonly feel no small degree of respect for the descendants of a long line of distinguished ancestors; and do not usually aspire to more — in opposing the authority of the nobles — than to obtain such a participation in the powers of the government, as will enable them to

correct its abuses and to lighten their burdens. Among the nobility, on the other hand, it sometimes happens that there are individuals of great influence with both sides, who have the good sense and patriotism to interpose, in order to effect a compromise by yielding to the reasonable demands of the people; and, thereby, to avoid the hazard of a final and decisive appeal to force. It is thus, by a judicious and timely compromise, the people, in such governments, may be raised to a participation in the administration sufficient for their protection, without the loss of authority on the part of the nobles.

In the case of a monarchy, the process is somewhat different. Where it is a military despotism, the people rarely have the spirit or intelligence to attempt resistance; or, if otherwise, their resistance must almost necessarily terminate in defeat, or in a mere change of dynasty — by the elevation of their leader to the throne. It is different, where the monarch is surrounded by an hereditary nobility. In a struggle between him and them, both (but especially the monarch) are usually disposed to court the people, in order to enlist them on their respective sides — a state of things highly favorable to their elevation. In this case, the struggle, if it should be long continued without decisive results, would almost necessarily raise them to political importance, and to a participation in the powers of the government.

The case is different in an absolute democracy. Party conflicts between the majority and minority, in such governments, can hardly ever terminate in compromise — The object of the opposing minority is to expel the majority from power; and of the majority to maintain their hold upon it. It is, on both sides, a struggle for the whole — a struggle that must determine which shall be the governing, and which the subject party — and, in character, object and result, not unlike that between competitors for the sceptre in absolute monarchies. Its regular course, as has been shown, is, excessive violence — an appeal to force — followed by revolution — and terminating at last, in the elevation to supreme power of the general of the successful party. And hence, among other reasons, aristocracies and monarchies more readily assume the constitutional form than absolute popular governments.

Of the three different forms, the monarchical has heretofore been much the most prevalent, and, generally, the most powerful and durable. This result is doubtless to be attributed principally to the fact that, in its absolute form, it is the most simple and easily constructed. And hence, as government is indispensable, communities having too little intelligence to form or preserve the others, naturally fall into this. It may also, in part, be attributed to another cause, already alluded to; that, in its organism and character, it is much more closely assimilated than either of the other two, to military power; on which all absolute governments depend for support. And hence, also, the tendency of the others, and of constitutional governments which have been so badly constructed or become so disorganized as to require force to support them — to pass into military despotism — that is, into monarchy in its most

absolute and simple form. And hence, again, the act, that revolutions in absolute monarchies, end, almost invariably, in a change of dynasty — and not of the forms of the government; as is almost universally the case in the other systems.

But there are, besides these, other causes of a higher character, which contribute much to make monarchies the most prevalent, and, usually, the most durable governments. Among them, the leading one is, they are the most susceptible of improvement — that is, they can be more easily and readily modified, so as to prevent, to a limited extent, oppression and abuse of power, without assuming the constitutional form, in its strict sense. It slides, almost naturally, into one of the most important modifications. I refer to hereditary descent. When this becomes well defined and firmly established, the community or kingdom, comes to be regarded by the sovereign as the hereditary possession of his family — a circumstance which tends strongly to identify his interests with those of his subjects, and hereby, to mitigate the rigor of the government. It gives, besides, great additional security to his person; and prevents, in the same degree, not only the suspicion and hostile feelings incident to insecurity — but invites all those kindly feelings which naturally spring up on both sides, between those whose interests are identified — when there is nothing to prevent it. And hence the strong feelings of paternity on the side of the sovereign — and of loyalty on that of his subjects, which are often exhibited in such governments.

There is another improvement of which it is readily susceptible, nearly allied to the preceding. The hereditary principle not unfrequently extends to other families — especially to those of the distinguished chieftains, by whose aid the monarchy was established, when it originates in conquest. When this is the case — and a powerful body of hereditary nobles surround the sovereign, they oppose a strong resistance to his authority, and he to theirs — tending to the advantage and security of the people. Even when they do not succeed in obtaining a participation in the powers of the government, they usually acquire sufficient weight to be felt and respected. From this state of things, such governments usually, in time, settle down on some fixed rules of action, which the sovereign is compelled to respect, and by which increased protection and security are acquired by all. It was thus the enlightened monarchies of Europe were formed, under which the people of that portion of the globe have made such great advances in power, intelligence, and civilization.

To these may be added the greater capacity, which governments of the monarchical form have exhibited, to hold under subjection a large extent of territory, and a numerous population; and which has made them more powerful than others of a different form, to the extent, that these constitute an element of power. All these causes combined, have given such great and decisive advantages, as to enable them, heretofore, to absorb, in the progress of events, the few governments which have, from time to time, assumed

different forms — not excepting even the mighty Roman Republic, which, after attaining the highest point of power, passed, seemingly under the operation of irresistible causes, into a military despotism. I say, heretofore — for it remains to be seen whether they will continue to retain their advantages, in these respects, over the others, under the great and growing influence of public opinion, and the new and imposing form which popular government has assumed with us.

These have already effected great changes, and will probably effect still greater — adverse to the monarchical form; but, as yet, these changes have tended rather to the absolute, than to the constitutional form of popular government — for reasons which have been explained. If this tendency should continue permanently in the same direction, the monarchical form must still retain its advantages, and continue to be the most prevalent. Should this be the case, the alternative will be between monarchy and popular government, in the form of the numerical majority — or absolute democracy; which, as has been shown, is not only the most fugitive of all the forms, but has the strongest tendency of all others to the monarchical. If, on the contrary, this tendency, or the changes referred to, should incline to the constitutional form of popular government — and a proper organism come to be regarded as not less indispensable than the right of suffrage to the establishment of such governments — in such case, it is not probable that, in the progress of events, the monarchical will cease to be the prevalent form of government. Whether they will take this direction, at least for a long time, will depend on the success of our government — and a correct understanding of the principles on which it is constructed.

To comprehend more fully the force and bearing of public opinion, and to form a just estimate of the changes to which, aided by the press, it will probably lead, politically and socially — it will be necessary to consider it in connection with the causes that have given it an influence so great, as to entitle it to be regarded as a new political element. They will, upon investigation, be found in the many discoveries and inventions made in the last few centuries.

Among the more prominent of those of an earlier date, stand the practical application of the magnetic power to the purposes of navigation, by the invention of the mariner's compass; the discovery of the mode of making gunpowder, and its application to the art of war; and the invention of the art of printing. Among the more recent are, the numerous chemical and mechanical discoveries and inventions, and their application to the various arts of production; the application of steam to machinery of almost every description, especially to such as is designed to facilitate transportation and travel by land and water; and, finally, the invention of the magnetic telegraph.

All these have led to important results. Through the invention of the mariner's compass, the globe has been circumnavigated and explored, and all who inhabit it, with but few exceptions, brought within the sphere of an

all-pervading commerce, which is daily diffusing over its surface the light and blessings of civilization. Through that of the art of printing, the fruits of observation and reflection, of discoveries and inventions, with all the accumulated stores of previously acquired knowledge, are preserved and widely diffused. The application of gunpowder to the art of war, has forever settled the long conflict for ascendancy between civilization and barbarism, in favor of the former, and thereby guaranteed that, whatever knowledge is now accumulated, or may hereafter be added, shall never again be lost. The numerous discoveries and inventions, chemical and mechanical, and the application of steam to machinery, have increased, many-fold, the productive powers of labor and capital; and have, thereby, greatly increased the number, who may devote themselves to study and improvement — and the amount of means necessary for commercial exchanges — especially between the more and the less advanced and civilized portions of the globe — to the great advantage of both, but particularly of the latter. The application of steam to the purposes of travel and transportation, by land and water, has vastly increased the facility, cheapness and rapidity of both — diffusing, with them, information and intelligence almost as quickly and as freely as if borne by the winds; while the electrical wires outstrip them, in velocity — rivaling, in rapidity, even thought itself.

The joint effect of all has been, a great increase and diffusion of knowledge; and, with this, an impulse to progress and civilization heretofore unexampled in the history of the world — accompanied by a mental energy and activity unprecedented.

To all these causes, public opinion, and its organ, the press, owe their origin and great influence. Already they have attained a force in the more civilized portions of the globe sufficient to be felt by all governments, even the most absolute and despotic. But, as great as they now are, they have as yet attained nothing like their maximum force. It is probable, that not one of the causes, which have contributed to their formation and influence, has yet produced its full effect; while several of the most powerful have just begun to operate; and many others, probably of equal or even greater force, yet remain to be brought to light.

When the causes now in operation have produced their full effect, and inventions and discoveries shall have been exhausted — if that may ever be — they will give a force to public opinion, and cause changes, political and social, difficult to be anticipated. What will be their final bearing, time only can decide with any certainty. That they will, however, greatly improve the condition of man ultimately — it would be impious to doubt. It would be to suppose, that the all-wise and beneficent Being — the Creator of all — had so constituted man, as that the employment of the high intellectual faculties, with which He has been pleased to endow him, in order that he might develop the laws that control the great agents of the material world,

and make them subservient to his use — would prove to him the cause of permanent evil — and not of permanent good. If, then, such a supposition be inadmissible, they must, in their orderly and full development, end in his permanent good. But this cannot be, unless the ultimate effect of their action, politically, shall be, to give ascendancy to that form of government best calculated to fulfill the ends for which government is ordained. For, so completely does the well-being of our race depend on good government, that it is hardly possible any change, the ultimate effect of which should be otherwise, could prove to be a permanent good.

It is, however, not improbable, that many and great, but temporary evils, will follow the changes they have effected, and are destined to effect. It seems to be a law in the political, as well as in the material world, that great changes cannot be made, except very gradually, without convulsions and revolutions; to be followed by calamities, in the beginning, however beneficial they may prove to be in the end. The first effect of such changes, on long established governments, will be, to unsettle the opinions and principles in which they originated — and which have guided their policy — before those, which the changes are calculated to form and establish, are fairly developed and understood. The interval between the decay of the old and the formation and establishment of the new, constitutes a period of transition, which must always necessarily be one of uncertainty, confusion, error, and wild and fierce fanaticism.

The governments of the more advanced and civilized portions of the world are now in the midst of this period. It has proved, and will continue to prove a severe trial to existing political institutions of every form. Those governments which have not the sagacity to perceive what is truly public opinion — to distinguish between it and the mere clamor of faction, or shouts of fanaticism — and the good sense and firmness to yield, timely and cautiously, to the claims of the one — and to resist, promptly and decidedly, the demands of the other — are doomed to fall. Few will be able successfully to pass through this period of transition; and these, not without shocks and modifications, more or less considerable. It will endure until the governing and the governed shall better understand the ends for which government is ordained, and the form best adapted to accomplish them, under all the circumstances in which communities may be respectively placed.

I shall, in conclusion, proceed to exemplify the elementary principles, which have been established, by giving a brief account of the origin and character of the governments of Rome and Great Britain; the two most remarkable and perfect of their respective forms of constitutional governments. The object is to show how these principles were applied, in the more simple forms of such governments; preparatory to an exposition of the mode in which they have been applied in our own more complex system. It will appear that, in each, the principles are the same; and that the difference in their application

resulted from the different situation and social condition of the respective communities. They were modified, in each, so as to conform to these; and, hence, their remarkable success. They were applied to communities in which hereditary rank had long prevailed. Their respective constitutions originated in concession to the people; and, through them, they acquired a participation in the powers of government. But with us, they were applied to communities where all political rank and distinction between citizens were excluded; and where government had its origin in the will of the people.

But, however different their origin and character, it will be found that the object in each was the same — to blend and harmonize the conflicting interests of the community; and the means the same — taking the sense of each class or portion through its appropriate organ, and considering the concurrent sense of all as the sense of the whole community. Such being the fact, an accurate and clear conception how this was effected, in their more simple forms, will enable us better to understand how it was accomplished in our far more refined, artificial, and complex form.

It is well known to all, the least conversant with their history, that the Roman people consisted of two distinct orders, or classes — the patricians and the plebeians; and that the line of distinction was so strongly drawn, that, for a long time, the right of intermarriage between them was prohibited. After the overthrow of the monarchy and the expulsion of the Tarquins, the government fell exclusively under the control of the patricians, who, with their clients and dependents, formed, at the time, a very numerous and powerful body. At first, while there was danger of the return of the exiled family, they treated the plebeians with kindness; but, after it had passed away, with oppression and cruelty.

It is not necessary, with the object in view, to enter into a minute account of the various acts of oppression and cruelty to which they were subjected. It is sufficient to state, that, according to the usages of war at the time, the territory of a conquered people became the property of the conquerors; and that the plebeians were harassed and oppressed by incessant wars, in which the danger and toil were theirs, while all the fruits of victory (the lands of the vanquished, and the spoils of war) accrued to the benefit of their oppressors. The result was such as might be expected. They were impoverished, and forced, from necessity, to borrow from the patricians, at usurious and exorbitant interest, funds with which they had been enriched through their blood and toil; and to pledge their all for repayment at stipulated periods. In case of default, the pledge became forfeited; and, under the provisions of law in such cases, the debtors were liable to be seized, and sold or imprisoned by their creditors in private jails prepared and kept for the purpose. These savage provisions were enforced with the utmost rigor against the indebted and impoverished plebeians. They constituted, indeed, an essential part of the system through which they were plundered and oppressed by the patricians.

A system so oppressive could not be endured. The natural consequences followed. Deep hatred was engendered between the orders, accompanied by factions, violence, and corruption, which distracted and weakened the government. At length, an incident occurred which roused the indignation of the plebeians to the utmost pitch, and which ended in a open rupture between the two orders.

An old soldier, who had long served the country, and had fought with bravery in twenty-eight battles, made his escape from the prison of his creditor — squalid, pale, and famished. He implored the protection of the plebeians. A crowd surrounded him; and his tale of service to the country, and the cruelty with which he had been treated by his creditor, kindled a flame, which continued to rage until it extended to the army. It refused to continue any longer in service — crossed the Anio, and took possession of the sacred mount. The patricians divided in opinion as to the course which should be pursued. The more violent insisted on an appeal to arms, but, fortunately, the counsel of the moderate, which recommended concession and compromise, prevailed. Commissioners were appointed to treat with the army; and a formal compact was entered into between the orders, and ratified by the oaths of each, which conceded to the plebeians the right to elect two tribunes, as the protectors of their order, and made their persons sacred. The number was afterwards increased to ten, and their election by centuries changed to election by tribes — a mode by which the plebeians secured a decided preponderance.

Such was the origin of the tribunate — which, in process of time, opened all the honors of the government to the plebeians. They acquired the right, not only of vetoing the passage of all laws, but also their execution; and thus obtained, through their tribunes, a negative on the entire action of the government, without divesting the patricians of their control over the Senate. By this arrangement, the government was placed under the concurrent and joint voice of the two orders, expressed through separate and appropriate organs; the one possessing the positive, and the other the negative powers of the government. This simple change converted it from an absolute, into a constitutional government — from a government of the patricians only, to that of the whole Roman people — and from an aristocracy into a republic. In doing this, it laid the solid foundation of Roman liberty and greatness.

A superficial observer would pronounce a government, so organized, as what one order should have the power of making and executing the laws, and another, or the representatives of another, the unlimited authority of preventing their enactment and execution — if not wholly impracticable, at least, too feeble to stand the shocks to which all governments are subject; and would, therefore, predict its speedy dissolution, after a distracted and inglorious career.

How different from the result! Instead of distraction, it proved to be the bond of concord and harmony; instead of weakness, of unequalled strength — and, instead of a short and inglorious career, one of great length and immortal glory. It moderated the conflicts between the orders; harmonized their interests, and blended them into one; substituted devotion to country in the place of devotion to particular orders; called forth the united strength and energy of the whole, in the hour of danger; raised to power, the wise and patriotic; elevated the Roman name above all others; extended her authority and dominion over the greater part of the then known world, and transmitted the influence of her laws and institutions to the present day. Had the opposite counsel prevailed at this critical juncture; had an appeal been made to arms instead of to concession and compromise, Rome, instead of being what she afterwards became, would, in all probability, have been as inglorious, and as little known to posterity as the insignificant states which surrounded her, whose names and existence would have been long since consigned to oblivion, had they not been preserved in the history of her conquests of them. But for the wise course then adopted, it is not improbable — whichever order might have prevailed — that she would have fallen under some cruel and petty tyrant — and, finally, been conquered by some of the neighboring states — or by the Carthaginians, or the Gauls. To the fortunate turn which events then took, she owed her unbounded sway and imperishable renown.

It is true, that the tribunate, after raising her to a height of power and prosperity never before equalled, finally became one of the instruments by which her liberty was overthrown — but it was not until she became exposed to new dangers, growing out of increase of wealth and the great extent of her dominions, against which the tribunate furnished no guards. Its original object was the protection of the plebeians against oppression and abuse of power on the part of the patricians. This, it thoroughly accomplished; but it had no power to protect the people of the numerous and wealthy conquered countries from being plundered by consuls and proconsuls. Nor could it prevent the plunderers from using the enormous wealth, which they extorted from the impoverished and ruined provinces, to corrupt and debase the people; nor arrest the formation of parties (irrespective of the old division of patricians and plebeians) having no other object than to obtain the control of the government for the purpose of plunder. Against these formidable evils, her constitution furnished no adequate security. Under their baneful influence, the possession of the government became the object of the most violent conflicts; not between patricians and plebeians — but between profligate and corrupt factions. They continued with increasing violence, until, finally, Rome sunk, as must every community under similar circumstances, beneath the strong grasp, the despotic rule of the chieftain of the successful party — the sad, but only alternative which remained to prevent universal violence, confusion and anarchy. The Republic had, in reality, ceased to exist long before the

establishment of the Empire. The interval was filled by the rule of ferocious, corrupt and bloody factions. There was, indeed, a small but patriotic body of eminent individuals, who struggled, in vain, to correct abuses, and to restore the government to its primitive character and purity — and who sacrificed their lives in their endeavors to accomplish an object so virtuous and noble. But it can be no disparagement to the tribunate, that the great powers conferred on it for wise purposes, and which it had so fully accomplished, should be seized upon, during this violent and corrupt interval, to overthrow the liberty it had established, and so long nourished and supported.

In assigning such consequence to the tribunate, I must not overlook other important provisions of the Constitution of the Roman government. The Senate, as far as we are informed, seems to have been admirably constituted to secure consistency and steadiness of action. The power — when the Republic was exposed to imminent danger — to appoint a dictator — vested, for a limited period, with almost boundless authority; the two consuls, and the manner of electing them; the auguries; the sibylline books; the priesthood, and the censorship — all of which appertained to the patricians — were, perhaps indispensable to withstand the vast and apparently irregular power of the tribunate — while the possession of such great powers by the patricians, made it necessary to give proportionate strength to the only organ through which the plebeians could act on the government with effect. The government was, indeed, powerfully constituted; and, apparently, well proportioned both in its positive and negative organs. It was truly an iron government. Without the tribunate, it proved to be one of the most oppressive and cruel that ever existed; but with it, one of the strongest and best.

The origin and character of the British government are so well known, that a very brief sketch, with the object in view, will suffice.

The causes which ultimately moulded it into its present form, commenced with the Norman Conquest. This introduced the feudal system, with its necessary appendages, a hereditary monarchy and nobility; the former in the line of the chief, who led the invading army — and the latter in that of his distinguished followers. They became his feudatories. The country — both land and people (the latter as serfs) — was divided between them. Conflicts soon followed between the monarch and the nobles — as must ever be the case under such systems. They were followed, in the progress of events, by efforts, on the part both of monarchs and nobles, to conciliate the favor of the people. They, in consequence, gradually rose to power. At every step of their ascent, they became more important — and were more and more courted — until at length their influence was so sensibly felt, that they were summoned to attend the meeting of parliament by delegates; not, however, as an estate of the realm, or constituent member of the body politic. The first summons came from the nobles; and was designed to conciliate their good feelings and secure their cooperation in the war against the king. This

was followed by one from him; but his object was simply to have them present at the meeting of parliament, in order to be *consulted* by the crown, on questions relating to taxes and supplies; not, indeed, to discuss the right to lay the one, and to raise the other — for the King claimed the arbitrary authority to do both — but with a view to facilitate their collection, and to reconcile them to their imposition.

From this humble beginning, they, after a long struggle, accompanied by many vicissitudes, raised themselves to be considered one of the estates of the realm; and, finally, in their efforts to enlarge and secure what they had gained, overpowered, for a time, the other two estates; and thus concentrated all power in a single estate or body. This, in effect, made the government absolute, and led to consequences which, as by a fixed law, must ever result in popular governments of this form — namely — to organized parties, or, rather, factions, contending violently to obtain or retain the control of the government; and this, again, by laws almost as uniform, to the concentration of all the powers of government in the hands of the military commander of the successful party.

His heir was too feeble to hold the sceptre he had grasped; and the general discontent with the result of the revolution, led to the restoration of the old dynasty; without defining the limits between the powers of the respective estates.

After a short interval, another revolution followed, in which the lords and commons united against the king. This terminated in his overthrow; and the transfer of the crown to a collateral branch of the family, accompanied by a declaration of rights, which defined the powers of the several estates of the realm; and, finally, perfected and established the constitution. Thus, a feudal monarchy was converted, through a slow but steady process of many centuries, into a highly refined constitutional monarchy, without changing the basis of the original government.

As it now stands, the realm consists of three estates; the king; the lords temporal and spiritual; and the commons. The parliament is the grand council. It possesses the supreme power. It enacts laws, by the concurring assent of the lords and commons — subject to the approval of the king. The executive power is vested in the monarch, who is regarded as constituting the first estate. Although irresponsible himself, he can only act through responsible ministers and agents. They are responsible to the other estates; to the lords, as constituting the high court before whom all the servants of the crown may be tried for malpractices, and crimes against the realm, or official delinquencies — and to the commons, as possessing the impeaching power, and constituting the grand inquest of the kingdom. These provisions, with their legislative powers — especially that of withholding supplies — give them a controlling influence on the executive department, and, virtually, a participation in its powers — so that the acts of the government, throughout its entire range,

may be fairly considered as the result of the concurrent and joint action of the three estates — and, as these embrace all the orders — of the concurrent and joint action of the estates of the realm.

He would take an imperfect and false view of the subject who should consider the king, in his mere individual character, or even as the head of the royal family — as constituting an estate. Regarded in either light, so far from deserving to be considered as the First Estate — and the head of the realm, as he is — he would represent an interest too inconsiderable to be an object of special protection. Instead of this, he represents what in reality is, habitually and naturally, the most powerful interest, all things considered, under every form of government in all civilized communities — *the tax-consuming interest*; or, more broadly, the great interest which necessarily grows out of the action of the government, be its form what it may — the interest that *lives by the government*. It is composed of the recipients of its honors and emoluments; and may be properly called, the government interest, or party — in contradistinction to the rest of the community — or (as they may be properly called) the people or commons. The one comprehends all who are supported by the government — and the other all who support the government — and it is only because the former are strongest, all things being considered, that they are enabled to retain, for any considerable time, advantages so great and commanding.

This great and predominant interest is naturally represented by a single head. For it is impossible, without being so represented, to distribute the honors and emoluments of the government among those who compose it, without producing discord and conflict — and it is only by preventing these, that advantages so tempting can be long retained. And, hence, the strong tendency of this great interest to the monarchical form — that is, to be represented by a single individual. On the contrary, the antagonistic interest — that which supports the government, has the opposite tendency — a tendency to be represented by many; because a large assembly can better judge, than one individual or a few, what burdens the community can bear — and how it can be most equally distributed, and easily collected.

In the British government, the king constitutes an estate, because he is the head and representative of this great interest. He is the conduit through which, all the honors and emoluments of the government flow — while the House of Commons, according to the theory of the government, is the head and representative of the opposite — the great tax-paying interest, by which the government is supported.

Between these great interests, there is necessarily a constant and strong tendency to conflict; which, if not counteracted, must end in violence and an appeal to force — to be followed by revolution, as has been explained. To prevent this, the House of Lords, as one of the estates of the realm, is interposed; and constitutes the conservative power of the government. It

consists, in fact, of that portion of the community who are the principal recipients of the honors, emoluments, and other advantages derived from the government; and whose condition cannot be improved, but must be made worse by the triumph of either of the conflicting estates over the other; and, hence, it is opposed to the ascendancy of either — and in favor of preserving the equilibrium between them.

This sketch, brief as it is, is sufficient to show, that these two constitutional governments — by far the most illustrious of their respective kinds — conform to the principles that have been established, alike in their origin and in their construction. The constitutions of both originated in a pressure, occasioned by conflicts of interests between hostile classes or orders, and were intended to meet the pressing exigencies of the occasion; neither party, it would seem, having any conception of the principles involved, or the consequences to follow, beyond the immediate objects in contemplation. It would, indeed, seem almost impossible for constitutional governments, founded on orders or classes, to originate in any other manner. It is difficult to conceive that any people, among whom they did not exist, would, or could voluntarily institute them, in order to establish such governments; while it is not at all wonderful, that they should grow out of conflicts between different orders or classes when aided by a favorable combination of circumstances.

The constitutions of both rest on the same principle — an organism by which the voice of each order or class is taken through its appropriate organ; and which requires the concurring voice of all to constitute that of the whole community. The effects, too, were the same in both — to unite and harmonize conflicting interests — to strengthen attachments to the whole community, and to moderate that to the respective orders or classes;) rally all, in the hour of danger, around the standard of their country; to elevate the feeling of nationality, and to develop power, moral and physical, to an extraordinary extent. Yet each has its distinguishing features, resulting from the difference of their organisms, and the circumstances in which they respectively originated.

In the government of Great Britain, the three orders are blended in the legislative department; so that the separate and concurring act of each is necessary to make laws; while, on the contrary, in the Roman, one order had the power of making laws, and another of annulling them, or arresting their execution. Each had its peculiar advantages. The Roman developed more fully the love of country and the feelings of nationality. "*I am a Roman citizen,*" was pronounced with a pride and elevation of sentiment, never, perhaps, felt before or since, by any citizen or subject of any community, in announcing the country to which he belonged.

It also developed more fully the power of the community. Taking into consideration their respective population, and the state of the arts at the different periods, Rome developed more power, comparatively, than Great Britain ever has — vast as that is, and has been — or, perhaps, than any other

community ever did. Hence, the mighty control she acquired from a beginning so humble. But the British government is far superior to that of Rome, in its adaptation and capacity to embrace under its control extensive dominions, without subverting its constitution. In this respect, the Roman constitution was defective — and, in consequence, soon began to exhibit marks of decay, after Rome had extended her dominions beyond Italy; while the British holds under its sway, without apparently impairing either, an empire equal to that, under the weight of which the constitution and liberty of Rome were crushed. This great advantage it derives from its different structure, especially that of the executive department; and the character of its conservative principle. The former is so constructed as to prevent, in consequence of its unity and hereditary character, the violent and factious struggles to obtain the control of the government — and, with it, the vast patronage which distracted, corrupted, and finally subverted the Roman Republic. Against this fatal disease, the latter had no security whatever; while the British government — besides the advantages it possesses, in this respect, from the structure of its executive department — has, in the character of its conservative principle, another and powerful security against it. Its character is such, that patronage, instead of weakening, strengthens it — for, the greater the patronage of the government, the greater will be the share which falls to the estate constituting the conservative department of the government; and the more eligible its condition, the greater its opposition to any radical change in its form. The two causes combined, give to the government a greater capacity of holding under subjection extensive dominions, without subverting the constitution or destroying liberty, than has ever been possessed by any other. It is difficult, indeed, to assign any limit to its capacity in this respect. The most probable which can be assigned is, its ability to bear increased burdens — the taxation necessary to meet the expenses incident to the acquisition and government of such vast dominions, may prove, in the end, so heavy as to crush, under its weight, the laboring and productive portions of the population.

I have now finished the brief sketch I proposed, of the origin and character of these two renowned governments; and shall next proceed to consider the character, origin and structure of the Government of the United States. It differs from the Roman and British, more than they differ from each other; and, although an existing government of recent origin, its character and structure are perhaps less understood than those of either.

John C. Calhoun

**Speech on the Reception
of Abolition Petitions
(February 6, 1837)**

Introduction

Half of the thirties of the nineteenth century was a period of much discussion over the possibility of some areas of the United States (District of Columbia) restrictions on the slave trade. Abolitionists began the propaganda campaign, which eventually took the form of petitions to Congress.

In his speech, Calhoun points out the unconstitutionality of the proposed mode of proceeding – Congress is not entitled to take the issues contained in the petitions. Moreover, the issue of slavery is, under the Constitution of the United States, at the discretion of states, not Congress. In his speech, which was included in this collection of primary sources, Calhoun not only defends the peculiar institution of the South pointing to matters of formal (procedural), but also points to the positive effect that it has. In his speech for the first time defines slavery as a “positive good” – justifying his view points to the stroke of civilization the black slaves had made after centuries of being on American plantations.

Determining slavery as a “positive good” has been criticized by his opponents of that time. Calhoun defended himself by pointing out that his words were drawn out of context. Slavery itself as such (*in abstracto*) was wrong, however, in specific conditions and time (*in concreto*) could be useful both for remaining at a low level of civilization slaves and owners in need of labor.

In this set of source texts, following American editions, are reprinted both the First Report and the Revised Report. While the layer of the substance do not differ significantly, the choice of words in the two texts is different.

Jarosław Szczepański

First Report

[On February 6, 1837, John Tipton of Indiana presented two petitions from his constituents, calling upon Congress to abolish slavery in the District of Columbia. Although Mr. Tipton acknowledged that he believed the petitions to be unwise, unconstitutional, and unrepresentative of his constituents in general, he thought their acceptance and referral to committee would quiet the public mind. Mr. Calhoun rose immediately and asked the Chair for a ruling on the procedures to be used in the Senate for addressing such petitions.]

Mr. Calhoun expressed the hope that a question would be made on the reception of the petitions. He insisted that, if an objection should be made to the reception of a petition, it was the rule, and for forty years had been the practice of the Senate, to take the vote of reception, without a motion not to receive. He read the rule on this point, which stated that, if there was a cry of the House to receive, and no objection should be made, or if the House were silent, the reception would take place of course. Otherwise, a vote must be taken on its reception. Mr. C. said he had in vain insisted on this at the last session. He hoped the Chair would now sustain the rule, before Mr. C. would be compelled to move a non-reception.

[The Chair ruled that whenever an objection is raised by a Senator rising in his place or objecting in his seat to the reception of a petition, the Senate itself shall judge whether the petition will be received.]

Mr. Calhoun expressed his satisfaction at the decision of the Chair. He hoped the old mode, which had been uniformly practiced till within five or six years, would now be pursued.

[Considerable discussion then ensued about the proper course to follow. Unanimous consent was given to consider all such petitions at the same time. Several petitions were introduced by a number of Senators, including Mr. Ewing and Mr. Morris of Ohio, Mr. Swift and Mr. Prentiss of Vermont, Mr. Buchanan of Pennsylvania, and Mr. Knight of Rhode Island. During the course of that discussion, Mr. Calhoun delivered the following remarks.]

Mr. Calhoun said he thought it very desirable that the Senate and the South should know in what manner these petitioners spoke of Southern people. For this purpose he had selected, from the numerous petitions on the table, two, indiscriminately, which he wished the Secretary to read.

(These two petitions were read, and proved to be rather more moderate in their language than usual.)

Such is the language (said Mr. C.) with which they characterize us and ours. That which was the basis of Southern institutions, and which could not be dispensed without blood and massacre, was denounced as sinful and outrageous on the rights of men. And all this was proclaimed, in the Senate of the United States, of States that were united together for the purpose

of maintaining their institutions in a more perfect manner. Were Southern members to sit quietly and hear themselves denounced in this manner? And if they should speak at all under these circumstances, were they to be denounced as agitators? This institution existed when the constitution was formed; and yet Senators would not only sit and receive them, but were ready to throw blame on those who opposed them.

Mr. C. said he did not belong to the school of those who believed that agitations of this sort could be quieted by concessions; on the contrary, he maintained all usurpations should be resisted in the beginning; and those who would not do so were prepared to be slaves themselves. Mr. C. knew, and had predicted, that if the petitions were received, it would not avail in satisfying the petitioners; but they would then be prepared for the next step, to compel action upon the petitions. Mr. C. would ask Southern gentlemen if they did not see the second step prepared to be taken, not only that the petitions should be received, but referred.

Mr. C. had told Mr. Buchanan and his friends, last year, that they were taking an impossible position; and had said that these men would, at this session, press a reference. Were we now to be told that this second concession would satisfy this incendiary spirit? Such was the very position (a reference) at which the other House arrived at the last session. Had they at all quieted the spirit of abolition? On the contrary, it had caused it to spread wider and strike its roots still deeper. The next step would be to produce discussion and argument on the subject. Mr. C. insisted that the South had surrendered essentially by permitting the petitions to be received. He said it was time for the South to take her stand and reject the petitions. He conscientiously believed that Congress were as much under obligation to act on the subject as they were to receive the petitions; and that they had just as good a right to abolish slavery in the States as in this District.

Mr. C. said the decision of the Chair settled the question that the Senate had a right to refuse to receive the petitions; for, if they had a right to vote at all on the subject, they had the right to vote in the negative; and to yield this point was to yield it for the benefit of the abolitionists, at the expense of the Senate. But it was in vain to argue on the subject. Mr. C. would warn Southern members to take their stand on this point without concession. He had foreseen and predicted this state of things three years ago, as a legitimate result of the force bill. All this body were now opposed to the object of these petitions. Mr. C. saw where all originated—at the very bottom of society, among the lowest and most ignorant; but it would go on, and rise higher and higher, till it should ascend the pulpit and the schools, where it had, indeed, arrived already; thence it would mount up to this and the other House. The only way to resist was to close the doors; to open them was virtually to surrender the question. The spirit of the times (he said) was one of dollars and cents, the spirit of speculation, which had diffused itself from the North

to the South. Nothing (he said) could resist the spirit of abolition but the united action of the South. The opinions of most people in the North and South were now sound on this subject; but the rising generation would be imbued by the spirit of fanaticism, and the North and South would become two people, with feelings diametrically opposite. The decided action of the South, within the limits of the constitution, was indispensable.

[Mr. Tipton expressed considerable surprise at Mr. Calhoun's remarks, saying that he thought there was nothing in the petitions before them that could produce such feelings. Mr. Bayard of Delaware moved to table the question of the reception of the petitions. A favorable vote on Mr. Bayard's motion did not end debate, however, as Mr. Davis of Massachusetts immediately introduced some forty additional petitions. Returning to the issue of the procedures of the Senate, Mr. King of Georgia announced that he thought Mr. Calhoun was in error in his interpretation of the differences between the current and the last session of the Senate.]

Mr. Calhoun said he, for one, was extremely pleased with the decision of the Chair (that a mere objection required a vote on the reception of the petitions). But he ought to go further, and put the question of reception, whether the petition were objected to or not. According to the rule, he said, the burden of making a motion to receive should fall on those presenting the petitions. Mr. C. had formerly pressed the Chair twice on this point, but was then overruled. The question was, whether we were bound to receive the petitions by the constitution. That question the Chair had now yielded, and had admitted that it was in the power of the body itself to say whether or not the petitions should be received.

Mr. C. again argued that, if Congress were bound to receive petitions, they were equally bound to refer and act upon them.

[Intense debate now ensued. In the course of that discussion, Mr. Rives of Virginia, who noted that he had observed the whole debate with pain and mortification, said that while he did not object to the presentation of the abolitionists' petitions, he did object to the gratuitous exhibition of those horrid pictures of misery that had no foundation in fact. He noted that he did not subscribe to slavery in the abstract—a point on which he differed with the gentleman from South Carolina.]

Mr. Calhoun explained, and denied having expressed any opinion in regard to slavery in the abstract. He had merely stated, what was a matter of fact, that it was an inevitable law of society that one portion of the community depended upon the labor of another portion, over which it must unavoidably exercise control. He had not spoken of slavery in the abstract, but of slavery as existing where two races of men, of different color, and striking dissimilarity in conformation, habits, and a thousand other particulars, were placed in immediate juxtaposition. Here the existence of slavery was a good to both. Did not the Senator from Virginia consider it as a good?

Mr. Rives said, no. He viewed it as a misfortune and an evil in all circumstances, though, in some, it might be the lesser evil.

Mr. Calhoun insisted on the opposite opinion, and declared it as his conviction that, in point of fact, the Central African race (he did not speak of the north or the east of Africa, but of its central regions) had never existed in so comfortable, so respectable, or so civilized a condition, as that which it now enjoyed in the Southern States. The population doubled in the same ratio with that of the whites—a proof of ease and plenty; while, with respect to civilization, it nearly kept pace with that of the owners; and as to the effect upon the whites, would it be affirmed that they were inferior to others, that they were less patriotic, less intelligent, less humane, less brave, than where slavery did not exist? He was not aware that any inferiority was pretended. Both races, therefore, appeared to thrive under the practical operation of this institution. The experiment was in progress, but had not been completed. The world had not seen modern society go through the entire process, and he claimed that its judgment should be postponed for another ten years. The social experiment was going on both at the North and the South—in the one with almost pure and unlimited democracy, and in the other with a mixed race. Thus far, the results of the experiment had been in favor of the South. Southern society had been far less agitated, and he would venture to predict that its condition would prove by far the most secure, and by far the most favorable to the preservation of liberty. In fact, the defence of human liberty against the aggressions of despotic power had been always the most efficient in States where was found to prevail. He did not admit it to be an evil. Not at all. It was a good—a great good. On that point, the Senator from Virginia and himself were directly at issue.

[Mr. Rives said that he had no desire to get into a family quarrel with Mr. Calhoun on this matter. He, for one, however, did not believe slavery was a good—morally, politically, or economically. And while he would defend the constitutional rights of the South to the end, that commitment would not cause him to return to the explored dogmas of Sir Robert Filmer in order to vindicate the institution of slavery in the abstract.]

Mr. Calhoun complained of having been misrepresented. Again [he] denied having pronounced slavery in the abstract a good. All he had said of it referred to existing circumstances; to slavery as a practical, not as an abstract thing. It was a good where a civilized race and a race of a different description were brought together. Wherever civilization existed, death too was found, and luxury; but did he hold that death and luxury were good in themselves? He believed slavery was good, where the two races co-existed. The gentleman from Virginia held it an evil. Yet he would defend it. Surely if it was an evil, moral, social, and political, the Senator, as a wise and virtuous man, was bound to exert himself to put it down. This position, that it was a moral evil, was the very root of the whole system of operations against it.

That was the spring and well-head from which all these streams of abolition proceeded—the effects of which so deeply agitated the honorable Senator.

Mr. C. again adverted to the successful results of the experiment thus far, and insisted that the slaveholders of the South had nothing in the case to lament or to lay to their conscience. He utterly denied that his doctrines had anything to do with the tenets of Sir Robert Filmer, which he abhorred. So far from holding the dogmas of that writer, he had been the known and open advocate of freedom from the beginning. Nor was there anything in the doctrines he held in the slightest degree inconsistent with the highest and purest principles of freedom.

Revised report

If the time of the Senate permitted, I would feel it to be my duty to call for the reading of the mass of petitions on the table, in order that we might know what language they hold towards the slaveholding States and their institutions; but as it will not, I have selected, indiscriminately from the pile, two; one from those in manuscript, and the other from the printed, and without knowing their contents will call for the reading of them, so that we may judge, by them, of the character of the whole.

[Here the Secretary, on the call of Mr. Calhoun, read the two petitions.]

Such, resumed Mr. C., is the language held towards us and ours. The peculiar institution of the South—that, on the maintenance of which the very existence of the slaveholding States depends, is pronounced to be sinful and odious, in the sight of God and man; and this with a systematic design of rendering us hateful in the eyes of the world—with a view to a general crusade against us and our institutions. This, too, in the legislative halls of the Union; created by these confederated States, for the better protection of their peace, their safety, and their respective institutions—and yet, we, the representatives of twelve of these sovereign States against whom this deadly war is waged, are expected to sit here in silence, hearing ourselves and our constituents day after day denounced, without uttering a word; for if we but open our lips, the charge of agitation is resounded on all sides, and we are held up as seeking to aggravate the evil which we resist. Every reflecting mind must see in all this a state of things deeply and dangerously diseased.

I do not belong, said Mr. C., to the school which holds that aggression is to be met by concession. Mine is the opposite creed, which teaches that encroachments must be met at the beginning, and that those who act on the opposite principle are prepared to become slaves. In this case, in particular, I hold concession or compromise to be fatal. If we concede an inch, concession would follow concession—compromise would follow compromise, until our ranks would be so broken that effectual resistance would be impossible. We must meet the enemy on the frontier, with a fixed determination of maintaining our position at every hazard. Consent to receive these insulting petitions, and the next demand will be that they be referred to a committee in order that they may be deliberated and acted upon. At the last session we were modestly asked to receive them, simply to lay them on the table, without any view to ulterior action. I then told the Senator from Pennsylvania (Mr. Buchanan), who so strongly urged that course in the Senate, that it was a position that could not be maintained; as the argument in favor of acting on the petitions if we were bound to receive, could not be resisted. I then said, that the next step would be to refer the petition to a committee, and I already see indications that such is now the intention. If we yield, that will be followed by another, and we will thus proceed, step by step, to the

final consummation of the object of these petitions. We are now told that the most effectual mode of arresting the progress of abolition is, to reason it down; and with this view it is urged that the petitions ought to be referred to a committee. That is the very ground which was taken at the last session in the other House, but instead of arresting its progress, it has since advanced more rapidly than ever. The most unquestionable right may be rendered doubtful if once admitted to be a subject of controversy, and that would be the case in the present instance. The subject is beyond the jurisdiction of Congress—they have no right to touch it in any shape or form, or to make it the subject of deliberation or discussion.

In opposition to this view it is urged that Congress is bound by the constitution to receive petitions in every case and on every subject, whether within its constitutional competency or not. I hold the doctrine to be absurd, and do solemnly believe, that it would be as easy to prove that it has the right to abolish slavery, as that it is bound to receive petitions for that purpose. The very existence of the rule that requires a question to be put on the reception of petitions, is conclusive to show that there is no such obligation. It has been a standing rule from the commencement of the Government, and clearly shows the sense of those who formed the constitution on this point. The question on the reception would be absurd, if, as is contended, we are bound to receive; but I do not intend to argue the question; I discussed it fully at the last session, and the arguments then advanced neither have been nor can be answered.

As widely as this incendiary spirit has spread, it has not yet infected this body, or the great mass of the intelligent and business portion of the North; but unless it be speedily stopped, it will spread and work upwards till it brings the two great sections of the Union into deadly conflict. This is not a new impression with me. Several years since, in a discussion with one of the Senators from Massachusetts (Mr. Webster), before this fell spirit had showed itself, I then predicted that the doctrine of the proclamation and the Force Bill – that this Government had a right, in the last resort, to determine the extent of its own powers, and enforce its decision at the point of the bayonet, which was so warmly maintained by that Senator, would at no distant day arouse the dormant spirit of abolitionism. I told him that the doctrine was tantamount to the assumption of unlimited power on the part of the Government, and that such would be the impression on the public mind in a large portion of the Union. The consequence would be inevitable—a large portion of the Northern States believed slavery to be a sin, and would believe it as an obligation of conscience to abolish it if they should feel themselves in any degree responsible for its continuance, and that this doctrine would necessarily lead to the belief of such responsibility. I then predicted that it would commence as it has with this fanatical portion of society, and that they would begin their operations on the ignorant, the weak, the young, and the

thoughtless, and would gradually extend upwards till they would become strong enough to obtain political control, when he and others holding the highest stations in society, would, however reluctant, be compelled to yield to their doctrines, or be driven into obscurity. But four years have since elapsed, and all this is already in a course of regular fulfillment.

Standing at the point of time at which we have now arrived, it will not be more difficult to trace the course of future events now than it was then. They who imagine that the spirit now abroad in the North, will die away of itself without a shock or convulsion, have formed a very inadequate conception of its real character; it will continue to rise and spread, unless prompt and efficient measures to stay its progress be adopted. Already it has taken possession of the pulpit, of the schools, and, to a considerable extent, of the press; those great instruments by which the mind of the rising generation will be formed.

However sound the great body of the non-slaveholding States are at present, in the course of a few years they will be succeeded by those who will have been taught to hate the people and institutions of nearly one-half of this Union, with a hatred more deadly than one hostile nation ever entertained towards another. It is easy to see the end. By the necessary course of events, if left to themselves, we must become, finally, two people. It is impossible under the deadly hatred which must spring up between the two great sections, if the present causes are permitted to operate unchecked, that we should continue under the same political system. The conflicting elements would burst the Union asunder, as powerful as are the links which hold it together. Abolition and the Union cannot co-exist. As the friend of the Union I openly proclaim it, and the sooner it is known the better. The former may now be controlled, but in a short time it will be beyond the power of man to arrest the course of events. We of the South will not, cannot, surrender our institutions. To maintain the existing relations between the two races, inhabiting that section of the Union, is indispensable to the peace and happiness of both. It cannot be subverted without drenching the country in blood, and extirpating one or the other of the races. Be it good or bad, it has grown up with our society and institutions, and is so interwoven with them, that to destroy it would be to destroy us as a people. But let me not be understood as admitting, even by implication, that the existing relations between the two races in the slaveholding States is an evil—far otherwise; I hold it to be a good, as it has thus far proved itself to be to both, and will continue to prove so if not disturbed by the fell spirit of abolition. I appeal to facts. Never before has the black race of Central Africa, from the dawn of history to the present day, attained a condition so civilized and so improved, not only physically, but morally and intellectually. It came among us in a low, degraded, and savage condition, and in the course of a few generations it has grown up under the fostering care of our institutions, as reviled as they have been, to its present comparatively civilized condition. This, with the rapid increase of numbers,

is conclusive proof of the general happiness of the race, in spite of all the exaggerated tales to the contrary.

In the mean time, the white or European race has not degenerated. It has kept pace with its brethren in other sections of the Union where slavery does not exist. It is odious to make comparison; but I appeal to all sides whether the South is not equal in virtue, intelligence, patriotism, courage, disinterestedness, and all the high qualities which adorn our nature. I ask whether we have not contributed our full share of talents and political wisdom in forming and sustaining this political fabric; and whether we have not constantly inclined most strongly to the side of liberty, and been the first to see and first to resist the encroachments of power. In one thing only are we inferior—the arts of gain; we acknowledge that we are less wealthy than the Northern section of this Union, but I trace this mainly to the fiscal action of this Government, which has extracted much from, and spent little among us. Had it been the reverse—if the exaction had been from the other section, and the expenditure with us, this point of superiority would not be against us now, as it was not at the formation of this Government.

But I take higher ground. I hold that in the present state of civilization, where two races of different origin, and distinguished by color, and other physical differences, as well as intellectual, are brought together, the relation now existing in the slaveholding States between the two, is, instead of an evil, a good—a positive good. I feel myself called upon to speak freely upon the subject where the honor and interests of those I represent are involved. I hold then, that there never has yet existed a wealthy and civilized society in which one portion of the community did not, in point of fact, live on the labor of the other. Broad and general as is this assertion, it is fully borne out by history. This is not the proper occasion, but if it were, it would not be difficult to trace the various devices by which the wealth of all civilized communities has been so unequally divided, and to show by what means so small a share has been allotted to those by whose labor it was produced, and so large a share given to the non-producing classes. The devices are almost innumerable, from the brute force and gross superstition of ancient times, to the subtle and artful fiscal contrivances of modern. I might well challenge a comparison between them and the more direct, simple, and patriarchal mode by which the labor of the African race is, among us, commanded by the European. I may say with truth, that in few countries so much is left to the share of the laborer, and so little exacted from him, or where there is more kind attention paid to him in sickness or infirmities of age. Compare his condition with the tenants of the poor houses in the more civilized portions of Europe—look at the sick, and the old and infirm slave, on one hand, in the midst of his family and friends, under the kind superintending care of his master and mistress, and compare it with the forlorn and wretched condition of the pauper in the poor house. But I will not dwell on this aspect of the

question; I turn to the political; and here I fearlessly assert that the existing relation between the two races in the South, against which these blind fanatics are waging war, forms the most solid and durable foundation on which to rear free and stable political institutions. It is useless to disguise the fact. There is and always has been in an advanced stage of wealth and civilization, a conflict between labor and capital. The condition of society in the South exempts us from the disorders and dangers resulting from this conflict; and which explains why it is that the political condition of the slaveholding States has been so much more stable and quiet than that of the North. The advantages of the former, in this respect, will become more and more manifest if left undisturbed by interference from without, as the country advances in wealth and numbers. We have, in fact, but just entered that condition of society where the strength and durability of our political institutions are to be tested; and I venture nothing in predicting that the experience of the next generation will fully test how vastly more favorable our condition of society is to that of other sections for free and stable institutions, provided we are not disturbed by the interference of others, or shall have sufficient intelligence and spirit to resist promptly and successfully such interference. It rests with ourselves to meet and repel them. I look not for aid to this Government, or to the other States; not but there are kind feelings towards us on the part of the great body of the non-slaveholding States; but as kind as their feelings may be, we may rest assured that no political party in those States will risk their ascendancy for our safety. If we do not defend ourselves none will defend us; if we yield we will be more and more pressed as we recede; and if we submit we will be trampled under foot. Be assured that emancipation itself would not satisfy these fanatics—that gained, the next step would be to raise the negroes to a social and political equality with the whites; and that being effected, we would soon find the present condition of the two races reversed. They and their northern allies would be the masters, and we the slaves; the condition of the white race in the British West India Islands, bad as it is, would be happiness to ours. There the mother country is interested in sustaining the supremacy of the European race. It is true that the authority of the former master is destroyed, but the African will there still be a slave, not to individuals but to the community—forced to labor, not by the authority of the overseer, but by the bayonet of the soldiery and the rod of the civil magistrate.

Surrounded as the slaveholding States are with such imminent perils, I rejoice to think that our means of defence are ample, if we shall prove to have the intelligence and spirit to see and apply them before it is too late. All we want is concert, to lay aside all party differences, and unite with zeal and energy in repelling approaching dangers. Let there be concert of action, and we shall find ample means of security without resorting to secession or disunion. I speak with full knowledge and a thorough examination of the

subject, and for one, see my way clearly. One thing alarms me—the eager pursuit of gain which overspreads the land, and which absorbs every faculty of the mind and every feeling of the heart. Of all passions, avarice is the most blind and compromising— the last to see and the first to yield to danger. I dare not hope that any thing I can say will arouse the South to a due sense of danger; I fear it is beyond the power of mortal voice to awaken it in time from the fatal security into which it has fallen.

John C. Calhoun

**Speech on the Introduction of His
Resolutions on the Slave Question
(February 19, 1847)**

Introduction

The second half of the forties of the nineteenth century was marked by the war with Mexico, the outcome of which strengthened the position of the United States on the American continent and has a contribution to their future power. Given up vast areas of the east coast of the Pacific Union faced an escalating conflict between supporters and opponents of slavery and its implementation in new areas.

The speech delivered in 1847 (war with Mexico was ongoing), despite the title suggesting raising the issue of slavery in fact concerns the balance between the regions of the Union. Calhoun points out that for decades (since the creation of the United States) the position of the North continues to strengthen – eventually dominated the House of Representatives. Arguing in favor of maintaining the delicate balance between the regions he cites the arguments used later in the *Disquisition on Government*.

Question presented is one of the fundamental for understanding the political thought of Calhoun and his ability to predict the consequences of political decisions. In fact it shows that the destruction of the balance will force sections (in order to protect their own interests) to non-constitutional measures. He warns that the day on which the government is committed to a simple numeric majority is not so far away from revolution and civil war.

Jarosław Szczepański

Speech...

MR. CALHOUN rose and said: Mr. President, I rise to offer a set of resolutions in reference to the various resolutions from the State legislatures upon the subject of what they call the extension of slavery, and the proviso attached to the House bill, called the Three Million Bill. What I propose before I send my resolutions to the table, is to make a few explanatory remarks.

Mr. President, it was solemnly asserted on this floor, some time ago, that all parties in the nonslaveholding States had come to a fixed and solemn determination upon two propositions. One was—that there should be no further admission of any States into this Union which permitted, by their constitutions, the existence of slavery; and the other was—that slavery shall not hereafter exist in any of the territories of the United States; the effect of which would be to give to the nonslaveholding States the monopoly of the public domain, to the entire exclusion of the slaveholding States. Since that declaration was made, Mr. President, we have had abundant proof that there was a satisfactory foundation for it. We have received already solemn resolutions passed by seven of the non-slaveholding States—one-half of the number already in the Union, Iowa not being counted—using the strongest possible language to that effect; and no doubt, in a short space of time, similar resolutions will be received from all of the non-slaveholding States. But we need not go beyond the walls of Congress. The subject has been agitated in the other House, and they have sent up a bill “prohibiting the extension of slavery” (using their own language) “to any territory which may be acquired by the United States hereafter.” At the same time, two resolutions which have been moved to extend the compromise line from the Rocky Mountains to the Pacific, during the present session, have been rejected by a decided majority.

Sir, there is no mistaking the signs of the times; and it is high time that the Southern States, the slaveholding States, should inquire what is now their relative strength in this Union, and what it will be if this determination should be carried into effect hereafter. Sir, already we are in a minority—I use the word “we” for brevity’s sake—already we are in a minority in the other House, in the electoral college, and I may say, in every department of this Government, except at present in the Senate of the United States—there for the present we have an equality. Of the twenty-eight States, fourteen are non-slaveholding and fourteen are slaveholding, counting Delaware, which is doubtful, as one of the non-slaveholding States. But this equality of strength exists only in the Senate. One of the clerks, at my request, has furnished me with a statement of what is the relative strength of the two descriptions of States, in the other House of Congress and in the electoral college. There are two hundred and twenty-eight representatives, including Iowa, which is already represented there. Of these, one hundred and thirty-eight are from nonslaveholding States, and ninety are from what are called the slave

States—giving a majority, in the aggregate, to the former of forty-eight. In the electoral college there are one hundred and sixty-eight votes belonging to the non-slaveholding States, and one hundred and eighteen to the slaveholding, giving a majority of fifty to the non-slaveholding.

We, Mr. President, have at present only one position in the Government, by which we may make any resistance to this aggressive policy which has been declared against the South, or any other that the non-slaveholding States may choose to adopt. And this equality in this body is one of the most transient character. Already Iowa is a State; but owing to some domestic difficulties, is not yet represented in this body. When she appears here, there will be a addition of two Senators to the representatives here of the non-slaveholding States. Already Wisconsin has passed the initiatory stage, and will be here the next session. This will add two more, making a clear majority of four in this body on the side of the non-slaveholding States, who will thus be enabled to sway every branch of this Government at their will and pleasure. But, Sir, if this aggressive policy be followed—if the determination of the non-slaveholding States is to be adhered to hereafter, and we are to be entirely excluded from the territories which we already possess, or may possess—if this is to be the fixed policy of the Government, I ask, what will be our situation hereafter?

Sir, there is ample space for twelve or fifteen of the largest description of States in the territories belonging to the United States. Already a law is in course of passage through the other House creating one north of Wisconsin. There is ample room for another north of Iowa; and another north of that; and then that large region extending on this side of the Rocky Mountains, from 49 degrees down to the Texan line, which may be set down fairly as an area of twelve and a half degrees of latitude. That extended region of itself is susceptible of having six, seven, or eight large States. To this, add Oregon which extends from 49 to 42 degrees, which will give four more; and I make a very moderate calculation when I say that, in addition to Iowa and Wisconsin, twelve more States upon the territory already ours—without reference to any acquisitions from Mexico—may be, and will be, shortly added to these United States. How will we then stand? There will be but fourteen on the part of the South—we are to be fixed, limited, and forever—and twenty-eight on the part of the non-slaveholding States! Twenty-eight! Double our number! And with the same disproportion in the House and in the electoral college! The Government, Sir, will be entirely in the hands of the non-slaveholding States—overwhelmingly.

Sir, if this state of things is to go on; if this determination, so solemnly made, is to be persisted in—where shall we stand, as far as this Federal Government of ours is concerned? We shall be at the entire mercy of the non-slaveholding States. Can we look to their justice and regard for our interests? Now, I ask, can we rely on that? Ought we to trust our safety and prosperity to their mercy and sense of justice? These are the solemn questions

which I put to all—this and the other side of the Chamber. Sir, can we find any hope by looking to the past? If we are to look to that—I will not go into the details—we will see from the beginning of this Government to the present day, as far as pecuniary resources are concerned—as far as the disbursement of revenue is involved, it will be found that we have been a portion of the community which has substantially supported this Government without receiving any thing like a proportionate return. But why should I go beyond this very measure itself? Why go beyond this determination on the part of the non-slaveholding States—that there shall be no further addition to the slaveholding States—to prove what our condition will be?

Sir, what is the entire amount of this policy? I will not say that it is so designed. I will not say from what cause it originated. I will not say whether blind fanaticism on one side—whether a hostile feeling to slavery entertained by many not fanatical on the other, has produced it; or whether it has been the work of men, who, looking to political power, have considered the agitation of this question as the most effectual mode of obtaining the spoils of this Government. I look to the fact itself. It is a policy now openly avowed as one to be persisted in. It is a scheme, Mr. President, which aims to monopolize the powers of this Government and to obtain sole possession of its territories.

Now, I ask, is there any remedy? Does the Constitution afford any remedy? And if not, is there any hope? These, Mr. President, are solemn questions—not only to us, but, let me say to gentlemen from the non-slaveholding States: to them. Sir, the day that the balance between the two sections of the country—the slaveholding States and the non-slaveholding States—is destroyed, is a day that will not be far removed from political revolution, anarchy, civil war, and widespread disaster. The balance of this system is in the slaveholding States. They are the conservative portion—always have been the conservative portion—always will be the conservative portion; and with a due balance on their part may, for generations to come, uphold this glorious Union of ours. But if this scheme should be carried out—if we are to be reduced to a handful—if we are to become a mere ball to play the presidential game with—to count something in the Baltimore caucus—if this is to be the result—wo! wo! I say, to this Union!

Now, Sir, I put again the solemn question—Does the constitution afford any remedy? Is there any provision in it by which this aggressive policy (boldly avowed, as if perfectly consistent with our institutions and the safety and prosperity of the United States) may be confronted? Is this a policy consistent with the Constitution? No, Mr. President, no! It is, in all its features, daringly opposed to the constitution. What is it? Ours is a Federal Constitution. The States are its constituents, and not the people. The twenty-eight States—the twenty-nine States (including Iowa)—stand under this Government as twenty-nine individuals, or as twenty-nine millions of individuals would stand to a consolidated power! No, Sir; it was made

for higher ends; it was so formed that every State, as a constituent member of this Union of ours, should enjoy all its advantages, natural and acquired, with greater security, and enjoy them more perfectly. The whole system is based on justice and equality—perfect equality between the members of this republic. Now, can that be consistent with equality which will make this public domain a monopoly on one side—which, in its consequences, would place the whole power in one section of the Union, to be wielded against the other sections? Is that equality?

How, then, do we stand in reference to this territorial question—this public domain of ours? Why, Sir, what is it? It is the common property of the States of this Union. They are called “the territories of the United States.” And what are the “United States” but the States united? Sir, these territories are the property of the States united; held jointly for their common use. And is it consistent with justice—is it consistent with equality, that any portion of the partners, outnumbering another portion, shall oust them of this common property of theirs—shall pass any law which shall proscribe the citizens of other portions of the Union from emigrating with their property to the territories of the United States? Would that be consistent—can it be consistent with the idea of a common property, held jointly for the common benefit of all? Would it be so considered in private life? Would it not be considered the most flagrant outrage in the world, one which any court of equity would restrain by injunction—which any court of law in the world would overrule?

Mr. President, not only is that proposition grossly inconsistent with the constitution, but the other, which undertakes to say that no State shall be admitted into this Union, which shall not prohibit by its constitution the existence of slaves, is equally a great outrage against the constitution of the United States. Sir, I hold it to be a fundamental principle of our political system that the people have a right to establish what government they may think proper for themselves; that every State about to become a member of this Union has a right to form its government as it pleases; and that, in order to be admitted there is but one qualification, and that is, that the Government shall be republican. There is no express provision to that effect, but it results from that important section which guarantees to every State in this Union a republican form of government. Now, Sir, what is proposed? It is proposed, from a vague, indefinite, erroneous, and most dangerous conception of private individual liberty, to overrule this great common liberty which a people have of framing their own constitution! Sir, the right of framing self-government on the part of individuals is not near so easily to be established by any course of reasoning, as the right of a community or State to self-government. And yet, Sir, there are men of such delicate feeling on the subject of liberty—men who cannot possibly bear what they call slavery in one section of the country—although not so much slavery, as an institution indispensable for the good of both races—men so squeamish on this point,

that they are ready to strike down the higher right of a community to govern themselves, in order to maintain the absolute right of individuals in every possible condition to govern themselves!

Mr. President, the resolutions that I intend to offer present, in general terms, these great truths. I propose to present them to the Senate; I propose to have a vote upon them; and I trust there is no gentleman here who will refuse it. It is manly—it is right, that such a vote be given. It is due to our constituents that we should insist upon it; and I, as one, will insist upon it that the sense of this body shall be taken; the body which represents the States in their capacity as communities, and the members of which are to be their special guardians. It is due to them, Sir, that there should be a fair expression of what is the sense of this body. Upon that expression much depends. It is the only position we can take, that will uphold us with any thing like independence—which will give us any chance at all to maintain an equality in this Union, on those great principles to which I have referred. Overrule these principles, and we are nothing! Preserve them, and we will ever be a respectable portion of the Union.

Sir, here let me say a word as to the compromise line. I have always considered it as a great error—highly injurious to the South, because it surrendered, for mere temporary purposes, those high principles of the constitution upon which I think we ought to stand. I am against any compromise line. Yet I would have been willing to acquiesce in a continuation of the Missouri compromise, in order to preserve, under the present trying circumstances, the peace of the Union. One of the resolutions in the House, to that effect, was offered at my suggestion. I said to a friend there, “Let us not be disturbers of this Union. Abhorrent to my feelings as is that compromise line, let it be adhered to in good faith; and if the other portions of the Union are willing to stand by it, let us not refuse to stand by it. It has kept peace for some time, and, in the present circumstances, perhaps, it would be better to be continued as it is.” But it was voted down by a decided majority. It was renewed by a gentleman from a non-slaveholding State, and again voted down by a like majority.

I see my way in the constitution. I cannot in a compromise. A compromise is but an act of Congress. It may be overruled at any time. It gives us no security. But the constitution is stable. It is a rock. On it we can stand, and on it we can meet our friends from the non-slaveholding States. It is a firm and stable ground, on which we can better stand in opposition to fanaticism, than on the shifting sands of compromise.

Let us be done with compromises. Let us go back and stand upon the constitution!

Well, Sir, what if the decision of this body shall deny to us this high constitutional right, not the less clear because deduced from the entire body of the instrument, and the nature of the subject to which it relates, instead

of being specially provided for? What then? I will not undertake to decide. It is a question for our constituents, the slaveholding States—a solemn and a great question. If the decision should be adverse, I trust and do believe that they will take under solemn consideration what they ought to do. I give no advice. It would be hazardous and dangerous for me to do so. But I may speak as an individual member of that section of the Union. Here I drew my first breath; there are all my hopes. There is my family and connections. I am a planter—a cotton-planter. I am a Southern man and a slaveholder—a kind and a merciful one, I trust—and none the worse for being a slaveholder. I say, for one, I would rather meet any extremity upon earth than give up one inch of our equality—one inch of what belongs to us as members of this great republic! What acknowledge inferiority! The surrender of life is nothing to sinking down into acknowledged inferiority!

I have examined this subject largely—widely. I think I see the future if we do not stand up as we ought. In my humble opinion, in that case, the condition of Ireland is prosperous and happy—the condition of Hindostan is prosperous and happy—the condition of Jamaica is prosperous and happy, to what the Southern States will be if they should not now stand up manfully in defence of their rights.

Mr. President, I desire that the resolutions which I now send to the table be read.

[The resolutions were read as follows:

Resolved, That the territories of the United States belong to the several States composing this Union, and are held by them as their joint and common property.

Resolved, That Congress, as the joint agent and representative of the States of this Union, has no right to make any law, or do any act whatever, that shall directly, or by its effects, make any discrimination between the States of this Union, by which any of them shall be deprived of its full and equal right in any territory of the United States, acquired or to be acquired.

Resolved, That the enactment of any law, which should directly, or by its effects, deprive the citizens of any of the States of this Union from emigrating, with their property, into any of the territories of the United States, will make such discrimination, and would, therefore, be a violation of the constitution and the rights of the States from which such citizens emigrated, and in derogation of that perfect equality which belongs to them as members of this Union—and would tend directly to subvert the Union itself.

Resolved, That it is a fundamental principle in our political creed, that a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness; and that, in conformity thereto, no other condition is imposed by the Federal Constitution on a State, in order to be admitted into this Union, except that its constitution shall be republican; and

that the imposition of any other by Congress would not only be in violation of the constitution, but in direct conflict with the principle on which our political system rests.”]

I move that the resolutions be printed. I shall move that they be taken up tomorrow; and I do trust that the Senate will give them early attention and an early vote upon the subject.

John C. Calhoun

**Speech on the Admission of California
– and the General State of the Union
(March 4, 1850)**

Introduction

Last speech of John C. Calhoun was delivered not by him, but only read in the Senate by his friend. Exhausted by disease he was unable to stand up before the Congress and only listened, while sitting, to his own words.

Speech for California to join the Union and its general condition indicates the increasing disparity between the position of the regions in what Calhoun refers to as the United States government. Senator suggests that the cause of the weakness of the South is a relentless campaign against the culture and the economy (such as the war of tariffs). From text can be read that Calhoun showed the continual concern to preserve the unity of the country. Remedy for the problems of the Union were to be no more compromises, but return to the Constitution. He points out that the South does not have “another compromise to offer but the Constitution, and no concession or surrender”.

Reading the last of the contained texts must remember that the beginning of the fifties of the nineteenth century to the end of the domination of the Great Triumvirate of the Senate, which provided further compromises and maintained “the United States of regions,” as one body. The second half of the nineteenth century was a period of the Civil War and the continuous rise in importation and powers of the president. This was also the period of the unification of the United States, which have become a monolith, however, destroying under long-term occupation the culture and civilization of the South. Reconstruction period was, what Calhoun had foreseen, the time of dominance of the numeric majority.

Jarosław Szczepański

Speech...

As much indisposed as I have been, Mr. President and Senators, I have felt it to be my duty to express to you my sentiments upon the great question which has agitated the country and occupied your attention. And I am under peculiar obligations to the Senate for the very courteous manner in which they have afforded me an opportunity of being heard today.

I had hoped that it would have been in my power during the last week to have delivered my views in relation to this all-engrossing subject, but I was prevented from doing so by being attacked by a cold which is at this time so prevalent, and which has retarded the recovery of my strength.

Acting under the advice of my friends, and apprehending that it might not be in my power to deliver my sentiments before the termination of the debate, I have reduced to writing what I intended to say. And, without further remark, I will ask the favor of my friend, the Senator behind me to read it.

Mr. Mason: It affords me great pleasure to comply with the request of the honorable Senator, and to read his remarks.

The honorable gentleman then read Mr. Calhoun's remarks as follows:

I have, Senators, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have, on all proper occasions, endeavored to call the attention of both the two great parties which divide the country to adopt some measure to prevent so great a disaster, but without success. The agitation has been permitted to proceed, with almost no attempt to resist it, until it has reached a point when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and the gravest question that can ever come under your consideration—How can the Union be preserved?

To give a satisfactory answer to this mighty question, it is indispensable to have an accurate and thorough knowledge of the nature and the character of the cause by which the Union is endangered. Without such knowledge it is impossible to pronounce, with any certainty, by what measure it can be saved; just as it would be impossible for a physician to pronounce, in the case of some dangerous disease, with any certainty, by what remedy the patient could be saved, without familiar knowledge of the nature and character of the cause of the disease. The first question, then, presented for consideration, in the investigation I propose to make, in order to obtain such knowledge, is—What is it that has endangered the Union?

To this question there can be but one answer—that the immediate cause is the almost universal discontent which pervades all the States composing the Southern section of the Union. This widely extended discontent is not of recent origin. It commenced with the agitation of the slavery question, and has been increasing ever since. The next question, going one step further

back, is — What has caused this widely diffused and almost universal discontent?

It is a great mistake to suppose, as is by some, that it originated with demagogues, who excited the discontent with the intention of aiding their personal advancement, or with the disappointed ambition of certain politicians, who resorted to it as the means of retrieving their fortunes. On the contrary, all the great political influences of the section were arrayed against excitement, and exerted to the utmost to keep the people quiet. The great mass of the people of the South were divided, as in the other section, into Whigs and Democrats. The leaders and the presses of both parties in the South were very solicitous to prevent excitement and to preserve quiet; because it was seen that the effects of the former would necessarily tend to weaken, if not destroy, the political ties which united them with their respective parties in the other section. Those who know the strength of party ties will readily appreciate the immense force which this cause exerted against agitation, and in favor of preserving quiet. But, great as it was, it was not sufficiently so to prevent the widespread discontent which now pervades the section. No; some cause, far deeper and more powerful than the one supposed, must exist, to account for discontent so wide and deep. The question then recurs—What is the cause of this discontent? It will be found in the belief of the people of the Southern States, as prevalent as the discontent itself, that they cannot remain, as things now are, consistently with honor and safety, in the Union. The next question to be considered is—What has caused this belief?

One of the causes is, undoubtedly, to be traced to the long-continued agitation of the slave question on the part of the North, and the many aggressions which they have made on the rights of the South during the time. I will not enumerate them at present, as it will be done hereafter in its proper place.

There is another lying back of it, with which this is intimately connected, that may be regarded as the great and primary cause. This is to be found in the fact that the equilibrium between the two sections in the Government, as it stood when the constitution was ratified and the Government put in action, has been destroyed. At that time there was nearly a perfect equilibrium between the two, which afforded ample means to each to protect itself against the aggression of the other; but, as it now stands, one section has the exclusive power of controlling the Government, which leaves the other without any adequate means of protecting itself against its encroachment and oppression. To place this subject distinctly before you, I have, Senators, prepared a brief statistical statement, showing the relative weight of the two sections in the Government under the first census of 1790 and the last census of 1840.

According to the former, the population of the United States, including Vermont, Kentucky, and Tennessee, which then were in their incipient condition of becoming States, but were not actually admitted, amounted to 3,929,827. Of this number the Northern States had 1,977,899, and the

Southern 1,952,072, making a difference of only 25,827 in favor of the former States. The number of States, including Vermont, Kentucky, and Tennessee, were sixteen; of which eight, including Vermont, belonged to the Northern section, and eight, including Kentucky and Tennessee, to the Southern—making an equal division of the States between the two sections under the first census. There was a small preponderance in the House of Representatives, and in the Electoral College, in favor of the Northern, owing to the fact that, according to the provisions of the constitution, in estimating federal numbers, five slaves count but three; but it was too small to affect sensibly the perfect equilibrium which, with that exception, existed at the time. Such was the equality of the two sections when the States composing them agreed to enter into a Federal Union. Since then the equilibrium between them has been greatly disturbed.

According to the last census the aggregate population of the United States amounted to 17,063,357, of which the Northern section contained 9,728,920, and the Southern 7,334,437, making a difference, in round numbers, of 2,400,000. The number of States had increased from sixteen to twenty-six, making an addition of ten States. In the mean time the position of Delaware had become doubtful as to which section she properly belonged. Considering her as neutral, the Northern States will have thirteen and the Southern States twelve, making a difference in the Senate of two Senators in favor of the former. According to the apportionment under the census of 1840, there were two hundred and twenty-three members of the House of Representatives, of which the Northern States had one hundred and thirty-five, and the Southern States (considering Delaware as neutral) eighty-seven, making a difference in favor of the former in the House of Representatives of forty-eight. The difference in the Senate of two members, added to this, gives to the North, in the electoral college, a majority of fifty. Since the census of 1840, four States have been added to the Union—Iowa, Wisconsin, Florida, and Texas. They leave the difference in the Senate as it stood when the census was taken; but add two to the side of the North in the House, making the present majority in the House in its favor fifty, and in the electoral college fifty-two.

The result of the whole is to give the Northern section a predominance in every part of the Government, and thereby concentrate in it the two elements which constitute the Federal Government—majority of States, and a majority of their population, estimated in federal numbers. Whatever section concentrates the two in itself possesses the control of the entire Government.

But we are just at the close of the sixth decade, and the commencement of the seventh. The census is to be taken this year, which must add greatly to the decided preponderance of the North in the House of Representatives and in the electoral college. The prospect is, also, that a great increase will be added to its present preponderance in the Senate, during the period of the decade, by the addition of new States. Two territories, Oregon and Minnesota,

are already in progress, and strenuous efforts are making to bring in three additional States from the territory recently conquered from Mexico; which, if successful, will add three other States in a short time to the Northern section, making five States; and increasing the present number of its States from fifteen to twenty, and of its Senators from thirty to forty. On the contrary, there is not a single territory in progress in the Southern section, and no certainty that any additional State will be added to it during the decade. The prospect then is, that the two sections in the Senate, should the efforts now made to exclude the South from the newly acquired territories succeed, will stand, before the end of the decade, twenty Northern States to fourteen Southern (considering Delaware as neutral), and forty Northern Senators to twenty-eight Southern. This great increase of Senators, added to the great increase of members of the House of Representatives and the electoral college on the part of the North, which must take place under the next decade, will effectually and irretrievably destroy the equilibrium which existed when the Government commenced.

Had this destruction been the operation of time, without the interference of Government, the South would have had no reason to complain; but such was not the fact. It was caused by the legislation of this Government, which was appointed, as the common agent of all, and charged with the protection of the interests and security of all. The legislation by which it has been effected, may be classed under three heads. The first is, that series of acts by which the South has been excluded from the common territory belonging to all the States as members of the Federal Union—which have had the effect of extending vastly the portion allotted to the Northern section, and restricting within narrow limits the portion left the South; the next consists in adopting a system of revenue and disbursements, by which an undue proportion of the burden of taxation has been imposed upon the South, and an undue proportion of its proceeds appropriated to the North; and the last is a system of political measures, by which the original character of the Government has been radically changed. I propose to bestow upon each of these, in the order they stand, a few remarks, with the view of showing that it is owing to the action of this Government, that the equilibrium between the two sections has been destroyed, and the whole powers of the system centered in a sectional majority.

The first of the series of acts by which the South was deprived of its due share of the territories, originated with the confederacy, which preceded the existence of this Government. It is to be found in the provision of the ordinance of 1787. Its effect was to exclude the South entirely from that vast and fertile region which lies between the Ohio and the Mississippi rivers, now embracing five States and one territory. The next of the series is the Missouri compromise, which excluded the South from that large portion of Louisiana which lies north of $36^{\circ} 30'$, excepting what is included in the State

of Missouri. The last of the series excluded the South from the whole of the Oregon Territory. All these, in the slang of the day, were what are called slave territories, and not free soil; that is, territories belonging to slaveholding powers and open to the emigration of masters with their slaves. By these several acts, the South was excluded from 1,238,025 square miles—an extent of country considerably exceeding the entire valley of the Mississippi. To the South was left the portion of the Territory of Louisiana lying south of $36^{\circ} 30'$, and the portion north of it included in the State of Missouri; with the portion lying south of $36^{\circ} 30'$, including the States of Louisiana and Arkansas; and the territory lying west of the latter, and south of $36^{\circ} 30'$, called the Indian country. These, with the Territory of Florida, now the State, makes in the whole 283,503 square miles. To this must be added the territory acquired with Texas. If the whole should be added to the Southern section, it would make an increase of 325,520, which would make the whole left to the South 609,023. But a large part of Texas is still in contest between the two sections, which leaves it uncertain what will be the real extent of the portion of territory that may be left to the South.

I have not included the territory recently acquired by the treaty with Mexico. The North is making the most strenuous efforts to appropriate the whole to herself, by excluding the South from every foot of it. If she should succeed, it will add to that from which the South has already been excluded 526,078 square miles, and would increase the whole which the North has appropriated to herself to 1,764,023, not including the portion that she may succeed in excluding us from in Texas. To sum up the whole, the United States, since they declared their independence, have acquired 2,373,046 square miles of territory, from which the North will have excluded the South, if she should succeed in monopolizing the newly acquired territories, about three-fourths of the whole, leaving to the South but about one-fourth.

Such is the first and great cause that has destroyed the equilibrium between the two sections in the Government.

The next is the system of revenue and disbursements which has been adopted by the Government. It is well known that the Government has derived its revenue mainly from duties on imports. I shall not undertake to show that such duties must necessarily fall mainly on the exporting States, and that the South, as the great exporting portion of the Union, has in reality paid vastly more than her due proportion of the revenue; because I deem it unnecessary, as the subject has on so many occasions been fully discussed. Nor shall I, for the same reason, undertake to show that a far greater portion of the revenue has been disbursed at the North than its due share; and that the joint effect of these causes has been to transfer a vast amount from South to North, which, under an equal system of revenue and disbursements, would not have been lost to her. If to this be added, that many of the duties were imposed, not for revenue, but for protection—that is, intended to put money,

not in the treasury, but directly into the pocket of the manufacturers—some conception may be formed of the immense amount which, in the long course of sixty years, has been transferred from South to North. There are no data by which it can be estimated with any certainty; but it is safe to say, that it amounts to hundreds of millions of dollars. Under the most moderate estimate, it would be sufficient to add greatly to the wealth of the North, and thus greatly increase her population by attracting emigration from all quarters to that section.

This, combined with the great primary cause, amply explains why the North has acquired a preponderance in every department of the Government by its disproportionate increase of population and States. The former, as has been shown, has increased, in fifty years, 2,400,000 over that of the South. This increase of population, during so long a period, is satisfactorily accounted for by the number of emigrants, and the increase of their descendants, which have been attracted to the Northern section from Europe and the South, in consequence of the advantages derived from the causes assigned. If they had not existed—if the South had retained all the capital which has been extracted from her by the fiscal action of the Government; and, if it had not been excluded by the ordinance of 1787 and the Missouri compromise, from the region lying between the Ohio and the Mississippi rivers, and between the Mississippi and the Rocky Mountains north of 36° 30', it scarcely admits of a doubt that it would have divided the emigration with the North, and by retaining her own people, would have at least equalled the North in population under the census of 1840, and probably under that about to be taken. She would also, if she had retained her equal rights in those territories, have maintained an equality in the number of States with the North, and have preserved the equilibrium between the two sections that existed at the commencement of the Government. The loss, then, of the equilibrium is to be attributed to the action of this Government.

But while these measures were destroying the equilibrium between the two sections, the action of the Government was leading to a radical change in its character, by concentrating all the power of the system in itself. The occasion will not permit me to trace the measures by which this great change has been consummated. If it did, it would not be difficult to show that the process commenced at an early period of the Government; and that it proceeded, almost without interruption, step by step, until it absorbed virtually its entire powers. But without going through the whole process to establish the fact, it may be done satisfactorily by a very short statement.

That the Government claims, and practically maintains the right to decide in the last resort, as to the extent of its powers, will scarcely be denied by any one conversant with the political history of the country. That it also claims the right to resort to force to maintain whatever power she claims, against all opposition, is equally certain. Indeed it is apparent, from what we daily

hear, that this has become the prevailing and fixed opinion of a great majority of the community. Now, I ask, what limitation can possibly be placed upon the powers of a government claiming and exercising such rights? And, if none can be, how can the separate governments of the States maintain and protect the powers reserved to them by the constitution—or the people of the several States maintain those which are reserved to them, and among others, the sovereign powers by which they ordained and established, not only their separate State Constitutions and Governments, but also the Constitution and Government of the United States? But, if they have no constitutional means of maintaining them against the right claimed by this Government, it necessarily follows, that they hold them at its pleasure and discretion, and that all the powers of the system are in reality concentrated in it. It also follows, that the character of the Government has been changed, in consequence, from a federal republic, as it originally came from the hands of its framers, and that it has been changed into a great national consolidated democracy. It has indeed, at present, all the characteristics of the latter, and not one of the former, although it still retains its outward form.

The result of the whole of these causes combined is, that the North has acquired a decided ascendancy over every department of this Government, and through it a control over all the powers of the system. A single section, governed by the will of the numerical majority, has now, in fact, the control of the Government and the entire powers of the system. What was once a constitutional federal republic, is now converted, in reality, into one as absolute as that of the Autocrat of Russia, and as despotic in its tendency as any absolute government that ever existed.

As, then, the North has the absolute control over the Government, it is manifest, that on all questions between it and the South, where there is a diversity of interests, the interest of the latter will be sacrificed to the former, however oppressive the effects may be, as the South possesses no means by which it can resist through the action of the Government. But if there was no question of vital importance to the South, in reference to which there was a diversity of views between the two sections, this state of things might be endured, without the hazard of destruction to the South. But such is not the fact. There is a question of vital importance to the Southern section, in reference to which the views and feelings of the two sections are as opposite and hostile as they can possibly be.

I refer to the relation between the two races in the Southern section, which constitutes a vital portion of her social organization. Every portion of the North entertains views and feelings more or less hostile to it. Those most opposed and hostile, regard it as a sin, and consider themselves under the most sacred obligation to use every effort to destroy it. Indeed, to the extent that they conceive they have power, they regard themselves as implicated in the sin, and responsible for not suppressing it by the use of all and every

means. Those less opposed and hostile, regard it as a crime—an offence against humanity, as they call it; and, although not so fanatical, feel themselves bound to use all efforts to effect the same object; while those who are least opposed and hostile, regard it as a blot and a stain on the character of what they call the Nation, and feel themselves accordingly bound to give it no countenance or support. On the contrary, the Southern section regards the relation as one which cannot be destroyed without subjecting the two races to the greatest calamity, and the section to poverty, desolation, and wretchedness; and accordingly they feel bound, by every consideration of interest and safety, to defend it.

This hostile feeling on the part of the North towards the social organization of the South long lay dormant, but it only required some cause to act on those who felt most intensely that they were responsible for its continuance, to call it into action. The increasing power of this Government, and of the control of the Northern section over all its departments, furnished the cause. It was this which made an impression on the minds of many, that there was little or no restraint to prevent the Government from doing whatever it might choose to do. This was sufficient of itself to put the most fanatical portion of the North in action, for the purpose of destroying the existing relation between the two races in the South.

The first organized movement towards it commenced in 1835. Then, for the first time, societies were organized, presses established, lecturers sent forth to excite the people of the North, and incendiary publications scattered over the whole South, through the mail. The South was thoroughly aroused. Meetings were held every where, and resolutions adopted, calling upon the North to apply a remedy to arrest the threatened evil, and pledging themselves to adopt measures for their own protection, if it was not arrested. At the meeting of Congress, petitions poured in from the North, calling upon Congress to abolish slavery in the District of Columbia, and to prohibit, what they called, the internal slave trade between the States—announcing at the same time, that their ultimate object was to abolish slavery, not only in the District, but in the States and throughout the Union. At this period, the number engaged in the agitation was small, and possessed little or no personal influence.

Neither party in Congress had, at that time, any sympathy with them or their cause. The members of each party presented their petitions with great reluctance. Nevertheless, small and contemptible as the party then was, both of the great parties of the North dreaded them. They felt, that though small, they were organized in reference to a subject which had a great and a commanding influence over the Northern mind. Each party, on that account, feared to oppose their petitions, lest the opposite party should take advantage of the one who might do so, by favoring their petitions. The effect was, that both united in insisting that the petitions should be received, and

that Congress should take jurisdiction of the subject for which they prayed. To justify their course, they took the extraordinary ground, that Congress was bound to receive petitions on every subject, however objectionable they might be, and whether they had, or had not, jurisdiction over the subject. These views prevailed in the House of Representatives, and partially in the Senate; and thus the party succeeded in their first movements, in gaining what they proposed—a position in Congress, from which agitation could be extended over the whole Union. This was the commencement of the agitation, which has ever since continued, and which, as is now acknowledged, has endangered the Union itself.

As for myself, I believed, at that early period, if the party who got up the petitions should succeed in getting Congress to take jurisdiction, that agitation would follow, and that it would, in the end, if not arrested, destroy the Union. I then so expressed myself in debate, and called upon both parties to take grounds against assuming jurisdiction; but in vain. Had my voice been heeded, and had Congress refused to take jurisdiction, by the united votes of all parties, the agitation which followed would have been prevented, and the fanatical zeal that gives impulse to the agitation, and which has brought us to our present perilous condition, would have become extinguished, from the want of something to feed the flame. *That* was the time for the North to have shown her devotion to the Union; but, unfortunately, both of the great parties of that section were so intent on obtaining or retaining party ascendancy, that all other considerations were overlooked or forgotten.

What has since followed are but natural consequences. With the success of their first movement, this small fanatical party began to acquire strength; and with that, to become an object of courtship to both the great parties. The necessary consequence was, a further increase of power, and a gradual tainting of the opinions of both of the other parties with their doctrines, until the infection has extended over both; and the great mass of the population of the North, who, whatever may be their opinion of the original abolition party, which still preserves its distinctive organization, hardly ever fail, when it comes to acting, to co-operate in carrying out their measures. With the increase of their influence, they extended the sphere of their action. In a short time after the commencement of their first movement, they had acquired sufficient influence to induce the legislatures of most of the Northern States to pass acts, which in effect abrogated the provision of the constitution that provides for the delivery up of fugitive slaves. Not long after, petitions followed to abolish slavery in forts, magazines, and dockyards, and all other places where Congress had exclusive power of legislation. This was followed by petitions and resolutions of legislatures of the Northern States, and popular meetings, to exclude the Southern States from all territories acquired, or to be acquired, and to prevent the admission of any State hereafter into the Union, which, by its constitution, does not prohibit slavery. And Congress is invoked

to do all this, expressly with the view to the final abolition of slavery in the States. That has been avowed to be the ultimate object from the beginning of the agitation until the present time; and yet the great body of both parties of the North, with the full knowledge of the fact, although disavowing the abolitionists, have co-operated with them in almost all their measures.

Such is a brief history of the agitation, as far as it has yet advanced. Now, I ask, Senators, what is there to prevent its further progress, until it fulfils the ultimate end proposed, unless some decisive measure should be adopted to prevent it? Has any one of the causes, which has added to its increase from its original small and contemptible beginning until it has attained its present magnitude, diminished in force? Is the original cause of the movement—that slavery is a sin, and ought to be suppressed—weaker now than at the commencement? Or is the abolition party less numerous or influential, or have they less influence over, or control over the two great parties of the North in elections? Or has the South greater means of influencing or controlling the movements of this Government now, than it had when the agitation commenced? To all these questions but one answer can be given: no, no, no! The very reverse is true. Instead of being weaker, all the elements in favor of agitation are stronger now than they were in 1835, when it first commenced, while all the elements of influence on the part of the South are weaker. Unless something decisive is done, I again ask, what is to stop this agitation, before the great and final object at which it aims—the abolition of slavery in the States—is consummated? Is it, then, not certain, that if something decisive is not done to arrest it, the South will be forced to choose between abolition and secession? Indeed, as events are now moving, it will not require the South to secede, in order to dissolve the Union. Agitation will of itself effect it, of which its past history furnishes abundant proof—as I shall next proceed to show.

It is a great mistake to suppose that disunion can be effected by a single blow. The cords which bind these States together in one common Union, are far too numerous and powerful for that. Disunion must be the work of time. It is only through a long process, and successively, that the cords can be snapped, until the whole fabric falls asunder. Already the agitation of the slavery question has snapped some of the most important, and has greatly weakened all the others, as I shall proceed to show.

The cords that bind the States together are not only many, but various in character. Some are spiritual or ecclesiastical; some political; others social. Some appertain to the benefit conferred by the Union, and others to the feeling of duty and obligation.

The strongest of those of a spiritual and ecclesiastical nature, consisted in the unity of the great religious denominations, all of which originally embraced the whole Union. All these denominations, with the exception, perhaps, of the Catholics, were organized very much upon the principle of

our political institutions. Beginning with smaller meetings, corresponding with the political divisions of the country, their organization terminated in one great central assemblage, corresponding very much with the character of Congress. At these meetings the principal clergymen and lay members of the respective denominations, from all parts of the Union, met to transact business relating to their common concerns. It was not confined to what appertained to the doctrines and discipline of the respective denominations, but extended to plans for disseminating the Bible, establishing missionaries, distributing tracts, and of establishing presses for the publication of tracts, newspapers, and periodicals, with a view of diffusing religious information, and for the support of the doctrines and creeds of the denomination. All this combined contributed greatly to strengthen the bonds of the Union. The strong ties which held each denomination together formed a strong cord to hold the whole Union together; but, powerful as they were, they have not been able to resist the explosive effect of slavery agitation.

The first of these cords which snapped, under its explosive force, was that of the powerful Methodist Episcopal Church. The numerous and strong ties which held it together are all broken, and its unity gone. They now form separate churches; and, instead of that feeling of attachment and devotion to the interests of the whole church which was formerly felt, they are now arrayed into two hostile bodies, engaged in litigation about what was formerly their common property. The next cord that snapped was that of the Baptists, one of the largest and most respectable of the denominations. That of the Presbyterian is not entirely snapped, but some of its strands have given way. That of the Episcopal Church is the only one of the four great Protestant denominations which remains unbroken and entire.

The strongest cord, of a political character, consists of the many and strong ties that have held together the two great parties, which have, with some modifications, existed from the beginning of the Government. They both extended to every portion of the Union, and strongly contributed to hold all its parts together. But this powerful cord has fared no better than the spiritual. It resisted, for a long time, the explosive tendency of the agitation, but has finally snapped under its force—if not entirely, in a great measure. Nor is there one of the remaining cords which has not been greatly weakened. To this extent the Union has already been destroyed by agitation, in the only way it can be, by snapping asunder and weakening the cords which bind it together.

If the agitation goes on, the same force, acting with increased intensity, as has been shown, will finally snap every cord, when nothing will be left to hold the States together except force. But, surely, that can, with no propriety of language, be called a Union, when the only means by which the weaker is held connected with the stronger portion is *force*. It may, indeed, keep them connected; but the connection will partake much more of the character of subjugation, on the part of the weaker to the stronger, than the union of

free, independent, and sovereign States, in one confederation, as they stood in the early stages of the Government, and which only is worthy of the sacred name of Union.

Having now, Senators, explained what it is that endangers the Union, and traced it to its cause, and explained its nature and character, the question again recurs—How can the Union be saved? To this I answer, there is but one way by which it can be, and that is, by adopting such measures as will satisfy the States belonging to the Southern section, that they can remain in the Union consistently with their honor and their safety. There is, again, only one way by which that can be effected, and that is—by removing the causes by which this belief has been produced. Do *that*, and discontent will cease, harmony and kind feelings between the sections be restored, and every apprehension of danger to the Union removed. The question, then, is—How can this be done? But, before I undertake to answer this question, I propose to show by what the Union cannot be saved.

It cannot, then, be saved by eulogies on the Union, however splendid or numerous. The cry of “Union, Union, the glorious Union!” can no more prevent disunion than the cry of “Health, health, glorious health!” on the part of the physician, can save a patient lying dangerously ill. So long as the Union, instead of being regarded as a protector, is regarded in the opposite character, by not much less than a majority of the States, it will be in vain to attempt to conciliate them by pronouncing eulogies on it.

Besides, this cry of Union comes commonly from those whom we cannot believe to be sincere. It usually comes from our assailants. But we cannot believe them to be sincere; for, if they loved the Union, they would necessarily be devoted to the constitution. It made the Union, and to destroy the constitution would be to destroy the Union. But the only reliable and certain evidence of devotion to the constitution is, to abstain, on the one hand, from violating it, and to repel, on the other, all attempts to violate it. It is only by faithfully performing these high duties that the constitution can be preserved, and with it the Union.

But how stands the profession of devotion to the Union by our assailants, when brought to this test? Have they abstained from violating the constitution? Let the many acts passed by the Northern States to set aside and annul the clause of the constitution providing for the delivery up of fugitive slaves answer. I cite this, not that it is the only instance (for there are many others), but because the violation in this particular is too notorious and palpable to be denied. Again, have they stood forth faithfully to repel violations of the constitution? Let their course in reference to the agitation of the slavery question, which was commenced and has been carried on for fifteen years, avowedly for the purpose of abolishing slavery in the States—an object all acknowledged to be unconstitutional—answer. Let them show a single instance, during this long period, in which they have denounced the agitators

or their attempts to effect what is admitted to be unconstitutional, or a single measure which they have brought forward for that purpose. How can we, with all these facts before us, believe that they are sincere in their profession of devotion to the Union, or avoid believing their profession is but intended to increase the vigor of their assaults and to weaken the force of our resistance?

Nor can we regard the profession of devotion to the Union, on the part of those who are not our assailants, as sincere, when they pronounce eulogies upon the Union, evidently with the intent of charging us with disunion, without uttering one word of denunciation against our assailants. If friends of the Union, their course should be to unite with us in repelling these assaults, and denouncing the authors as enemies of the Union. Why they avoid this, and pursue the course they do, it is for them to explain.

Nor can the Union be saved by invoking the name of the illustrious Southerner whose mortal remains repose on the western bank of the Potomac. He was one of us—a slaveholder and a planter. We have studied his history, and find nothing in it to justify submission to wrong. On the contrary, his great fame rests on the solid foundation, that, while he was careful to avoid doing wrong to others, he was prompt and decided in repelling wrong. I trust that, in this respect, we profited by his example.

Nor can we find any thing in his history to deter us from seceding from the Union, should it fail to fulfil the objects for which it was instituted, by being permanently and hopelessly converted into the means of oppressing instead of protecting us. On the contrary, we find much in his example to encourage us, should we be forced to the extremity of deciding between submission and disunion.

There existed then, as well as now, a Union—that between the parent country and her then colonies. It was a union that had much to endear it to the people of the colonies. Under its protecting and superintending care, the colonies were planted and grew up and prospered, through a long course of years, until they became populous and wealthy. Its benefits were not limited to them. Their extensive agricultural and other productions, gave birth to a flourishing commerce, which richly rewarded the parent country for the trouble and expense of establishing and protecting them. Washington was born and grew up to manhood under that Union. He acquired his early distinction in its service, and there is every reason to believe that he was devotedly attached to it. But his devotion was a rational one. He was attached to it, not as an end, but as a means to an end. When it failed to fulfil its end, and, instead of affording protection, was converted into the means of oppressing the colonies, he did not hesitate to draw his sword, and head the great movement by which that union was forever severed, and the independence of these States established. This was the great and crowning glory of his life, which has spread his fame over the whole globe, and will transmit it to the latest posterity.

Nor can the plan proposed by the distinguished Senator from Kentucky, nor that of the administration, save the Union. I shall pass by, without remark, the plan proposed by the Senator, and proceed directly to the consideration of that of the administration. I, however, assure the distinguished and able Senator, that, in taking this course, no disrespect whatever is intended to him or his plan. I have adopted it, because so many Senators of distinguished abilities, who were present when he delivered his speech, and explained his plan, and who were fully capable to do justice to the side they support, have replied to him.

The plan of the administration cannot save the Union, because it can have no effect whatever, towards satisfying the States composing the southern section of the Union, that they can, consistently with safety and honor, remain in the Union. It is, in fact, but a modification of the Wilmot Proviso. It proposes to effect the same object—to exclude the South from all territory acquired by the Mexican treaty. It is well known that the South is united against the Wilmot Proviso, and has committed itself, by solemn resolutions, to resist, should it be adopted. Its opposition is *not to the name*, but that which it *proposes to effect*. That, the Southern States hold to be unconstitutional, unjust, inconsistent with their equality as members of the common Union, and calculated to destroy irretrievably the equilibrium between the two sections. These objections equally apply to what, for brevity, I will call the Executive Proviso. There is no difference between it and the Wilmot, except in the mode of effecting the object; and in that respect, I must say, that the latter is much the least objectionable. It goes to its object openly, boldly, and distinctly. It claims for Congress unlimited power over the territories, and proposes to assert it over the territories acquired from Mexico, by a positive prohibition of slavery. Not so the Executive Proviso. It takes an indirect course, and in order to elude the Wilmot Proviso, and thereby avoid encountering the united and determined resistance of the South, it denies, by implication, the authority of Congress to legislate for the territories, and claims the right as belonging exclusively to the inhabitants of the territories. But to effect the object of excluding the South, it takes care, in the mean time, to let in emigrants freely from the Northern States and all other quarters, except from the South, which it takes special care to exclude by holding up to them the danger of having their slaves liberated under the Mexican laws. The necessary consequence is to exclude the South from the territory, just as effectually as would the Wilmot Proviso. The only difference in this respect is, that what one proposes to effect directly and openly, the other proposes to effect indirectly and covertly.

But the Executive Proviso is more objectionable than the Wilmot, in another and more important particular. The latter, to effect its object, inflicts a dangerous wound upon the constitution, by depriving the Southern States, as joint partners and owners of the territories, of their rights in them; but

it inflicts no greater wound than is absolutely necessary to effect its object. The former, on the contrary, while it inflicts the same wound, inflicts others equally great, and, if possible, greater, as I shall next proceed to explain.

In claiming the right for the inhabitants, instead of Congress, to legislate for the territories, the Executive Proviso, assumes that the sovereignty over the territories is vested in the former: or to express it in the language used in a resolution offered by one of the Senators from Texas (General Houston, now absent), they have “the same inherent right of self-government as the people in the States.” The assumption is utterly unfounded, unconstitutional, without example, and contrary to the entire practice of the Government, from its commencement to the present time, as I shall proceed to show.

The recent movement of individuals in California to form a constitution and a State government, and to appoint Senators and Representatives, is the first fruit of this monstrous assumption. If the individuals who made this movement had gone into California as adventurers, and if, as such, they had conquered the territory and established their independence, the sovereignty of the country would have been vested in them, as a separate and independent community. In that case, they would have had the right to form a constitution, and to establish a government for themselves; and if, afterwards, they thought proper to apply to Congress for admission into the Union as a sovereign and independent State, all this would have been regular, and according to established principles. But such is not the case. It was the United States who conquered California and finally acquired it by treaty. The sovereignty, of course, is vested in them, and not in the individuals who have attempted to form a constitution and a State without their consent. All this is clear, beyond controversy, unless it can be shown that they have since lost or been divested of their sovereignty.

Nor is it less clear, that the power of legislating over the acquired territory is vested in Congress, and not, as is assumed, in the inhabitants of the territories. None can deny that the Government of the United States has the power to acquire territories, either by war or treaty; but if the power to acquire exists, it belongs to Congress to carry it into execution. On this point there can be no doubt, for the constitution expressly provides, that Congress shall have power “to make all laws which shall be necessary and proper to carry into execution the foregoing powers” (those vested in Congress), “and all other powers vested by this constitution in *the Government* of the United States, or in *any department* or *officer* thereof.” It matters not, then, where the power is vested; for, if vested at all in the Government of the United States, or any of its departments, or officers, the power of carrying it into execution is clearly vested in Congress. But this important provision, while it gives to Congress the power of legislating over territories, imposes important restrictions on its exercise, by restricting Congress to passing laws necessary and proper for carrying the power into execution. The prohibition extends, not only to all

laws not suitable or appropriate to the object of the power, but also to all that are unjust, unequal, or unfair—for all such laws would be unnecessary and improper, and, therefore, unconstitutional.

Having now established, beyond controversy, that the sovereignty over the territories is vested in the United States—that is, in the several States composing the Union—and that the power of legislating over them is expressly vested in Congress, it follows, that the individuals in California who have undertaken to form a constitution and a State, and to exercise the power of legislating without the consent of Congress, have usurped the sovereignty of the State and the authority of Congress, and have acted in open defiance of them both. In other words, what they have done, is revolutionary and rebellious in its character, anarchical in its tendency, and calculated to lead to the most dangerous consequences. Had they acted from premeditation and design, it would have been, in fact, actual rebellion; but such is not the case. The blame lies much less upon them than upon those who have induced them to take a course so unconstitutional and dangerous. They have been led into it by language held here, and the course pursued by the Executive branch of the Government.

I have not seen the answer of the Executive to the calls made by the two Houses of Congress for information as to the course which it took, or the part which it acted, in reference to what was done in California. I understand the answers have not yet been printed. But there is enough known to justify the assertion, that those who profess to represent and act under the authority of the Executive, have advised, aided, and encouraged the movement, which terminated in forming, what they call a constitution and a State. General Riley, who professed to act as civil Governor, called the convention, determined on the number and distribution of the delegates, appointed the time and place of its meeting, was present during the session, and gave its proceedings his approbation and sanction. If he acted without authority, he ought to have been tried, or at least reprimanded, and his course disavowed. Neither having been done, the presumption is, that his course has been approved. This, of itself, is sufficient to identify the Executive with his acts, and to make it responsible for them. I touch not the question, whether General Riley was appointed, or received the instructions under which he professed to act from the present Executive, or its predecessor. If from the former, it would implicate the preceding, as well as the present administration. If not, the responsibility rests exclusively on the present.

It is manifest from this statement, that the Executive Department has undertaken to perform acts preparatory to the meeting of the individuals to form their so-called constitution and government, which appertain exclusively to Congress. Indeed, they are identical, in many respects, with the provisions adopted by Congress, when it gives permission to a territory to form a constitution and government, in order to be admitted as a State into the Union.

Having now shown that the assumption upon which the Executive and the individuals in California acted throughout this whole affair is unfounded, unconstitutional, and dangerous, it remains to make a few remarks, in order to show that what has been done, is contrary to the entire practice of the Government, from commencement to the present time.

From its commencement until the time that Michigan was admitted, the practice was uniform. Territorial governments were first organized by Congress. The Government of the United States appointed the governors, judges, secretaries, marshals, and other officers; and the inhabitants of the territory were represented by legislative bodies, whose acts were subject to the revision of Congress. This state of things continued until the government of a territory applied to Congress to permit its inhabitants to form a constitution and government, preparatory to admission into the Union. The preliminary act to giving permission was, to ascertain whether the inhabitants were sufficiently numerous to authorize them to be formed into a State. This was done by taking a census. That being done, and the number proving sufficient, permission was granted. The act granting it fixed all the preliminaries—the time and place of holding the convention; the qualification of the voters; establishment of its boundaries, and all other measures necessary to be settled previous to admission. The act giving permission necessarily withdraws the sovereignty of the United States, and leaves the inhabitants of the incipient State as free to form their constitution and government as were the original States of the Union after they had declared their independence. At this stage, the inhabitants of the territory became, for the first time, a people, in legal and constitutional language. Prior to this, they were, by the old acts of Congress, called inhabitants, and not people. All this is perfectly consistent with the sovereignty of the United States, with the powers of Congress, and with the right of a people to self-government. Michigan was the first case in which there was any departure from the uniform rule of acting. Hers was a very slight departure from established usage. The ordinance of 1787 secured to her the right of becoming a State when she should have 60,000 inhabitants. Owing to some neglect, Congress delayed taking the census. In the mean time her population increased, until it clearly exceeded more than twice the number which entitled her to admission. At this stage, she formed a constitution and government, without a census being taken by the United States, and Congress waived the omission, as there was no doubt she had more than a sufficient number to entitle her to admission. She was not admitted at the first session she applied, owing to some difficulty respecting the boundary between her and Ohio. The great irregularity, as to her admission, took place at the next session—but on a point which can have no possible connection with the ease of California.

The irregularities in all other cases that have since occurred, are of a similar nature. In all, there existed territorial governments established by Congress,

with officers appointed by the United States. In all, the territorial government took the lead in calling conventions, and fixing the preliminaries preparatory to the formation of a constitution and admission into the Union. They all recognized the sovereignty of the United States, and the authority of Congress over the territories; and wherever there was any departure from established usage, it was done on the presumed consent of Congress, and not in defiance of its authority, or the sovereignty of the United States over the territories. In this respect California stands alone, without usage, or a single example to cover her case.

It belongs now, Senators, for you to decide what part you will act in reference to this unprecedented transaction. The Executive has laid the paper purporting to be the Constitution of California before you, and asks you to admit her into the Union as a State; and the question is, will you or will you not admit her? It is a grave question, and there rests upon you a heavy responsibility. Much, very much, will depend upon your decision. If you admit her, you indorse and give your sanction to all that has been done. Are you prepared to do so? Are you prepared to surrender your power of legislation for the territories—a power expressly vested in Congress by the constitution, as has been fully established? Can you, consistently with your oath to support the constitution, surrender the power? Are you prepared to admit that the inhabitants of the territories possess the sovereignty over them, and that any number, more or less, may claim any extent of territory they please; may form a constitution and government, and erect it into a State, without asking your permission? Are you prepared to surrender the sovereignty of the United States over whatever territory may be hereafter acquired to the first adventurers who may rush into it? Are you prepared to surrender virtually to the Executive Department all the powers which you have heretofore exercised over the territories? If not, how can you, consistently with your duty and your oaths to support the constitution, give your assent to the admission of California as a State, under a pretended constitution and government? Again, can you believe that the project of a constitution which they have adopted has the least validity? Can you believe that there is such a State in reality as the State of California? No; there is no such State. It has no legal or constitutional existence. It has no validity, and can have none, without your sanction. How, then, can you admit it as a *State*, when, according to the provision of the constitution, your power is limited to admitting new *States*? To be admitted, it must be a State—and an existing State, independent of your sanction, before you can admit it. When you give your permission to the inhabitants of a territory to form a constitution and a State, the constitution and State they form, derive their authority from the people, and not from you. The State before it is admitted is actually a State, and does not become so by the *act of admission*, as would be the case with California, should you admit her contrary to the constitutional provisions and established usage heretofore.

The Senators on the other side of the Chamber must permit me to make a few remarks in this connection particularly applicable to them, with the exception of a few Senators from the South, sitting on the other side of the Chamber. When the Oregon question was before this body, not two years since, you took (if I mistake not) universally the ground, that Congress had the sole and absolute power of legislating for the territories. How, then, can you now, after the short interval which has elapsed, abandon the ground which you took, and thereby virtually admit that the power of legislating, instead of being in Congress, is in the inhabitants of the territories? How can you justify and sanction by your votes the acts of the Executive, which are in direct derogation of what you then contended for? But to approach still nearer to the present time, how can you, after condemning, little more than a year since, the grounds taken by the party which you defeated at the last election, wheel round and support by your votes the grounds which, as explained recently on this floor by the candidate of the party in the last election, are identical with those on which the Executive has acted in reference to California? What are we to understand by all this? Must we conclude that there is no sincerity, no faith in the acts and declarations of public men, and that all is mere acting or hollow profession? Or are we to conclude that the exclusion of the South from the territory acquired from Mexico is an object of so paramount a character in your estimation, that right, justice, constitution and consistency must all yield, when they stand in the way of our exclusion?

But, it may be asked, what is to be done with California, should she not be admitted? I answer, remand her back to the territorial condition, as was done in the case of Tennessee, in the early stage of the Government. Congress, in her case, had established a territorial government in the usual form, with a governor, judges, and other officers, appointed by the United States. She was entitled, under the deed of cession, to be admitted into the Union as a State as soon as she had sixty thousand inhabitants. The territorial government, believing it had that number, took a census, by which it appeared it exceeded it. She then formed a constitution, and applied for admission. Congress refused to admit her, on the ground that the census should be taken by the United States, and that Congress had not determined whether the territory should be formed into one or two States, as it was authorized to do under the cession. She returned quietly to Her territorial condition. An act was passed to take a census by the United States, containing a provision that the territory should form one State. All afterwards was regularly conducted, and the territory admitted as a State in due form. The irregularities in the case of California are immeasurably greater, and offer much stronger reasons for pursuing the same course. But, it may be said, California may not submit. That is not probable; but if she should not, when she refuses it will then be time for us to decide what is to be done.

Having now shown what cannot save the Union, I return to the ques-

tion with which I commenced, How can the Union be saved? There is but one way by which it can with any certainty; and that is, by a full and final settlement, on the principle of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer but the constitution, and no concession or surrender to make. She has already surrendered so much that she has little left to surrender. Such a settlement would go to the root of the evil, and remove all cause of discontent, by satisfying the South she could remain honorably and safely in the Union, and thereby restore the harmony and fraternal feelings between the sections which existed anterior to the Missouri agitation. Nothing else can, with any certainty, finally and for ever settle the questions at issue, terminate agitation, and save the Union.

But can this be done? Yes, easily; not by the weaker party, for it can of itself do nothing—not even protect itself—but by the stronger. The North has only to will it to accomplish it—to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled—to cease the agitation of the slave question, and to provide for the insertion of a provision in the constitution, by an amendment, which will restore to the South, in substance, the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this Government. There will be no difficulty in devising such a provision—one that will protect the South, and which, at the same time, will improve and strengthen the Government, instead of impairing and weakening it.

But will the North agree to do this? It is for her to answer the question. But, I will say, she cannot refuse, if she has half the love of the Union which she professes to have, or without justly exposing herself to the charge that her love of power and aggrandizement is far greater than her love of the Union. At all events, the responsibility of saving the Union rests on the North, and not on the South. The South cannot save it by any act of hers, and the North may save it without any sacrifice whatever, unless to do justice, and to perform her duties under the constitution, should be regarded by her as a sacrifice.

It is time, Senators, that there should be an open and manly avowal on all sides, as to what is intended to be done. If the question is not now settled, it is uncertain whether it ever can hereafter be; and we, as the representatives of the States of this Union, regarded as governments, should come to a distinct understanding as to our respective views, in order to ascertain whether the great questions at issue can be settled or not. If you, who represent the stronger portion, cannot agree to settle them on the broad principle of justice and duty, say so; and let the States we both represent agree to separate and part in peace. If you are unwilling we should part in peace, tell us so, and we shall know what to do, when you reduce the question to submission or resistance. If you remain silent, you will compel us to infer by your acts what

you intend. In that case, California will become the test question. If you admit her, under all the difficulties that oppose her admission, you compel us to infer that you intend to exclude us from the whole of the acquired territories, with the intention of destroying, irretrievably, the equilibrium between the two sections. We would be blind not to perceive in that case, that your real objects are power and aggrandizement, and infatuated not to act accordingly.

I have now, Senators, done my duty in expressing my opinions fully, freely, and candidly, on this solemn occasion. In doing so, I have been governed by the motives which have governed me in all the stages of the agitation of the slavery question since its commencement. I have exerted myself, during the whole period, to arrest it, with the intention of saving the Union, if it could be done; and if it could not, to save the section where it has pleased Providence to cast my lot, and which I sincerely believe has justice and the constitution on its side. Having faithfully done my duty to the best of my ability, both to the Union and my section, throughout this agitation, I shall have the consolation, let what will come, that I am free from all responsibility.