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“Reply to Prof. Jeremy J. Tewell: Locke, Jefferson, and the Declaration Reinterpreted: The Northern Origins of the Civil War, 1815-1865”

Much as I respect *Civil War History* as one of the premiere American history journals and preeminent in its field, and long known for adhering to rigorous standards of scholarship and objectivity (that only published the best of the best of many good essays submitted for publication), I nevertheless have to object to the publication of Prof. Jeremy Tewell’s article about Thomas Jefferson, the Declaration of Independence, and the conflict over slavery in the March, 2012 issue. Besides flawed research, including a serious misquoting of Jefferson to make him more fearful about “the future of freedom in a slaveholding country “[more about this later],” there is the author’s fundamental misinterpretation of natural rights’ philosophy as developed by John Locke and understood by our founders (1776) and framers (1787-88) who believed (differently from Charles Sumner and Abraham Lincoln) that the equality of men applied to a state of nature *alone* before any government and society existed. By equality, moreover, Locke only meant that all were equally without government and not otherwise more broadly speaking.1

For Locke and our founders (1776) and framers (1787-1788) alike, who were neither egalitarians or democrats, the philosophy of natural rights was fundamentally about government by consent and for limited purposes and the means to keep it true to its historical origins before there was ever a monarch at all (English or otherwise) and especially one legitimized by the myth of Divine Right monarchy in the seventeenth century (or sovereignty indivisible later to buttress British imperialism and absolutism that excited opposition in colonial North America leading to independence). In his *Two Treatises of Government* (1690), Locke was most concerned with establishing government by voluntary consent rather than by command and compulsion.2

In the beginning, God created the universe and on earth made people in His image not equally but most uniquely with different talent(s). All, however, were endowed by God with unalienable rights to their lives, liberty, and property which were not the gifts of any government. The former preceded the latter and not the other way around. Since government of some kind was a “necessity,” to avoid the many inconveniences of a state of nature, those few agreeing to form a compact of government and civil society had to relinquish some of their natural liberties for the greater good and safety of the many. 3

Understanding John Locke anew from his primary emphasis upon the “necessity” of government rather than the equal rights of man (that ceased to exist with the formation of government and civil society), brings us to the American Declaration of Independence and its more limited and less than egalitarian meaning as well at least in the beginning. With the principles of 1776 being so critical to the Constitution of 1787-1788 as amended that followed (was it a fulfillment or a rejection of the former?), and to the later issue of slavery in early national and antebellum American history, what our founders and framers believed or not about many things became the skirmish line between North and South for deciding which section was their true heir or not in their respective causes leading to armed conflict (that involved more than slavery alone). Among the many causal factors contributing to civil war in America in 1861-1865, there has been one totally ignored to date and this is history or rather Northern-nationalist myth-making beginning with the Declaration of Independence (as early as the Missouri Compromise and culminating with the rise of a new Republican party between 1854 and 1860).4

When war finally came, of Northern-Republican-and Lincolnian origins, it was not about preserving the union (of old as a federal republic and its compromises with slavery). It was about the birth of a new nation without slavery and dedicated to the proposition of all men including blacks being created equally that the Declaration had pronounced so loudly, proudly, and universally “four score” and five years earlier in 1776 as of 1861. As the true foundation of a national government before the later federal Constitution, the time had come to fulfill its latent intentions, both abolitionist and nationalistic. Revolutions, after all, have to be justified and enlisting the founders and framers on the side of the North served this purpose well even if their beliefs had to be distorted to serve presentist ends.5

Thus, Prof. Tewell’s further and inexplicable dismissal of the two-fold significance of Pauline Maier’s *American Scripture: Making the Declaration of Independence* (New York: Alfred A. Knopf, 1997). On the one hand, while her definitive study conclusively proves the original purpose of the Declaration of Independence to be *no more* than justifying separation (really secession) from the British Empire as a natural right of revolution (as the prelude to limited government by consent and compact), her other great insight is ignored as well. In her words, as research for the book progressed “two different but related stories” emerged: “that of the original making of the Declaration of Independence and that of its [much later] remaking into the document that most Americans know, remember, and revere.” Until the 1790’s and the political contest between Federalists and Republicans, “the Declaration of Independence . . . was all but forgotten.” After 1815, it was “remade into a sacred text” increasingly emphasizing equality (for universal male voting, the rights of free labor, and above all for blacks as the prelude to the abolition of slavery).6

From being “unexceptional, and no more than “the means by which Americans announced their separation from Great Britain,” the Declaration of Independence “was made into a sacred text.” Later elevated “to something akin to holy writ,” she continues, the Declaration became “a prize worth capturing on behalf of one cause after another.” Besides becoming “a powerful statement of national identity” (especially to Abraham Lincoln and the new Republican Party as underscored by Garry Wills in his *Lincoln at Gettysburg*), it “has also been at the center of some of the most intense conflicts in American history, including that over slavery which threatened the union.” “In the course of these controversies, the document assumed a function altogether different from that of 1776: it became not a justification of revolution, but a moral standard by which day-to-day policies and practices of the nation could be judged.”7

“No less than its original creation was not an individual creation [by Jefferson alone], so was the later “remaking of the Declaration of Independence . . .not an individual but a collective act . . . .” And so it was not only by Abraham Lincoln alone in his Gettysburg Address, but in the North at large between 1815 and 1860 as a newer American history was developed to make the founders and framers more democratic, egalitarian, nationalistic, and abolitionist than they really were. The purposes here by abolitionists and the later Republican Party of 1854-1860 were (1) to legitimize newer beliefs or “isms” popular above the Mason-Dixon line that were not original and indeed quite radical, but also (2) to deny the Southern claim long maintained and historically correct, that the South (along with the other North) were the true heirs of the founders and framers and the principles of 1776 and 1787 understood originally and in an eighteenth century versus a nineteenth century context.8

According to Susan-Mary Grant in *North Over South*, “The Republican Party in the 1850s was engaged in, and was partly the result, of a process by which the American national idea [beyond its first republican-federal one] became associated with the North in general and the Republican Party in particular.” “For Abraham Lincoln, as for many of his contemporaries, the fundamental core of American nationalism was represented by the ideals set out in the Declaration of Independence.” “The meaning of America, variously conceived,” Anne Norton has reminded us, invariably results in the exclusion of the South . . . . For [Louis] Hartz, the South was the ‘alien child in the liberal family’. . . . One forgets . . . that the South retained in secession the name American and that, in the midst of their enmity, the Confederate and the Unionist concurred in regarding the Southerner as American.” “Every nation,” Michael Kammen has observed, “needs a mythic explanation of its own creation . . . . Consequently the sectional crises of antebellum times caused the founders of the Union to receive an unusual degree of adulation . . . . The authors of nineteenth-century schoolbooks accentuated the phenomenon by indulging in what has been called ‘indoctrination in national traditions’.”9

Seemingly unaware of the changing meaning of the Declaration of Independence between the Revolution, and the Civil War and of the Constitution as well (which myth-making has yet to be related to the war’s Northern origins), Prof. Tewell persists in assuming that Sumner, Lincoln, and the Republican Party were right about the Declaration of Independence and the South and the Democratic Party were all wrong!! In actuality, the reverse is more true historically. To quote another liberal and mainstream historian, Gordon S. Wood, “We know it [the Declaration] did not mean that blacks and women were equal to white men although it would be in time used to justify these equalities too.” In an editorial on July 4, 1997, discerning syndicated columnist William Raspberry (now deceased) observed that “We know the celebration wasn’t planned with us [African Americans] in mind. But then, there are lots of other Americans who weren’t on the minds of the authors of the Declaration of Independence.” Writing thirty years earlier, Bernard Bailyn underscored the reality of inequality in the context of a more limited meaning of liberty. “The leaders of the Revolutionary movement . . . were eighteenth-century radicals concerned, like the eighteenth-century English radicals, not with the need to recast the social order nor the problems of economic inequality and the injustices of stratified societies but with the need to purify a corrupt constitution and fight off the apparent growth of prerogative power.”10

Reviewing *For Liberty and Equality: The Life and Times of the Declaration of Independence* by Alexander Tsesis for *The New Republic*, Prof. Jack N. Rakove of Stanford University observes that the author’s “premise and his story is profoundly Lincolnian.” “In short, Tsesis collapses into the Declaration a host of claims that text and context simply cannot support, assigning to it qualities and purposes it was not originally intended or understood to possess [i. e., the authentic principles of the American republic and the creation of a unified national government].” “Americans have long read that [‘all men are created equal’] to mean that we are or should become equal to one another as citizens. That, in effect, is how we have democratized the Constitution since 1776 as Tsesis ably demonstrates not merely because the inequalities are unjust in themselves, but also because we believe that the Declaration instructs us to oppose them.” Yet “the intended meaning of 1776 was never about inequality within American society. It was instead a statement that Americans as a people, as a collective whole, were equally endowed with other peoples with the right to oppose tyranny, to ‘alter and abolish’ unjust governments and establish new governments in their stead. This form of equality means little to us now, but in the revolutionary circumstances of 1776, that was the equality Americans needed to assert.”11

For her part, Prof. Maier again makes the critical distinction that the equal rights of man “had originally referred to men in a state of nature, that is, before government existed.” Later on, after noting many “state and local declarations of Independence,” these together with the one of 1776 “suggested enough different meanings of the word ‘equality’—equal rights, equal access to office, equal voting power —to keep Americans busy sorting them out and fighting over practices that seemed inegalitarian far into the future.” For that matter, “The Declaration of Independence was, in fact, a peculiar document to be cited by those championed the cause of equality. Not only did its reference to men’s equal creation concern people in a state of nature before government was established, but the document’s original function was to end the previous regime, not to lay down principles to guide and limit its successor.”12

No “Glittering Generalities” and No Great Reaction

Quite simply, there was no “Great Reaction” in the South or the other North before the Civil War. There was not because those “glittering generalities” of the equal rights of men were not present at the birth of the republic for them to deny. Put another way, it was not the South that changed its beliefs before 1860; rather, the principles of 1776 and 1787 were themselves reinterpreted for other intentions (perfecting the Republic by abolishing slavery and above all making it a nation united). About America’s most famous state paper, the South was right after all. It was not about equal rights for all men (neither white or black and most certainly not for women). “Convinced that their democracy was, in Abraham Lincoln’s words, ‘the last, best hope on earth,’ northerners could no more allow the secession of the southern states in 1861 than they could permit the South to remain in the Union unchanged.” If the “North came increasingly to interpret the Declaration of Independence as the nation’s ‘mission statement’ . . . . ,” for the South it became “an insurance policy against the encroachments of centralized power.” The right of revolution against a government about to become contrary to their welfare and rights was “more important . . . than the ‘life, liberty, and the pursuit of happiness’ philosophy that, Lincoln argued, informed America’s national doctrine.”13

How interesting, then, to discover these beliefs uttered in late 18th and early 19th century America, North and South.14

“I know . . . that the people talk about the liberty of nature, and assert that we divest ourselves of a portion of it, when we enter into society. This is declamation against matter of fact. We cannot live without society, and as to liberty, how can I be said to enjoy that which another may take from me when he pleases.” (Nathaniel Ames of Massachusetts, January 15, 1788, in Elliot, ed., *Debates*, II, 39.)

“A society . . . existing in a state of nature . . . must necessarily be in perpetual anarchy or despotism. But no such state of society can exist. The very act of associating destroys the mutual freedom and independence of each member of the society. . . . It is needless to discuss questions of natural rights as distinct from a social state . . . .” (Noah Webster, *An Oration on the Anniversary of the Declaration of Independence* [New Haven, 1802].)

“. . . diversity of genius, which is independently the gift of providence, plainly indicates the necessity of those distinctions in life, which are implied in government . . . .The signature of subordination are legible in the human form.” (Peres Forbes, *An Election Sermon* [Boston, 1795].)

“Man was no sooner born, than he was associated under some common tie, which bound the human race together . . . . Nature implanted the ties, habit confirmed them and experience proved them. Man knew his powers and his rights, before the fancy of philosophers ever engendered this ideal state.” (Timothy Ford, as “Americanus,” in *The Constitutionalist* [Charleston, S. C., 1794].)

“The term equality has of late been chanted with so much delight, and echoed from all quarters with so much fervor, that it has become almost the only *Carmen necessarium*; the center and substance of all that is precious . . . .” (Timothy Ford, ibid.)

Back to John Locke and Natural Rights: No Equality

Beyond a State of Nature

Far from rejecting John Locke, as the above quotes might suggest, I would submit that the writers above knew Locke’s philosophy of government much better than many later scholars like Prof. Tewell with this or that bias in favor of equal rights for all constituting the end and purpose of government in America since 1776. Locke did not write his *Two Treatises of Government* (1690) to proclaim the equal rights of all men. Nor was this the sole purpose of our Declaration of Independence either. A state of nature, for Locke, was a beginning point not a final destination. His aim in *Two Treatises of Government* was first to dispel the conjoined myths of Divine Right monarchy and absolute government as most recently defended by Sir Robert Filmer in his *Patriarcha* (1680). For these purposes, Locke had to become an early Bible scholar and textual critic in order to challenge Adam’s claim to sovereignty by donation from God including the subjection of Eve and their posterity through “the conveyance of Adam’s sovereign monarchial power” through Biblical times and beyond. According to Filmer’s “short system of politics,” Locke writes, “Men are not born free, and therefore could never have the liberty to choose either governors, or forms of government. Princes have their power absolute, and by divine right; for slaves could never have a right to compact or consent. Adam was an absolute monarch, and so are all princes ever since.” To Locke, “Scripture or reason, I am sure, do not any where say so, notwithstanding the noise of divine right, as if divine authority hath subjected us to the unlimited will of another,” which “admirable state of mankind . . . they have had not wit enough to find out till this later age!15

“By whom this doctrine came at first to be broached, and brought in fashion amongst us, and what sad effects it gave rise to, I leave to historians to relate, or to the memory of those who were contemporaries with Sibthorp and Manwaring to recollect. My business at present is only to consider what sir Robert Filmer, who is allowed to have carried this argument farthest, and is supposed to have brought it to perfection, has said in it.” If his “foundation fails, all his fabric falls with it, and governments must be left again to the old way of being made y contrivance and the consent of men

. . . making use of their reason to unite together into society.”16

With the Biblical basis of Divine Right Monarchy effectively destroyed in his *First Treatise*, Locke next turned his attention to rediscovering “the old way” of government by consent. Thus his *Second Treatise: An Essay Concerning the True Original, Extent and End of Civil Government.* Note the emphasis in the title on “civil government” and the absence of “equality.” Equality was confined to a state of nature only and that only for a brief time.17

In Chap. VI of his *Second Treatise*, after having stated his view “That all men by nature are equal,” he qualified himself as follows:18

“I cannot be supposed to understand all sorts of equality: age or virtue may give men a just precedency: excellency of parts and merit place others above the common level: birth may subject some, and alliance or benefits others, to pay observance to those whom nature, gratitude, or other respects, may have made it due: and yet all this consists with the equality which all men are in, in respect of jurisdiction or dominion one over another; which was the equality I there spoke of (Chap. II), as proper to the business at hand, being that equal right that every man hath to his natural freedom, without being subjected to the will or authority of any other man.”

To the objection, “That there are no instances to be found . . . of a company or men independent and equal one amongst the other, that met together, and in this way began and set up government,” Locke answered:19

[I]t is not at all to be wondered, that history gives us but a very little account of men that lived together in a state of nature. The inconveniences of that condition, and the love and want of society, no sooner brought number of them together, but they presently united and incorporated, if they designed to continue together. And if we may not suppose men ever to have been in the state of nature, because we hear not much of them in such a state, we may as well suppose the armies of Salmanasser or Xerxes were never children, because we hear little of them till they were men, and embodied in armies. Government is every where antecedent to records, and letters seldom become in amongst a people till a long continuation of civil society has, by other more necessary arts, provided for their safety, ease, and plenty; and then they begin to look after the history of their founders, and search into their original [origin], when they have outlined the memory of it: for it is with commonwealths as with particular persons, they are commonly ignorant of their of their own birth and infancies: and if they know any thing of their original [origin], they are beholden for it to the accidental records that others kept of it. And those that we have of the beginning of any politics in the world, excepting that of the Jews, where God himself immediately interposed, and which favours not at all paternal dominion, are either plain instances of such a beginning . . .or at least have manifest footsteps to it.”

For Locke, a state of nature was the prelude to civil society and government by consent among equals not slaves.20

By “political power,” Locke meant “a right of making laws with penalties of death, and consequently all less penalties, for the regulating and preserving of property, and of employing the force of the community, in the execution of such laws, and in defence of the commonwealth, from foreign injury; and all this only for the public good.” This political power “of a magistrate over a subject” was different from “that of a father over his children, a master over his servants, a husband over his wife, and a lord over his slave” and it is helpful “to distinguish these powers one from another, and show the difference betwixt a ruler of a commonwealth, a father of a family, and a captain of a galley.”21

“To understand political power right, and derive it from its original [origin], we must consider what state all men are naturally in, and that is, a state of perfect freedom to order their actions and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature; without asking leave, or depending upon the will of any other man.” “A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident than that creatures of the same species and rack, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection; unless the Lord and Master of them all should, by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty.”22

Why Quit a State of Nature?

Locke himself asked and answered this important question.23

If man in the state of nature be so free as has been said; if he be absolute lord of his own possessions, equal to the greatest, and subject to nobody, why will he part with his freedom, why will he give up this empire, and subject himself to the dominion and control of any other power? To which it is obvious to answer, that though in the state of nature he hath such a right, yet the enjoyment of it is very uncertain, and constantly exposed to the invasion of others; for all being kings as much as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very unsecure. This makes him willing to quit a condition, which, however free, is full of feats and continual dangers; and it is not without reason that he seeks out, and is willing to join in society with others, who are already united, or have a mind to unite, for the mutual preservation of their lives, liberties, and estates, which I call by the general name property.”

According to Locke, “there are many things wanting” in a state of nature.”24

First, There wants an established, settled, known law, received and allowed by common consent to be the standard of right and wrong, and common measure to decide all controversies between them; for though the law of nature be plain and intelligible to all rational creatures; yet men being biased by their interest, as well as ignorant fro want of studying it, are not apt to allow of it as a law binding to them in the application of it to their particular cases.

Secondly, In the state of nature there wants a known and indifferent judge with authority to determine all differences according to the established law: for every one in that state of being being both judge and executioner of the law of nature, men being partial to themselves, passion and revenge is very apt to carry them too far, and with too much heat, in their own cases; as well as negligence and unconcernedness, to make them too remiss in other men’s.

Thirdly, in the state of nature there often wants power to back and support the sentence when right, and to give it due execution. They who by any injustice offend, will seldom fail, where they are able, by force to make good their injustice; such resistance many times makes the punishment dangerous, and frequently destructive to those who attempt it.

The Necessity of Government By Consent

In the end, Locke agrees with Aristotle about the necessity of government (making John C. Calhoun more right than wrong). “Strange” as this “doctrine” may be, that “in the state of nature every one has the executive power of the law of nature” and that “nothing but confusion and disorder will follow,” the “appointment” by God of government was required“ to restrain the partiality of men and violence of men.” “I easily grant, that civil government is the proper remedy for the inconveniencies of the state of nature, where men may be judges in their own case . . . .”25

If “government is to be the remedy of those evils, which necessarily follow from men’s being judges in their own cases, and the state of nature is not to be endured, “ it also needed to be remembered “that absolute monarchs are but men.” “I desire to know what kind of government that is, and how much better it is than the state of nature, where one man, commanding a multitude, has the liberty to judge in his own case, and may do to all his subjects whatever he pleases, without the least liberty to any one to question or control those who execute his pleasure? and in whatsoever he doth, whether led by reason, mistake, or passion, must be submitted to? Much better is in the state of nature, wherein men are not bound to submit to the unjust will of another: and if he that judges, judges amiss in his own, or any other case, he is answerable for it to the rest of mankind.”26

In “Chap. VII, of political or civil society,” Locke the religious believer as well as astute philosopher and mathematician, states “God having made man such a creature, that in his own judgment it was not good for him to be alone, put him under strong obligations of necessity, convenience, and inclination, to drive him into society, as well as fitted him with understanding and language to continue and enjoy it.” In succession, “the first society was between man and wife, which gave beginning to that between parents and children, to which in time, that between master and servant came to be added: and though all these might, and commonly did meet together, and make up but one family, wherein the master or mistress of it had some sort of rule proper for a family, each of these, or all together, cane short of political, as we shall see, if we consider the different ends, ties, and bounds of each of these” Thus “conjugal society,” “society betwixt parents and children,” and between “Master and servant.27

Natural Power Relinquished for Political Society

There only “is political society, where every one of the members hath quitted the natural power, resigned it up to into the hands of the community, in cases that exclude him not from appealing for protection to the law established by it. And this all private judgment of every particular member being excluded, the community becomes to be umpire, by settled standing rules, indifferent, and the same to all parties: and by having authority from the community, for the execution of those rules, decides all the differences that may happen between any members of that society concerning any matter of right; and punishes those offences which any member hath committed against the society, with such penalties as the law has established: whereby it is easy to discern who are, and who are not, in political society together. Those who are united into one body, and have a common established law and judicature to appeal to, with authority to decide controversies between them, and punish offenders, are in a civil society one with another: but those who have no such common appeal, I mean on earth, are still in a state of nature, each being, where there is not other, judge for himself, and executioner: which is, as I have before showed it, the perfect state of nature.”28

A State of Nature and Inequality, Too

It should not be supposed, contrary to Professors Tewell, Jaffa, and many others, that natural rights to life, liberty, and property were synonymous with the equality of all. It was not for our founders and framers or for Locke even in a state of nature. Given to all humans by God their Creator, this trinity of inalienable rights made them autonomous individuals able to exercise their free will to form a government by choice and compact for their greater security. Free individuals also had the freedom to remain in a state of nature that was also one of warfare that allowed the invasion of the rights and property of others and thus invited unrestrained retribution to achieve “punishment” and “reparation.” In *A Letter Concerning Toleration*, Locke recognized “the pravity [depravity] of man” makes them prefer “injuriously [to] prey upon the fruits of other men’s labours than to take pains to provide for themselves . . . .” Coveting another’s property arose from “the corruption and viciousness of degenerate [not rational] men” (hence his definition of reason).29

Among the many “inconveniences” of a state of nature that made it a condition “not to be endured” were differences in talents that came from God’s creation of humans most uniquely rather than equally. As we now know from DNA, humans inherit varying physical-mental traits and characteristics that make them very different. Whether in a state of nature or in in civil society, there would be the stronger, the more privileged, and the more healthy versus the weaker, the less wealthy, and the sickly. Indeed, “Different degrees of industry were apt to give men possessions in different proportions.” The later “invention of money gave them the opportunity to continue and enlarge them.”30

“In transgressing the law of nature, the offender declares himself to live by another rule than that of reason.” “Reason, which is that law [of Nature], teaches all mankind who will consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions.” “In transgressing the law of nature, the offender declares himself to live by another rule than that of reason and common equity, which is that measure God has set to the actions of men for their mutual security.” To prevent individual and unrestrained retaliation, from “self-love” that “make men partial to themselves and their friends” and because “ill nature, passion, and revenge will carry them too far in punishing others . . . . God hath certainly appointed government to restrain the partiality and violence of men” to prevent “confusion and disorder.”31

Freedom and Slavery, No Paradox

Inequality, in sum, was a fact of life whether in a state of nature or in civil society. “Inequality will exist as long as liberty exists. It unavoidably results from that very liberty itself “ (Alexander Hamilton). “Equally fallacious is the doctrine of equality, of which much is said, and little understood . . . . There are, and there must be, distinctions among men . . . . They are established by nature” (Noah Webster). “That she [nature] created all men free and equal in their rights; and that in this respect she has not one favourite in all her progeny, I most religiously believe. But in the endowment of natural gifts and faculties, nature has instituted almost every gradation, from the confines of inferior animals to the state of superior creation. Her views in the human condition are evidently to inequality” (Timothy Ford of S. C.). “I agree with you [John Admas] that there is a natural aristocracy among men. The grounds of this are virtue and talents . . . .The natural aristocracy I consider as the most precious gift of nature” (Thomas Jefferson). To David Brion Davis, the apparent discrepancy between Locke the “great defender of the inalienable rights of man” and “not at heart a determined enemy of slavery” is entirely understandable. In Locke’s view, “the origin of slavery, like the origin of liberty and property, was entirely outside the social contract.” What is more, he concludes, “American colonists were not the first to combine a love of political slavery with an acceptance of chattel slavery.”32

Not long after *The Problem of Slavery in Western Culture*, Prof. Edmund S. Morgan addressed the supposed paradox between slavery and freedom in early America and rejected it. Inherited as it was from England and Locke (and Whig-republicans), liberty in colonial-Revolutionary America was based on the ownership of property that made men citizens. Besides making them independent, it made them vigilant about government and possible abuses from above and below (the unpropertied whites not to mention slaves). In colonial Virginia, he appearance of “a growing number of freemen who had served their terms but who were unable to afford land of their own except on the frontiers,” and who were envious, armed, and rebellious, to “the men who owned land and imported the servants and ran the government” nervous about the future. To extend the length of indenture, only increased the ranks of freedmen as they increased in number overall. “Poverty and discontent,” of course, increased as well. The solution was the importation of African slaves. “The rights of Englishmen were preserved by destroying the rights of Africans.”33

The founders as “hypocrites” was a much later development in American history that only arose with newer definitions of liberty that linked it to equality beginning with enslaved Africans. In turn, did this require a reinterpretation of the Declaration of Independence along with the Constitution and the nature of the union from republican-federal-limited to national and unlimited or absolute. Many years ago did Prof. David Brion Davis recognize that in the history of the Western world, despite the “legal and moral validity of slavery” being “a troublesome question in European thought from the time of Aristotle to the time of John Locke,” it also had a “curious capacity for . . . accommodating itself to dualisms in thought.” What was new in the world was the rise of abolitionism in late eighteenth century England and progressing even more rapidly in the nineteenth century to encompass parts of North America and throughout the Atlantic world.34

The rise of militant abolitionism as immediatism rather than gradualism demanded “a major religious transformation” especially with respect to God, human nature and sin as a beginning point for human liberation. The depravity of humans flowing from original sin and accepting whatever their earthly fate was, for good or bad, only to await a better life in the hereafter, no longer sufficed. What if humans were created equally and perfectly with better rather than perverse intentions? Could it be that existing society and its institutions, religious, political, and customary, were the impediment to a better, more just, and equal life here and now on earth?35

In America, did a new religion indeed emerge in the North in the early nineteenth century. It was Unitarianism and it not only rejected original sin, but it taught the innate goodness of humans who also had an inner light making them God-like to judge right from wrong for themselves. Among other imperfections in American society and government, extant or awaiting discovery, the existence of slavery (and threat of its expansion into the territories) became the paramount one to resolve to begin the perfection of America anew and absolve the nation of its original sin.36

By no means abolitionists, our founders and framers did take positive steps toward emancipation gradually beginning with the prohibition of slave imports beginning in 1808 after a twenty year reprieve. Later on, in the early nineteenth century, the American Colonization Society was founded to promote the repatriation of blacks in America back to Africa as a positive acknowledgment of their humanity and birthright. As the new American republic (as a union of the states) expanded, dispersal of slaves with their masters into the territories was advocated and to lessen white prejudice against them, North and South. Finally, private manumission was encouraged on the part of individual slaveholders.37

Through these multiple strategies, the hope was maintained realistically of slavery’s gradual demise. Why this eventual and peaceable outcome did not happen needs to be explained? The answer, that a resort to violence would have to occur to accomplish the end of slavery in America, is provided by Prof. David Brion Davis. Referring to the influential AbbéRaynal, he sees in him a new view of Christianity joined with “a militant hatred for Negro slavery.” “But if there was a religion, Raynal wrote, which tolerated the horrors of the African trade, which failed to thunder constantly against the agents of such tyranny, which condemned the slave who broke his chains, and which embraced the judge who sentenced him to death, then its ministers deserved to smother under the debris of their altars.” In another passage that Prof. Davis says “foreshadowed William Lloyd Garrison’s [later] denunciations of the American churches, Raynal added: “If the Christian faith did thus sanction the greed of empires, it would be necessary to proscribe for all time to come bloodthirsty doctrines.” As Prof. Davis himself concludes ominously, “In the last analysis therefore, the oppressors must either be crushed by a superior force, or be persuaded that humanity coincided with their own self-interest.”38

Jefferson Misquoted and Slavery’s Threat Exaggerated

At last do I return to Prof. Tewell’s misquote of Jefferson to exaggerate his fears about “the future of freedom in a slaveholding country.” For this purpose, and to link the later Republican Party with the principal author of the Declaration and cause of liberty over slavery, Tewell turns back to Jefferson’s *Notes on the State of Virginia* (1785) to accomplish his historical myth-making while ignoring Jefferson’s changing views about slavery and what the framers did positively to contribute to its gradual and peaceful abolition. Through artful paraphrasing does he twist not only Jefferson’s words and intent, but he expands natural rights and limited equality beyond a state of nature to be the end of American government itself.39

To quote Prof. Tewell, “In his *Notes on the State of Virginia*, Jefferson expressed particular concern that the people’s liberty could not be sustained if they removed ‘its only secure basis.’ In his view, this basis was ‘a conviction in the minds of the people that these liberties are the gift of God.’ And he candidly admitted that he trembled for the fate of his country when he recalled that God is just. Because blacks and whites were equally members of the human race [only in a state of nature, however], the vagaries of circumstance could someday ensnare whites in the black man’s bondage. ‘Considering numbers, nature and natural means only,’ Jefferson explained, ‘a revolution of the wheel of fortune, [and] an exchange of situation is among possible events.’ In fact, he believed such an event could easily occur through ‘supernatural interference.’’40

After reading Prof. Tewell’s article, I decided to check the quote above. Finally locating an old copy of *Jefferson’s Notes on the State of Virginia* (1785), edited by Thomas Perkins Abernethy, I found it on page 156. Then I noticed the words Prof. Tewell failed to quote and why he did so. Fearful Jefferson was not then or later! Here’s the paragraph quoted by Prof. Jeremy J. Tewell followed by Jefferson’s excised comments:41

“And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just; that his justice cannot sleep forever; that considering numbers, nature and natural means only, a revolution of the wheel of fortune, and exchange of situation is among possible events; that it may become probable by supernatural interference!”

“The Almighty has no attribute which can take side with us in such a contest. But it is impossible to be temperate and to pursue this subject through the various considerations of policy, of morals, of history natural and civil. We must be contented to hope they will force their way into every one’s mind. I think a change already perceptible, since the origin of the present revolution. The spirit of the master is abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, under the auspices of heaven, for a total emancipation, and that this is disposed, in the order of events, to be with the consent of the master, rather than by their extirpation.” (Thomas Jefferson, *Notes on the State of Virginia* edited by Thomas Perkins Abernethy (New York, Evanston, and London: Harper & Row Publishers, 1964), 156.)

As interpreted by the author, Jefferson’s fears more than his hopes become prescient for pointing to a bloody conflict in the future that became the American Civil War. Jefferson, however, was a little more optimistic. With immediate abolition out of the question, because blacks were not yet the equals of whites (see Jefferson’s views in *Notes on the State of Virginia*), the path to emancipation would have to be a gradual one encompassing all of the anti-slavery measures already undertaken in the early history of the American republic (the abolition of the slave trade, colonization, dispersal or “diffusion” into the territories, and private manumission).42

The Real “Fire-Bell in the Night

As an advocate of “diffusion” did Jefferson react alarmingly to the question of Missouri’s admission into the union as a slave state. The “fire-bell in the night,” he so famously declared in a letter to John Holmes of Maine, was not about slavery (as popular historical opinion continues to believe), but malevolent sectionalism expressed in Congress by one party (Federalist) that portended ill for the union should the issue of slavery alone come to divide North and South. Northern sectional majoritarianism was the threat. This “momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union.” Although “it is hushed indeed for the moment.” it is a reprieve only, not a final sentence.” A “geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper.”43

Concerning slavery, Jefferson could “say with conscious truth that there is not a man on earth who would sacrifice more than I would, to relieve us from this heavy reproach, in any *practicable* way. [T]he cession [end] of that kind of property, for so it is misnamed, is a bagatelle which would not cost me in a second thought, if, in that way, a general emancipation and *expatriation* could be effected: and, gradually, and with due sacrifices, I think it might be. [B]ut, as it is, we have the wolf by the ear, and we can neither hold him, nor safely let him go. justice is in one scale, and self-preservation in the other.” Reiterating his desire for gradual and peaceable emancipation, to which “diffusion” would contribute, Jefferson remained certain “of one thing.” [A]s the passage of slaves from one state to another would not make a slave of a single human being who would not be so without it, so their *diffusion* [italics added] over a greater surface would make them individually happier and proportionally facilitate the accomplishment of their emancipation, by dividing the burthen on a greater number of co-adjutors.”44

Speaking again to union (and the nature of the government formed by the Constitution of 1787-1788 as amended and its federal versus national character), Jefferson also advised and hoped for “an abstinence . . . from this act of power would remove the jealousy excited by the [dubious] undertaking of Congress, to regulate the condition of different descriptions of men composing a state.” The authority over domestic internal legislation, Jefferson noted and well understood, “is the exclusive right of every state, which nothing in the constitution has taken from them and given to the general government. [C]ould congress for example say that Non-freemen of Connecticut, shall be freemen, or that they may not emigrate into any states?”45

Continuing with Jefferson’s most insightful letter to John Holmes, because it points to a later civil war of Northern rather than Southern origins that involved more than slavery alone, he regretted that “the useless sacrifice of themselves, by the generation of ’76, to acquire self-government, is to be thrown away by the unwise and unworthy passions of their sons” (and there’s no mistaking who he had in mind). “[I]f they would but dispassionately weigh the blessings they will throw away against an abstract principle [the abolition of slavery] more likely to be effected by union than by scission [disunion], they would pause before they would perpetrate this act of suicide on themselves and of treason against the hopes of the world.” Without the union formed by the Constitution, the great principle of 1776, i.e., self-government by consent and compact and America’s great experiment in republican liberty would be jeopardized. So also would slavery’s gradual abolition. Fortunately, Jefferson did not “live . . . to weep over it,” the end of the republic that is. The union of the states as a federal republic persisted until the last crisis of the union in 1860-1861.46

Consensus: Republicanism, Federalism,

States’ Rights, and Slavery

Indeed, as long as the original intentions of the founders and framers prevailed, and the principles of 1776 and 1787 faithfully maintained, America’s great experiment in republican government (non-monarchial and not absolute and for the public good based on the sovereignty of the people or the ruled over the rulers) had a bright future ahead of it for its citizens and as a beacon of liberty for the larger civilized world. Its successful War of Independence against the British Empire between 1775 and 1781 was truly a revolution in World History and governance. Then was the “World Turned Upside Down” with the new idea of government becoming a charter of power granted by liberty as opposed to what it had been historically as a charter of liberty granted by power (most specially to a favored few). “This revolution in the practice of the world,” James Madison proclaimed in 1792, “may with an honest praise, be pronounced the most important epoch of its history, and the most consoling presage of its happiness.” Madison also noted with respect to American governments, “As compacts, charters of government are superior in obligation to all others, because they give effect to all others. As trusts, none can be more sacred, because they are bound on the conscience by the religious sanction of an oath. As metes and bounds of government [authority], they transcend all other landmarks, because public usurpation is an encroachment on the private right, not of one, but of all.”47

Understood at the time of the creation of the new American republic between 1776 and 1787 (and long thereafter) was the realization that republican government also had to be federal and based on the states. After all, thirteen united colonies declared their independence and their different interests and concerns had to be accommodated. From the long colonial demand for *imperium in imperio* or some local control over their internal affairs (that transcended opposition to taxation and imperial economic regulation), the rights of the states emerged as an essential and concomitant principle of American government and yet another means to limit central authority beyond separation of powers and checks and balances. It took a decade to achieve but at last was a new federal government invented. Neither federal like the old Articles of Confederation, nor was it a national government either (defined as one single government operating directly upon individuals without the intervening agency of the states as proposed by Federalists and even in *The Federalist*). This, of course, was the very definition of a monarchial government that the united colonies had rejected in 1776.48

While a federal government, defined as a confederacy of separate and independent sovereignties, avoided the issue of defining the respective roles between a central power and those of the states by refusing to establish one, events in America during the War of Independence and continuing until 1787 necessitated a re-thinking about government and the need for some limited superintending authority to share the powers of government with the states. Instead of dividing sovereignty (a myth), the framers separated the powers of government further by deciding at last upon a “line of demarcation” that distinguished between general powers (few and specific) to be delegated to a federal government and all others reserved to the states including elections, suffrage (not yet universal even for all white males) and of course slavery and whether to decide for or against it.49

As small republics, states were considered as the foundation for extending republican government across such a large geographical area as America encompassed. Because the states also had diverse economic, political, and social interests, they knew best what suited their particular circumstances. This diversity, moreover, was viewed as

a strength economically because it would promote internal trade among the states specializing in different branches of commerce, industry, and agriculture. Far from being an adversarial relationship, sectionalism in fact was a positive aspect of federalism in government. And pending its ultimate extinction, freedom and slavery could co-exist. Heretofore, “the concern with slavery had been incidental or auxiliary to some matter or purpose generally considered to be of greater or immediate importance.” “The fundamental question of the future of slavery in a nation formally dedicated to universal freedom was simply not on the national agenda, and only a few people wanted to put it there.”50

A New State, a New Union, and a New Declaration

This “federal consensus,” as the late Don E. Fehrenbacher reminds us, made the federal government not a “slaveholding republic” per se but neutral with respect to the future of slavery beyond 1787. The Constitution “as it came from the hands of the framers dealt minimally and peripherally with slavery and was essentially open-ended on the subject.” Given “the increase of the power of the federal government” over the Confederation, it had “greater proslavery potential and greater antislavery potential.” It depended “heavily upon how it was implemented.” In 1787, “a good many delegates, including some slaveholders, seem to have believed or hoped that somehow in the flow of time, slavery would disappear. The imprint of that expectation is visible in the document they finally approved.” Thus, the ban on the import of slaves and the change “from a permanent exemption . . . to one lasting just twenty years.” At the same time, slavery was considered to be a state problem.” And pending its ultimate extinction, slavery and freedom could co-exist. As yet there was no paradox between them or expressed dissatisfaction with the principles of 1776 and the great achievement of self-rule that the Declaration of Independence proclaimed and that the Constitution of 1787-1788 (as amended) finally secured to assure to their posterity a new legacy of government as the servant of the people and not their master. Was this not the purpose of a written constitution after all, to define the boundaries of governmental authority granted by the new sovereign power of the people of the states and to prevent it from being exercised otherwise beyond limits imposed by popular consent?51

From the inauguration of the new federal (not national) government in 1789 to the Missouri Controversy of 1819-1821, new territory was acquired by cession and by treaty and new states admitted as provided by the Constitution, both North and South and with and without slavery. When Rep. James Tallmadge of New York proposed his amendment to prohibit slavery in Missouri and to provide for future emancipation on February 15 in 1819, he ignited a heated political debate that was about more than slavery and that involved the Constitution and the nature of the union established by the framers of 1787 (as noted by Jefferson above). The controversy further pointed to the final crisis of the union in 1860-1861 and a Civil War of northern not southern origins.52

The Tallmadge amendment was controversial because it was a condition attached to the admission of a state versus a territory. While Congress had authority over the creation and administration of territories, it had none whatsoever respecting the internal affairs of a sovereign state. The same amendment presented in 1818 concerning Illinois territory was not controversial at all. In addition to challenging the federal nature of the American government and the rights of states, the new slavery restrictionists during the debates about Missouri’s admission advanced other radical and alarming ideas about the power of Congress pointing to the supremacy of national authority over the states. Citing the Constitution that gave Congress the power to admit new states, did they emphasize the qualifying word “may” to mean “no” despite the precedent of many state admissions. Referring to the Constitution again, did slavery restrictionists seize upon the clause guaranteeing a republican government for each state. In no uncertain terms, slavery restrictionists categorically rejected the existence of human bondage as being in any way compatible with republican government. Representative government, they insisted, was about much more than election and representation as it had been defined.53

Explicitly rejecting “difusionism” and colonization, supporters of slavery’s restriction in Missouri and all of the territories west of the Mississippi river did much more that was alarming. The basis of this demand for prohibition was a reinterpretation of the Declaration of Independence that made the equal rights of men including blacks that document’s central premise beyond self-rule and justifying a right of revolution. This egalitarian impulse was the inspiration for the Northwest Ordinance of 1787 passed by the old Confederation Congress. Although nullified by adoption of the Constitution of 1787-1788, the “Spirit of ‘76” lived on in the North and the old Northwest. As the remarks of Northern Congressmen exhibit, all of a sudden was the Declaration of Independence infused with a new meaning as well as a superiority over the Constitution. “The Declaration of Independence,” penned by the illustrious statesman then and at the present time a citizen of a State which admits slavery, defines the principle on which our National and State Constitutions are all professedly founded. So spoke Rep. Fuller of Massachussetts on February 15, 1819 in Congress.54

No Irrepressible Conflict: Free Soil, Free Men, and More Compromise

(or A House Divided But Still Standing)

Portentious as this Northern historical revisionism was to the future of the American federal republic (that made the Missouri controversy much more than a party trick), antislavery restrictionists as early free soilers nevertheless agreed to compromise. The dividing line of 36 30’ served their purposes politically and morally. By prohibiting slavery above that latitude, the spirit of the old Northwest Ordinance flowing from 1776 was acknowledged although its legal basis was doubtful. At the same time, the prospect of newer free states would lessen the unequal effects of the hated 3/5’s federal ratio. Likewise did antislavery restrictionists agree to the co-existence of two compacts of government for America: a newer one derived from the Declaration of Independence for the West and the old one of 1787-1788 that recognized the unfortunate existence of slavery at the creation of the American republic. (Understated, however, was that “free soil “ also meant “free labor” and the exclusion of blacks, whether slave or free.)55

Sectional compromise was facilitated by the varying climate and soil of the American extended republic. Plantation agriculture, especially cotton and tobacco production on a large scale had reached its “Natural Limits” as both sides in the conflict agreed and was not about to expand into northern and western lands with cooler temperatures and more arid conditions. And it did not by 1860 census data. According to Don Fehrenbacher, slaves in Missouri numbered 10,000 in 1819-1820. “In 1859, the New Mexico Territorial legislature enacted a slave code, despite the fact that no slaves then lived in the territory.” In Utah and New Mexico, slavery was not a problem. “Slaveholders simply did not migrate to either territory. The census of 1860 reported no slaves in New Mexico and twenty-nine in Utah, together with a ‘free colored’ population of a hundred or so in the two territories combined.”56

From the Missouri Compromise to the rise of a newer Republican party in 1854-1860, the issue of slavery in the territories was once again compromised. Despite disunionist sentiments, expressed North and South, the federal republic as a union of the states remained intact and prospered as it expanded by the economics of federalist regional differentiation and specialization along with free trade (rather than high protective tariffs to promote one branch of the economy over others to benefit one region at the expense of the others. Influenced by “Natural Limits” to planation agriculture and an acceptance of dual compacts, states with and without slavery were admitted into the union. Slavery and freedom could co-exist under the Constitution of 1787-1788 as modified consensually by the Missouri Compromise of 1819-1820.57

Between Democrats (shorn of Jacksonian democracy and nationalism) and Whigs (as successors to neo-Hamiltonian National Republicans minus a minority of antislavery restrictionists) were political differences once again beyond slavery alone and about the proper role of government within a Constitutional context of delegated and reserved powers. Besides the political realignment of the Second Party System after the crises of 1816-1832, the rise of radical abolitionism led by William Lloyd Garrison with its demand for immediate emancipation, antislavery politics were further dampened. Garrison and his followers were particularly “off putting” by their rejection of the Constitution as a proslavery compact (not true) not to mention being “a covenant with Death and an Agreement with Hell.”58

For its part, the South voted for the Missouri Compromise because its constitutional right to maintain slavery was protected for the moment. What the future of the “peculiar institution” was remained for states with it to determine one way or the other in time. Two things were certain: immediate abolition was not an option and slavery’s expansion on a large scale was not about to happen either. Southerners knew their geography and were likewise well aware of “Natural Limits” to staple crop agriculture. Additionally, most Southern whites owned no slaves and those who did had twenty or less making slavery in the South less a plantation economy and aristocracy and more of an agrarian and farming economy and society. Because of these realities, internal migration of Southerners with or without slaves had to be permitted on an equal basis (as Jefferson had noted in his letter to John Holmes). Realistically and practically, a total prohibition against slavery in the territories would deny freedom of movement for Southern residents in general within the union of the states. Such a policy, if implemented by Congress, would amount to discrimination and make slaveholding a badge of dishonor and disrespect. Such a consolidation of national power would also deny the federal nature of the union and the rights of sovereign states alone to decide for or against slavery. If states decided against slavery, so be it. In this case, at least the comity clause of the Constitution would take precedence.59

Beyond Slavery: Dueling Declarations and the Northern Path to War

What changed dramatically between 1854 and 1860, following the passage of the fateful Kansas-Nebraska Act, was the rise of a new Republican party to political power by the election of its second nominee as sixteenth president of the U. S. Antislavery restriction as “free soilism” persisted as did its origins in a continuing reinterpretation of the Declaration of Independence making one minor phrase in its second paragraph, the equal rights of men, its major premise (while ignoring the limiting context of a state of nature before government and the necessity of same by compact and consent to justify a right of revolution). As a great turning point in American history, soon to culminate in civil war, Kansas-Nebraska also provided the occasion for Northern-Lincolnian-Republican myth-making concerning the Declaration of Independence in particular. Despite historical research to the contrary proving that Lincoln and the Republicans were about reinterpreting the Declaration of Independence and American history in general (see Wills, *Lincoln at Gettysburg*; Norton, *Alternative Americas*; and Grant, *North Over South)*, Lincoln scholars continue to resist any such notion for obvious reasons related to Lincoln mythology and blaming the Civil War on the South and slavery alone.60

Personally did Lincoln come to the final realization of slavery’s incompatibility with American freedom derived from his view of the Declaration of 1776. “A House Divided” between slavery and freedom had to cease. Believing slavery to be a great wrong, he found any compromise with slavery unacceptable (be it by an extension of the old Missouri Compromise line of 36 30’ or permitting it to be established by a territorial government according to “popular sovereignty”). Slavery could not be allowed at all in the territories even by a state! Only the acceptance of this *sine qua non* of Congressional authority to prohibit slavery totally would be sufficient proof that the “peculiar institution” was truly on a path to ultimate extinction.61

At Peoria in 1854 did Lincoln “suddenly discover a new purpose and a new chance [politically]. For the next six years he poured his energies without stint into the battle against the extension of slavery and in the process raised himself to the presidency.” Although “always opposed in principle to the institution of slavery, he had not hitherto enlisted actively in the crusade against it . . . .The Kansas-Nebraska Act transformed his thinking on the whole subject down to its very roots. Thereafter, he became increasingly convinced that slavery and free society were absolutely incompatible.” His “primary concern—and this cannot be stated too emphatically—was with the moral status of slavery in a nation originally [or supposed to be] dedicated to the inalienable rights of man [universally and including blacks].”62

Lincoln personally took the lead in the reconstruction of early American history. Ronald C. White, Jr., no critic like Thomas DiLorenzo, tells us this: “As a young man he [Lincoln] believed that the role of his generation was simply to ‘transmit’ the values of the nation’s founders. Over time he came to believe that each generation must redefine America in relation to the problems of its time. By the end of 1862, Lincoln would declare, ‘The dogmas of the quiet past are inadequate for the stormy present.” “Emphasizing his ‘ancient faith’ in the Declaration of Independence, he was not be bound even to the American Revolution and the founding generation.” Curiously, “Before 1854, Lincoln had appealed to the Declaration of Independence only twice in his public remarks . . . .” In 1854, when Lincoln began to invoke the Declaration over the Constitution, he understood that “for the revolutionary generation the Declaration of Independence was primarily about the [then] present act of separation from Great Britain” and not about “all men are created equal.”63

For Lincoln and the Republicans, the Declaration took precedence over the Constitution for the obvious reason that the equal rights of men were susceptible to a more expansive reading and rendering in light of newer “isms” of nineteenth-century origin that were not present in 1776. Not only did the founders believe slavery to be an evil (true), but they did not mean for it to spread beyond the original states where its confinement would ultimately lead to extinction (not true). According to the “federal consensus,” sovereign states alone had the final decision with respect to slavery, pro or con. Preemption before statehood was unconstitutional as was total prohibition by Congress. Besides, dispersal would contribute to slavery’s ultimate demise along with private manumission and reforms to plantation management.64

For Lincoln and Republicans, the old Northwest Ordinance of 1787 by the Confederation Congress was proof positive of the founder’s intent (not true) of a national prohibition against slavery’s expansion into free territory. To Lincoln’s new way of thinking, Kansas-Nebraska posed the great threat it did by the denial on the part of Douglas and Democrats at large of the Declaration of Independence applying to all men including blacks (universally and beyond the American experience). “Natural limits” to the spread of plantation agriculture made no difference either because the issue of slavery had become one of morality and an absolute wrong (not heretofore considered as such).65

“Popular sovereignty,” as advocated by Douglas and the Democrats even as a free soil policy, had to be opposed because it was neutral with respect to slavery. Such “indifference“ to the slightest possibility of slavery’s approval in the territories made slavery a national threat that required a total prohibition by Congressional action. In effect, the qualification of 1776 by Douglas and the Democrats (albeit historically correct) was falsely identified as a pro-slavery argument by default. In conjunction with subsequent events, the Dred Scott decision of 1857 and “Bloody Kansas” of 1858, was there evidence of a “Slave Power” conspiracy to make slavery national or what was the same thing, the proliferation of an ideology of subservience and subordination that endangered the whites of the North without the spread of the plantation system.66

“Assuring freedom to the free” thus became a new twist on the Declaration that Lincoln and the Republicans now *universalized* to justify total prohibition by Congress alone no matter the geographical-climatic realities of “Natural Limits.” The existence of slavery at all posed a national threat because it was necessarily accompanied by a pro-slavery rationale that was color blind. In Lincoln’s view, “Near eighty years ago we began by declaring that all men are created equal; but now from that beginning we have run down to the other declaration, that for some men to enslave others is a ‘sacred right of self government.”67

To quote Prof. Tewell quoting Charles Sumner and Abraham Lincoln (without recognizing they were reinterpreting the Declaration of Independence):68

As long as Americans believed ‘all men were endowed with inalienable

rights to life, liberty, and the pursuit of happiness, everyone’s liberty

would be self-evident, regardless of circumstance. Each person’s liberty

would be respected simply by virtue of his or her status as a human being.

Conversely, the justifications invoked to exclude a segment of society from

the rights of man destroyed the self-evidence of those rights. Having rejected

the Declaration’s principle that all men are naturally free, Americans eliminated

simple humanity as an unquestionable defense against the oppression. Therefore,

by failing to repudiate slavery—and thereby rejecting the universality of liberty—

they made themselves vulnerable to proslavery rationales, especially when they

happened to occupy a position of political, social, or economic weakness.

This was a major theme in Lincoln’s campaign against Stephen A. Douglas and the introduction of popular sovereignty as the method for determining slavery’s

status in the territories. Lincoln’s greatest challenge was to convince northern

audiences that simple indifference to slavery was itself inimical to the liberty

of whites. The question, as he saw it, was whether liberty would be universal (at least in theory) or whether the justifications for black slavery would survive to threaten the liberty of all . . . .

In Lincoln’s view, “Qualifying the Declaration’s assertion of universal liberty to allow for black slavery was dangerous because it would leave the door open for additional qualifications. ‘I should like to know,’ Lincoln asked---‘taking this old Declaration of Independence, which declares all men are equal upon principle, and making exceptions to it---where will it stop? If one man says it does not mean a Negro, why not another say it does not mean some other man?’” (Ibid. 82) In no uncertain terms, Lincoln was accusing “Democrats of attempting to replace universal liberty with ‘the opposite idea that slavery is right in the abstract, the workings of which as a central idea may be the perpetuity of human slavery and its extension to all countries and colors.’”69

The Other Constitutional Question: The Nature of the Union

For all the attention Prof. Tewell gives to Lincoln’s and the Republican party’s use of the Declaration of Independence in a double sense, the universality of equal rights on their part and the denial of this proposition by the Democrats, he also avoids the critical constitutional implication that intolerance of slavery’s expansion required. “This declared indifference,” assuming as it did “a moral right in the enslaving of one man by another,” threatened American liberty at large. If not all men were free, then “no one’s liberty would be self-evident” and instead “would be contingent on circumstance. Because slavery was wrong, only a national policy of prohibition could prevent its spread. Moreover, slavery was wrong wherever it existed in the world including the South. The implication here for the South was inescapable. Between “liberty” and “union,” Lincoln and the Republican party were ready to sacrifice the latter.70

In his careful analysis of the new Republican party born in the aftermath of the Kansas-Nebraska Act of 1854, Prof. Eric Foner could only conclude as he did given the party’s acknowledged radical purpose: “As southerners viewed the Republican party’s rise to power, they could hardly be blamed for feeling apprehensive about the future . . . . Southerners did not believe that this anti-slavery sentiment would be satisfied with the prohibition of slavery in the territories . . . .” Before proceeding to South Carolina’s justification for secession in December,1860, Foner further quotes William H. Seward from 1858 about the slavery controversy. “I know, and all the world knows, that a revolution has begun. I know, and all the world knows, that revolutions never go backward.” Slavery had to end in America. “Non-extension was simply the first-step . . . .”71

Far from preserving the union of old established by the founders and framers of 1776-1787, Lincoln and the new Republican party were very much about creating a new union without slavery. To preserve the union of old in fact would be tantamount to perpetuating the co-existence of slavery and freedom that had long been accepted as one element of a “federal consensus.” In a new age of nineteenth century revolution and nationalism was the Declaration of Independence given new meaning to liberate America and break the chains of a “Slave Power” and the Constitution of 1787-1788 that protected it. “Republican leaders agreed that the South must ultimately be Northernized.” “With the birth of the Republican Party, Lincoln left Bloomington with no political office but with something more important—a political vision for the promise of America that would lead him into the future.” “The Republicans saw their anti-slavery program as one part of a world-wide movement from absolutism to democracy, aristocracy to equality, backwardness to modernity, and their conviction that the struggle in the United States had international implications did much to strengthen their resolve.”72

Despite assurances that slavery in the South would be allowed to persist under the old compact of 1787-1788, Southerners believed otherwise, logically, historically, and constitutionally. The problem of total prohibition by Congress involved the critical question of the nature of the union. Was it federal and limited or was it national and unlimited? By denying state sovereignty along with popular sovereignty, Lincoln and the Republicans were denying the rights of new states alone to decide for or against slavery. For the South, equally opposed to popular sovereignty, preemption on the issue of slavery was a violation of the compact of 1787-1788 and thus justification for secession. In its address to the people, the South Carolina secession convention emphasized the constitutional principles involved (states’ rights and the federal nature of the union). “If it is right to preclude or abolish slavery in a Territory [before state action], why should it be allowed to remain in the States?”73

In a word, the renewed debate about slavery in the territories after 1854 was a matter of principle. Since slavery was not about to expand into the territories, respecting a state’s right to decide even if slavery was excluded at least preserved the federal and limited nature of the union. The danger here, of course, was that agreeing to national authority by Congress to prohibit slavery totally from the territories opened the door to its abolition in the South (by no means a new idea). This possibility became a reality in 1860 with the election of Lincoln as president of the U. S.74

In the end, Southern secession was prompted by the realization that the union of old as a federal republic was at an end. (Not respected by Lincoln, see him on who the

Founders were!!). This final crisis of the union, moreover, was about much more than slavery (either its perpetuation on the part of the South or abolitionism and black freedom on the part of Lincoln and the Republican party). Civil war ensued not because of secessionism (expected to be peaceable) but because Lincoln and the new Republican party denied the right of revolution proclaimed in the same Declaration of Independence they were reinterpreting for a new birth of freedom in America (at least for all men).75

In 1962, Don E. Fehrenbacher had this to say about Lincoln and the Republican party.76

The house-divided doctrine was essentially an effort to polarize public opinion; .and to elicit a clear-cut decision upon the most critical aspects of the slavery issue. Lincoln maintained that such a decision would terminate controversy and terminate it peaceably. He assumed, in other words, that the South would acquiesce in a Republican accession to power. But events proved that he had misread the Southern mind and seriously underestimated the threat of disunion. Yet it is unlikely that even a revelation of the future would have changed Lincoln’s thinking. Civil War was not, in his opinion, the worst disaster that could befall the American people. Behind his expectation that the South would submit to a verdict at the polls was a conviction that it must submit; for if majority rule, based on popular elections and bounded by constitutional restraints, could be set aside at the will of a dissatisfied minority, what remained of democratic government? Furthermore, Lincoln had constructed his political philosophy upon the belief that public policy should reflect an ethical purpose which was not itself subject to the daily barter of politics. ‘Important principles, he said, in the last speech of his life, ‘may, and must, be inflexible.

What Prof. Feherenbacher could not admit, and many other historians after him cannot either, is that Lincoln’s principles were neither original nor native but imported from Europe. The many new “isms” of early national and antebellum America (Unitarianism, abolitionism, majoritarianism, Transcendentalism, and nationalism) were all expressions of Romantic perfectionism *Americanized*. As in Europe between 1815 and 1860 was a contest of ideas renewed here between the forces of reaction and reform inspired by idealistic German philosophy. Despite the Enlightenment, humankind still needed to be liberated from the past and tyranny or despotism anew (e. g., monarchy in Europe and slavery and the “Slave Power” in the South).77

If liberals and radicals were defeated in Europe by the failed “Revolutions of 1848,” they succeeded in America. Embodied in the rise of a new Republican party that gained national political power in 1860, its radical purposes were realized against the South. The total prohibition against slavery in the territories was but a first step toward its abolition, which also meant the destruction of the South. Like the radical Jacobins of the second French Revolution, who were intent upon the destruction of the ancient regime, so were nineteenth century Republicans (who were their intellectual and ideological heirs) likewise motivated. The myth of a “Slave Power” served their purposes well as did their appropriation of the mantle of being defenders of the republic.78

A New History for a New Nation in the Making

For all of the studies of the American Civil War, its most important consequence has yet to be discerned. Besides making us a new nation with a new Constitution (by amendments 13, 14, and 15), it also gave us a new national history that persists today in the forms of a myth of Democracy and a corollary one of a later reactionary South. America, we are misinformed, was born liberal (democratic, egalitarian, nationalist, and antislavery if not abolitionist) and unified by a commitment to enlightened ideas about government, society, and politics. Because of cotton and slavery’s expansion to the South and west, given hospitable climate and soil conditions, the South turned its back on the liberal principles of 1776 and 1787 and invented a new states’ rights philosophy of American government (as a voluntary compact created by the states) as well as rejected the “glittering generalities” of 1776 as the best means to protect and to extend its “peculiar institution” within the Union and assuring “white rule.” After threatening disunion many times, the South finally seceded from the union to seek its separate destiny as a slaveholding republic with opportunities to expand slavery and plantation agriculture to Cuba and even South America.79

A new history for a new nation in the making was needed to legitimize what in fact were not original but very different intentions of 19th century origins. To accomplish this essential task, the 18th principles of 1776 and 1787-1788 had to be reinterpreted to be more egalitarian, democratic or majoritarian, nationalist, and abolitionist (beyond anti-slavery gradualism) than they were. By historical revisionism amounting to an early manifestation of political correctness, did the North, or a minor part of it symbolized by Lincoln and the new Republican party, present itself as the true heirs of the founders and framers. History proves otherwise.80 Indeed, much as “Both sides argued that they were upholding the ambitions of the revolutionary generation and sticking to the letter and the sentiment of both the Constitution and the Declaration of Independence . . .it was far easier southerners to find historical precedents for their attempt at separate nationhood than it was for northerners to defend their opposition to secession. Southerners could far more easily align their themselves with the revolutionary generation than northerners could.”81

Lincoln and the Republicans may have been quoting the Declaration of Independence, but they were imparting to it a new meaning in a double sense with their exclusive focus on the equality of men and then universalizing it as a principle. Moving beyond 18th century Whig-republican-federalist-divided government and limited anti-slavery ideology, Lincoln and the Republicans were informed rather by newer “isms” of later origin that sought the greater perfection of government and society even beyond the Age of Enlightenment. With a negative image of the South as “an aristocratic, antirepublican society” already being developed, the path to a reactionary “Slave Power” trying to subvert the principles of 1776 to expand their “peculiar institution” was not far behind as the Kansas-Nebraska Act of 1854 and other events proved.82

The “present attempt to repeal the Missouri Compromise” and other “aggressive movements of the Slave Interest, give occasion to fear that the principle which led to the establishment of our independence, are losing their hold on the American mind.” To Theodore Parker, liberal, Unitarian preacher and perfectionist philosopher, “If the Slave Power succeeds in its attempts, farewell to the republic—to liberty—and hail instead, glory, conquest, military [ideas], a military dictator, and finally a monarchy.” Influence by larger world events, independence movements in South America and recent revolutions of liberation and nationalism in Europe, Lincoln also invoked a universalist perspective. At Peoria, he said he hated slavery “because it deprives our republican example of its just influence in the world; enables the enemies of free institutions with plausibility to taunt us as hypocrites; causes the real friends of freedom to doubt our sincerity . . . .” By criticizing the Declaration of Independence, “the principles of civil liberty” are subordinated to action by “self-interest” alone.83

Imported into America in the early 1800’s in the North did Germanic Romanticism as a philosophy of radical individual self-liberation leading to a broader social-economic reconstruction begin to influence America anew beginning first of all with the abolition of slavery. Expressed first in Unitarianism, this new religion begot radical abolitionism followed by Transcendentalism and ultimately nationalism or the creation of a nation as the highest and greatest reform that would allow future perfectionism to occur. In the end, the imperatives of Romantic perfectionism and nationalism dictated the Northern path to war. Was against the South had to happen both to rid the new nation in the making of the evils of slavery and Southern disunionism. 84

Scholars of Unitarianism, Transcendentalism, and abolitionism do not make the larger connection between these “isms” and Romanticism as the source of an anti-Enlightenment perfectionism of late eighteenth century Germanic origins with a leading nationalist component. The influential German philosopher here was Johann Gottfried Herder. If all people had a unique spirit and genius arising from its history, culture, and language, it followed that the creation of a nation and a unified political state was the greatest reform to be achieved. The “nation was all” and not only an end in itself, but the means to the continued perfection of the state and its citizens. With the abolition of slavery determined to be the best way to reform America, the destruction of the South became an inevitability for that purpose and to eliminate the threat of secession as a right of revolution. Then there’s the dialectic of Hegel’s conflict of ideas (Thesis and Antithesis) culminating in a new social, cultural, and political reality (the Synthesis). Romantic history, moreover, was all about making the past relevant to the present by historical reinterpretation (to search for origins and precedents).85

To Susan-Mary Grant, “The Civil War offered the North the opportunity to enforce its own particular version of American nationalism and to prove by force of arms rather than by force of argument that its vision of America’s future was the only viable one.” “Although equally keen to align themselves with the ideals of the revolutionary generation, northerners found it difficult to break through this particular part of the South’s defenses. As it was understood at the start of the war, the Revolution seemed better suited as justification for the Confederacy than as a prop for the Union.” “Yet by resorting to warfare to compel a national identity that was clearly not going to be established by voluntary means, the North found itself in the paradoxical position of breaking the original contract of the Declaration of Independence in the process of defending it.”86

Long before the Gettysburg address of 1863, Lincoln had arrived at a new understanding of the Union as absolute. In the “First Inaugural Address” of March 4, 1861, he declared that “the union of these States is perpetual.” “Perpetuity is implied, if not expressed, in the fundamental law of all national governments. If nineteenth century Romantic nationalism lay behind this assertion, so too did Romantic history and the search for a usable past lead him to conclude that the perpetual union was established by history itself. “The Union is much older than the Constitution. It was formed, in fact, by “the Articles of Association in 1774” and “matured and continued by the Declaration of Independence” and through the Articles of Confederation until the Constitution of 1787 (although America’s early governments were all federal and based on newly sovereign states including the Constitution of 1787-1788 as amended). As was the case with slavery in the territories, Lincoln and the nineteenth-century Republican party ignored the federal nature of the union in favor of its national purpose and power to prohibit slavery from the territories. Likewise did he and they reject secession as a right of revolution. In a “Special Message to Congress” of July 4, 1861, Lincoln asked rhetorically: “whence this magical omnipotence of ‘State rights,’ asserting a claim of power to lawfully destroy the Union itself?”87

“One cannot intelligently discuss Lincoln’s attitude toward ‘the fathers’ unless one grasps this most basic fact about his use of the term: for him, the fathers were always the begetters of the national idea. The founders of the nation founded it on that. The fighters for the nation fought for that. The drafters of the Constitution tried to embody as much as they could of that idea.” Most Romantically and transcendently, for higher and universal purposes, Lincoln and the Republicans “Revolutionized the Revolution” and more about early American history to establish “a new past” to justify “the Republican Revolution” and then war against the South. Lincoln’s historical revisionism is nowhere better capsulized than in his letter to William Pierce and others in 1859. In his words: “All honor to Jefferson—to the man who, in the concrete pressure of a struggle for national independency by a single people, had the coolness, forecast [foresight] and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times, and so to embalm it there, that to-day, and in all coming days, it shall be a rebuke and a stumbling-block to the very harbingers of re-appearing tyranny and oppression.” The Civil War was indeed very much about 1776 and 1787 and what the founders and framers intended (the South) and what they did not (Lincoln and the Republicans). It was also about much more than slavery. It was the fulfillment, logically and inevitably, of Romantic perfectionism and nationalism that made the popular alternative of peaceful secession unthinkable because it was philosophically impermissible. Put another way, philosophically, it was American liberty (republican and federal) versus French liberty (Robespierre’s “Fatal Purity” combined with Rousseau’s “General Will” as the greater will of the nation)..88

James M. McPherson, highly respected as a Civil War scholar, hinted at just such a Civil War of Northern-Romantic-Perfectionist - Nationalist Origins, in his *Battle Cry of Freedom: The Civil War Era* (New York, 1988), 860-861.89

“Thus when secessionists protested that they were acting to preserve traditional rights and values, they were correct. They fought to protect their constitutional liberties against the perceived northern threat to overthrow them. The South’s concept of republicanism had not changed in three-quarters of a century; the North’s had. With complete sincerity the South fought to preserve its version of the republic of the founding fathers—a government of limited powers that protected the rights of property and whose constituency comprised an independent gentry and yeomanry of the white race undisturbed by large cities, heartless factories, restless free workers, and class conflict.

The accession to power of the Republican party, with its ideology of competitive, egalitarian, free labor capitalism, was a signal to the South that the northern majority had turned irrevocably toward this frightening, revolutionary future. Indeed, the Black Republican party appeared to the eyes of many southerners as ‘essentially a revolutionary party’ composed of ‘a motley throng of Sans culottes . . . Infidels and freelovers, interspersed by Bloomer women, fugitive slaves, and amalgamationists.’ Therefore secession was a pre-emptive counterrevolution to prevent the Black Republican revolution from engulfing the South. ‘We are not revolutionists,’ insisted James B. D. DeBow and Jefferson Davis during the Civil War. ‘We are resisting revolution . . . We are conservative.’

During this Sesquicentennial observance of the Civil War of 1861-1865, scholars seeking to understand anew why Americans fought Americans in the middle of the nineteenth century already have the promising beginnings of a radical interpretation understood by contemporaries for what it was: A War of Northern Aggression against the South (or of a new America in the making born in the nineteenth century versus an older of eighteenth century origin including the Old South and the other North). We know it as the “Lost Cause  
 argument of the South that began well before 1860 and persisted long after 1865 and which was historically correct all along about 1776 and 1787-1788. The real mythmakers were not below but above the Mason Dixon line.90

Notes/Reply to Prof. Tewell

1

Jeremy J. Tewell, “Assuring Freedom to the Free: Jefferson’s Declaration and the Conflict over Slavery,” *Civil War History*, 58 (March 2012), 75-96 (quote on 75).

Prof. Tewell’s book, *A Self-Evident Lie: Southern Slavery and the Threat to American Freedom* will be published in the Fall by Kent State University Press (see ad in *Civil War History*, 58 (September 2012). For John Locke’s philosophy, there’s nothing better than to read the writer himself. See *Two Treatises of Government and A Letter Concerning Toleration* (New Haven and London, 2003), ed. by Ian Shapiro. See Locke’s qualification of equality in Shapiro, ed., *Two Treatises of Government*, 122-123 and note #16 below. “Thomas Jefferson’s Declaration of Independence is practically a paraphrase of Locke’s writings on natural rights and liberty.” See Michael Lind, *Land of Promise: An Economic History of the United States* (New York, 2012), 23. See also Merle Curti, “The Great Mr. Locke: America’s Philosopher, 1783-1861,” *Huntington Library Bulletin*, 11 (April 1937), 107-151. Garry Wills rejects Locke’s influence in *Inventing America: Jefferson’s Declaration of Independence* (Boston, 2002). Carl Becker, *The Declaration of Independence* (New York, 1922), also acknowledges the influence of Locke, but in keeping with the Progressive view of history he dismisses the Enlightenment philosophy and idealism as so much rhetoric that obscured more important social-economic realities that made the Revolution a struggle for power at home as much as one about home rule. While Becker and Wills reject equality as the leading idea of the Declaration, Harry V. Jaffa emphasizes its centrality and insists that Lincoln was not inventing this idea anew but only recapturing its original meaning. See Jaffa, *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War* (Lanham, Maryland, 2004) and Jaffa,“Inventing the Gettysburg Address,” First Principles Web Journal, Feb. 15, 2010, at <http://www.firstprinciplesjournal.com>, 1-5. The influence of John Locke on the founders of 1776 is reasserted over and above an English radical Whig-republican tradition in Steven Dworetz, *The Unvarnished Doctrine: Locke, Liberalism , and the American Revolution* (Durham, N. C., 1990) and Michael Zuckert in *Natural Rights and the New Republicanism* (Princeton, N. J., 1994); *The Natural Rights Republic* (Notre Dame, Ind., 1997); and *Launching Liberalism: On Lockean Philosophy (*Lawrence, Kan., 2002). Also, Charles R. Kesler, “Obama’s Truth,” in the *National Review*, October 1, 2012, 35-38 (wherein he references the competing “liberal” versus “republican” roots of the Declaration of Independence and expresses his preference for the former).

2

While Shapiro believes “that the deep structure of Locke’s account of politics is profoundly democratic,” he asks the question: “Does this mean the historical Locke was a democrat? Up to a point, albeit a debated one.” Shapiro, “John Locke’s

Democratic Theory” in Shapiro, ed., *Two Treatises of Government*, 309-340 (quote on 310). On Locke and Slavery, see John Dunn, *The Political Thought of John Locke* (London, 1969); James Farr, “’So vile and miserable an estate’: The Problem of Slavery in Locke’s Political Thought,” *Political Theory*, 14 (May 1986), 263-289; Wayne Glausser, “Three Approaches to Locke and the Slave Trade,” *Journal of the History of Ideas,* 51 (April-June 1990), 199-216; William Uzgalis, “The Same Tyrannical Principle: Locke’s Legacy on Slavery,” in Tommy Lott, ed., *Subjugation and Bondage: Critical Essays on Slavery and Social Philosophy* (Oxford, England, 1998). For Locke’s “justification of slavery as the favorable fate of people who ‘by some act that deserves death” had forfeited their lives and had been spared by the generosity of their captors,” see Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Massachusetts, 1967), 235 and 242. See also Roderick T. Long, “Equality: The Unknown Ideal,” *Mises Daily*, October 16, 2001 at <http://mises.org/daily> and R. Carter Pittman, “Equality Versus Liberty: the Eternal Conflict,” *American Bar Association Journal*, 46 (August 1960), 1-20. “Colonial Americans were less free than we are, and in countless ways. Their political theories accepted lack of freedom as normal and often desirable.” “From stem to stern, top to bottom, the people accepted many aspects of political and social equality and claimed that such inequality had been established by God.” See Barbara Clark Smith, *The Freedoms We Lost: Consent and Resistance in Revolutionary America* (New York and London, 2010), ix, x. For America’s eighteenth century founders and framers, and republicanism versus democracy as well as the problem of slavery, see W. Kirk Wood, “Defining Republicanism: A Typology and Chronology,” Appendix B, in *Nullification, A Constitutional History, 1776-1833. Volume One. James Madison Not the Father of the Constitution: Other Framers, Different Intentions, and the Origins of Nullification, 1776-1787* (Lanham, Maryland, 2008), 99-122. See also additional works cited in notes 4-13 below.

3

Shapiro, ed., *Two Treatises of Government*, 105 and “Chap. V. Of Property,” 111-121. “No man can be forced to be rich or healthful, whether he will or no. Nay, God himself [sic] will not save men against their wills.” *A Letter Concerning Toleration* in ibid., 228. The necessity of government arose from “the pravity [depravity] of mankind being such, that they had rather injuriously prey upon the fruits of other men’s labours than take pains to provide for themselves . . . .” (Ibid., 242.) “God, who hath given the world to men in common, hath also given them reason to make use of it to the best advantage of life and convenience. The earth, and all that is therein, is given to men for the support and comfort of their being.” (Ibid., 111). See also notes #29 and #31 below on DNA, human uniqueness, and inequality.

4

Although his subject is about slavery in the territories, pro and con, Michael A. Morrison’s *Slavery in the American West: The Eclipse of Manifest Destiny and the Coming of the Civil War* (Chapel Hill, 1997) has as a subtext a North-South divide about the American Revolution and Constitution and their respective meanings. William Lloyd Garrison and the radical abolitionists, of course, rejected the authority of the Constitution as a pro-slavery compact as did later Free Soilers and the new Republican party including Abraham Lincoln. Southerners, to say the least, revered the Constitution. In the twentieth century, scholars followed the lead of Charles A. Beard’s *An Economic Interpretation of the Constitution* (New York, 1913) in describing the federal convention as a “counter-revolution” by the propertied elite that thwarted democracy. See also F. H. Buckley’s comments about the framers and his lament that “The Framers’ constitution is not our constitution,” in “Are You In?,” *The New Criterion*, 31 (September 2012), 13-17 (quote on 15); Thomas E. Woods, Jr. and Kevin R. C. Gutzman, *Who Killed the Constitution? The Federal Government versus American Liberty from World War I to Barack Obama* (New York, 2009); Bruce Ackerman, *The Failure of the Founding Fathers* (Cambridge, Mass., 2005); Judge Andrew Napolitano, *The Constitution in Exile: How the Federal Government Has Seized Power by Rewriting the Supreme Law of the Land* (Nashville, Tenn., 2006); and Sanford Levinson, *Framed: America’s Fifty-One Constitutions and the Crisis of Governance*  (New York, 2012) and review of the same by John Paul Stevens, “Should We Have a New Constitutional Convention?,” in *The New York Review of Books*, October 11, 2012, 20-22. The retired Justice disagrees about the need for “changing our federal Constitution.” See also Richard Stengel, “The Constitution: Does It Still Matter?,” *Time*, July 4, 2011, 30-45; Keith E. Whittington, *Constitutional Interpretation* (Lawrence, Kansas, 1999) and Thomas G. West and Douglas A. Jeffrey, *The Rise and Fall of Constitutional Government in America* (Claremont Institute, 2012), pdf document at http://www.claremont.org/repository/docLib2012227.

For the Constitution as amended with a Bill of Rights including the Tenth Amendment as a fulfillment of the Revolution and the logical culmination of the colonial demand for *imperium in imperio*, see Wood, Nullification, A Constitutional History; Donald S. Lutz, *The Colonial Origins of American Constitutionalism* (Baton Rouge, 1980; *Popular Consent and Popular Control: Whig Political Theory in The Early States’ Constitutions* (Baton Rouge, 1980*); Colonial Origins of the American Constitution: A Documentary History* (Indianapolis, 1998); Forrest McDonald, *States Rights and the Union: Imperio in Imperium* (Lawrence, Kansas, 2002); and Willi Paul Adams, *The First American Constitutions* (Lanham, Md., 2001). State sovereignty as an American principle of government inseparable from federalism and unrelated to the issue of slavery, see Aaron N. Coleman, “Debating the Nature of State Sovereignty: Nationalists, State Sovereignists, and the Treaty of Paris (1783),” *The Journal of The Historical Society,* 13 (September 2012), 309-340.

5

See especially Garry Wills, *Lincoln at Gettysburg: The Words That Remade America* (New York, 1992); Anne Norton, *Alternative Americas: A Reading of Antebellum Culture* (Chicago, 1986); and Susan-Mary Grant, *North Over South: Northern Nationalism and American Identity in the Antebellum Era* (Lawrence, Kansas, 2000). “From the shards of a nationality splintered in a civil war they [Lincoln, Melville, and Whitman] refashioned an American identity. In the ruins of a rejected heritage they refounded the American regime.” (*Alternative Americas*, 277.) “The conquest of the South excised the sin of slavery. In separating itself from the sin of the South, the Union separated itself, as Melville recognized, from the culture and ideology of the Founding. The preservation of the territorial integrity of the Union disguised a fundamental maiming.” (Ibid., 299.) “In many ways, it was easier for southerners to find historical precedents for their attempt at separate nationhood than it was northerners to defend their opposition to secession.” (*North Over South*, 162.)

For myth-making related to nationalist needs, see Marc Ferro, *The Use and Abuse of History: Or How the Past is Taught to Children* (London, 1984, 2003) who calls such historical writing “self-justifying history.” (Ibid., 344.) See also Patrick J. Geary, *The Myth of Nations: the Medieval Origins of Europe* (Princeton, 2003).   
“Like every American politician stretching back to . . . Washington, Republicans carefully, purposefully, identified their position with the revolutionary generation . . . . Embracing basic principles of liberty and equality, which Americans [Northerners] understood to be the premises of a democratic [not a republican] polity, Republicans legitimated their organization. If it failed or was unable to recognize the inherent tension between the two or inconsistencies in its message, Republican leaders did appreciate the power of the party’s appeal.” (Morrison, *Slavery and the American West*, 170.)

6

Maier, *American Scripture*, 154, 168-169. Tewell, “Jefferson’s Declaration and the Conflict over Slavery,” 85 and note #24. As “Pauline Maier has suggested,” Tewell writes, “Jefferson’s language was not clear as it could have been.” Prof. Maier’s book, however, proves quite the opposite. See also Kevin Phllips, *1775: A Great Year for Revolution* (New York, 2012). In his review, Joseph J. Ellis writes that Phillips “argues that the determining events of the American Revolution occurred a year earlier than most people realize. In effect, the lightning struck several months before American independence was officially declared in July of 1776, which was really just a thunderous epilogue.” See *New York Review of Books*, December 7, 2012 at <http://www.nytimes.com/2012/12/9/books/review/1775>, 1-2 (quote on 1). Lincoln as reinterpreter of the Declaration and the nation is the focus of “Lincoln, the Great Emancipator,” in Norton, *Alternative Americas*, 293-314. Garry Wills’ *Lincoln at Gettysburg* was published in 1992.

The changing views and interpretations of Jefferson and Lincoln can be followed in Merrill D. Peterson, *The Jefferson Image in the American Mind* (New York, 1962); Peterson, *Lincoln in American Memory* (New York, 1994); Gabor S. Boritt, ed., *The Historian’s Lincoln: Pseudohistory, Psychohistory, and History* (Urbana and Chicago, 1988); Boritt, ed., *The Lincoln Enigma: The Changing Face of an American Icon* (New York, 2002); Harold Holzer, et al, *The Lincoln Image: Abraham Lincoln and the Popular Print* (Urbana and Chicago, 2005); and Boritt, *The Gettysburg Gospel: The Lincoln Speech That Nobody Knows* (New York, 2008).

For specific myths related to the American Revolution, see Thomas H. Pauly, “In Search of ‘The Spirit of ‘76’,” *American Quarterly*, 28 (Fall 1976), 444-464 (about Archibald Willard’s famous painting); David Hackett Fischer, *Paul Revere’s Ride* (Oxford and New York, 1994); Marla R. Miller, *Betsy Ross and the Making of America* (New York, 2010); Irvin Molotsky, *The Flag, The Poet & The Song: The Story of the Star-Spangled Banner* (New York, 2001); and Ray Raphael, *Founding Myths: Stories That Hide Our Patriotic Past* (New York, 2004). See also Richard Shennkman, *Legends, Lies & Cherished Myths of American History* (New York, 1988); Shenkman, *“I Love Paul Revere, Whether He Rode or Not”* (New York, 1991); and James Loewen, *Lies My Teacher Told Me: Everything Your American History Textbook Got Wrong* (New York, 1995). Joan E. Cashin has her own “short list of errors and omissions” about “slavery, secession, and the war” in the North. See “Southern History in Global Perspective: Vagaries of War, Region, and Memory,” in *The Journal of the Historical Society*, 11 (December 2011), 425-439 (quote on 429).

7

Ibid., 154. See also Alexander Tsesis, *For Liberty and Equality: The Life and Times of the Declaration of Independence* (Oxford and New York, 2012) and Garry Wills, *Lincoln at Gettysburg: The Words That Remade America* (New York, 1992). Wills’ interpretation of Lincoln and the Gettysburg address is strenuously denied by Harry Jaffa. See Jaffa, *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War* (Lanham, Maryland, 2004) and “Inventing the Gettysburg Address,” February 15, 2010, in *First Principles Web Journal*, February 15, 2010, 1-5 at <http://www.firstprinciplesjournal.com>. Jaffa, of course, has his own political agenda or rather politically correct one. “To anyone not invincibly gullible . . . his real opinions are visible enough, all of them testifying to his long love affair with Calhoun, the antebellum sage of South Carolina, the leading proponent of the positive good theory, the spiritual Father of the Confederacy, and the archenemy of the principle of equality in the Declaration of Independence.” (Ibid., 1.) In effect, Jaffa gives expression to the modern version of a reactionary South that turned its back both on the Declaration and the Constitution. I say “modern” because the myth of a Great Reaction was a Northern invention before the Civil War (beginning with the old Federalists and continuing through the abolitionists to the new Republican party of Lincoln). See author’s works cited in note #8. The myth of a reactionary South informs the works of William W. Freehling, *Prelude to Civil War: The Nullification Controversy in South Carolina, 1816-1836* (New York, 1966); *The Road to Disunion: Volume I: Secesssionists at Bay, 1776-1854* (New York, 1991); and *The Road to Disunion. Volume II: Secessionists Triumphant, 1854-1861* (New York, 1997). See also David Brion Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World* (Oxford and New York, 2006), especially Chap. 9, “Slavery in the Nineteenth-Century South, I: From Contradiction to Defense,” 175-192. This idea or myth of a Great Reaction is challenged by Robert E. Shalhope, “Thomas Jefferson’s Republicanism and Antebellum Southern Thought,” *Journal of Southern History*, XLII (November 1976), 529-556. If the Declaration of Independence was not about equality and more about legitimizing a right of revolution, then it appears that the South was indeed correct historically about the principles of 1776 and 1787-1788 (the Constitution as amended).

8

For Northern historical revisionism before the Civil War, see W. Kirk Wood, “The Union of the States: A Study of Radical Whig-Republican Ideology and its Influence upon the Nation and the South, 1776-1860 (Ph. D. dissertation, University of South Carolina, 1978); Wood, *Nullification, A Constitutional History, 1776-1833* (2 vols., Lanham, Maryland, 2008, 2009); Wood, “The Central Theme of Southern History: Republicanism Not Slavery, Race, or Romanticism, “ *Continuity: A Journal of History*, 9 (Fall 1984), 33-71; Alexis de Tocqueville and the Myth of Democracy in America.” *Southern Studies*, New Series, 5 (Fall/Winter 1994), 1-18 (published in 1998); “What Happened to Republicanism, I: George Bancroft, the Myth of Democracy, and the Lost Causes of 1776, 1787, and 1861,” *Southern Studies*, New Series, 9 (Spring 1998), 37-69 (published in 2001); “In Defense of the Republic: John C. Calhoun and State Interposition in South Carolina, 1776-1833,” *Southern Studies*, New Series, 10 (Spring/Summer 2003), 9-48; “The Misinterpretation of Frank L. Owsley: Thomas J. Pressly and the Myth of a Neo-Confederate Revival, 1930-1962.” *Southern Studies*, New Series, 10, (Fall/Winter 2003), 39-68; “Before Republicanism: Frank L. Owsley and the Search for Southern Identity, 1865-1965,” *Southern Studies*, New Series, VI (Winter 1995), 65-78 (published in 1999); “Beyond Myths (Madisonian, Federal, Liberal, and Nationalist: The Constitutionality of Nullification and What the Framers Really Intended, 1787-1800,” *The Early America Review*, 5 (Winter-Spring 2004),1-18 (an electronic journal). See also Wood, "Re-Writing Southern History: U. B. Phillips, the New South, and the Antebellum Past,” *Southern Studies*, 21 (Fall 1983), 217-243 (reprinted with other essays about Phillips in John David Smith and John C. Inscoe, eds.,*Ulrich Bonnell Phillips: A Southern Historian and His Critics* [Westport, Connecticut, 1990], 57-78). The reinterpretation of the American Revolution and the principles of 1776 in the North is a leading theme of Susan-Mary Grant, *North Over South: Northern Nationalism and American Identity in the Antebellum Era* (Lawrence, Kansas, 2000).

For a neglected defense of the South, see Felix Morley, *Freedom and Federalism* (Chicago, 1959; Indianapolis, 1981); on the Northern and Lincolnian-Republican side, see “The Republican Revolution” Don E Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government’s Relations to Slavery* (New York, 2001), 295-338; Richard Slotkin *The Long Road to Antietam: How the Civil War Became an American Revolution* (New York, 2012); Louis Masur, *Lincoln’s 100 Days: The Emancipation Proclamation and the War for the Union* (Cambridge, Massachusetts, 2012); and Bruce Levine, *The Fall of the House of Dixie: The Civil War and the Social Revolution That Transformed the South* (New York, 2013).

9

Susan-Mary Grant, *North over South*, 9, 30; Anne Norton, *Alternative Americas: A Reading of Antebellum Political Culture* (Chicago, 1986), 3; Michael Kammen, *Mystic Chords of Freedom: The Transformation of Tradition in American Culture* (New York, 1991, 1993), 27.

10

“How Revolutionary Was the American Revolution? A Discussion of Gordon S. Wood’s *The Radicalism of the American Revolution*,” *William and Mary Quarterly*, 3rd series, LI (October 1994(, 679-716 (quote on 707).; William Raspberry, “Declaration of Independence Was Not Written With All Americans in Mind,” *Montgomery Advertiser*, July 4, 1997; Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Massachusetts, 1967), 283 Responding to critics of *The Radicalism of the American Revolution* (New York, 1992), Prof. Wood sees them as being “so absorbed in the present cultural wars” that “it is inconceivable to them that any white males in the past, unless they were sailors or homeless or very poor, could ever have been oppressed or felt oppressed.” Implying “that only those who are oppressed or marginalized in our own time were capable of being oppresses two centuries ago,” do they deny the radicalism of the American Revolution because it did “did not totally abolish slavery and fundamentally change the lot of women . . . .” “There is,” he concludes, “something profoundly anachronistic about their conception of the Revolution “for they indict the Americans of the past for not thinking as we think and for not thinking as we would believe today.” What is history but “recovering different, lost worlds and showing how they developed into our present.” Lamentably does he describe himself as being “naïve and old-fashioned to believe that our responsibility as historians is merely to describe the past as it was, and not to advance some present political agenda.” (Ibid., 707, 714.)

“Congress’s primary intentions were to transmute colonies into states and subjects into citizens and to inform the other ‘Powers of the Earth’ that it had done so.” David Armitage, “The Declaration of Independence: Its Many Histories,” *William and Mary Quarterly*, 3rd ser., LXV (April 2008), 357-362 (quote on 358). See also Peter de Bolla, *The Fourth of July and the Founding of America (*Woodstock and New York, 2008); Elizabeth R. Bethel, *The Roots of African-American Identity* (New York, 1997); Len Travers, *Celebrating the Fourth: Independence Day and the Rites of Nationalism in the Early Republic* (Amherst, 1997); and David Thelen, “Individual Creativity and the Filters of Language and Culture: Interpreting the Declaration of Independence by Translation, Journal of American History Roundtable at <http://chnm.gmu.edu/declaration/thelen>, 1-12. On the changing meanings of freedom, union, and the Constitution, see the important studies by Michael Kammen, *A Season of Youth: The American Revolution and the Historical Imagination* (New York, 1978); *A Machine That Would Go By Itself: The Constitution in American Culture* (New York, 1986); *Sovereignty and Liberty: Constitutional Discourse in American Culture* (Madison, 1988); *Spheres of Liberty: Changing Perceptions of Liberty in American Culture* (Madison, 1986); *Mystic Chords of Memory: The Transformation of Tradition in American Culture (New York, 1991, 1993)*. Illuminating, too, are Steven Watts, *The Republic Reborn: War and the Making of Liberal America* (Baltimore, 1987); Eric Foner, *The Story of American Freedom* (New York and London, 1998); David Hackett Fischer, *Liberty and Freedom: A Visual History of America’s Founding* Ideas (Oxford and New York, 2004); Kenneth Stampp, “The Concept of a Perpetual Union,” *Journal of American History*, 65 (June 1978), 5-33; and Wood, “Appendix C, What Happened to Republicanism? Challenge and Persistence,” in *Nullification, A Constitutional History, 1776-1833* (Lanham, Maryland, 2008), 123-132 and “Appendix C, Chronology of Constitutional/Political Histories/Early Published Correspondence, 1794-1950” in *Nullification, A Constitutional History, 1776-1833* (Lanham, Maryland, 2009), II, 139-146.

11

Jack N. Rakove, review, *The New Republic*, August 9, 2012 at <http://www.tnr.org>. As “early as 1776, free black and former minuteman Lemuel Hayes precociously discerned a charter for abolition in the Declaration’s second paragraph.” Also, “Few women publicly proclaimed the Declaration’s liberatory potential before the mid-nineteenth century, and Native Americans . . . did not do so until the late twentieth century.” (Armitage,   
“The Declaration: Its Many Histories,” 358.) “The meager evidence available suggests that a systematic poll in 1776 would have produced disagreement on the question of whether black men were included in the philosophy of the Declaration.” (Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics* (New York, 1978], 18.)

12

Maier, *American Scripture*, 192. “The United States had originally emerged from an act of secession—from a final rejection of compromise with Britain.” “Each section detected da fatal change in the other—a betrayal of the principles of the Founding Fathers.” (David Brion Davis, *Inhuman Bondage*, 295, 296.). To David Thelen, the Declaration had three purposes: (1) “as a justification for (a successful) revolution”; (2) “to establish a people and a nation”; and (3) it “proclaimed civic objectives for a nation-state and defined rights that citizens should possess and enjoy.” The equality of all is not mentioned here although Thelen goes on to note the American Declaration of Independence was referenced much later on for “the incompleteness and vagueness of the rights it enunciated . . . and . . . the gaps between the declaration’s ideals and such practices as slavery, Indian extermination, and oppression of workers, women, and minorities . . . .” (Thelen, “Interpreting the Declaration of Independence by Translation,” *JAH Roundtable* at chmn..gmuy\_edu/declaration/roundtable, 1-12 (quotes on 3, 5).

13

See studies by Wood cited in note #7 and Vernon L. Parrington, *The Romantic Revolution in America, 1800-1860* (New York, 1927). Parrington quotes Rufus Choate from Boston as dismissing the Declaration and its “glittering and sounding generalities.” “Calhoun . . . had come upon them and essayed to destroy them by a critical realism.” (Ibid., 152-153.) Lincoln himself used the term “glittering generalities” to express alarm about those, North and South, who would deny the Declaration’s assertion of equal rights for all men. Citing others who call them “self-evident lies,” Lincoln could only say that “these expressions . . . are identical in object and effect—the supplanting [of] the principles of free government, and restoring those of classification caste, and legitimacy . . . . They are the van-guards—the miners, and sappers—of returning despotism. We must repulse them, or they will subjugate us.” (Lincoln to Henry L. Pierce and others, April 6, 1859, in *Lincoln: Speeches and Writings,* ed. by Fehrenbacher, 18-19.) In the same letter, Lincoln also democratized Jefferson as he was universalizing the principle of equality beyond a mere right of revolution and calling the Revolution as “a struggle for national independency [not true] by a single people (not by the states).”

The quote is from Susan-Mary Grant *North over South*, 9, 31, 32. See also Larry E. Tise, *Proslavery: A History of the Defense of Slavery in America, 1701-1840* (Athens, Ga., 1987); Kevin R. C. Gutzman, *Virginia’s American Revolution: From Dominion to Republic, 1776-1840* (Lanham, Maryland, 2007); and Eugene and Elizabeth Fox Genovese, *The Mind of the Master Class: History and Faith in the Southern Slaveholders’ Worldview* (Cambridge, UK and New York, 2005). The idea of a later reactionary South distinct from the liberalism of Jefferson and Madison is questioned by Robert E. Shalhope in “Thomas Jefferson’s Republicanism and Antebellum Southern Thought,” *Journal of Southern History*, XLII (November 1976), 529-555. In his view, the sharp distinction between “’Jeffersonian’ and ‘post-Jeffersonian’ phases of antebellum southern history” needs to be reconsidered. Besides over-emphasizing the democratic, egalitarian and anti-slavery views of Jefferson and the founders at the expense of his/their Whig-republican ideas, “a comprehension of Thomas Jefferson’s commitment to republicanism not only avoids a historical bifurcation—Jefferson the liberal versus Jefferson the class-conscious racist—but provides fresh insight into antebellum America.” In particular, “Rather than insisting that there was a sharp break in southern thought, it might be argued instead that alterations in American society produced by its economic development and maturation caused the republican consensus to break apart.” ((Ibid., 530, 555, 556 .) In addition to rejecting “the South’s ‘Great Reaction,”” Larry Tise writes that “Given the enormous misunderstanding surrounding the history of proslavery in the United States [not just a Southern phenomenon], the debunking of popular myths on the subject must be viewed as a cleansing process” leading to “a clearer glimpse at the essence and nature of American society and its fascinating course of development.” (*Proslavery*, 3, 10-11.)

14

These quotes and more are from Appendix A, “Quotations: Original Intentions, 1776 and 1787-1788,” in Wood, *Nullification, A Constitutional History. 1776-1833*, I, 86-98. See also Jonathan Elliot, ed., *The Debates in the Several State Conventions, On the Adoption of the Federal Constitution as Recommended by the General Convention, in 1787 . . . at Philadelphia* (2d edition, 4 volumes, Washington, D. C., 1836) and Charles S. Hyneman and Donald Lutz, eds., *American Political Writing During the Founding Era: 1760-1805* (2 vols., Indianapolis: Liberty Fund, 1983), II, 900-935 (quotes by Ford on 902, 926-927), 990-1013 (quote Forbes on 993), and 12202-1240 (quote by Webster on 1208). Elliot’s *Debates* along with Max Farrand’s *Records of the Federal Convention* are now available online through the Library of Congress website. See also Tise, “Origins of Proslavery in America, 1701-1808,” in *Proslavery*, 12-40.

15

Shapiro, ed., *Two Treatises*, 3-4, 8.

16

Shapiro, ed., *Two Treatises*, 8-9.

17

Ibid., 9, 155. “Thus mankind, notwithstanding all the privileges of the state of nature, being but in an ill condition, while they remain in it, are quickly driven into society.” (Ibid., 155.)

18

Ibid., 122-123.

19

Ibid., 143-144.

20

Ibid., 101.

21 Ibid., 101.

22

Ibid., 101.

23

Ibid., 154-155.

24

Ibid., 155.

25

Ibid., 105.

26

Ibid., 105-106.

27

Ibid., 135-136. To Steven Dworetz, Locke’s radical liberalism flowed from his religion. Individual freedom and a right of revolution were derived from God’s law. (*The Unvarnished Doctrine*, 32-34.). Dworetz also rejects liberalism as possessive individualism and an obsession with property as argued by MacPherson. (Ibid., 11, 12.)

28

Ibid., 136.

29

*A Letter Concerning Toleration* in Shapiro, ed., *Two Treatises*, 242.

30

See “DNA ‘Switches’: A New Insight into Genes,” *The Week*, September 21, 2012, “Health & Science,” 22; Steven Pinker, *The Blank Slate: The Modern Denial of Human Nature* (New York, 2002); and Nessa Carey, *The Epigenetics Revolution: How Modern Biology is Rewriting Our Understanding of Genetics, Disease, and Inheritance* (New York, 2012). Pinker’s book is an argument against the idea of “a blank slate” that “has distorted the study of human beings.” Moreover, “The romantic notion that all evil is a product of society has justified the release of dangerous psychopaths who promptly murder innocent people.” (*The Blank Slate*, ix, x.). At the same time, “the new sciences of human nature can help lead the way to a realistic, biologically informed humanism.” (Ibid., xi.) “Each person is genetically unique.” (Ibid., 142.) More recently, see “the DNA Dilemma: A Test That Could Change Your Life,” *Time*, December 24, 2012, 44-47

(the susceptibility of some of us but not all to various diseases).

31

Shapiro, ed., *Two Treatises*, 102, 105.

32

The quote by Alexander Hamilton is from R. Carter Pittman, “Equality versus Liberty,” 1. Hamilton’s statement was made on June 26, 1787 in the Federal Convention. See *Notes of Debates in the Federal Convention of 1787 Reported by James Madison* (New York, 1987), ed. by Adrienne Koch, 196. For the quotes by Noah Webster and Timothy Ford, see Hyneman and Lutz, ed., *American Political Writing during the Founding Era,* II, 1229, 928; Jefferson to John Adams, October 28, 1813, in Lester J. Cappon, ed., *The Adams-Jefferson Letters: The Complete Correspondence between Thomas Jefferson and Abigail and John Adams* (2 vols., Chapel Hill, 1959), II, 387-392 (quote on 388); David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca, New York, 1966), 119. See also Tise, “The Mythology of Proslavery History,” in *Proslavery*, 3-11.

33

Edmund S. Morgan, “Slavery and Freedom: The American Paradox,” *Journal of American History*, 59 (June 1972), 5-29 (excerpted at <http://caho-test.cc.columbia.edu/ta/13025.html>, Columbia American History Online). See also Larry E. Tise, *Proslavery: A History of the Defense of Slavery in America, 1701-1840* (Athens, Georgia, 1987), 7-8, 38, 39, 43, 45, 47-50.

34

Davis, *The Problem of Slavery in Western Culture*, 13, 19.

35

See David Brion Davis, *The Problem of Slavery in Western* *Culture*, 292 and passim (Chaps. 10, 11, and 12, “Religious Sources of Antislavery Thought”), 293-390.

36

See David B. Davis, *Antebellum Reform* (New York, 1967); Ann C. Rose, *Transcendentalism as a Social Movement, 1830-1850* (New Haven, 1986); Susan Jacoby, *Freethinkers: A History of Secularism* (New York, 2004), 49-57 (Unitarianism and Universalism); “Lost Connections: Anticlericalism, Abolitionism, and Feminism,” 66-103; and “The Belief and Unbelief of Abraham Lincoln, 104-123); Barbara Packer, *The Transcendentalists* (Athens, Georgia, 2007); and Philip F. Gura, *American Transcendentalism, A History* (New York, 2007). Francis Bowen, a Unitarian, described the “new philosophy” of Transcendentalism as   
abstruse in dogma, fantastic in its dress, and foreign in its origins.” “It comes from Germany . . .’is one of the first fruits of a diseased admiration of everything from that source . . . .” (Ibid., xiii.) Above all, see Mark A. Noll, *America’s God: From Jonathan Edwards to Abraham Lincoln* (New York, 2002) and Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York, 2007), 613-657.

37

See Peter S. Onuf, *Jefferson's Empire: The Language of American Nationhood (Charlottesville: University Press of Virginia, 2000)* and Fehrenbacher, *The Dred Scott Case*, 48-52, 54-55, 61-62, 88. See also Davis, *Inhuman Bondage*, 256-259, 271-272, 277-278 (for colonization, the extended republic, and diffusion) and Tise, *Proslavery,* 51-55, 59, 67, 69-74.

38

Davis, *The Problem of Slavery in Western Culture*, 419, 421.

39

Tewell, “Jefferson’s Declaration and the Conflict over Slavery,” 75 and passim.

40

Ibid., 75.

41

Thomas Perkins Abernethy,ed., *Notes on the State of Virginia* (New York, Evanston, and London, 1964), 156.

42

See Jefferson’s comments in *Notes on the State of Virginia*, ed. by Abernethy, 132-139.

43

Jefferson to John Holmes, April 22, 1820, in The Thomas Jefferson Papers, Library of Congress, Series 1, General Correspondence, 1651-1827, images 1238-1239 (at [www.loc.gov](http://www.loc.gov)). For the accepted view of slavery constituting the crisis of 1819-1820, see John C. Miller, *The Wolf by the Ears: Jefferson and Slavery* (New York, 1977, 1991).

44

Ibid.

45

Ibid.

46

Ibid. See also Ferhenbacher, *The Slaveholding Republic*, 10-11. “The federal consensus thus remained operative, and in 1861, it even received formal approval of Congress as a Constitutional amendment.” See also Wood, “The Union of the States: A Study of Radical Whig-Republican Ideology and its Influence upon the South and the Nation, 1776-1861” (unpublished Ph. D. dissertation, University of South Carolina, 1978).

47

See Wood, “The Union of the States” and *Nullification, A Constitutional History, 1776-1833* (2 vols., Lanham, Maryland, 2008, 2009). The quote by James Madison is from the *National Gazette*, January 19, 1792 at <http://www.constitution.org>. See also Jefferson’s views of the causes for Revolution and the process of government making after 1776 in *Notes on the State of Virginia*, ed. by Abernethy, 110-124.

48

See Wood, *Nullification, A Constitutional History*, I and II; Forrest McDonald, *States Rights and the Union: Imperium in Imperio*; Donald Lutz, *The Origins of American Constitutionalism* (Baton Rouge, 1988) and *The Colonial Origins of the American Constitution: A Documentary History*; Gordon S. Wood, *The Creation of the American Republic, 1776 to 1787* (Chapel Hill, 1969); and Bernard Bailyn, *Ideological Origins of the American Revolution.* American federalism was ‘born in the colonists’ efforts to state in constitutional language the qualification of Parliament’s authority.” (Ibid., 229.)

49

See Wood, *Nullification, A Constitutional History, 1776-1833. Volume Two: James Madison and the Constitutionality of Nullification, 1787-1828* (Lanham, Maryland, 2009). Jefferson was consistent in his states’ rights-federalist views from 1787 through 1826. See Wood above and James M. Smith, ed., *The Republic of Letters: The Correspondence between Thomas Jefferson and James Madison* (3 vols., New York, 1995). More recently, see Luigi Marco Bassani, *Liberty, State, & Union: The Political Theory of Thomas Jefferson* (Macon, Georgia, 2010).

50

See Wood, *Nullification, A Constitutional History*, II and Fehrenbacher, *The Slaveholding Republic*, 27, 28. For the economics of federalism, see the remarks by Rep. Philip P. Barbour of Virginia during the Missouri controversy, February 15, 1819, *Annals of Congress*, 15th Congress, 2nd sess., cols. 1189-1190.

51

See Fehrenbacher, *The Slaveholding Republic*, 28, 29, 33-35, 47 and Bailyn, *Ideological Origins*, 182. “Slavery at the time of the Convention was therefore in a somewhat disorderly process of becoming strictly a sectional institution, and men’s minds were likewise in a transitional, unsettled state on the subject.” (Fehrenbacher, *The Dred Scott Case*, 19.)

52

On the federal nature of the union, see Fehhrenbacher, *The Slaveholding Republic* and Wood, “The Union of the States” and *Nullification, A Constitutional History, 1776-1833*; on the admission of new states with slavery or not, see Fehrenbacher, *The Slaveholding Republic* and Matthew Mason, *Slavery & Politics in the Early Republic*. See also Fehrenbacher, “Expansion and Slavery in Early National Politics,” in *The Dred Scott Case*, 74-113. For the beginning of the debates on the admission of Missouri, see *Annals of Congress*, 15th Cong., 2nd session, House, February 15 and 16, 1819, cols. 1169-1213.

53

See “State of Illinois, Slavery,” *Annals of Congress*, 15th Congress, 2nd session, House of Representatives, November 23, 1818, columns 305-310. The various arguments above are drawn from speeches on the admission of Missouri by Reps. James T. Tallmadge, Jr., John W. Taylor of New York, and Timothy Fuller of Massachusetts, *Annals of Congress*, 15th Congress, 2nd session, House, Feb. 15, 1819, cols.1179-1189 and 1203-1214.

54

Rep. Timothy Fuller, February 15, 1819, *Annals of Congress*, 15th Cong., 2nd sess., cols., 1179-1180. For no more colonization and no more gradualism, see remarks by Arthur Livermore of New Hampshire in *Annals of Congress*, 15th Congress, 2nd session, House, February 15, 1819, columns 1191-1194; for the original 13 colonies versus a newer union, see comments of Tallmadge in ibid., col 1207 and Wills, *“Negro President,*” . “It had often been cast as a reproach on this nation, that we, who boast [of] our freedom, and pride ourselves on our independence, yet hold our fellow-beings in service. Americans had been presented, indeed, with one hand exhibiting the declaration of independence, and with the other brandishing the lash of despotism.” (Rep. James Tallmadge, Nov. 23, 1818, in ibid., col. 307.)

55

In general, see Fehrenbacher, *The Slaveholding Republic*; Mason, *Slavery & Politics in the Early Republic*; and Garry Wills, *“Negro President”: Jefferson and the Slave Power* (Boston and New York, 2005). “Politically and constitutionally, slavery in the territories became more or less a moot issue, and sectional hostility found other avenues of expression.” (*The Dred Scott Case*, 113.) Northern (Federalist and Republican) racism is delineated in Mason, *Slavery & Politics in the Early American Republic*, 26, 56-59, 63-64, 145, 151-153; Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and ‘Race’ in New England, 1780-1860* (Ithaca, New York, 1998, 2000); Old Sturbridge Village Documents, “Historical Background on People of Color in Rural New England in the Early 19th Century, 2003”; Douglas Harper, “Denying the Past” at <http://www.slavenorth.com>); Foner, “The Republicans and Race” in *Free Soil, Free Labor, Free Men*, 261-300; Lerone Benett, Jr., *Forced into Glory: Abraham Lincoln’s White Dream* (Chicago, 2000); Paul D. Escott, *“What Shall We Do with the Negro?” Lincoln, White Racism, and Civil War America* (Charlottesville, Virginia, 2009); and Henry Louis Gates, Jr., *Lincoln on Race and Slavery* (Princeton and Oxford, 2010). Davis, *Inhuman Bondage*, refers to “blatant antiblack racism in the North.” (Ibid., 280.) See also Stephen John Hartnett, *Democratic Dissent & The Cultural Fictions of Antebellum America* (Urbana and Chicago, 2002), “Proslavery Cultural Fictions, White Fear, and the Rhetoric of Serious Evils,” 40-92- “Proslavery cultural fictions . . .were not simply a Southern phenomena but part of a much larger, national culture of white supremacy. (Ibid., 91.) The real paradox of Republican racism and slavery non-extension cannot be fully explored here although it needs to be (with Hartnett in fact talking about “three interrelated paradoxes regarding slavery,” 45).

56

Fehrenbacher, *The Slaveholding Republic*, 263; Fehrenbacher, *The Dred Scott Decision: Its Significance in American Law & Politics* (New York, 1978), 176. See also “Territorial Kansas Online, 1854-1861,” Jeffrey D. Nichols, “Slavery in Utah” at historytogo.utah.gov; and “Selected Statistics on Slavery in the United States” at civilwarcauses.org.

57

See Fehrenbacher, “Expansion and Slavery in a Continental Republic,” in *The Dred Scott Case*, 114-151. For threats of disunion in 1819-1820, see remarks of Rep. Scott of Missouri, February 16, 1819, in *Annals of Congress*, 15th Cong., 2nd sess., cols. 1195-1203 and Rep. James Tallmadge of New York, ibid., cols. 1203-1204. On the reality of “Natural Limits” in the Missouri debates of 1819-1821, see most recently Matthew Mason, *Slavery & Politics in the Early Republic* (Chapel Hill, 2006), 25, 148-150, 154, 181-187. It “was a necessity in the Deep South” that also made the South amenable to “slavery’s restriction above the Ohio River” but allowing it “to spread to the Southwest.” The Ohio River was “a firm boundary between freedom and slavery.” Mason uses the terms “doctrine of spheres” and “doctrine of separate spheres.” Rep. James Tallmadge refers to the necessity of slavery in the South by geography and climate in *Annals of Congress*, 15th Cong., 2nd session, Feb. 15, 1819, col. 1210. Mr. Taylor of New York provides an interesting twist by his argument in favor of public opinion acting as a barrier to the spread of slavery (i.e., the moral effect produced by the history and memory of the old Northwest Ordinance of 1787). (Ibid., col. 1179.).

Mason also notes newer “isms” in America and within the larger Atlantic world influencing newer views of the Declaration and the Constitution. See ibid., 164-165 and 191-197. Meanwhile, the South stood for the Constitution and the union not slavery. (Ibid., 195-202.).

“Natural limits” after the Missouri Compromise is also emphasized by Fehrenbacher, *The Slaveholding Republic*, 255, 270-275, See also Fehrenbacher, *Prelude to Greatness: Lincoln in the 1850’s* (Stanford, California, 1962), 22 (calling it “an unverifiable assertion”). Fehrenbacher also notes the reality and influence of public opinion in preventing the spread of slavery. “Most westward-moving Americans were Northerners loyal to northern institutions and northern culture, and likely to restrict the introduction of slave agriculture.” (*The Slaveholding Republic*, 275.). See also Fehrenbacher, *The Dred Scott Decision*, 176, 192-193 (on Utah and New Mexico) and William Lee Miller, *Arguing About Slavery: The Great Debate in the United States Congress* (New York, 1996), 15, 17.

“Slavery does not exist in the territory of Oregon. I do not know that a slave ever did make, or ever will make, a foot-print on its soil.” (Armistead Burt of S. C., “Territorial Government of Oregon,” in *Congressional Globe*, 29th Cong., 2nd session, Jan. 14, 1847, 116-119 (quote on 116). See also the *Detroit Free Press*, January 15 and 27, 1854 in Nineteenth Century Documents Project/Secession Era Editorials at <http://furman.edu-benson/docs>. Lincoln acknowledged “Natural Limits” but dismissed it as irrelevant to the moral issue of slavery being a wrong!! See “Speech at Cincinnati, Ohio,” September 17, 1859, 59-89 (quote on 64-66) in *Lincoln: Speeches and Writings*, edited by Don E. Fehrenbacher (New York, 1989). Charles Ramsdell’s 1929 article, “The Natural Limits of Slavery Expansion,” *The Southwestern Historical Quarterly*, 33(October 1929) remains relevant for its applicability to an “irrepressible conflict” as well as a “repressible conflict” thesis.

58

See Wood, *Nullification, A Constitutional History, 1776-1833*; Fehrenbacher, *The Dred Scott Decision*; Fehrenbacher, *The Slaveholding Republic*; Mason, *Slavery & Politics in the Early Republic*; Morrison, *Slavery and the American West*; and “Abolitionism in America,”” 250-267 (“off-putting rhetoric” on 253) and “The Politics of Slavery in the United States,” 268-296 in Davis, *Inhuman bondage*. See also Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York, 2006); Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York, 1999); Holt, *The Political Crisis of the 1850’s* (New York, 1983). “America’s second generation of abolitionists rejected immediatism . . . .” (Mason, *Slavery & Politics in the Early Republic*, 132.) “In general, however, the country applauded Clay for saving the Union.” (Davis, *Inhuman Bondage*, 279.) “In the Jacksonian period, American ideology had distanced itself dramatically from the revolutionary ideology of the Founding and the Revolution of 1801.” (Norton, *Alternative Americas*, 268.) Southern concerns constitutionally and otherwise about restriction were ably summarized during the Missouri debates. See speeches by Reps. Philip P. Barbour of Virginia and Scott of Missouri, February 15 and 16, 1819, in *Annals of Congress*, 15th Cong., 2 sess., cols. 1184-1191 and 1195-1203. According to John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New Haven, 1972; New York, 1979), the number of slaveowners in 1860 was 385,00 with a minority only comprising large planters. The debate about Frank L. Owsley’s *Plain Folk of the Old South* (Baton Rouge, 1949, 1982) continues. Large planters as a minority (2.5%), an average slaveholding of twenty or less, and the “typical white southern man was a yeoman farmer,” is reiterated in Joan E. Cashin, “Southern History in Global Perspective: Vagaries of War, Region, and Memory,” *The Journal of the Historical* *Society,* 11 (December 2011), 425-439 (quote on 429).

59

For the South and the Missouri Compromise, see Fehrenbacher, *The Dred Scott Case*, 102-113, 114-115 and *The Slaveholding Republic*, 67-68. “The paramount constitutional question in the Missouri controversy of 1819-1820 was whether or not Congress had the power to place antislavery restrictions on a state at the time of its entry into the Union.” Southerners who denied “that power” also “drew a comparison with congressional authority over slavery in the national capital” and inaction there. Furthermore, “The Missouri crisis frightened American political leaders and fortified a general reluctance to touch the ‘delicate’ subject of slavery.” (*The Slaveholding Republic*, 68.) For Missouri and “Natural Limits,” see ibid., 255-259 and 263-266; Mason, *Slavery & Politics in the Early Republic*, 158-163, 177-212 and 213-237; and Morrison, *Slavery and the American West*, 39-65.

60

The Kansas-Nebraska Act of 1854 is described as a great turning point in American history in Fehrenbacher, *The Dred Scott Case*, “The Territorial Question, 1848-1854,” 152-187; Fehrenbacher, *The Slaveholding Republic*, “Slavery in the Federal Territories,” 253-294: Fehrenbacher, *Prelude to Greatness*, “Lincoln and the Formation of the Republican Party,” 19-47; Eric Foner, *Free Soil, Free Labor, and Free Men: The Ideology of the Republican Party before the Civil War* (New York, 1970, 1995), and James M. McPherson*, Battle Cry of Freedom: The Civil War Era* (Oxford and New York, 1988), 117-169. See also Morrison, *Slavery and the American West* and Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* (New York, 2010). For Kansas-Nebraska as the impetus for the creation of “Northern nationalism” and a new unified union that would finally fulfill the “national mission” of the Declaration, see Grant, *North Over South*, 146-149.

This historical dilemma, of personal bias trumping contrary factual evidence, was admitted by none other than the late and great Don E. Fehrenbacher. In 1962, during the Centennial of the Civil War, did he admit the truth about Lincoln: “Lincoln’s first principle of racial relations-—that the Declaration of Independence belongs to all Americans—was actually subversive of the existing order which he endorsed. It has become increasingly meaningful in the twentieth century, while the doctrine embraced by Douglas [and the Democrats] is on its way to the scrap-heap of error.” (*Prelude to Greatness*, 111-112.) In 2001, Fehrenbacher revealed his bias again. Quoting from Lincoln’s speech at Alton, Illinois, in reply to Stephen A. Douglas concerning the Declaration of Independence, he writes that “his explanation of the Declaration of Independence’s meaning was timeless in persuasive simplicity.” “By comparison, both Douglas and Chief Justice Taney publicly exhibited a poor understanding of the Declaration’s political philosophy. Indeed, a convenient forgetfulness regarding the nation’s original ideals had facilitated the federal government’s gradual seduction by the slaveholding interest. Lincoln’s forceful protest demonstrated that the best way to end this pattern of drift was to recall and clearly express first principles.” (*The Slaveholding Republic*, 289.) See also note #61 below.

61

See “Lincoln and the Formation of the Republican Party” and “The Origins and Purpose of the House Divided Speech,” in Fehrenbacher, *Prelude to Greatness*, 19-47 and 70-95; Eric Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* (New York, 2010), 63-91 (“’The Monstrous Injustice: Becoming a Republican”) and 92-132 (“’A House Divided’: Slavery and Race in the Late 1850’s”); and David H. Donald, *Lincoln* (New York, 1995), 173-178 and “A House Divided,” 196-229. Summarizing Lincoln’s “campaign purpose” in his contest with Stephen A. Douglas in 1858, Fehrenbacher writes that “He meant to portray Douglas’s role as that of a political salesman to the North, peddling the concept that popular sovereignty was the only rational solution to the problem of slavery in the territories. Once Northerners accepted that position, Lincoln’s conspiratorial theory concluded, they would be well along toward moral indifference, which was a necessary precondition to nationalizing slavery.” (*The Slaveholding Republic,* 286.) For his part, Lincoln was going to emphasize the wrongness of slavery on “abstract moral values” and that ultimate extinction required “its elimination in the federal territories.” Of course, this is what Lincoln believed the founders intended by their Declaration of 1776 which state paper meant to include African Americans in the meaning of “all men.” By contrast, Douglas’s “amoral” stance “ meant a “proslavery plan to divert the nation from its original purpose.” (Ibid., 286, 287.). On Lincoln, Douglas, and 1776, see also Fehrenbacher, *Prelude to Greatness*, 105-112.

On no compromise with slavery, see White, *A. Lincoln*, 360-361; Foner, *The Fiery Trial*, 152-157; McClintock, *Lincoln and the Decision for War*, 91, 142-145, 195; Holzer, *Lincoln, President-Elect*, 26, 176-177; and Adam Goodheart, *1861: The Civil War Awakening* (New York, 2011), 67-77.

62

Fehrenbacher, *Prelude to Greatness*, 21, 23-24. See also Lewis E. Lehrman, *Lincoln at Peoria, The Turning Point: Getting Right with the Declaration of Independence* (Mechanicsburg, Pennsylvania, 2008).

63

Ronald C. White, Jr., *A. Lincoln, A Biography* (New York, 2009, 2010), 6, 201, 221. “Our Republican robe is soiled, and trailed in the dust. Let us repurify it. Let us turn and wash it white, in the spirit, if not the blood, of the Revolution.” (Ibid., 187.) Thomas DiLorenzo’s books are *The Real Lincoln: A New Look at Abraham Lincoln, His Agenda, and an Unnecessary War* (Roseville, California, 2002) and *Lincoln Unmasked: What You’re Not Supposed to Know About Honest Abe* (New York, 2006).

64

See Donald, *Lincoln*, 269. “Lincoln’s commitment to maintaining the Union was absolute. As a young man, he had looked to reason for guidance, both in his turbulent emotional life and in the disorderly society in which he grew up. When that proved inadequate, he found stability in the law and in the Constitution, but after the Dred Scott decision, he could no longer have unqualified faith in either. The concept of the Union, older than the Union, deriving from the Declaration of Independence with its promise of liberty for all, had become the premise on which all his other political beliefs rested.” “Abraham Lincoln was perhaps over-reaching the evidence when he declared that the fathers of the government intended to put the institution ‘in the course of ultimate extinction.’” (Fehrenbacher, *The Dred Scott Case*, 27.)

On the “federal consensus” and states’ rights, see Judah P. Benjamin quoted by Fehrenbacher: “We want a recognition of our right, because it is denied.” When “asked about Kansas” and the territorial legislature there passing a law prohibiting slavery in 1858, Benjamin replied “that he was not interested because there was no hope of its becoming a slave state..” (*Prelude to Greatness*, 140.)

For newer ideas or “isms” in America and the larger Atlantic world of the early 1800’s including Romanticism, see Mason, *Slavery & Politics in the Early Republic*, 49-51, 55-58, 164-167 191-192, 235-236; Fehrenbacher, *The Slaveholding Republic*, 328; Davis, *Inhuman Bondage*, “Abolitionism in America,” 250-267; William Lee Miller, *Arguing About Slavery*, 61-62 (quoting Rep. James Garland of Virginia in 1835 on a new “spirit of insurrection and insubordination”), 51-59, 65-74, and 80-85 (on   
“Romanticism” and a new “Empire of Benevolence”). See also Donald, *Lincoln*, 177-178 (on Lincoln’s liberalism and sympathy with the Revolutions of 1848 particularly the cause of Hungarian independence and its leader Louis Kossuth). The Revolutions of 1848 and Kossuth are cited by Morrison, *Slavery and the American West*, 133-135. The rise of abolitionism in Great Britain in the early 1800’s comprises an important part of the story about newer political and religious beliefs. See Mason, *Slavery & Politics in the Early Republic*, 87-105 and Fehrenbacher, *The Slaveholding Republic*, 89-133 (“Slavery in American Foreign Relations”). Above all, see V. L. Parrington’s much neglected *The Romantic Revolution in America, 1800-1860* and John L. Thomas, “Romantic Reform in America, 1815-1865,” *American Quarterly*, 17 (Winter 1965), 656-681. For newer and different insights into nineteenth century America, the North, and Lincoln, see Nancy L. Rosenblum, Another *Liberalism: Romanticism and the Reconstruction of Liberal Thought* (Cambridge, Massachusetts, 1987); Stewart Winger, *Lincoln, Religion, and Romantic Cultural Politics* (Dekalb, Illinois, 2003); Dorothy Ross, “Lincoln and the Ethics of Emancipation: Universalism, Nationalism, and Exceptionalism,” *Journal of American History*, 96 (September 2009, 379-399; and Samantha C. Harvey, *Transatlantic Transcendentalism: Coleridge, Emerson and Nature* (forthcoming from Edinburgh University Press, 2013). For Northerners in radical Paris after1 1830, see David McCullough, *The Great Journey: Americans in Paris* (New York and London, 2011). For Charles Sumner’s racial revelation after meeting black students, see ibid., 131; Oliver Wendell Holmes went there to escape “the weight of Calvinism at home.” (Ibid., 6-7.) See also notes # 72, 77, 78, and 85 below.

In the South, the laws of slavery became less severe over time; also, “cruel physical punishments of earlier times were eliminated in the criminal law of the nineteenth century” and “increasing procedural protection” was afforded to slaves. (Fehrenbacher, *The Dred Scott Case*, 33-35.). See also Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York, 1974); *The Southern Tradition: The Achievement and Limitations of an American Conservatism* (Cambridge, Massachusetts, 1996); *A Consuming Fire: The Fall of the Confederacy in the Mind of the South* (Athens, Georgia, 1998); Ira Berlin, “So Bad, So Good: Slavery in the South and the United States,” *Slavery & Abolition*, 19 (December 1998), 128-133; and John D. Fair, “The Georgia Slave Narratives: A Historical Conundrum,” *The Journal of the Historical Society*, 10 (September 2010), 235-281.

65

The new Republican emphasis upon the Declaration of Independence is described in Fehrenbacher, *The Slaveholding Republic*, 279-281 and Lincoln’s reaction to Kansas-Nebraska and Douglas’s interpretation of 1776 on 286-290. See also Donald, *Lincoln*, 200-202, 206-209 and Foner, *The Fiery Trial*, 67-69. James M. McPherson had to admit, however, that “The historical basis of Lincoln’s argument . . . had some holes in it” that Douglas exploited!! (*Battle Cry of Freedom*, 129.) For the mythology of the Northwest Ordinance, see Fehrenbacher, *The Slaveholding Republic*, 255. On the improbability of slavery’s establishment because a territorial government could effectively prevent it, as reiterated by Stephen A. Douglas, see *The Slaveholding Republic*, 287-288.

66

See Tewell, “Jefferson’s Declaration and the Conflict over Slavery, 76-77, 81-83. For Dred Scott, “Bloody Kansas,” and a “Slaveholder Conspiracy,” see Fehrenbacher, *The Dred Scott Case* and *The Slaveholding Republic*; Foner, *Free Soil, Free Labor, and Free Men*; Donald, *Lincoln*; McPherson, *Battle Cry of Freedom*, 145-169 and 170-201; Leonard L. Richards, *The Slavepower: The Free North and Southern Domination, 1780-1860* (Baton Rouge, 2000); Foner, *The Fiery Trial*; and Nicole Etcheson, *Bloody Kansas: Contested Liberty in the Civil War Era* (Lawrence, Kansas, 2004). How interesting this quote from Fehrenbacher: “No less a Republican than William H. Seward had recently announced [1858] on the Senate floor that the battle for freedom in the territories was already substantially won.” (*Prelude to Greatness*, 78.) For Lincoln on Kansas, “squatter sovereignty”, the spread of slavery nationally “as a national concern, and must be attended to by the nation,” see Lincoln to Schuyler Colfax, July 6, 1859 in *Lincoln: Speeches and Writings*, ed. by Fehrenbacher, 25-26; to Samuel Galloway, July 28, 1859, ibid., 26-27; “Speech at Columbus, Ohio,” September 16, 1859, ibid., 31-58 (on “genuine popular sovereignty” versus the Douglas version, 35; slavery as a national issue, 40). Other examples abound in the same source as do invocations of the Declaration of Independence.

67

Tewell, “Jefferson’s Declaration and the Conflict over Slavery,” 79, 82.

68

Tewell, “Jefferson’s Declaration and the Conflict over Slavery,” 76-77. Sumner’s new idea of “Liberty Universal” is described on pages 75-76, 85-86.

69

Ibid., 82, 83.

70

Ibid., 76, 81, 82, 83, 95-96; Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (New York, 1970, 1995), 139-140, 311, 313. In general, see chapters on “The Radicals,” “Conservatives and Moderates,” and “Slavery and Republican Ideology,” 186-318. As Foner also notes, Lincoln was considered to be a radical in 1860. (Ibid.., 214.))

71

Foner, *Free Soil, Free Labor, Free Men*, 314. Writing to William T. Sherman, a college president in Louisiana, a friend observed that non-extension “was but the entering wedge to overthrow it in the States.” (Ibid., 315.)

72

Grant, *North Over South*, 5; White, *A. Lincoln*, 221; Foner, *Free Soil, Free Labor, Free Men*, 72. David H. Donald’s reference to Lincoln’s support for Louis Kossuth and Hungarian independence shed’s new light on the Revolutions of 1848 in Europe and the continuing struggles there between the forces of reform (liberal and radical) and those of reaction. A comparison with the transformation of the American republic between 1815 and 1848 is also invited (and needed). Indeed, the North-South struggle was really one between two different Americas; one born in the eighteenth century (the South) and the other (the North as represented by Lincoln and a new Republican party) being born in the nineteenth. See Wood, “The Union of the States” and *Nullification, A Constitutional History, 1776-1833*, II, Appendix D: World History 132/test 2 Class Notes, 2007-2008,” 147-155 (Europe and America from 1776 to 1865. .See also Merle Curti, “Impact of the Revolutions of 1848 on American Thought,” *Proceedings of the American Philosophical Society*, 93 (June 1949), 209-215; John Gazley, *American Opinion of German Unification, 1848-1871* (New York, 1926); Howard, Marraro, *American Opinion on the Unification of Italy, 1846-1861* (New York, 1932); Eric Hobsbawm, *The Age of Revolution, 1789-1848* (New York, 1962, 1996); Norman Rich, *The Age of Nationalism and Reform 1850-1890 (*New York, 1970); Patricia Smith Robertson, *Revolutions of 1848: A Social History* (New York, 1968); Eric Hobsbawm, *The Age of Capital, 1848-1875* (New York, 1975); Charles Breunig, *The Age of Revolution and Reaction, 1789-1850* (New York, 1980); Larry Reynolds, *European Revolutions and the American Literary Renaissance* (New Haven, 1988); Donald Spencer, *Louis Kossuth and Young America* (Columbia, Missouri, 1977); Peter S. Jones, *The 1848 Revolutions* (New York, 1991); Timothy M. Roberts, *Distant Revolutions: 1848 and the Challenge to American Exceptionalism* (Charlottesville, Virginia, 2009); Mike Rapport, *1848: Year of Revolution* (New York, 2010); and Eric J. Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality* (2nd ed., Cambridge University Press, 2012).

“He [Lincoln] curtly rejected partition of the nation as an ultimate arrangement, not because it seemed utterly improbable, but because it was impermissible.” To Lincoln, “Republicanism . . .embraced a belief (that slavery was wrong), a program of action (federal legislation preventing its extension), and an ultimate objective of hope (complete extinction of the institution at some distant date and by some peaceful means not yet discovered).” (*Prelude to Greatness*, 75, 77.)

73

See Foner, *Free Soil, Free Labor, Free Men*, 315. See also Fehrenbacher, *The Slaveholding Republic*, 295-297, 308 for Southern reaction to “the election of Lincoln as adequate reason for immediate dissolution of the Union.” “It is thus no mystery that southerners could not seriously entertain Republican assurances that they would not attack slavery in the states.” (*Free Soil, Free Men, Free Labor*, 313.) To Sen. Henry Wilson’s threat that he would never vote to admit Kansas as a slave state, Sen. David Reig of North Carolina replied that this position violates “every principle of the Constitution . . . .” Sen. Asa Briggs added that the Republicans were “tired of the Constitution which was formed by our pure and revolutionary ancestors . . . .Now every plan is resorted to to evade its sanctions and to embarrass its action, with the hope of crushing out an institution which they, in their intensified philanthropy suppose wrong.” (Morrison*, Slavery and the American West*, 173, 173-174.)

74

“Throughout the course of the slaveholding republic, southerners had felt generally secure under the Constitution. This ceased with Lincoln’s election . . . .” (*The Slaveholding Republic*, 301.) From the Missouri Compromise through the final crisis of the Union in 1860-1861, the Southern position on slavery in the territories was consistently constitutional: sovereign states alone had the final say so, for or against. See Wood, *Nullification, A Constitutional History, 1776-1833*, II, on slavery in the territories and Calhoun’s views on the admission of Michigan in 1837, lx-lxiii. For the Southern defense of the federal republic and original intentions (1776 and 1787-1788) as its not so “Lost Cause,” see ibid., lxiii-lxviii. Don E. Fehrenbacher got to the heart of the matter in 1962 concerning the “obtrusion of the slave-code question” into the debate about slavery in the territories (which was a belated response to Republican’s insistence upon total prohibition). In *Prelude to Greatness*, he asks, “But why did the South press its hopeless pursuit of an almost useless prize? A satisfactory answer is difficult to find.” (Ibid., 141.)

Fehrenbacher, however, then proceeds to reject totally any notion that Southerners could have been action upon principle. Instead, he resorts to a reactionary South explanation that underscores the fears of “a slave society” that “wanted security for the future” both to perpetuate its “peculiar institution” and preserve its central theme of white superiority.

Nathaniel Macon underscored the importance of the Constitution and its strict construction during the Missouri crisis. To Bartlett Yancey he wrote, “examine the Constitution of the U. S. . . .and then tell me if Congress can establish banks, make roads and canals, whether they cannot free all of the Slaves in the U. S.” (Mason, *Slavery & Politics in the Early Republic*, 162.)

75

See Fehrenbacher, *The Slaveholding Republic*, 295-297 and “The Republican Revolution, ‘295-308; McPherson, “The [Republican] Revolution of 1860,” in *Battle Cry of Freedom*, 202-233; and Foner, “Slavery and Republican Ideology,” in *Free Soil, Free Men, Free Labor*, 301-317. “Slavery was less the cause than the occasion for war.” (Norton, *Alternative Americas*, 310.) “Without slavery, there would have been no secession, certainly, and thus no war—but slavery itself did not spark the Civil War. Secession did.” “Yet secession was not inherently violent. In actuality, the Civil War began not when the Southern states seceded. In the end it was Northerners who decided whether it was to be peace or a sword. Settling that question, in fact, lay at the heart of Northern debates.” (Russell McClintock, *Lincoln and the Decision for War: The Northern Response to Secession* [Chapel Hill, 2008], ix, 3.) See also Marc Egnal, *Clash of Extremes: The Economic Origins of the Civil War* (New York, 2009) and Grant, *North Over South*. “”An emphasis on strongly held views about slavery sheds little light on the sequence of events that led to the Civil War.” Moreover, “A focus on slavery also explains little about the divisions within the North and the South.” “Blocking the spread of slavery was an important stance and one that frightened many in the South. But this position must not be equated with a humanitarian concern for the plight of African Americans. For most Republicans nonextension was more an economic policy designed to secure Northern domination of Western lands than the initial step in a broad plan to end slavery.” (Egnal, *Clash of Extremes*, 5, 6.) For Lincoln’s denial of secession as a right of revolution, see Donald, *Lincoln,* 268-269; Holzer, *Lincoln, President-Elect*, 31, 46-47, 131; White, *A. Lincoln*, 391-392; Goodheart, *1861*, 123; Foner, *The Fiery Trial*, 159-160; Norton, *Alternative Americas*, 307; Grant, *North Over South*, 163-164; and Lincoln, “First Inaugural Speech” “Special Message to Congress, July 4, 1861, in *Lincoln: Speeches and Writings*, 74-80 and 246-261.

On a new birth of freedom in America see James M. McPherson, *Abraham Lincoln and the Second American Revolution* (New York, 1991); Harry V. Jaffa, *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War* (Lanham, Maryland, 2000); Ronald C. White, Jr., A. Lincoln, chap 24, “A New Birth of Freedom,” 591-615; McPherson, *Tried by War: Abraham Lincoln as Commander in Chief* (New York, 2008),xiv, 2, 5-8. For the most part, Civil War historians accept that Lincoln and the Republicans were engaged in a restoration of the Union and Constitution rather than fomenting a revolution to make a new nation and Union as one in behalf of the expansion of liberty. For a counter-view from the standpoint of 1861-1865, see William Marvel, *The Great Task Remaining: The Third Year of Lincoln’s War* (Boston and New York, 2010), 15-39. Compare also George P. Fletcher, *Our Secret Constitution: How Lincoln Redefined American Democracy* (New York, 2001) with Harry V. Jaffa, *Original Intent and the Framers of the Constitution: A Disputed Question (*Washington, D. C., 1994.)

76

Fehrenbacher, *Prelude to Greatness*, 95.

77

See notes 36, 64, and 72 above. That it was the North rather than the South that changed beliefs in the early national and antebellum periods is the thesis of Wood, “The Union of the States.” See also Vernon L. Parrington, *The Romantic Revolution in America* and David S. Reynolds, *Beneath the American Renaissance: The Subversive Imagination in the Age of Emerson and Melville* (Cambridge, Massachusetts, 1988). The operative paradigm here since the Civil War itself, both in historical and literary professional circles, has been to view the many newer “isms” of the North as no more than expansions of earlier democratic, egalitarian, abolitionists, and nationalist beliefs. See especially F. O. Matthiessen, *Art and Expression in the Age of Emerson and Whitman* (New York, 1941). See also note #78 below. See also “Romantic Radicalism in Antebellum America,” review of Lewis Perry, *Radical Abolitionism: Anarchy and the Government of God in Antislavery Thought* (Ithaca, New York, 1973) in *Reviews in American History*, 4 (December 1973), 524-530 and Nathaniel Bates, “Abraham Lincoln, Lyman Trumbull, and the New Birth of Freedom,” June, 2011 at [www.scholardarity.com](http://www.scholardarity.com).

78

The author taught World History at Alabama State University, Montgomery, Alabama, from 1989-2011 before retiring as Professor of History. While teaching, a video based course with viewing and class notes was developed for both halves, World History 131 and 132. See “Appendix D: World History Class Notes for Test 2, WH 132” (America and Europe, 1776-1865), in *Nullification, A Constitutional History, 1776-1833*, II, 147-155. Like radical Jacobins of the second French Revolution of 1792-1794, who were intent upon the destruction of the ancién regime of eighteenth century France, so too were there intellectual and ideological heirs in the nineteenth century Republican party likewise inclined and motivated. The myth of a “Slave Power” served their purposes well to portray a region and a people negatively in terms of slavery alone and not as the defenders of the republic that they were in fact. For the negative view of the French Revolution in the South and Northern radicals as Jacobins, see Elizabeth Fox-Genovese and Eugene Genovese, *The Mind of the Master Class: History and Faith in the Southern Slaveholders’ Worldview* (Cambridge and New York, 2005). To James Henry Hammond in 1836, “The destructive principles initiated by ‘that terrible tragedy, the French Revolution,’ were now spreading across Europe and the northern states of the Union.” (Ibid., 11.) See Chapters 1 and 2, “That Terrible Tragedy” and “The Age of Revolution through Slaveholding Eyes,” 11-40 and 41-68. For the Jacobins, see ibid., 52, 55, 706-707, 756-757. The Genovese’s also reference the Revolutions of 1848 in Europe.

79

For the myths of Democracy and a reactionary South, see Wood, “The Union of the States”; *Nullification, A Constitutional History, 1776-1833*, I and II; and articles cited in note # 8 above. For an almost identical description of a reactionary South, see Tise, *Proslavery*, 3-4 (who also rejects the thesis). What is the same thing is called the “idealistic” interpretation in Egnal, *Clash of Extremes*, 4-17. For the end of the republic, a new founding, a new nation, and a new constitution, see Norton, *Alternative Americas*, chap 11, “Lincoln the Great Emancipator,” 293-314; Grant, *North Over South*, 159-160, 168; Fehrenbacher, *The Slaveholding Republic*, 296-297 (end of the old republic); and George P. Fletcher, *Our Secret Constitution: How Lincoln Redefined American Democracy* (New York, 2002). For Lincoln’s new history of the American founding, see “Speech at Columbus, Ohio,” Sept. 16, 1859; “Speech at Cincinnati, Ohio,” Sept. 17, 1859; “Address at Cooper Institute [Union], Feb. 27, 1860; and “Speech at New Haven, Connecticut,” March 6, 1860, in *Lincoln: Speeches and Writings*, ed. by Fehrenbacher, 31-58, 59-89, 111-130, and 132-150. Besides Lincoln’s and Seward’s Romantic historical revisionism about 1776 and 1787, see also Susan-Mary Grant’s analysis of John Lothrop Motley’s views that 1776 and 1787 both made America a “nation” (*North Over South*, 163) and Eric Foner on “Salmon P. Chase: The Constitution and the Slave Power” in *Free Soil, Free Labor, Free Men*, 73-102. Chase “developed an interpretation of American history which convinced thousands of northerners that anti-slavery was the intended policy of the founders of the nation, and was fully compatible with the Constitution.” (Ibid., 73.) But see Fehrenbacher, The Slaveholding Republic and the Constitution being “neither proslavery nor antislavery I intent.” (Ibid., x.) He also noted that the a neo-Garrisonian view of the Constitution as a proslavery compact “retained a surprising vitality and had more adherents in the late twentieth century than ever before.”

(Ibid., 12.) “It was the Garrisonians who, in the long run, proved to be the more persuasive theorists. Their view of the Constitution as culpably proslavery, although endorsed by relatively few Americans, was perpetuated by abolition-minded historians after the Civil War and has gained wide acceptance in modern historical scholarship.” (Ibid., 38.)

80

See Wood, “The Union of the States”; *Nullification, A Constitutional History, 1776-1833*, I and II; and articles cited in note #8. For the South embodying the Whig-republican-federalist ideas of the founders (1776) and framers (1787-1788), see Norton, *Alternative Americas*, 13-16, 99-115 (“the Motherland”), 116-131 (“The Republic”), and 132-199 (“Images of Identity and Alienation”). “Yes call them Rebels! ‘tis the name/Their patriot fathers bore/And by such deeds they’ll hallow it/As they have done before.” “Rebel is a sacred name/Traitor too is glorious/By such names our fathers fought/By them victorious.” (Ibid., 241, quoting Moore, *Rebel Rhymes*.)

81

Grant, *North Over South*, 162. The issue of slavery in the territories for 1859-61 can be followed in four newspapers in two communities, one in Virginia and one in Pennsylvania, at “The Valley of the Shadow Project: Two Communities in the American Civil War” at The Virginia Center for Digital History, University of Virginia (http://www.vcdh.virginia.edu). A search for “Territories” yielded 164 hits.

82

Beyond sources cited in note #60, see Garry Wills, *Lincoln at Gettysburg*,” chap. 3, “The Transcendental Declaration,” 90-120. Although denying black equality, Lincoln yet maintained that the Negro had “the right to eat the bread . . .which his own hand earns” and in the respect “he is my equal and the equal of Judge Douglas and the equal of every living man.” For Lincoln and the Republicans, the issue transcended the reality of slavery and black prejudice. It was moral one about the wrongness of slavery that came from a very abstract and philosophical interpretation of liberty as equality and universal. The issue was “the eternal struggle between these two principles—right or wrong—throughout the world. They are the two principles that have stood face to face from the beginning of time; and will ever continue to struggle. The one is the common right of humanity and the other is the divine right of kings . . . .” (Ibid., 98-99.) Paradoxically, “Lincoln kept arguing, in ingenious ways, that they [Americans] must, in consistency, give up one or the other prejudice. The two cannot coexist in the same mine once their mutual enmity is recognized [reverence for the Declaration and a belief in slavery]. (Ibid., 100.) Understood in an eighteenth century context, there was no inconsistency between freedom and slavery! Of course, opponents recognized the hypocrisy of Lincoln’s and Republicans’ own conflict between equality and Northern racism and the other one of a total prohibition of slavery that was not about to expand nationally and they desired for white labor alone (no blacks wanted, free or slave). In a word, insincerity characterized the beliefs and demands of Lincoln and the Republicans.

83

Grant, *North Over South*, 146, 147, 149. Prof. Grant also has a very revealing quote from the *Boston Post* of 1861 as the head note to her “Epilogue, From Hell To Holy: The Civil War and the Fulfillment of American Nationality, 153-172.” ”This is the age of nationalities. Fired by our example, the oppressed of the world have aspired to the dignity of nationalities. Shall the first to set the example, and the grandest in the procession of nations, suffer its nationality to depart, at the bidding not of a foreign foe, but of rebel traitors of the soil?” (*Boston Post*, May 16, 1861 in ibid.,153.) As Kansas-Nebraska dramatized, the renewed debate over slavery in the territories demonstrated “that the promise of American life had not been realized, that the moral revolution had not taken place.” Northern nationalism was born to accomplish finally the “nation’s historical mission, the achievement of nationality.” (Grant, *North Over South*, 147, 149.)

84

For newer “isms” in the North, political as well as literary, theological and philosophical, contributing to a negative image of the South and an impulse to reform America by ridding it of the great evil of slavery, see Grant, *North Over South*, 37-60 (“A World Apart: The Romance and Reality of the South”) and 111-129 (Representative Mann: The Republican Experiment and the South”). See also Anne Norton’s discussion of Herman Melville and Walt Whitman in *Alternative Americas*, chaps. 10 and 12, 277-292 and 315-329. The title for “Part Five” is appropriately “The Reformation” and also includes chap. 11, Lincoln, The Great Emancipator,” 293-314. The importance of religion, i.e., the rise of liberal, humans as already perfected, non-Trinitarian Unitarianism in the North and the persistence of Calvinism and the reality of sin and human imperfection in the South, cannot be emphasized enough. See especially Mark Noll, *America’s God*; Gura, *American Transcendentalism*; and Susan Jacoby, *Freethinkers.* See also note #85 below.

85

See “Johann Gottfried Herder,” in Modern History Source Book at [www.fordham.edu](http://www.fordham.edu); “Romanticism” in *Wikipedia*; “Romanticism” at [www.philosophybasics.com](http://www.philosophybasics.com);“Reform,” “Evangelical Reform,” “Transcendentalism,” and “AntiSlavery” at <http://enotes.com.reform-reference>; *American History Through Literature, 1870-1920 (*3 vols., New York, 2005); Frederick C. Beiser, *Revolution and Romanticism: The Genesis of Modern German Political Thought, 1790-1800* (Cambridge, Massachusetts, 1992); Gregory Eislein, *Literature and Humanitarian Reform in the Civil War Era* (Bloomington, Indiana, 1996; Beiser, *The Romantic Imperative: The Concept of Early German Romanticism* (Cambridge, Massachusetts, 2006); Lee R. Brown, *The Emerson Museum: Practical Romanticism and the Pursuit of the Whole* (Cambridge, Massachusetts, 1997); and Bussell B. Nye, *William Lloyd Garrison and the Humanitarian Reformers* (Boston, 1955). The direct influence of Germanic literature and philosophy on Walt Whitman is detailed in David S. Reynolds, *Walt Whitman’s America: A Cultural Biography* (New York, 1995), 252-254. George Bancroft studied in Germany for a new Ph. D. and then returned to Harvard College to teach. He also served as president of the American Unitarian Association from 1825 to 1836. See Wood, “George Bancroft, the Myth of Democracy, and the Lost Causes of 1776, 1787, and 1861”; “George Bancroft,” in *Wikipedia*; David Levin, *History as Romantic Art* (Stanford, California, 1959); and Richard Vitzthum, *The American Compromise: Theme and Method in the Histories of Bancroft, Parkman, and Adams* (Norman, Oklahoma, 1974).

The progress of arms would determine “the fate of slavery; the definition of freedom; the destruction of the Old South’s socio-economic system and the triumph of entrepreneurial free labor as the national norm; a new definition of American nationalism; the origins of a new system of race relations.” (James M. McPherson, *Tried By War: Abraham Lincoln as Commander in Chief* [New York, 2008], xiv.)

86

Grant, *North Over South*, 154, 163, 171. “The North’s attempt to define a national ideal was not, in and of itself, a destructive or wholly exclusive impulse, but over time it became so. (Ibid., 17.) “Lincoln was not alone in seeing the Civil War as an opportunity not just to save the Union but also to improve upon it.” (Ibid., 167-168.)

87

*Lincoln: Speeches and Writings*, ed. by Fehrenbacher, “First Inaugural Address,” 215-224 (quotes on 217, 218); “Special Message to Congress,” 246-261 (quote on 256). There is no such thing as a “Constitution of 1787.” There was only a plan of government (not national because of the Compromise of July 16, 1787) to be presented to the states for their approval as amended. Lincoln’s selective interpretation of who the framers or “fathers” were, see his “Address at Cooper Institute [Union], February 27, 1860, 111-130, in ibid. In his view, the “fathers” were the “thirty-nine” who actually “signed the original document” Lincoln forgets about the key non-signers and their reasons that would lead to the demand for amendments in the state conventions (whose attendees certainly deserve to be called “framers” and “fathers”) Concerning Congressional (Federal) control over slavery in federal territories, Lincoln admitted that this “question . . .seems not to have been directly before the Convention which Framed the original Constitution; and hence it is not recorded that the ‘thirty-nine’, or any of them . . .expressed any opinion on that precise question.” In 1789, during the First Congress, however, “an act was passed to enforce the Ordinance of ’87 . . . . In this Congress there were sixteen of the thirty-nine fathers who framed the original Constitution.” (Ibid., 111, 112, 113.)

88

Wills, *Lincoln at Gettysburg*, 38, 86, and chapter 3, “The Transcendental Declaration,” 90-120; Lincoln to Henry Pierce and others, April 6, 1859, in *Lincoln: Speeches and Letters,* ed. by Fehrenbacher, 18-19. “Lincoln, like Jefferson, was a man of his own age; but his age was the romantic era . . . .” “He knew, in different degrees, the work of the Transcendentalists.” (Ibid., 103.) In 1848, Lincoln was all in favor of the sacred right of revolution as was in the case of Louis Kossuth and Hungarian independence. “These were words he would have to eat in 1860-1861.” (Donald, *Lincoln*, 128, 177.) Scholars continue to follow Lincoln’s mythology. See David J. Greenstone, *The Lincoln Persuasion: Remaking American Liberalism* (Princeton, 1993); Richard Carwardine, *Lincoln: A Life of Purpose and Power* (New York, 2003); Orvillle Vernon Burton, *The Age of Lincoln* (New York, 2007); Thomas L. Krannawitter, *Vindicating Lincoln: Defending the Politics of Our Greatest President* (Lanham, Maryland and Plymouth, UK, 2008); and Lewis E. Lehrman, *Lincoln at Peoria, The Turning Point: Getting Right with the Declaration of Independence* (Mechanicsburg, Pennsylvania, 2008).

89

James M. McPherson, *Battle Cry of Freedom: The Civil War* Era (New York, 1988), 860-861. The reference above to a “Black Republican party” also being “revolutionary” and composed of ‘a motley throng of Sans culottes” and more, has more relevance than hyperbole to it. See especially Genovese and Genovese, *The Mind of the Master Class* and Tise, *Proslavery*. In *Slavery a Divine Trust* (1860). Bemjamin M. Palmer believed that “furious fanaticism” was to blame for the crisis of the Union. “He argued that abolitionism was but another term for the infidelity and atheism that had infected the Western world since the days of the French Revolution. It was the same ‘demon’ which erected its throne upon the guillotine in the days of Robespierre and Marot.’ Abolition societies, like Jacobin clubs, strike ‘at God by striking at all subordination and law, enthralling weak consciences in the meshes of treachery.’ From all quarters he seemed to hear the abolitionists’ banner cry, ‘liberty, equality, fraternity,’ which simply interpreted, means bondage, confiscation, and massacre.” (*Proslavery*, 185; see also pages 183-237.) The “French Revolution had discredited most democratic social and political experiments.” (Ibid., 43.) Tise also makes the point that, North and South, “proslavery became a weapon for fending off all forms of social radicalism.” (Ibid., 14.) Merrill D. Peterson characterizes John Brown not as a mad man but nevertheless a fanatic if this term is properly understood as “being governed by an ideal.” (*John Brown: The Legend Revisited* [Charlottesville, Virginia, 2002], 13.)

90

Germanic idealistic philosophy as later Romanticism (combining perfectionism with nationalism) developed from the radical Jacobins of the second French Revolution of 1792-1794 who emerged as the leaders of the *Sans cul*otte (the poor of the working classes and the peasantry chafing under medieval feudal obligations and burdens and deteriorating economic conditions to which French absolute government contributed by financial mismanagement). Influenced by the utopian philosophy of Jean Jacques Rousseau (died 1778) and his disciple, Maximillien Roberspierre, was liberty redefined as the actual equality of men (rather than before the law) and government or the state mandated to assure this outcome and more (according to the “General Will”). From Rousseau’s idea of humans being born perfectly was the subversive notion of existing government and society in France and elsewhere being identified as the great obstacle to individuals not enjoying a better life than they did. In France, reform began modestly with the first French Revolution of 1789-1791. Liberal, enlightened, and limited in purpose and influenced by the earlier American War of Independence, philosophes and politicos were content with a constitutional government, a new constitution (limiting monarchial power with indirect popular voting), and the abolition of privileged estates or classes. Reform it was and not a revolution.

Thereafter, everything changed for the worse. As radical Jacobins gained political influence in the Estates General to declare a new republic in 1792, deteriorating economic conditions and a War against Tyranny (the monarchies of Europe who threatened to intervene if Louis XIV were harmed), resulted in radical new measures: the abolition of slavery in the French colonies and government control of the economy to prosecute the republican war against absolute governments. When this sacred war began to falter, Jacobins suspected internal subversion coming from liberals and monarchists alike. Thus the internal war against enemies of the republic that became the infamous “Reign of Terror.” French “liberty, egalitê and fraternity” now included the new ideas or “isms” of nationalism and socialism. These revolutionary ideas were then spread across Europe by armies of the Republic and later of Napoleon between 1792 and 1815. In reaction to French invasions, German nationalism was born and idealistic philosophy too.

We know it as Romanticism.

Author’s interpretation, based on teaching World History at Alabama State University from 1989-2010. See “Class Notes for Test 2 (America and Europe, 1776-1865)” already cited and printed in *Nullification, A Constitutional History, 1776-1833*, II, Appendix D. Video documentaries used for World History 131 and 132 are in possession of the author as are video notes prepared to assist student viewing. In particular, see “The French Revolution”, 2005, produced for the History Channel. See also William Doyle, *The Oxford History of the French Revolution* (Oxford and New York, 2003); Leo Damrosch, *Jean-Jacques Rousseau: Restless Genius* (Boston and New York, 2005); Ruth Scurr, *Fatal Purity: Robespierre and the French Revolution* (New York, 2006); David Andress, *The Terror: The Merciless War for Liberty in Revolutionary France* (New York, 2006); Gen. Michel Franceschi and Ben Weider, *The Wars Against Napoleon: Debunking the Myth of the Napoleonic Wars* (New York, 2008); and Peter McPhee, *Robespierre: A Revolutionary Life* (New Haven and London, 2012).

For Romanticism in New England by the early 1800’s (and not the South), as expressed in a new religious and reform fervor (temperance, anti-slavery, and “ a variety of other causes”), see Mason, *Slavery & Politics in the Early Republic*, 164-167. “The boundlessness and zeal of this evangelizing movement, radiating as it did from England and New England, frightened many Southern slaveholders. Then as later did such a “philanthropic spirit” pose “dire, unintended consequences.” These “so-called philanthropists were so arrogant as to dismiss the light of scripture and the lessons of history in the pursuit of their chimerical theories.” (Ibid., 164, 165.) In New England, according to Philip Gura, “Germany’s rich religious and artistic culture” was discovered as was “philosophical idealism” before 1815.” After the War of 1812, New Englanders began to visit overseas and study at German universities. Many with Harvard connections earned higher degrees there and returned to Cambridge to promote the new German learning. (*American Transcendentalism*, 23-37.) The literary-philosophical renaissance in New England “resulted from the impact of the romantic revolution upon the Puritan mind.” “From the abundant stores of European revolutionary doctrine the New England liberals drew freely—more freely perhaps from German idealism than from French Utopianism . . . . But the renaissance was very much more than a transplanting of German idealism. France had a shaping hand in it, and England. Jean Jacques [Rousseau] came before Hegel, and Unitarianism before transcendentalism.” (Parrington, *The Romantic Revolution in America, 1800-1860*, 317-318, but see “Book III, The Mind of New England: Part II, The Rise of Liberalism [Romanticism] and Part III: The Transcendental Mind,” 317-426.) See also Daniel Walker Howe, *The Unitarian Conscience: Harvard Moral Philosophy, 1805-1861 (*Cambridge, Massachusetts, 1970) although Howe denies the revolutionary influence of Germanic idealism and Romantic perfectionism and nationalism in the North on its path to Civil War in 1861-1865 in *What Hath God Wrought: The Transformation of America, 1815-1848*. He is by no means alone in this regard.

Despite “New Approaches to Internationalizing the History of the Civil War Era,” Northern nationalism and its nineteenth century origins seems strangely conspicuous by its absence and tantalizing references to those “Revolutions of 1848” in Europe of which Lincoln and the Republicans were well aware. Meanwhile, Southern and Confederate Nationalism continue to be emphasized despite its nonexistence. The South remained eighteenth century republican in character and spirit and its cause was one in defense of the old republic not the creation of a new nation. See Wood, “The Union of the States,” Norton, *Alternative Americas*, and Grant, *North Over South*. For a more positive and informative global perspective on the South than the one below, see Joan E. Cashin, “Southern History in Global Perspective: Vagaries of War, Region, and Memory,” in *The Journal of the Historical Society*, 11 (December 2011), 425-439 and Peter Colcanis, “Lee’s Lieutenants: The American South and the World,” ibid., 441-461.

A consideration of the Lost Cause as serious history is also absent from “Forum: the Future of Civil War Era Studies,” *The Journal of the Civil War Era*, 2012. Notwithstanding “Gone With the Wind,” the Civil War Centennial and the raising of Confederate flags, and continuing controversies over the display of the latter, the South did not win the “battle of the books” after 1865. Slavery in the South remains the sole cause of the war and race remains the central theme of Southern history (despite being an American problem). The so-called Lost Cause emphasis upon Southern-Confederate defense of the Constitution is not taken seriously because it was belated and intended to obscure slavery as the real cause of the South. See Lacy K. Ford, *Deliver Us From Evil: The Slavery Question in the Old South* (New York, 2009); Chandra Manning, *What This Cruel War Was Over: Soldiers, Slavery, and the Civil War* (New York, 2008); Charles B. Dew, *Apostles of Disunion: Southern Secession Commissioners and the Causes of the Civil War* (Charlottesville, Virginia, 2002); Gaines M. Foster, *Ghosts of the Confederacy: Defeat, the Lost Cause, and the Emergence of the New South, 1865-1913* (New York, 1988); Nina Silber, *The Romance of Reunion: Northerners and the South, 1865-1900* (Chapel Hill, 1995); Mitchell Snay, *Gospel of Disunion: Religion and Separatism in the Antebellum South* (Chapel Hill, 1997); David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, Massachusetts, 2002); David Goldfield, *Still Fighting the Civil War: The American South and Southern History*.(Baton Rouge, 2002); Edward J. Blum, *Reforging the White Republic: Race, Religion, and American Nationalism, 1865-1898* (Baton Rouge, 2005); Robert J. Crook, *Troubled Commemoration: The American Civil War Centennial, 1961-1965* (Baton Rouge, 2007); Gary W. Gallagher and Alan T. Nolan, *The Myth of the Lost Cause and Civil War History* (Bloomington, Indiana, 2010); Gary W. Gallagher, *Causes Won, Lost, and Forgotten: How Hollywood and Popular Art Shape What We Know about the Civil War* (Chapel Hill, 2008); Bruce Chadwick, *The Reel Civil War: Mythmaking in American* *Film* (New York, 2001). For Confederate revivalism, see Carol Sheriff, “Virginia’s Embattled Textbooks: Lessons (Learned and Not) from the Centennial Era,” *Civil War History*, 58 (March 2012), 37-74); Fred A. Bailey, “The Textbooks of the ‘Lost Cause’: Censorship and the Creation of Southern State Histories,” *Georgia Historical Quarterly*, 75 (Fall 1991), 507-533; Robert E. Bonner, “”Flag Culture and the Consolidation of Confederate Nationalism,” *Journal of Southern History,* 68 (May 2002), 293-332; Diane McWhorter, “The Confederate Battle Flag: Clashing Symbols,” *New York Times*, April 3, 2005; Marty Roney, “Confederate Symbols Continue to Inspire Heritage, Hate Debate,” *Montgomery Advertiser*, April 28, 2008; J. Michael Martinez, et al., eds. *Confederate Symbols in the Contemporary South* (Gainesville, Florida, 2001); John M. Coski, *The Confederate Battle Flag: America’s Most Embattled Emblem* (Cambridge, Massachusetts, 2005); “Historians’ Forum: the American Civil War’s Centennial vs. the Sesquicentennial,” *Civil War History*, 57 (December 2011), 380-402; James W. Loewen and Edward H. Sebasta, eds., *The Confederate and New-Confederate Reader: The ‘Great Truth’ about the ‘Lost Cause’* (Jackson, Mississippi, 2010); and Adam Fairclough, “’Scalawags,’ Southern Honor, and the Lost Cause: Explaining the Fatal Encounter of James H. Cosgrove and Edward L. Pierson,” *Journal of Southern History*, 77 (November 2011), 799-826. Exceptions here include Wood, “The Lost Cause and the Myth of Democracy,” in “The Union of the States,” Appendix; Ludwell H. Johnson, *North Against South: The American Illiad, 1848-1877* (Columbia, S. C., 1995, 2003); Tise, *Proslavery*; works by Genovese and Genovese cited above; James M. McPherson, *For Cause & Comrade: Why Men Fought in the Civil War* (New York, 1996); Richard M. Weaver, *The Southern Tradition at Bay* (New Rochelle, New York, 1968); Robert F. Hawes, Jr., *One Nation, Indivisible? A Study of Secession and the Constitution* (Palo Alto, California, 2006); Aaron, Sheehan-Dean, *Why Confederates Fought: Family & Nation in Civil War Virginia* (Chapel Hill, 2007); George C. Rable, *The Confederate Republic: A Revolution Against Politics* (Chapel Hill, 2007); and Brion McClanahan, *The Founding Fathers Guide to the Constitution* (Washington, D.C., 2012). See also Liah Greenfeld, *Nationalism: Five Roads to Modernity* (Cambridge, Massachusetts, 1993).