

A Tale of Two Doctrines

By James Danielson | June 9, 2023



In our American colonial period, the colonies were populated over time by people from various parts of England, from Scotland and Ireland, and there were people here from France, Spain, and elsewhere. For quite some time, however, the majority of the inhabitants of the colonies of British America were from Britain. Of course, there were Africans here, and they too exerted identifiable influences on the cultures that developed in the various colonies, especially in the South where white and black people lived and worked more closely together than in the North. However, when considering the development of

political order among the colonists of British America, it is important to observe that the unjust conditions under which Africans first came here placed restraints on their ability to contribute culturally to life in the developing colonies. It might seem natural to think that what developed across the colonies was a common culture owing to the fact that most people were British, but this is not so. David Hackett Fisher's influential *Albion's Seed: Four British Folkways in America* shows how the different people of Britain who came here, like Puritans in Massachusetts Bay and Cavaliers in tidewater Virginia, and people of Christian communions differing as widely as the Church of England, Puritans, and Quakers, established cultural practices and traditions that were distinct from one colony to another. So much was this the case that people of Virginia, for example, saw themselves as a distinct people, and thus a different country, from Massachusetts. In other words, while it made sense for the colonists of British America to refer to themselves in general as Americans, in time, they regarded themselves in particular as belonging to the colony, later the state, that was their home. Thus, for example, after our present Constitution was ratified, Thomas Jefferson in a letter to James Madison referred to the newly established Congress as "a foreign legislature," because the legislature of their country had its seat in Richmond.

When the colonies obtained their independence from Britain in 1783, they had been working for some time on a plan of union for purposes of mutual defense and for maintaining free trade among the states. Two things the Americans did not want were a unitary national state with sovereignty held in a single government, like France and Britain, and tariff exploitation of one state by another or trade sanctions among states since these had a way in Europe of causing wars. The Americans had "ties of consanguinity" with the Mother Country, but politically and economically, they did not want to be like them. Of course, this is to speak in general terms since some people in the newly established states, like Alexander Hamilton and Gouverneur Morris, did want exactly the British model of government but under American control. Still, that kind of government was not established either in the Articles of Confederation and Perpetual Union or in the Constitution for the United States. What was established was a federation of sovereign states or "an assemblage of nations," as it was sometimes called. The Articles of Confederation, in Article III, call the new union "a firm league of friendship" among sovereign states in which each state retains its sovereignty and independence. American political thought as it developed held that the people of Virginia were one sovereign people as the people of New York were one sovereign people and the sovereign people of each state were distinct each from

the other, though bound together in a voluntary union of sovereign peoples. Of course, Americans today do not think this way about our political order. Rather, the thinking is that we are one American nation, that is one people, Americans all, from coast-to-coast, with political sovereignty held by the government in Washington, D.C. Indeed, the once-sovereign states are typically regarded today rather as administrative districts of the central government. What we find in our history, then, are actually two traditions of governance, yet both American. Since we have this important difference in our history, it is important to reach some understanding of how it came about. How did this significant change of thought happen?

In the remainder of this discussion, we will look at the rise in history of the nation-state and the rationale supporting it, and contrast this with the political order established in our Constitution. In the next issue of "Front and Center," we will examine the important Webster-Hayne Debate that took place in January 1830 between Sen. Daniel Webster of Massachusetts and Sen. Robert Hayne of South Carolina. The occasion of the several exchanges between the senators were differences between northern and southern states over protectionist tariffs. Northern concerns demanded the tariffs as necessary to their economic security. Southern concerns opposed the tariffs because southern planters were the ones paying them in the

form of lost revenues from their European trading partners on whom the tariffs were levied. What emerges in the debates between Webster and Hayne are competing understandings of American political order. Are we a federation of sovereign states, the southern view, or, are we a unitary national state, the developing northern view? In the southern view, Congress had no ground for enacting any legislation for which there is no authority expressly delegated in the Constitution. Any such enactment is an illegal usurpation of power and thus not binding on the states. Protectionist tariffs were regarded as just such a usurpation. In the northern view, that was newly emerging among American nationalists, Congress is the sovereign legislature of the United States and all states are obligated to obey congressional enactments. Thus for a state to nullify a federal law is an act of rebellion against lawfully constituted authority.

The Industrial Revolution may be said to have started in 1775 with the construction of the first commercially successful steam engine in Scotland. By the 1820s in England, machines powered by steam engines were doing the work of some 5.4 million men. This indeed created a social revolution. The businessmen of the North were eager to industrialize while the farmers of the South, at first, saw no reason for it since the southern soil and climate are well suited to agriculture, and the South, unlike the North, is blessed with an extensive array of

navigable rivers that make it easy for farmers to transport their products to ports for shipment to foreign markets. As the north industrialized, manufacturers there struggled to compete with more established manufacturers in Europe. This is why they wanted the protective tariffs. But the burden of the tariffs fell on the South. This accounts for the toast offered by Vice President John C. Calhoun of South Carolina at a dinner for elected officials: "To the Union. Next to our liberty, most dear. May her benefits and burdens always be shared equally."

With the advancing industrialization of the North came a considerable alteration in their economic interests and so the natural differences between Americans of the North and Americans of the South, that David Hackett Fisher explains so well, only magnified. Not only were the two regions increasingly at odds over economic interests and cultural differences, they were growing into two different political orders. Southerners began to warn of secession over the tariffs. The two sides came near to blows in 1832 when South Carolina nullified a tariff bill, refusing to collect the taxes. President Jackson threatened invasion. South Carolina refused to budge. Eventually, a lowered tariff rate was negotiated and the crisis subsided. Importantly, despite the vibrant history of northern, and especially New England, secession movements, beginning in 1794 when the Constitution was barely five

years old, northern leaders began calling opposition to the tariffs and talk of secession “treason.” Thus we come to see the importance of the Webster-Hayne Debate, of which John Quincy Adams writing to Martin Van Buren said this: “I think it is the most important one [debate] that has taken place since the existence of the Government. The two doctrines [federation of states and unitary national state] are now before the nation. The existence of the Union depends, I fully believe, upon this question.”

There are a number of ways one can seek to explain this remarkable change in the understanding of what America is as a political society. The former understanding of American order that prevailed from 1776 until 1860, may be identified as Jeffersonian, that is, we can use him as a symbol of this political order. The latter understanding of American order that has prevailed since 1865 may be symbolized by Abraham Lincoln and identified as Lincolnian. We will give a brief explanation of each and then suggest how the tension between the two contributed to the conflict that transformed our country.

The Jeffersonian understanding of American order has its roots in the classical Greek idea that human beings are by nature social creatures bound together by bonds of love and friendship. In fact, the glue that holds a society together is “political friendship” by which

members of a society bear within them a concern for the well-being of others in society, whether or not they know one another, because they are bound together by a shared and valued way of life that is the home of their people for generations. This is why Aristotle, and Thomas Jefferson well after him, insisted that a republic, the political order of such a society, must be small. Republics must be small because at a certain size it is no longer possible for people to be political friends. Thus, when a society becomes too large for the intimate social order of a republic thus understood, it divides, and will divide again, and so on, much as children leave their homes to begin their own homes when they reach the age of adulthood. In other words, in Jeffersonian political order the division of states or even regions within a state is normal, healthy, and to be expected. Indeed, Maine was formed out of Massachusetts; Kentucky separated from Virginia; Tennessee was once part of North Carolina.

The Lincolnian understanding of American order may be thought to have its roots in the writings of the 17th century English philosopher Thomas Hobbes. In his book *Leviathan: or the Matter, Forme and Power of a Commonwealth Ecclesiastical and Civil*, Hobbes asserts that human beings are not fundamentally social creatures but are rather self-centered and liable to violence one upon another. Therefore, if order is to prevail among people it must be imposed by force. The

purpose of government, therefore, is to establish and maintain the peace of order that will not emerge among people if left to themselves. That condition, people left to themselves without a common sovereign, Hobbes describes as a "state of nature," which is a war of each against all and in such a state human life is "solitary, poor, nasty, brutish, and short." To escape this, people agree to give up the right of violent self-defense to a sovereign who will protect us and enforce our contracts. Thus it is that a state with a sovereign power, once formed, must be one and indivisible, for to admit a right of separation is to embrace the possibility of a return to the chaos of a state of nature. In this idea of political order, a national state can grow to any size, even to a global size, but it can never permit separation of any of its parts.

By the 19th century, all of the nations of western Europe were of the Hobbesian type. Many political thinkers assert that the modern nation-state, which emerged in Europe, was recognizably established by a series of treaties known as the Peace of Westphalia in 1648. The United States, however, were not such a nation-state but a federation of sovereign states. That was more than agreeable to Americans North and South (the speech that is credited with lighting the flame of independence in America was given in Boston by James Otis, Jr. in the 1760s), until the Industrial Revolution. The hitherto unknown power this revolution promised was irresistible to the people controlling it, and the

ambition grew for the United States to become a player with the great states of Europe as one among them. Americans north and south, through the first half of the 19th century, were developing in differing ways that produced sectional tensions. In the states we are calling the Jeffersonian part of the country, it made sense to release the political tension of sectional differences by leaving the union and forming their own new federation of sovereign states. In the states we are calling the Lincolnian part of the country, separation, secession, had come to be seen as rebellion, even treason, to be firmly and unambiguously suppressed.

This disagreement about what America is, and the conflict in which it culminated, is the central element of our history, and thus it is crucial for us to seek properly to understand it. In the next issue of "Front and Center," we will see in the Webster-Hayne Debate how these differing views were explained and defended by two of that generation's most skillful orators.