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"Our Liberty Most Dear": The Political Reforms of John C. Calhoun

Abstract

This article discusses the beliefs of John Calhoun, who was a strong supporter of states' rights. He also believed that political minorities needed to be protected against the tyranny of the majority.

**“Our Liberty Most Dear”:
The Political Reforms of John C. Calhoun**

Matthew P. Cassady

During the early part of the nineteenth century, America was a place of great change. Rapid technological innovations and the opening of new territory in the West promised unlimited possibilities for the adolescent nation. Along with the sense of limitless opportunity came one of concern and foreboding. How would the American public cope with the new challenges inherent in progress? Would the nation's character remain intact? Many feared that accompanying development would be the decline of America's moral fiber, and the great republican experiment would be for naught. Thus, the United States entered an era of reform efforts coupled with an understanding of the nation's destiny on the world stage. Reformists would probe into every facet of life in America in order to insure the nation's worthiness as an example to the world.

Accompanying moral reforms such as temperance and antislavery, the political sphere of American life was also examined. The mid-nineteenth century would bear witness to conflict and compromise such as the young nation had not experienced before, and sectional differences threatened to tear the country apart at the seams. Among the many notable political figures of this period stands one who is rarely considered a reformer of America's political scene: John C. Calhoun. Calhoun created a vision of American government in tune with his understanding of the Constitution and America's political legacy, and when he saw his “political cosmos” in jeopardy, he sounded the call for a return to the original intentions of the founding generation. With his political theories and doctrines, John C. Calhoun defended what he considered to be the heritage of American government against the negative effects of nineteenth century progress.

The reforms of the nineteenth century were dominated by individual figures who connected America's worldly concerns to a greater, metaphysical cosmos; the battles which took place on Earth against sinfulness were shadows of a greater cosmological conflict between good and evil. Paying attention to the religious connotations of these reforms, historian Robert Abzug modifies Max Weber's term “religious virtuoso,” and applies it to leading reform figures. Abzug refers to the leading reformers as virtuosos because their focus and skills were dedicated to the sanctification of the world and the methods by which reforms would reorder the moral cosmos of the nation.⁸⁶ These charismatic individuals possessed a keen understanding of how creating a morally pure civilization depended on the successful moral and ethical elevation of the American character.

Similarly, reform could be viewed through the lens of politics and John C. Calhoun saw the key to a prosperous future for America, with the guarantee of individual liberty, as dependent on a return to the doctrines of America's original statesmen. Calhoun viewed the political struggles of his day as the shadow of a far greater struggle for American liberty. He believed a terrible calamity would someday befall the nation if steps were not taken to alter the erroneous political course the country was following. In this way Calhoun can be viewed as a political version of the moral reformers, a “political virtuoso,” who focused his talent and energy to the reordering of the American political landscape.

As a political virtuoso Calhoun was well-versed in the Constitution and the nature of American politics, and, like most Americans of the period, he saw the country as a bastion of hope and a shining example of republican government for the rest of the world. “Our country

⁸⁶ Robert H. Abzug, *Cosmos Crumbling: American Reform and the Religious Imagination* (New York: Oxford University Press, 1994), 4.

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[—]” Calhoun proclaimed in a Fourth of July toast in 1829, “may her example be such as to give universal triumph to the great cause of self-government.”⁸⁷ However, he noted corruption of the system throughout his four decades in politics, and complained that it was “indeed melancholy to reflect how greatly our character has degenerated . . . since we declared ourselves a free and independent people.”⁸⁸ Calhoun believed the founding principles of the American republic had been shoved aside in favor of an increasingly powerful federal government, and he took it as his political mission to steer American politics back to its original ideal. “I am moving toward a single end,” Calhoun wrote in late 1839, “to bring back the government . . . to where it was, when it commenced, and to take a fresh track, such as Jefferson & his associates would take.”⁸⁹

Born March 18, 1782 near Abbeville, South Carolina, Calhoun is often remembered by historians as a man of steadfastness and iron principles, but he was once an impressionable youth standing in the shadow of his successful and politically active father, Patrick Calhoun. Calhoun biographer Irving Bartlett writes of John Calhoun internalizing his father’s character, that of a man who “lived simply, worked hard, and was quick to resent anyone who did not work as hard as he did or who tried to limit his freedom.”⁹⁰ Calhoun fashioned a “cosmos,” or worldview, for himself using as a foundation these lessons gleaned from his father, and these ethics would become the foundation for his future political career.⁹¹

One of the most important lessons Calhoun learned from his father, and one which would prove invaluable in creating his political worldview, was that a “good government protected society while preserving the maximum liberty for the individual.”⁹² Bartlett explains that the elder Calhoun’s refusal to support America’s Constitution on these very grounds would in turn be utilized by his son to give shape to his political dogmas.⁹³ This emphasis on preserving individual liberty and freedom smacks of Calhoun’s future arguments for the “concurrent majority” principle of self-government, whereby the interests of a minority of individuals would share equal political representation with the majority. But it would take years to develop these embryonic ideals into the sophisticated arguments which would one day be the hallmark of Calhoun’s career.

An extremely important example of Patrick Calhoun’s influence on young John concerns how the elder Calhoun viewed human character. Patrick Calhoun had a cynical view of human nature, most likely stemming from his adherence to the Calvinist principles of Presbyterianism and his Scotch-Irish heritage; this “recognition of human depravity” established itself within the framework of John’s understanding.⁹⁴ As his future political discourses attest, John Calhoun feared the base instincts of humanity and their consequences for the self-governance of the United States; he would devote himself to the protection of individual rights against the encroachment of those who would strip them away. The foundation had been laid, and Calhoun would come to see himself as a defender of the rights of man, and he worked toward bringing the nation back to its fundamental roots of political equality and fair government.

⁸⁷ Clyde N. Wilson, ed., *The Essential Calhoun: Selections from Writings, Speeches, and Letters* (New Brunswick, NJ: Transaction Publishers, 2000), 118.

⁸⁸ *Ibid.* Letter to the citizens of Charlotte, NC, April 1835.

⁸⁹ *Ibid.*, 364-65. Correspondence with Orestes A. Brownson.

⁹⁰ Irving H. Bartlett, *John C. Calhoun: A Biography* (New York: W.W. Norton & Company, 1993), 26.

⁹¹ *Ibid.*, 30.

⁹² *Ibid.*, 33.

⁹³ *Ibid.*, 34.

⁹⁴ *Ibid.*, 32.

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Calhoun's education was sketchy at best until October, 1802, when he enrolled in the junior class at Yale University, and it was there that Calhoun began to flesh out his political beliefs and earn the respect of his peers. While attending Yale, Calhoun is recorded as having a fateful altercation with another giant of the era, Yale president and religious personality Timothy Dwight. Bartlett records it thusly:

The confrontation took place in a moral philosophy class when Dwight asked, 'What's the legitimate source of power?' Everyone knew that the right answer was to say something about God and the constituted authorities, but Calhoun responded, 'The people,' and in the ensuing dialogue he not only held his ground but drew on Jefferson for support.⁹⁵

Calhoun, who fashioned himself a Jeffersonian, earned the admiration of his peers by defending the Jeffersonian principle that power lies with the individual, a pillar of his political view he would hold for the rest of his life.

Following his two years at Yale, Calhoun decided to pursue a career in law and departed for Litchfield, Connecticut in 1805. There he entered the small school of law and studied under Judge Tapping Reeve and his partner James Gould, both renowned Federalists. Calhoun patiently read law under Reeve and received "a political dogmatism [from] Reeve and Gould even more intense than that which he had encountered in Timothy Dwight."⁹⁶ In Litchfield, Calhoun further developed his convictions about the local origins of political power as well as concern of the will of the majority, a worry he shared with his staunch Federalist instructors.

Another important factor in the creation of Calhoun's political cosmos was the fact that during the early nineteenth-century, the sectional confrontation between the northern and southern states began to intensify. In particular, the southern section of the United States saw itself as a repressed and vulnerable minority rather than an equal partner in government with its northern counterpart.⁹⁷ Increasingly, slavery became an incendiary issue on the national scene, and slave-holding southerners perceived a hardening of northern lines against not only their "peculiar institution," but against them personally as well.⁹⁸ Politicians, and eventually Calhoun himself, began to call for a reassertion of the Jeffersonian principles of states' rights constitutionalism in defense of the interests of the southern political minority.⁹⁹

Still, during the early part of his political career, Calhoun was considered a nationalist, even to the extent of being accused of acting as a loose Constitutional constructionalist by old-guard Republicans.¹⁰⁰ Taking his seat in the United States House of Representatives in November, 1811, the twenty-nine year old was considered "Affable and popular, a superb conversationalist and an incisive debater," and John Quincy Adams even referred to the young man as "above all sectional and factious prejudices more than any other statesman in the Union with whom I have ever acted."¹⁰¹ Calhoun's early nationalist position and political cosmos was based on the premise of national protection and defense. William Freehling writes that Calhoun

⁹⁵ *Ibid.*, 46-47.

⁹⁶ *Ibid.*, 52.

⁹⁷ Don E. Fehrenbacher, *Sectional Crisis and Southern Constitutionalism* (Baton Rouge, LA: Louisiana State Press, 1995), 128.

⁹⁸ *Ibid.*, 129.

⁹⁹ *Ibid.*

¹⁰⁰ Wilson, xxii.

¹⁰¹ William W. Freehling, *Prelude to Civil War: The Nullification Controversy in South Carolina, 1816-1836* (New York: Harper & Row, 1966), 93.

and his early followers were attracted to nationalist policies in order to strengthen the young nation in the face of potential European threats:

Since unstable national currency could complicate war finances, Calhounites favored a national bank. As poor roads could slow down military transportation, the nationalists advocated internal improvements. Because dependence on foreign factories could be dangerous if an enemy controlled the seas, Calhounites accepted a protective tariff. Since a weak local militia invited external attack, they demanded a strong national army.¹⁰²

Calhoun and other like-minded politicians understood the importance of a nationalist program in the aftermath of conflict with Great Britain. Emboldened by victory in the War of 1812, Calhoun saw a bright future for America based on the moral, economic, and military superiority the country had demonstrated during the successful conflict, and “hoped that war had taught Americans how to get along without British goods and that it would also teach them ‘to throw off the thralldom of thought.’”¹⁰³

Calhoun also noted that the expansion of the nation’s borders created new and unique problems. To this effect he supported a system of internal improvements with the expectation, however, that such a program would benefit the nation at large and not any particular region exclusively. In this regard, Calhoun is heir to the Jeffersonian arguments against the Hamiltonian-style program of internal improvements, which they believed was discriminatory against the South and southern interests.¹⁰⁴

In spite of some early reservations, Calhoun stuck to his nationalist principles. In his first speech on the floor of the House of Representatives, delivered in opposition to a bill proposing to fix representation according to the results of the 1810 census, he referred to the members of the Senate as the protectors of the rights of states and to the House as “guardians of the national principle incorporated, and wisely incorporated into this government.”¹⁰⁵ Not only is this speech important in that it illustrates Calhoun’s belief in a national system of government, but it is also one of the first instances where Calhoun supports the doctrine of states’ rights acting in accordance with the national government: a system of government incorporating the concurrent majority.¹⁰⁶ As a member of Congress and Secretary of War under President James Monroe, Calhoun was known as one of the “foremost nationalists of his day.”¹⁰⁷ Soon, however, Calhoun’s political cosmos would begin to crumble around him and he would become decidedly suspicious of the numerical majority and nationalist government.

During his Vice Presidency under Andrew Jackson, Calhoun began to feel the political *terra firma* slip from beneath his feet. Calhoun believed there was, in the words of historian Sean Wilentz, “a weakness in the Framers’ design” of the Constitution which would inevitably lead to conflict.¹⁰⁸ His old assumptions about the American political system began to be replaced by a growing distrust of nationalist policies and increasing apprehension about the encroachment of federal power on that of the states. By 1827, Calhoun seriously doubted the ability of

¹⁰² Freehling, 93.

¹⁰³ Bartlett, 82-83.

¹⁰⁴ John McCardell, *The Idea of a Southern nation: Southern Nationalists and Southern Nationalism, 1830-1860* (New York: Norton, 1979), 15.

¹⁰⁵ Bartlett, 72.

¹⁰⁶ *Ibid.*

¹⁰⁷ Fehrenbacher, 126.

¹⁰⁸ Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W.W. Norton and Company, 2005), 319-320.

Americans to govern themselves without succumbing to purely sectional interests. Freehling writes that Calhoun believed mankind “is so constituted, that his direct or individual affections are stronger than his sympathetic or social feelings” and the result would be that “a group of men with similar interests is always more self-interested than disinterested.”¹⁰⁹ Calhoun believed there needed to be some check on the selfish interests of a numerical political majority.

An illustrative example of the conflict between sectional interests involves the controversy over federally imposed tariffs. The southern states vehemently opposed an increase of the protective tariff, which sky-rocketed to fifty percent in 1828, and argued that it favored northern industrialists while it harmed southern agriculturalists. As the tariff rose higher, so did the complaints of southerners who relied on the exportation of their cotton crop to unprotected foreign markets; no longer a means to stimulate American industry, the tariff had become a “permanent system of protection for northeastern industrial interests.”¹¹⁰ The southern states would have preferred a government which required few taxes and which would leave the agrarian section to dictate its economics relatively free from federal interference, where local entities were the preferred method of governance.¹¹¹

In 1816, early in his career as a nationalist, Calhoun had defended the necessity of a tariff, arguing that promoting the industrial growth and development of the United States would, as Ross Lence writes, “form a new and most powerful cement for union; and union would be the greatest form of liberty.”¹¹² Now, as Vice President under Andrew Jackson, he began to interpret things differently and, as political scientist George Kateb writes, Calhoun’s “words against these [tariff] measures are terrifying in their indictment of the protectionists for reckless disregard of the elementary precepts of political rectitude.”¹¹³ Witnessing the unequal effects of the tariff, which hindered the South’s exporting capabilities, Calhoun interpreted the increase in the tariff no longer as a boon for the nation as a whole, but as a mechanism by which the North would maintain economic supremacy over the South.¹¹⁴ South Carolina understood this as well, and sought the aid of their home-grown Vice President in opposing the measure, threatening nullification of the law and possibly secession if the matter was not resolved in their favor.

In December 1828, despite attempts to remain inconspicuous during the controversy over state nullification, Calhoun utilized his political virtuosity and secretly penned the *South Carolina Exposition and Protest* which listed the grievances of his home state towards what was a perceived encroachment on the state’s rights. Relying heavily on the ideals put forth by the Kentucky and Virginia Resolutions of 1798, authored in part by Thomas Jefferson, Calhoun argued that the federal government had exceeded its expressed authority, delegated by Article Ten of the Constitution,¹¹⁵ by passing an unconstitutional tax, and the tariff system was therefore

¹⁰⁹ Freehling, 155.

¹¹⁰ Wilson, xxiv.

¹¹¹ Richard E. Ellis, *The Union at Risk: Jacksonian Democracy, States’ Rights and the Nullification Crisis* (New York: Oxford University Press, 1987), 3.

¹¹² Ross M. Lence, ed., *Union and Liberty: The Political Philosophy of John C. Calhoun* (Indianapolis, IN: Liberty Fund, Inc., 1992), 299.

¹¹³ George Kateb, “The Majority Principle: Calhoun and His Antecedents,” *Political Science Quarterly* 84, no. 4 (1969): 594.

¹¹⁴ Wilentz, 320.

¹¹⁵ Richard D. Heffner, *A Documentary History of the United States* (New York: Signet, 2002), 32. Article Ten of the Constitution of the United States stipulates that “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.” This Article was the focal point around which the controversies over states’ rights and nullification revolved.

“a violation of the spirit, [though] not the letter of the Constitution.”¹¹⁶ The federal government, by levying the new system of tariffs, had “used a power granted for one object to advance another, and that by the sacrifice of the original object,” claimed Calhoun; the Constitution had thus been violated by “perversion.”¹¹⁷ Because the Constitution was a compact among sovereign states anterior to the Constitution, in Calhoun’s reasoning these entities had a right to oppose and negate legislation they felt to be unconstitutional.¹¹⁸ If a three-fourths majority of the states voting as a body (in other words, a concurrent majority of the states) failed to make the offending legislation constitutional, the state proposing nullification had a last resort of seceding from the Union.¹¹⁹ At this point Calhoun’s position on the authority of the federal and state governments crystallized into his recognizable doctrine of states’ rights and nullification.

In 1831, Calhoun’s position on states’ rights and the relation between state and federal government took form in his *Fort Hill Address*. Written at Calhoun’s plantation, Fort Hill, the address asserted that the main principle of American government was that “the General Government [federal] emanated from the people of the several States, forming distinct communities, and acting in their separate and sovereign capacity, and not from all of the people forming an aggregate political community”; the government operated by a process of the concurrent majority of states rather than by a numerical majority.¹²⁰ Kateb puts Calhoun’s view of the relationship between the concurrent majority and the Constitution succinctly when he describes Calhoun’s view being “that the American Constitution, in its inception and its design, in its spirit and its specific prescriptions, reflected the theory of the concurrent majority.”¹²¹ Calhoun would echo this sentiment for the rest of his career, and he attempted to cure America’s political ills by returning the political process to its founding principles through the argument that the people of the states possessed the true power in the American republic, much as he told Timothy Dwight during his years at Yale.

With the understanding that the Constitution was a compact between the states, and that the states vote concurrently to enact laws rather than by a pure numerical majority of the people, Calhoun’s argument naturally progressed toward nullification. Harkening back to the Kentucky and Virginia Resolutions, Calhoun affirmed the “right of interposition . . . State-right, veto, nullification, or by any other name – to be the fundamental principle of our system” and that this right was one of the “great instruments of preserving our liberty, and promoting the happiness of ourselves and our posterity.”¹²² Then, targeting the tariff and those politicians who proposed it, Calhoun claimed the dissimilar interests of the states had not been taken into account and the tariff law “that may benefit one portion may be ruinous to another.”¹²³ He concluded that “it would be . . . unjust and absurd to subject [those injured states] to its will . . . such, I conceive to be the theory on which our Constitution rests.”¹²⁴

¹¹⁶ *Ibid.*, 314.

¹¹⁷ *Ibid.*

¹¹⁸ Ellis, 7-9.

¹¹⁹ Wilentz, 320.

¹²⁰ Lence, 370-71.

¹²¹ Kateb, 596.

¹²² Lence, 371.

¹²³ *Ibid.*, 373.

¹²⁴ *Ibid.*

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In November, 1832, the South Carolina state legislature held a special Nullification Convention during which they claimed the Tariffs of 1828 and 1832 were unconstitutional.¹²⁵ The convention then resolved that the tariffs would be null and void within South Carolina after February 1, 1833, and the first major confrontation between state and federal authority commenced.¹²⁶ President Jackson would not stand for such action on the part of a state, and with Congress he soon passed the "Force Bill" in order to deal with the South Carolinian nullifiers. The bill authorized the President to utilize whatever means necessary in order to enforce federal law in South Carolina, and it included a provision for the deployment of troops if the need arose.¹²⁷ Alarm sounded across South Carolina and much of the South. Sectional conflict appeared inevitable.

At the same time Congress passed the Compromise Tariff, spearheaded by Senator Henry Clay of Kentucky, in order to reduce the rates of the tariff over the following several years, thereby pacifying South Carolina and rendering the need for nullification moot.¹²⁸ By March 1833, the Nullification Convention in South Carolina agreed to the terms of the Compromise Tariff and ended its prohibition on the collection of duties. As a final gesture the convention "officially" nullified the Force Bill, but by that time there was no need and the act was more ceremonial than effective.¹²⁹ The specter of secession by South Carolina had been driven away, much to the delight of Calhoun, who stated that dissolution of the Union was only the last recourse against federal tyranny.¹³⁰

Though secession had disappeared for the moment and the Nullification Crisis resolved, the passage of the Force Bill and President Jackson's staunch stand against state interposition had shaken Calhoun. In his opinion, he saw that it was possible for the federal government to usurp power reserved for the states, and if he had any ties left to strong nationalist policies they were now severed; he would work toward restoring the original state of the union as he understood it and would rebuild his shattered political cosmos.

After the crisis Calhoun had to reevaluate America's political situation and the very nature of the Constitution itself. According to Freehling, in order to prove that the doctrine of nullification was legal under the pretense of the Constitution, Calhoun "merely had to demonstrate that a state convention was the party that ratified the fundamental law." and that while forming the American republic, "the contracting conventions had created a federal agency with a few governmental powers but with no authority to change the Constitution."¹³¹ This argument formed the basis for two of Calhoun's most important works, his *Disquisition on Government*, in which he spelled out the fundamental workings of what he considered good government, and *Discourse on the Constitution and Government of the United States*, in which he dissected the inner workings of the American political system, exposed the flawed principles held by contemporary politicians, and offered remedies for the nation's ills. Written between 1845 and 1850, the *Disquisition* and *Discourses* were the accumulations of a lifetime of political thought and application, and these works offer a look at the processes by which Calhoun believed the American political system could be reformed and sectional harmony restored.

¹²⁵ William H. Freehling, *The Road to Disunion*, vol. 1, *Secessionists at Bay* (New York: Oxford University Press, 1990), 277. (hereafter cited as *Disunion*)

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*, 282.

¹²⁸ *Ibid.*, 284.

¹²⁹ *Ibid.*, 284-85.

¹³⁰ Fehrenbacher, 130.

¹³¹ *Prelude*, 165.

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As stated before, Calhoun's doctrine was founded upon the notion that the citizenry of a nation, and humanity at large, are corruptible entities which will move irreversibly down the road of self-interest rather than that of disinterested benevolence for the good of their nation. A person's "direct or individual affections," Calhoun wrote in the opening pages of the *Disquisition*, "are stronger than his sympathetic or social feelings."¹³² It would be imperative, then, to create a political process by which the self-interested tendencies of the population could be checked, because "a struggle will take place between the various interests to obtain a majority, in order to control the government."¹³³ Due to this tendency, Calhoun believed, one must always be wary of the majority, lest it trample on the rights of the minority. "It is the very genius of a consolidated Government," he wrote in a letter to Christopher Vandeventer in 1833, "to elevate one portion of the Community, while it corrupts the other."¹³⁴

In order to protect the rights of the minority in a republican government, Calhoun argued that power must be divided amongst the constituents in an egalitarian form. By the process of "dividing and distributing the powers of government," Calhoun writes, "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."¹³⁵ In this manner even the minority, though they do not represent the express will of the majority, will be able to check any encroachment upon their rights and liberties. From this position Calhoun could introduce his two major political "organs" through which the minority could act: the concurrent majority and nullification, also known as interposition. Calhoun expounded the values of the concurrent majority in his speech on the Force Bill when he stated that this system "considers society in reference to its parts, as differently affected by the action of the government, and which takes sense of each part separately, and thereby the sense of the whole."¹³⁶ The use of the concurrent majority would prevent encroachment of the minority's rights by the majority while providing for interposition if the need arose, thereby ensuring America's promise of individual liberty.

Calhoun's doctrine of state nullification is aptly explained by historian Lacy K. Ford, Jr. who describes it as:

the process through which an individual state, falling back on its original sovereignty as party to the constitutional compact, could judge a federal law to be unconstitutional, declare it null and void, and suspend its operation within that state's borders, unless and until three-fourths of the states, acting in sovereign convention, overrode the veto of the nullifying state and established beyond dispute the constitutionality of the law in question.¹³⁷

As Calhoun understood it, the concurrent majority was the organ through which the states had first ratified the Constitution, and nullification was the option inherent in their sovereign status with which to oppose encroachment by the federal government. In addition to protecting the rights of the minority, Calhoun's view of republican government requires the consent of a

¹³² *The Works of John C. Calhoun*, ed. Richard K. Cralle, vol. 1, *A Disquisition on Government* (New York: D. Appleton & Company, 1888), 3. (hereafter cited as *Disquisition*)

¹³³ *Ibid.*, 7.

¹³⁴ Wilson, 47.

¹³⁵ *Disquisition*, 25.

¹³⁶ Lence, 451.

¹³⁷ Lacy K. Ford, "Inventing the Concurrent Majority: Madison, Calhoun, and the Problem of Majoritarianism in American Political Thought," *The Journal of Southern History* 60, no.1 (1994): 48.

majority of the parties within both the majority and the minority to accomplish its aims, thereby "maximizing the liberty and happiness of each of the units, and hence of the whole."¹³⁸

Calhoun's ideal for how government functions is derived from the social contract theory, first proposed in England during the Enlightenment. With this understanding, the ratification of the Constitution, in Freehling's words, "was a manifestation of America's commitment to John Locke's contractual theory."¹³⁹ A key component to this philosophy is that contractual governments must have the approval of all its constituents to enforce its laws, lest it become tyrannical.¹⁴⁰ This being impossible, contractual theorists asserted that when a group ratified a constitution they surrendered their right to consent to all laws passed by the absolute governing body.¹⁴¹

How could Calhoun's arguments for concurrent majority and nullification grow from such a political doctrine? To deal with this apparent contradiction, Calhoun and other states' rights proponents claimed that in America there was no such thing as an absolute government, such as a monarchy, so the loyalties of the citizenry would be divided between the states, the parties which ratified the Constitution, and the Constitution itself.¹⁴² However, in Calhoun's understanding, since the state entities predated the Constitution and were the ratifying bodies, their sovereignty superseded that of the federal government. Therefore, the states govern themselves by the numerical, or absolute, majority, while the federal government must operate on the basis of the concurrent majority of the states, as its power comes from the consent of the states and not directly from the citizenry.¹⁴³

It also follows that since the people owe their direct allegiance to the state, nullification of a federal law cannot be illegal as it deals with an indirect authority – the federal government. Calhoun writes that "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."¹⁴⁴ By utilizing his political virtuosity, Calhoun had fashioned a Jeffersonian understanding of the nature of the relationship between the states and the Union, placing the earlier in a more superior station than the latter.

Calhoun believed that America's political concerns could be remedied by returning to the principles of the concurrent majority. In addition to fulfilling the Jeffersonian principles of individual liberty, the concurrent majority would also aid in the promotion of a virtuous and moral citizenry:

In a government of the concurrent majority . . . 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 toward 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,

¹³⁸ David F. Ericson, *The Shaping of American Liberalism: The Debates Over Ratification, Nullification, and Slavery* (Chicago: The University of Chicago Press, 1993), 78.

¹³⁹ Freehling, 160.

¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*

¹⁴² *Ibid.*, 161.

¹⁴³ Ericson, 81.

¹⁴⁴ *Disquisition*, 35.

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and all others, by which respect and confidence are inspired, would be the most certain and effectual means of acquiring it.¹⁴⁵

Calhoun writes that “the Creator of all, – has so constituted a man . . . [so that he may] give ascendancy to that form of government best calculated to fulfil [*sic*] the ends for which government is ordained.”¹⁴⁶ That government is one which respects the liberty of all parties: the republican government of the concurrent majority.

The *Discourse on the Constitution and Government of the United States* is a combination of the history of American politics and Calhoun’s version of a modified Lockean political system. The main thrust of Calhoun’s argument is that the states had a sovereign nature since the creation of the constitutional compact. Calhoun writes that ratification was “the act of several states in their separate capacity. . . . performed by delegates appointed expressly for the purpose.”¹⁴⁷ It was for this reason that Calhoun regarded the Constitution as merely the organ through which the states conduct political business by way of the concurrent majority.

However, Calhoun again argued that American politics had not remained true to the original intent of the framers of the Constitution. One of the most glaring examples in Calhoun’s mind of federal encroachment on state sovereignty was the establishment of the United States Supreme Court as the final word on the constitutionality of federal laws. By placing the judicial power in the hands of a federal institution, the General Government had taken away the ability of the states to act in a concurrent majority against, or to nullify, an unconstitutional law. “To this extent,” writes Calhoun, “the judicial departments of the separate governments of the several States, to the same extent, cease to stand . . . in the relation of coequal and co-ordinate departments with the federal judiciary.”¹⁴⁸ If the federal government admits, as Calhoun believes it does through the passage of the Judiciary Act, that the courts of the states are in an inferior position to the court of the General Government, then “every other act of assumption [of state power] is made easy.”¹⁴⁹

The most important step the nation could take in order to restore the original intention of the Constitutional Convention, according to Calhoun, would be to recognize the sovereign nature of the constituent states. By reasserting the rights of states to utilize the concurrent majority and interposition, the country could “correct the disorders, and avert the dangers . . . and thus restore the feelings and motives which led to the free and unanimous adoption of the federal constitution and government.”¹⁵⁰ Calhoun believed the first blow must be directed toward the Judiciary Act, for its repeal would return to the states their “high sovereign power of deciding . . . on the extent of the delegated [federal] powers, or of interposing to prevent their encroachment on the reserved [state] powers.”¹⁵¹ Accordingly, Calhoun called for restrictions on the powers of the President to also contain the exercise of power by the executive branch. These methods would then halt the growing tensions between the North and South, “restore harmony and tranquility to the Union,

¹⁴⁵ *Ibid.*, 50.

¹⁴⁶ *Ibid.*, 89-90.

¹⁴⁷ *The Works of John C. Calhoun*, ed. Richard K. Cralle, vol. 1, *Discourse on the Constitution and Government of the United States* (New York: D. Appleton & Company, 1888), 127. (hereafter cited as *Discourse*)

¹⁴⁸ *Ibid.*, 319.

¹⁴⁹ *Ibid.*, 339.

¹⁵⁰ *Ibid.*, 313.

¹⁵¹ *Ibid.*, 383.

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by arresting, effectually, the tendency of the dominant and stronger section to oppress the weaker," and rebuild the political cosmos Calhoun had understood from his earliest days.¹⁵²

John C. Calhoun died on March 31, 1850, nearly eleven years before America would be plunged into its greatest conflict since the Revolution, which would forever alter its political landscape. History has judged Calhoun to be the architect of secession through his state rights policies, and, therefore, partly to blame for the calamity which befell the country between 1861 and 1865. Although his fiery rhetoric toward the end of his life refused to compromise on state rights issues, Calhoun did believe in a perpetual union of individual and sovereign states. As a political virtuoso, Calhoun saw himself as a champion of the Jeffersonian view of democracy and worked tirelessly to rebuild his shattered political cosmos and reform American politics. Calhoun believed his view of politics would ensure perpetual prosperity and happiness for all citizens, regardless of location or political inclination. He thought that his vision for American government, in its purest form, would have created a political culture in which the minority's voice would have as much impact on political processes as that of the majority. As illustrated in his famous reply to Andrew Jackson's toast to the Union, Calhoun held "our liberty the most dear" and spent his career working toward the preservation of this most treasured natural right.¹⁵³

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¹⁵² *Ibid.*, 391.

¹⁵³ Wilentz, 322.

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