

7-1 A Legal Scholar Opposes Spreading the Vote, 1821

One of the foremost legal scholars of his day, James Kent was the first professor of law at Columbia College in 1794, and often referred to as "the American Blackstone." As America struggled with the issue of who could vote in the early nineteenth century, Kent, like many, opposed broadening voting rights and desired to restrict the electoral rights to property holders. Kent opposed universal suffrage at the 1821 New York constitutional convention, his tenet is reproduced here.

SOURCE: Reports of the Proceedings and Debates of the Convention of 1821, Assembled for the Purpose of Amending the Constitution of the State of New York (Albany: E. and E. Hosford, 1821).

These are some of the fruits of our present government; and yet we seem to be dissatisfied with our present condition, and we are engaged in the bold and hazardous experiment of remodeling the constitution. Is it not fit and discreet: I speak as to wise men; is it not fit and proper that we should pause in our career, and reflect well on the immensity of the innovation in contemplation? Discontent in the midst of so much prosperity, and with such abundant means of happiness, looks like ingratitude, and as if we were disposed to arraign the goodness of Providence. Do we not expose ourselves to the danger of being deprived of the blessings we have enjoyed?...

The senate has hitherto been elected by the farmers of the state—by the free and independent lords of the soil, worth at least \$250 in freehold estate, over and above all debts charged thereon. The governor has been chosen by the same electors, and we have hitherto elected citizens of elevated rank and character. Our assembly has been chosen by freeholders, possessing a freehold of the value of \$50, or by persons renting a tenement of the yearly value of \$5, and who have been rated and actually paid taxes to the state. By the report before us, we propose to annihilate, at one stroke, all those property distinctions and to bow before the idol of universal suffrage. That extreme democratic principle, when applied to the legislative and executive departments of the government, has been regarded with terror, by the wise men of every age, because in every European republic, ancient and modern, in which it has been tried, it has terminated disastrously, and been productive of corruption, injustice, violence, and tyranny. And dare we flatter ourselves that we are a peculiar people, who can run the career of history, exempted from the passions which have disturbed and corrupted the rest of mankind. If we are like other races of men, with similar follies and vices, then I greatly fear that our posterity will have reason to deplore in sackcloth and ashes, the delusion of the day....

Now, sir, I wish to preserve our senate as the representative of the landed interest. I wish those who have an interest in the soil, to retain the exclusive possession of a branch in the legislature, as a strong hold in which they may find safety through all the vicissitudes which the state may be destined, in the course of Providence, to experience. I wish them to be always enabled to say that their freeholds cannot be taxed without their consent. The men of no property, together with the crowds of dependents connected with great manufacturing and commercial establishments, and the motley and undefinable population of crowded ports, may, perhaps, at some future day, under skilful management predominate in the assembly, and yet we should be perfectly safe if no laws could pass without the free consent of the owners of the soil. That security we at present enjoy; and it is that security which I wish to retain.

The apprehended danger from the experiment of universal suffrage applied to the whole legislative department, is no dream of the imagination. It is too mighty an excitement for the moral constitution of men to endure. The tendency of universal suffrage, is to jeopardize the rights of property, and the principles of liberty. There is a constant tendency in human society, and the history of every age proves it; there is a tendency in the poor to cover a share in the plunder of the rich; in the debtor to relax or avoid the obligation of contracts; in the majority to tyrannize over the minority, and trample down their rights; in the indolent and profligate, to cast the whole burdens of society upon the industrious and the virtuous; and *there is a tendency in ambitious and wicked men, to inflame these combustible materials*. It requires a vigilant government, and a firm administration of justice, to counteract that tendency. Thou shalt not covet; thou shalt not steal; are divine injunctions

induced by this miserable depravity of our nature. Who can undertake to calculate with any precision, how many millions of people, this great state will contain in the course of this and the next century, and who can estimate the future extent and magnitude of our commercial ports? The disproportion between the men of property, and the men of no property, will be in every society in a ratio to its commerce, wealth, and population. We are no longer to remain plain and simple republics of farmers, like the New-England colonists, or the Dutch settlements on the Hudson. We are fast becoming a great nation, with great commerce, manufactures, population, wealth, luxuries, and with the vices and miseries that they engender. One seventh of the population of the city of Paris at this day subsists on charity, and one third of the inhabitants of that city die in the hospitals; what would become of such a city with universal suffrage? France has upwards of four, and England upwards of five millions of manufacturing and commercial laborers without property. Could these Kingdoms sustain the weight of universal suffrage? The radicals in England, with the force of that mighty engine, would at once sweep away the property, the laws, and the liberties of that island like a deluge.

The growth of the city of New York is enough to startle and awaken those who are pursuing the IGNUS FATUUS of universal suffrage.

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1. What is Kent's central argument against universal suffrage? Do you agree with it?
2. What might men like Kent have stood to gain by limiting the vote? What groups are left completely out of his discussion?

7-2 Thomas R. Dew's Defense of Slavery, 1832

Thomas R. Dew, a young professor at William and Mary College in Virginia, was one of the earliest defenders of the institution of slavery. In the following excerpts from his Review of the Debate in the Virginia Legislature of 1831 and 1832, Dew denied that slavery was unchristian, immoral, or undemocratic.

SOURCE: Thomas R. Dew, *Review of the Debate in the Virginia Legislature of 1831 and 1832* (1832), pp. 106-113.

... It is said slavery is wrong . . . and contrary to the spirit of Christianity . . . we . . . deny most positively, that there is anything in the Old or New testament, which would go to show that slavery, when once introduced, ought at all events to be abrogated (abolished), or that the master commits any offense in holding slaves. The children of Israel themselves were slaveholders, and were not condemned for it . . . they were permitted expressly to purchase slaves of the heathen, and keep them as an inheritance for their posterity; and even the children of Israel might be enslaved for six years. When we turn to the New Testament, we find not one single passage at all calculated to disturb the conscience of an honest slaveholder. No one can read it without seeing and admiring that the meek and humble Savior of the World in no instance meddled with the established institutions of mankind; he came to save a fallen world, and not to excite the black passions of men and array them in deadly hostility against each other . . .

But it is further said that the moral effects of slavery are of the most deleterious and hurtful kind; . . . Look to the slaveholding population of our country, and you every where find them characterized by noble and elevated sentiments, by humane and virtuous feelings . . . It is not a fact, known to every man in the south, that the most cruel masters are those who have been unaccustomed to slavery; It is well known that northern gentlemen who marry southern heiresses are much severer masters than southern gentlemen. . .

... a merrier being does not exist on the face of the globe than the Negro slave . . . When then, since the slave is happy . . . should we endeavor to disturb his contentment by infusing into his mind a vain and indefinite desire for liberty—a something which he cannot comprehend, and which must inevitably dry up the very sources of his happiness. . .?

It has been contended that slavery is unfavorable to a republican spirit; . . .

... (a) cause of this (southern spirit of liberty) is the perfect spirit of equality so prevalent among the whites of all the slaveholding states . . . The menial and low offices being all performed by the blacks, there is at once taken away the greatest cause of distinction, the true mark of aristocracy, and all who are white are equal in spite of the variety of occupation.

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1. How might an abolitionist have challenged Dew's arguments?

7-3 A Senator Sees Slavery as a "Positive Good," in 1837

Senator John C. Calhoun made the following remarks in the United States Senate on February, 6, 1837.

SOURCE: Richard K. Cralle (ed.), Works of John C. Calhoun (1856), pp. 631-632

I believe when two races come together which have different origins, colors, and physical and intellectual characteristics, that slavery is, instead of an evil, a good,—a positive good. I must freely upon the subject, for the honor and interests of those I represent are involved. I maintain then, that a wealthy and civilized society has never existed in which one part of the community did not, in fact, live on the labor of others. Broad and general as this assertion is, history supports it. It would be easy to trace the various ways by which the wealth of all civilized communities has been divided unequally. It would also be easy to show how a small share has been allotted to those by whose labor it was produced and a large share given to the nonproducing classes. Innumerable methods have been used to distribute wealth unequally. In ancient times, brute force was used; in modern times, various financial contrivance (schemes) are used.

I will now compare the position of the African laborer in the South with that of the European worker. I may say with truth that in few countries has so much been left to the laborer's share, and so little expected from him, or where more kind attention is paid to him when he is sick or old. Compare the slaves' condition with that of the tenants of the poorhouse in the more civilized parts of Europe.

I will not dwell on this aspect of the question; rather I will turn to the political issue. Here I fearlessly assert that the existing relationship between the two races in the South, against which these blind fanatics (abolitionists) are waging war, forms the most solid and durable foundation on which to build free and stable political institutions. The fact cannot be disguised that there is and always has been, in an advanced stage of wealth and civilization; a conflict between labor and capital. Slavery exempts Southern society from the disorders and dangers resulting from this conflict. This explains why the political condition of the slaveholding States has been so much more stable and quiet than that of the North.

1. Compare Calhoun's arguments about slavery with those of Thomas Dew (Document 7-2).

American Novel Critiques the North, 1859

of Thomas Wilson in 1851 in New Hampshire. Her book, *Our Nig; or, Sketches from the Life of a Free Black, in a Two-Story White House, North: Showing That Slavery's Shadows Fall Even There* is believed to be the first novel by an African-American woman published in America. It focuses on the life of a woman of mixed racial heritage who works as an indentured servant for a white family in the North.

SOURCE: Harriet Wilson, *our Nig; or, Sketches from the Life of a Free Black, in a Two-Story White House, North: Showing That Slavery's Shadows Fall Even There*. Boston: Printed by Geo. C. Rand & Avery. 1859.

Chapter 1: Mag Smith, My Mother

Oh, Grief beyond all other griefs, when fate
First leaves the young heart lone and desolate
In the wide world, without that only tie
For which it loved to live or feared to die;
Lorn as the hung-up lute, that ne'er hath spoken
Since the sad day its master-cord was broken!

Moore

Lonely Mag Smith! See her as she walks with downcast eyes and heavy heart. It was not always thus. She had a loving, trusting heart. Early deprived of parental guardianship, far removed from relatives, she was left to guide her tiny boat over life's surges alone and inexperienced. As she merged into womanhood, unprotected, uncherished, uncared for, there fell on her ear the music of love, awakening an intensity of emotion long dormant. It whispered of an elevation before unaspired to; of ease and plenty her simple heart had never dreamed of as hers. She knew the voice of her charmer, so ravishing, sounded far above her. It seemed like an angel's, alluring her upward and onward. She thought she could ascend to him and become an equal. She surrendered to him a priceless gem, which he proudly garnered as a trophy, with those of other victims, and left her to her fate.

The world seemed full of hateful deceivers and crushing arrogance. Conscious that the great bond of union to her former companions was severed, that the disdain of others would be insupportable, she determined to leave the few friends she possessed, and seek an asylum among strangers. Her offspring came unwelcomed, and before its nativity numbered weeks, it passed from earth, ascending to a purer and better life.

"God be thanked," ejaculated Mag, as she saw its breathing cease; "no one can taunt her with my ruin."

Blessed release! may we all respond. How many pure, innocent children not only inherit a wicked heart of their own, claiming life-long scrutiny and restraint, but are heirs also of parental disgrace and calumny, from which only long years of patient endurance in paths of rectitude can disencumber them.

Mag's new home was soon contaminated by the publicity of her fall; she had a feeling of degradation oppressing her; but she resolved to be circumspect, and try to regain in a measure what she had lost. Then some foul tongue would jest of her shame, and averted looks and cold greetings disheartened her. She saw she could not bury in forgetfulness her misdeed, so she resolved to leave her home and seek another in the place she at first fled from.

Alas, how fearful are we to be first in extending a helping hand to those who stagger in the mires of infamy; to speak the first words of hope and warning to those emerging into the sunlight of morality! Who can tell what numbers, advancing just far enough to hear a cold welcome and join in the reserved converse of professed reformers, disappointed, disheartened, have chosen to dwell in unclean places, rather than encounter these "holier-than-thou" of the great brotherhood of man!

Such was Mag's experience; and disdaining to ask favor or friendship from a sneering world, she resolved to shut herself up in a hovel she had often passed in better days, and which she knew to be untenanted. She vowed to ask no favors of familiar faces; to die neglected and forgotten before she would be dependent on any. Removed from the village, she was seldom seen except as upon your introduction, gentle reader, with downcast visage, returning her work to her employer, and thus providing herself with the means of subsistence. In two years many hands craved the same avocation; foreigners who cheapened toil and clamored for a livelihood, competed with her, and she could not thus sustain herself. She was now above no drudgery. Occasionally old acquaintances called to be favored with help of some kind, which she was glad to bestow for the sake of the money it would bring her, but the association with them was such a painful reminder of by-gones, she returned to her hut morose and revengeful, refusing all offers of a better home than she possessed. Thus she lived for years, hugging her wrongs, but making no effort to escape. She had never known plenty, scarcely competency; but the present was beyond comparison with those innocent years when the coronet of virtue was hers.

Every year her melancholy increased, her means diminished. At last no one seemed to notice her, save a kind-hearted African, who often called to inquire after her health and to see if she needed any fuel, he having the responsibility of furnishing that article, and she in return mending or taking garments.

"How much you earn dis week, Mag?" asked he one Saturday evening.

"Well, Mag," said Jim, after a short pause, "you's down low enough. I don't see but I've got to take care of ye. 'Spusin' we marry!"

Mag raised her eyes, full of amazement, and uttered a sonorous "What?" Jim felt abashed for a moment. He knew well what were her objections. "You's had trial of white folks, any how. They run off and left ye, and now none of 'em come near ye to see if you's dead or alive. I's black outside, I know, but I's got a white heart inside. Which you rather have, a black heart in a white skin, or a white heart in a black one?"

"Oh, dear!" sighed Mag; "Nobody on earth cares for me—"

"I do," interrupted Jim.

"I can do but two things," said she, "beg my living, or get it from you." "Take me, Mag. I can give you a better home than this, and not let you suffer so."

He prevailed; they married. You can philosophize, gentle reader, upon the impropriety of such unions, and preach dozens of sermons on the evils of amalgamation. Want is a more powerful philosopher and preacher. Poor Mag. She has sundered another bond which held her to her fellows. She has descended another step down the ladder of infamy.

1. Under what circumstances does Mag marry Jim?
2. What is Jim's attitude toward his own blackness? Is black given a positive or negative connotation?