

Hand out n°2 - Short texts : find underlying concepts**A list of basic concepts about the notion of compromise (1787-1861)**

Enlightenment - human rights - **Constitution** (Separation of powers; a system of checks of balances; bicameralism; "We the people" - "a more perfect union" - A nation of states or of citizens? - A shaky foundation for a perpetual union - Form a more perfect Union, Establish Justice, Ensure Domestic Tranquility, Provide for the Common Defense, Secure the Blessings of Liberty - **Ordered liberty** - Great Compromise - **Minority rights and majority rule**) - Unionism - **Constitutional unionism** - Mutual affection - Moderation - **Compromise tradition** - Constitutionalism - Fear of the dissolution of the Union - Federalism - Federalist papers - Interests - Slavery - Juxtaposition of freedom and slavery - Madisonian constitutional heritage - Manifest Destiny - Antebellum period - Missouri Compromise - Nature of the Union - Nullification - Federalists vs. Antifederalists - Party system (emergence of a) - The Federalist Party- The Democratic Party - The Whig Party - Free-Soil Party - Republican Party - Pluralism - Patriotism - **Preservation of the Union** - Public good - Republican experiment - Republicanism in the United States - **Sectionalism** - Slavery - **Spirit of accommodation** - **States' Rights** - Statesmanship - Tariffs- Three fifths compromise - Wilmot Proviso

Find the underlying concepts in the following texts:**" Who are the greatest of parties ..." - Henry Clay (1850) as quoted in Knupfer 2¹**

On July 22, 1850, Henry Clay rose from his seat in the Senate to make a final plea for his comprehensive settlement of the rancorous dispute over the status of slavery in the United States:

Who are the greatest of parties in that greatest of all compromises—the Constitution of the United States? There were no technical parties to that instrument; but in deliberating upon what was best for the country, and perceiving that there were great and conflicting interests pervading all its parts, they compromised and settled them by ample concession, and in the spirit of true patriotic amity. They adjusted these conflicting opinions, and the Constitution, under which we sit at this moment, is the work of their hands—a great, memorable, magnificent compromise, which indicates to us the course of duty when differences arise which can only be settled by the spirit of mutual concession.

The Clay Compromise Measures by John C. Calhoun (March 4, 1850)

<http://www.nationalcenter.org/CalhounClayCompromise.html>

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 divided 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 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 similar knowledge of the nature and character of the cause which produce it. 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?

¹ Peter B. Knupfer, *The Union as it is: Constitutional Unionism and Sectional Compromise, 1787-1861* (Chapel Hill & London: The University of North Carolina Press, 1991).

Hand out n°3 - Washington's Farewell Address (1796)

[This is an abridged version of the document, Washington's plea for an isolationist American foreign policy has been removed.]

Text

Source: http://www.kirsch.net/us/survey/units/unit4/supplements/farewell_address_supp.html. Accessed Oct. 2nd, 2002

After two terms as president, Washington decided to retire. In his Farewell Address, delivered to his cabinet in September 1796, Washington warned against the dangers of sectionalism — the competing allegiances of North and South and East and West — and the dangers of political parties

... Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings and successes....

In contemplating the causes which may disturb our union it occurs as a matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations — Northern and Southern, Atlantic and Western — whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection....

This government, the offspring of our own choice... completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties.... The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government....

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them of geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles animosity of one part against another foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another....

A table (concepts, heading sentences, quotations)

concepts	quotations	line(s)
1 - patriotism	"The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism"	
2 - Pluralism (E pluribus unum)	"With slight shades of difference, you have the same religion, manners, habits and political principles."	
3 - Liberty	"The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings and successes."	
4 - Sectionalism		
5 - Political parties	"One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts"	
6 - Mutual affection		
7 - Locke (the consent of the governed)	"This government, the offspring of our own choice..."	
8 - Liberty	"completely free in its principles"	
9 - Separation of powers		
10 - Ordered liberty		
11 - Constitutionalism		
12 - Preservation of the Union	"I have already intimated to you the danger of parties in the state, with particular reference to the founding of them of geographical discriminations."	
CT -		

Hand out n° 4 - Suggested paper (Washington's Farewell Address 1796)

George Washington, the hero of the Revolutionary War and the father of the new nation was aware of the dangers that might later bring about the disruption of the Union. In his Farewell Address (1796), Washington focused on the dangerous power of factions and parties and the threats of sectionalism, at a time when the conflicts between Federalists and Antifederalists had led to the ratification of the Bill of Rights (1791). He called on his fellow citizens' patriotism and relied on the Constitution. Beyond patriotism, what new notion did G. Washington try to define in his address in order to stall centrifugal forces within the new nation? In order to address this question, we shall first deal with the principles at work in the Constitution, then we shall discuss sectionalism and the power of parties as threats to the Union. Finally, we shall try to show that patriotism and "mutual affection" were the basic ingredients of unionism. Thanks to unionism, the United States was likely to prove that the theories of the Enlightenment could work.

I - Based on the ideas of the Enlightenment, the Constitution created a nation and provided what most American citizens demanded, i.e. liberty and safety.**A - 9 - Separation of powers**

The separation of powers was one of the basic doctrines of the Enlightenment philosophers. In France, Montesquieu had made it one of his favorite themes. The idea was to protect the people, the governed, from the absolutism of despots. We find a clear allusion to this theory in the document under study when G. Washington alluded to "the distribution of [the federal government's] powers". The separation of powers and its corollary, a system of checks and balances that made it impossible for one power to outgrow its prerogatives was a guarantee against the return of tyranny. If liberty was thus protected, the Constitution was nevertheless supposed to make it possible to maintain order.

B - 10 - Ordered liberty

The Constitution managed to conciliate individual rights, freedoms and public order, an ideal which has been called "ordered liberty". The United States was of course founded on the ideal of liberty: "The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings and successes." But domestic harmony did not reign in the young nation. This was one of the reasons why the Philadelphia Convention had been convened to put an end to the chaotic economic situation of the Union under the Articles of Confederation, not to mention the riots (Shays's Rebellion 1786) in New England or on the frontier (Whiskey Rebellion 1792). The latter took place under Washington's presidency, so that when he mentioned "uniting security with energy", he talked from experience: the Constitution made it possible to impose some kind of order upon the frontier. Constitutionalism was thus strengthened.

C - 11 - Constitutionalism

The new constitutionalism created a nation which expected every citizen's allegiance. But this new form of government still lacked the authority and legitimacy that only time can obtain. America's first president was aware that the nation rested on shaky foundations and called for all its citizens' loyalty: "But the constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all." Of particular importance here is Washington's insistence upon "the whole people" the true source of legitimacy and the crucible of the nation. In his prudent approach, Washington avoids alluding to the theory of states' rights, the other source of legitimacy. Washington's main concern is to build up unionism upon the people's sovereignty. As a matter of fact, sectional conflicts were to erode unionism rapidly, and focus attention on states' rights.

II - Centrifugal forces like sectional conflict exploited by political parties could threaten the Union.**A - 4 - Sectionalism**

G. Washington was aware that sectionalism loomed high among the many centrifugal forces that could lead to the disruption of the Union. If sectionalism usually refers to the conflicts between the North and the South, Washington here must have alluded to the whiskey rebellion on the frontier when he listed all the sections in the Union: "geographical discriminations — Northern and Southern, Atlantic and Western". Obviously, Washington was aware of potential sectional conflicts to come that other agents—such as political parties—could exploit to acquire power, in a process that could endanger the Union.

B - 5 - Political parties

G. Washington was aware that political parties, party passions, could take advantage of sectional strife. This could lead to the disruption of the Union. It was essential for Washington to warn his fellow citizens against such a danger that could obliterate the patriotic enthusiasm and the mutual affection of the first generation of American politicians who framed the Constitution and made the great compromise possible: "One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts." Washington knew that politicians to come could easily plan a career upon sectional antagonisms.

C - 12 - Disruption of the Union

G. Washington portentously repeated and underscored the causes that could lead to the disruption of the Union, i.e. sectionalism and the party system that ultimately led to the Civil War. Not only did he mention them as separate possible causes for disunion, but he also clearly associated them in his warning: "I have already intimated to you the danger of parties in the state, with particular reference to the founding of them of geographical discriminations." Such a warning sounds like a foreboding to us now. What palliative could Washington put forward for the danger of disunion?

III - Unionism could counterbalance those centrifugal forces but it demanded mutual affection to create unity.**A-1 - Patriotism**

G. Washington called on his fellow Americans' patriotism to keep the Union together. This was all the more natural as these people, and the members of Washington's Cabinet especially, felt they belonged to an exceptional generation of Americans that created a new nation. We can observe however that Washington combined patriotism and "national capacity", as one of his priorities was to strengthen loyalty to the young nation. "The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism" His audience was made up of "national politicians" who worked at federal level. It was important for Washington to insist on the federalism of the Founding Fathers as one of the forces of unionism.

B-6 - Mutual affection

G. Washington also called on one of the Founding Fathers' catchwords, i.e. "mutual affection" to overcome the sources of conflicts. This appeal to sentiment was to be one of the rhetorical rituals of the next generation of American politicians, which tends to prove its importance in the early founding years of the Republic. Such "mutual affection" largely contributed to the compromises that gave birth to the nation. But we should note that when Washington said: "jealousies ... tend to render alien to each other those who ought to be bound together by fraternal affection," he implicitly once again called for union, togetherness to strengthen the bonds of the Republic under the Constitution. Beyond party passion and sectionalism, the mere pluralism of the young nation could also be a source of disunion.

C-2 - A form of pluralism

G. Washington underplays the centrifugal effects of what could be termed the new nation's pluralism. He chose to ignore the obvious discrepancies between the economic and cultural features of North and South, never mentioning the peculiar institution, merely alluding to vague differences in habits and manners, ("With slight shades of difference, you have the same religion, manners, habits and political principles") in a rhetorical trick that allowed him to insist on common features (same religion e.g.).

Conclusion: Constitutional unionism (e pluribus unum)

All things considered, the Farewell Address (1796) stands out as a remarkable anticipation of the problems to develop later, problems raised by sectionalism and the party system that fostered mass politics in the 1840s. G. Washington insisted on the sound bases and workings of the Constitution and called for the "mutual affection" of his fellow citizens. In these early days of the Republic, patriotism was so high that the retiring president did not even have to mention compromise as a means of governing. He only alluded to the "joint efforts" to achieve independence and to frame the Constitution. To him, the Constitution could work and could foster unity. This address can be considered to be one of the first cornerstones of constitutional unionism.

Constitutional unionism meant to keep the Union together by the careful construction of the Constitution, true statesmanship, mutual affection and the tradition of compromise that followed the Philadelphia constitutional convention. But centrifugal forces were at work to undermine and expose the contradiction of a system that tolerated the abomination of slavery, the pure denial of its ideological foundation.

Hand out # 5 - guidelines for writing a *commentaire de civilisation***3- INTRODUCTION**

In your introduction you should state:

- 3.1. the nature of the document
- 3.2. the author (and what role he played in his or her time if he or she is famous)
- 3.3. the date of the document
- 3.4. the link between the historical background and the document (2/3 lines).
- 3.5. A short rendering of the document (4/5 lines) using the **main underlying concepts** of the text should follow.
- 3.6. Then state the ensuing problematic (write one question to guide your whole interpretation of the text until the conclusion). (1/2 lines).
- 3.7. Sketch the outline of your *commentaire* (give the headings of main parts showing how they are elements of the answer to the problematic).

4. COMMENTS

The comments will be a series of **paragraphs**.

4.1. WRITING A PARAGRAPH

- 4.1.1. Begin the paragraph with a heading sentence inserting the concept of the quotation given later in same paragraph (1 sentence). Do not start a new paragraph after that.
- 4.1.2. Explain what you mean in the heading sentence. (2/3 sentences). Do not start a new paragraph after that.
- 4.1.3. Introduce and give the quotation. Do not start a new paragraph after that.
- 4.1.4. Show how the quotation illustrates the heading sentence, and, whenever possible, how the paragraph is linked with and points to your controlling thesis. (1/2sentences). Do not start a new paragraph after that.
- 4.1.5. Write a transition to proceed to next paragraph. (1 sentence).

5. CONCLUSION

- 5.1. In the first part of the conclusion, summarize your points briefly. ("Thus, we have seen that...").
- 5.2. In the second paragraph clearly state your controlling thesis —use (a) (new) concept(s) that expresses the outcome of your argumentation, especially the last large section of your comments. Develop your controlling thesis (3 or more sentences).

6. DO/DO NOT

- 6.1. Always make sure that there is a logical link from one idea to the next, from one remark to the following quotation, from one paragraph to the next, from the introduction down to the controlling thesis.
- 6.2. Do not paraphrase; do not repeat the text.
- 6.3. Do quote the text at least once in each paragraph. When you quote, use quotation marks and give the quotation entirely, do not drop words!
- 6.4. Do not write whole paragraphs about the historical background of the text. It is only repeating a lesson, not casting light on the text.
- 6.5. Do not pass value judgments.
- 6.6. Do not use present tense as freely as in French. Mind your tenses (T).
- 6.7. Who are "they"? (WAT)
- 6.8. Margin on the right. 6.9. Do not end a paragraph with a quotation.

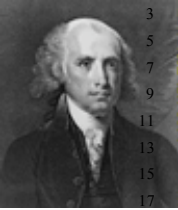
7. HINTS

- 7.1. Use concepts and print them in bold type in your headings, and in heading-sentences (first sentence in each paragraph)
- 7.2. Remember that headings are to help you organize your material, but your reader does not read them. So transitions and heading sentences are essential.
- 7.3. Use "According to the author, ..." or similar phrases ("The writer insists that...", "the author claims that...", "the writer suggests that ...", "If we are to believe the author, ..." in order to make it clear that you do not share the writer's views, that you are not gullible, that you keep a critical mind.
- 7.4. Always check the tenses of the verbs in your commentary. Use past tenses whenever possible.
- 7.5. Define key concepts and notions (Manifest Destiny, agrarianism,...) in the course of your commentary
- 7.6. Briefly introduce prominent characters mentioned in the text (Jefferson, Polk, O'Sullivan...) in the course of your commentary.

9. GRAMMAIRE

- 9.1. The United States est singulier en anglo-américain.
The United States is a utopia in the making.
- 9.2. "A" majuscule à American, qu'il soit nom ou adjectif.
Americans believe in the American Dream.
- 9.3. Cas possessif : le "s" du pluriel régulier sert de "s" au cas possessif.
The Americans' main concern is the state of the economy. La principale préoccupation des Américains est l'état de l'économie.
The American's main concern is the state of the economy. La principale préoccupation de cet Américain est l'état de l'économie.
- 9.4. Les fautes à la mode :
Utilisation erronée de "lead" au passé. To lead, I led, led
Passé What led you to think I was ill? Qu'est-ce qui t'a fait penser que j'étais malade ?
Présent What leads you to think I'm wrong? Qu'est-ce qui te conduit à croire que j'ai tort ?
To what extent ? (et non ~~to what extend~~)

Hand out n°6 - James Madison, Proposed Amendments to the Constitution, June 8, 1789



The following extract does not focus on Madison's most important proposals, which were to lead to the first ten amendments, the Bill of Rights (1791). The following extract has been selected as it illustrates the spirit of accommodation and compromise that the framers tried to maintain after the Constitution had been framed.

I am sorry to be accessory to the loss of a single moment of time by the house. If I had been indulged in my motion, and we had gone into a committee of the whole, I think we might have rose, and resumed the consideration of other business before this time; that is, so far as it depended on what I proposed to bring forward. As that mode seems not to give satisfaction, I will withdraw the motion, and **move you, sir, that a**

select committee be appointed to consider and report such amendments as are proper for Congress to propose to the legislatures of the several States, conformably to the 5th article of the constitution.

I will state my reasons why I think it proper to propose amendments; and state the amendments themselves, so far as I think they ought to be proposed. If I thought I could fulfil the duty which I owe to myself and my constituents, to let the subject pass over in silence, I most certainly should not trespass upon the indulgence of this house. But I cannot do this; and am therefore compelled to beg a patient hearing to what I have to lay before you. And I do most sincerely believe that **if congress will devote but one day to this subject, so far as to satisfy the public that we do not disregard their wishes,** it will have a salutary influence on the public councils, and **prepare the way for a favorable reception of our future measures.**

It appears to me that this house is bound by every motive of prudence, not to let the first session pass over without proposing to the state legislatures some things to be incorporated into **the constitution, as will render it as acceptable to the whole people of the United States,** as it has been found acceptable to a majority of them. I wish, among other reasons why something should be done, that **those who have been friendly to the adoption of this constitution, may have the opportunity of proving to those who were opposed to it, that they were as sincerely devoted to liberty and a republican government,** as those who charged them with wishing the adoption of this constitution in order to lay the foundation of an aristocracy or **despotism.** It will be a desirable thing to extinguish from the bosom of every member of the community any apprehensions, that there are those among his countrymen who wish to deprive them of the liberty for which they valiantly fought and honorably bled. And if there are amendments desired, of such a nature as will not injure the constitution, and they can be engrafted so as to give satisfaction to the doubting part of our fellow citizens; **the friends of the federal government will evince that spirit of deference and concession for which they have hitherto been distinguished.**

It cannot be a secret to the gentlemen in this house, that, **notwithstanding the ratification of this system of government by eleven of the thirteen United States,** in some cases unanimously, in others by large majorities; **yet still there is a great number of our constituents who are dissatisfied with it;** among whom are many respectable for their talents, their patriotism, and respectable for the jealousy they have for their liberty, which, though mistaken in its object, is laudable in its motive. There is a great body of the people falling under this description, who as present feel much inclined to join their support to the cause of federalism, if they were satisfied in this one point: We ought not to disregard their inclination, but, on **principles of amity and moderation,** conform to their wishes, and **expressly declare the great rights of mankind secured under this constitution.** The acquiescence which our fellow citizens shew under the government, calls upon us for a like return of moderation. But perhaps there is a stronger motive than this for our going into a consideration of the subject; it is to provide those **securities for liberty** which are required by a part of the community. **I allude in a particular manner to those two states² who have not thought fit to throw themselves into the bosom of the confederacy;** it is a desirable thing, on our part as well as theirs, that a re-union should take place as soon as possible. I have no doubt, if we proceed to take those steps which would be prudent and requisite at this juncture, that in a short time we should see that disposition prevailing in those states that are not come in, that we have seen prevailing [in] those states which are.

SOURCE: <http://odur.let.rug.nl/~usa/P/jm4/speeches/amend.htm> accessed Ju:y 28, 2002.

Cong. Register, I, 423-37 (also reported in Gazette of the US., 10 and 13 June 1789).

Table: quotations

	Concepts+ heading sentences	quotation	lines
1		" to satisfy the public that we do not disregard their wishes."	
2		" prepare the way for a favorable reception of our future measures"	
3		"not to let the first session pass over without proposing to the state legislatures some things to be incorporated into the constitution, as will render it as acceptable to the whole people of the United States,"	
4		" those who have been friendly to the adoption of this constitution, may have the opportunity of proving to those who were opposed to it, that they were as sincerely devoted to liberty and a republican government,"	
5		" the friends of the federal government will evince that spirit of deference and concession for which they have hitherto been distinguished."	
6		" There is a great body of the people falling under this description, who as present feel much inclined to join their support to the cause of federalism,"	
7		" We ought not to disregard their inclination, but, on principles of amity and moderation, conform to their wishes, "	
8	human rights	"	
9		" The acquiescence which our fellow citizens shew under the government, calls upon us for a like return of moderation."	
10		" I allude in a particular manner to those two states who have not thought fit to throw themselves into the bosom of the confederacy: it is a desirable thing, on our part as well as theirs, that a re-union should take place as soon as possible."	

² Virginia and New York (Bernard Vincent, ed. *Histoire des Etats-Unis* (1994 Paris: Flammarion, 1997) 75.

Hand out #7 - John C. Calhoun, "Slavery a Positive Good" (6 February 1837)

The following speech was delivered at a time when abolitionism was rapidly spreading in the North and became a political issue that had reached Congress. Southerners violently opposed any debate on the issue of slavery on Capitol Hill. The so-called gag rule had even been enforced on 26 May 1836:



the House of Representatives resolved (117-68) to table [ignore] all petitions concerning abolitionism without entering them in its journal or referring them to any committee. It also resolved that Congress had no power to interfere with slavery where it was lawful (182-9) and that it would be inappropriate to interfere with slavery in the District of Columbia (132-45). (The Senate simultaneously adopted this practice, but without a formal vote.) Despite its infringement of first amendment rights [freedom of press, speech], the Gag Rule was re-newed at every session until rescinded on 3 December 1844. (Purvis)

In the following speech, try to spot passages about the gag rule, the rising influence of abolitionism, sectionalism, the compromise tradition, loyalty to unionism, allusion to Calhoun's Nullification theory and his conflict with Daniel Webster, the theory of states' rights, Andrew Jackson's *Force Bill* (1833), and the politics of conscience.

John C. Calhoun, "Slavery ... a Positive Good" (6 February 1837)

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 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,³ 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. . . .

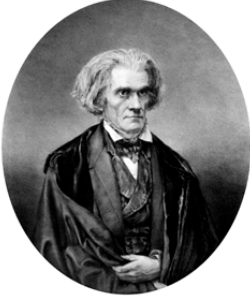
As widely as this incendiary spirit has spread, it has not yet infected this body, or the great mass of the intelligent and business portion of the North; but unless it be speedily stopped, it will spread and work upwards till it brings the two great sections of the Union into deadly conflict. This is 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 consider 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 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 fulfilment. ...

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 nations, 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, powerful as are the links which hold it together. Abolition and the Union cannot coexist. 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 or the other of the races. . . . 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.⁴

See the end of this speech ("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.") on the website.

³ This speech was given in the Senate.

⁴ http://douglass.speech.nwu.edu/calh_a59.htm accessed on Aug. 1st, 2002.

Hand out # 8 - "The Clay Compromise Measures"⁵ (1850) by John C. Calhoun,**The Clay Compromise Measures by John C. Calhoun (March 4, 1850)**

This is among John C. Calhoun's most famous speeches. He was too ill to deliver it himself, so it was read by another senator with Calhoun present in the Senate Chamber. Calhoun, so ill he had to be helped out of the Chamber after the speech by two of his friends, died on March 31, 1850.

What is the problematic, and the appropriate concept for the controlling thesis, for a commentaire upon this passage?

Suggested concepts: territorial acquisitions - tariff of abominations - the Ordinance of 1787 - the Missouri Compromise - sectional equilibrium - sectionalism - politics of conscience - slavery as vital for the South - disunion - unionism - majority rule and minority rights

[...] 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 immigrants, 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 immigration with the North, and by retaining her own people would have at least equaled 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.

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 that 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 offense against humanity, as they call it and, altho 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 can not 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.

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 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.

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.⁶

Useful link: <http://www.let.rug.nl/usa/E/1850s/polixx.htm>

⁵ The Compromise of 1850—or more exactly a series of acts collectively called that name—was signed by President Millard Fillmore on September 20, 1850.

⁶ <http://www.nationalcenter.org/CalhounClayCompromise.html>. Accessed Nov. 15, 2003.

Hand out #9 - First Inaugural Address of Abraham Lincoln (1861)⁷

2

MONDAY, MARCH 4, 1861



Fellow-Citizens of the United States:

In compliance with a custom as old as the Government itself, I appear before you to address you briefly and to take in your presence the oath prescribed by the Constitution of the United States to be taken by the President before "he enters on the execution of this office."

...

I ... consider that in view of the Constitution and the laws the Union is unbroken, and to the extent of my ability, I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States. Doing this I deem to be only a simple duty on my part, and I shall perform it so far as practicable unless my rightful masters, the American

people, shall withhold the requisite means or in some authoritative manner direct the contrary. I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it will constitutionally defend and maintain itself.

...

All profess to be content in the Union if all constitutional rights can be maintained. Is it true, then, that any right plainly written in the Constitution has been denied? I think not. Happily, the human mind is so constituted that no party can reach to the audacity of doing this. Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied. If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional right, it might in a moral point of view justify revolution; certainly would if such right were a vital one. But such is not our case. All the vital rights of minorities and of individuals are so plainly assured to them by affirmations and negations, guaranties and prohibitions, in the Constitution that controversies never arise concerning them. But no organic law can ever be framed with a provision specifically applicable to every question which may occur in practical administration. No foresight can anticipate nor any document of reasonable length contain express provisions for all possible questions. Shall fugitives from labor be surrendered by national or by State authority? The Constitution does not expressly say. May Congress prohibit slavery in the Territories? The Constitution does not expressly say. Must Congress protect slavery in the Territories? The Constitution does not expressly say.

...

Plainly the central idea of secession is the essence of anarchy. A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it does of necessity fly to anarchy or to despotism. Unanimity is impossible. The rule of a minority, as a permanent arrangement, is wholly inadmissible; so that, rejecting the majority principle, anarchy or despotism in some form is all that is left.

...

One section of our country believes slavery is right and ought to be extended, while the other believes it is wrong and ought not to be extended. This is the only substantial dispute. The fugitive-slave clause of the Constitution and the law for the suppression of the foreign slave trade are each as well enforced, perhaps, as any law can ever be in a community where the moral sense of the people imperfectly supports the law itself. The great body of the people abide by the dry legal obligation in both cases, and a few break over in each. This, I think, can not be perfectly cured, and it would be worse in both cases after the separation of the sections than before. The foreign slave trade, now imperfectly suppressed, would be ultimately revived without restriction in one section, while fugitive slaves, now only partially surrendered, would not be surrendered at all by the other.

Physically speaking, we can not separate. We can not remove our respective sections from each other nor build an impassable wall between them. A husband and wife may be divorced and go out of the presence and beyond the reach of each other, but the different parts of our country can not do this. They can not but remain face to face, and intercourse, either amicable or hostile, must continue between them. Is it possible, then, to make that intercourse more advantageous or more satisfactory after separation than before? Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws can among friends? Suppose you go to war, you can not fight always; and when, after much loss on both sides and no gain on either, you cease fighting, the identical old questions, as to terms of intercourse, are again upon you.

This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing Government, they can exercise their constitutional right of amending it or their revolutionary right to dismember or overthrow it. I can not be ignorant of the fact that many worthy and patriotic citizens are desirous of having the National Constitution amended. While I make no recommendation of amendments, I fully recognize the rightful authority of the people over the whole subject, to be exercised in either of the modes prescribed in the instrument itself; and I should, under existing circumstances, favor rather than oppose a fair opportunity being afforded the people to act upon it. I will venture to add that to me the convention mode seems preferable, in that it allows amendments to originate with the people themselves, instead of only permitting them to take or reject propositions originated by others, not especially chosen for the purpose, and which might not be precisely such as they would wish to either accept or refuse. I understand a proposed amendment to the Constitution—which amendment, however, I have not seen—has passed Congress, to the effect that the Federal Government shall never interfere with the domestic institutions of the States, including that of persons held to service. To avoid misconception of what I have said, I depart from my purpose not to speak of particular amendments so far as to say that, holding such a provision to now be implied constitutional law, I have no objection to its being made express and irrevocable.

...

In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war. The Government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the Government, while I shall have the most solemn one to "preserve, protect, and defend it."

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

⁷ source: <http://www.yale.edu/lawweb/avalon/presiden/inaug/lincoln1.htm>. Accessed 3rd September 2008.

THE CRITTENDEN COMPROMISE (1860)



The Crittenden compromise was an unsuccessful last-minute effort to avert the Civil War. It was proposed in Congress as a constitutional amendment in Dec., 1860, by Sen. John J. Crittenden of Kentucky... At a peace conference called by the Virginia legislature in 1861, the compromise gained support from four border state delegations. Nevertheless, it failed in the House of Representatives in Jan., 1861, by a vote of 113 to 80 and in the Senate in March by a vote of 20 to 19. Its defeat made clear the inevitability of the Civil War.⁸

Whereas, serious and alarming dissensions have arisen between the Northern and Southern States, concerning the rights and security of the rights of the slaveholding States, and especially their rights in the common territory of the United States; and whereas it is eminently desirable and proper that these dissensions, which now threaten the very existence of this Union, should be permanently quieted and settled by constitutional provisions, which shall do equal justice to all sections, and thereby restore to the people that peace and good will which ought to prevail between all the citizens of the United States: Therefore,

...

ARTICLE I.

In all the territory of the United States now held, or hereafter acquired, situated north of latitude 36° 30', slavery or involuntary servitude, except as a punishment for crime, is prohibited while such territory shall remain under territorial government. In all the territory south of said line of latitude, slavery of the African race is hereby recognized as existing, and shall not be interfered with by Congress, but shall be protected as property by all the departments of the territorial government during its continuance. And when any Territory, north or south of said line, within such boundaries as Congress may prescribe, shall contain the population requisite for a member of Congress according to the then Federal ratio of representation of the people of the United States, it shall, if its form of government be republican, be admitted into the Union, on an equal footing with the original States, with or without slavery, as the constitution of such new State may provide.

ARTICLE II.

Congress shall have no power to abolish slavery in places under its exclusive jurisdiction, and situate[d] within the limits of States that permit the holding of slaves.

ARTICLE III.

...

ARTICLE IV.

...

ARTICLE V.

That in addition to the provisions of the third paragraph of the second section of the fourth article of the Constitution of the United States, Congress shall have power to provide by law, and it shall be its duty so to provide, that the United States shall pay to the owner who shall apply for it, the full value of his fugitive slave in all cases when the marshal or other officer whose duty it was to arrest said fugitive was prevented from so doing by violence or intimidation, or when, after arrest, said fugitive was rescued by force, the owner thereby prevented and obstructed in the pursuit of his remedy for the recovery of his fugitive slave under the said clause of the Constitution and the laws made in pursuance thereof. And in all such cases, when the United States shall pay for such fugitive, they shall have the right, in their own name, to sue the county in which said violence, intimidation, or rescue was committed, and to recover from it, with interest and damages, the amount paid by them for said fugitive slave. And the said county, after it has paid said amount to the United States may, for its indemnity, sue and recover from the wrongdoers or rescuers by whom the owner was prevented from the recovery of his fugitive slave, in like manner as the owner himself might have sued and recovered.

ARTICLE VI.

...

2. That all State laws which conflict with the fugitive slave acts of Congress, or any other constitutional acts of Congress, or which, in their operation, impede, hinder, or delay the free course and due execution of any of said acts, are null and void by the plain provisions of the Constitution of the United States; yet those State laws, void as they are, have given color to practice, and led to consequences which have obstructed the due administration and execution of acts of Congress, and especially the acts for the delivery of fugitive slaves, and have thereby contributed much to the discord and commotion now prevailing. Congress, therefore, in the present perilous juncture, does not deem it improper respectfully and earnestly to recommend the repeal of those laws to the several States which have enacted them, or such legislative corrections or explanations of them as may prevent their being used or perverted to such mischievous purposes.

...

⁸ <<http://education.yahoo.com/reference/encyclopedia/entry?id=12208>>. Accessed 2nd November 2004.