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ADDRESS

OF

JOHN RANDOLPH TUCKER, ESQ.

DELIVERED BEFORE THE

Phoenix and Philomathean Societies,

OF

WILLIAM AND MARY COLLEGE,

On the 3d of July, 1854.

PUBLISHED AT THE REQUEST OF THE TWO SOCIETIES.

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RICHMOND:

CHAS. H. WYNNE, PRINTER.

1854.



Judge Rich<sup>d</sup> Parker  
with the Regards of  
The author



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## ADDRESS.

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GENTLEMEN OF THE PHENIX AND PHILOMATHEAN SOCIETIES:

The circumstances which have concurred to call me to address you, will be ever regarded as among the most pleasant of my life. Among them I shall highly cherish the unexpected partiality which suggested your invitation, and the courtesy which has marked my reception among you.

Few places in the world have for me a deeper personal interest than this. Amid the greetings of kindly welcome, I have missed the warm cordiality of one whose devotion to its prospective advancement was only equalled by his intense veneration for its former renown; and while it is with uatural sadness I recur to associations which are past forever, it affords me high gratification to visit Williamsburg as the home, and this literary institution as the school of a generation of my own family, whose names are embalmed in the memory of its descendants.

But my feelings as a citizen of Virginia, in looking upon the scenes which, with the lapse of time, cluster in classic beauty about the venerable edifices and ruins of this old borough, make it to me a spot sacred to the sentiment of patriotism. We stand in the ancient Capital of the Colony of the Old Dominion. *There*, were those mouldering heaps, where standing walls once heard the indignant cry of Henry's patriot voice, awakening a continent to revolution, and its colonies to independence. *There* stands in its rude and misshapen—but to us interesting plainness, the "Old Raleigh," where power heard its noblest lesson of submission to the demands of liberal principles. Here, in fine, is the cradle in which was rocked the Colony of Virginia, whose giant energy stifled the vipers who threatened its ruin, and whose augmenting glories and increasing power

have aroused the envy of its enemies, the admiration of its generous rivals, and the deep and ever deepening devotion of its true-hearted people.

I perhaps owe you an apology for not searching amid the colonial records for reminiscences of that "Olden Time," whose life was here. But I am aware that in this country, while the work of the antiquary excites a passing interest, and mere literary discussion affords entertainment to the quiet and secluded few—the questions which take the deepest hold upon the American, and especially upon the Southern mind, are those which concern the relations of man to society, and of the citizen to his government.

I may claim, in the opinion of some, too much for my State, but not more than impartial history must award to her, when I assert that the political men of Virginia were the guides of the States of the Union in the early days of their independence. The great Virginian Idea was the American Idea: and covered up, as it may sometimes have been in a confusion of words, and concealed by the absence of the clearer light, which later investigation has more fully developed, it still stands forth prominently in our early annals, easy of determination, and the germ of all political truth.

at Much misapprehension exists upon this subject. It arises, I think, from confounding the *mere form* of the political organization with the *object* to be ~~obtained~~ attained by it.

Thus with many, the fundamental idea of American Republicanism consists in the power of the people—the Democratic Idea. With others who look a little deeper, our system claims universal assent, because of its combination of the Representative with the Democratic feature. With others again, its wisdom is most manifested in its strict and admirable division of the powers of the government between co-ordinate branches, each checking the action of the other. And still another class of more accurate thinkers, gathering in one the several views already suggested, and superadding the Federative principle, enthusiastically commend our institutions as the most perfect, because they constitute us a Federative Republican Democracy.

Now each one of these views contains principles of vital importance, and deserves the high estimation in which it is held. But it is



obvious they do not involve the essential purpose and end of all government. They constitute the various means by which some end may be attained, but are not themselves that ultimate purpose. Their value must and can only be determined by considering their adaptation to carry out the true and legitimate end of government—the happiness of the people.

It is the too exclusive regard to these important *means*, which has led to the dangerous, though popular heresy, that the virtue of our institutions is to be found in the *scope* they afford to *popular power*, and not in the *security* they give to *popular liberty*. The sovereignty of the people has been so long rung in their (not unwilling) ears by the politicians of the country, that it is construed as if it were the absolutism—the unlimited omnipotence of the people. Nor does the word “people,” used in this connection, have any other than that consolidated sense, in which it is viewed as one being, not as a collection of distinct individuals. Thus it is that the man is merged in the mass.

All this, to my mind, is fundamental error, and can only be corrected by a deeper view of society, and of government the representative of its power.

The Republican—the Virginian Idea is this: Every man is a Sovereign. Society is a league, based upon compact, actual or supposed, between individuals. Government is their joint agent.

This view throws man upon his true dignity, because it involves his rightful and unavoidable responsibility as such to his Creator.

Adam was first created. Human Government was then divinely instituted. Man, as to his fellows, was therefore sovereign, before government existed.

Nor is this relative order of the two in any degree changed by disregarding the revealed history of the creation of the one, and the subsequent institution of the other. For, as men are created distinct in the faculties and powers of their being, and unquestionably so as to their will, it is obvious that Government which results from the co-operation of the individuals of society must have succeeded, and could not have preceded the unrestrained will of the individual man. Hence, whatever the rude social form, or the character of government

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in its origin among our species, it must have sprung from an original express or tacit assent; and in political science may be considered as deriving all its validity from the terms of a supposed compact between men. Here then is the starting point of our enquiry.

Now what is the precedent right of the man who thus enters into this compact? It is a right to use all of his powers, subject to his own exclusive control, and responsible therefor only to Him by whom they were bestowed. Such would be the anti-social, or what is sometimes called the natural condition of man. This is natural liberty; a term for which I shall substitute another, the *liberty of isolation*.

What is social or civil liberty? and wherein does it differ from this liberty of isolation?

In order to facilitate these enquiries, permit me to ask, why does man enter society at all, supposing him ever to have been out of it? Why does he place himself under, and subject his otherwise free action to, the control of government? Does he love to be controlled? Does he hate to be free? Would he prefer being guided by another's will, to being directed by his own? Is this human nature?

I answer, it is the fear of the loss of his rights, which has driven man from primeval isolation into society. It is the love of liberty, the gift of God, which he feels in every fibre of his frame, in every warm throb of his heart, in every breath he draws, in every aspiration of his soul, in every energy of his untrammelled intellect; it is this love of the liberty which God has bestowed upon him, which impels him to seek its security, its protection, in the shield of the government, which the social compact creates.

Does the *social compact* then bind man to give up a portion of his liberty, to surrender any of his rights, in order to secure the residue? Does he, like some humble petitioner in bankruptcy, compound for a part of his right, by submitting to the confiscation of the balance? By no means. The nature of his liberty and of his rights are different in his condition of isolation and of society. But he surrenders none of those which result to him in the latter, *by virtue of the social compact*. He retains all he could possess in a social condition. He does not lose anything under the social compact. The idea that

he does, arises from not adverting to the palpable distinction between the *exclusive rights* of a *perfectly isolated being*, and the *modified rights* of a *social being*. Robinson Crusoe might well in his gloomy solitude claim to be monarch of all he surveyed; but without any assent on his part, or compact with others, or even social intercourse, he would not have been without a valid disputant of his asserted right, had his island home been peopled by others, whose wants demanded a participation in its fruits. Thus his exclusive rights, the result of isolation, would be modified and abridged by the presence of those, whose rights would be as unlimited as his own. The rights of each would thus be qualified in such a way, as to deny the exclusiveness of any, and to admit the participation of all; and it would become the duty of each so to admit the right of the others, and so to qualify his own.

Social or civil liberty therefore is essentially different from, and much less unlimited than the liberty of isolation; not as the result of any compact, but of the just and natural difference between the exclusive rights of personal isolation, and the modified rights which result from the presence of rival, and equally valid claims to the same exclusiveness of right.

When, therefore, man enters into the *social compact*, he does so to secure all of his rights and all of his liberty which do not conflict with the rights and liberty of those with whom he is united in social intercourse. They all unite to preserve the social rights of each from violation. The obligation of the social compact is only to do, what without it, as we have shown, it is the duty of each to do—*sic utere tuo ut non alienum lædas*. This is the language of the agreement. Each binds himself by it, as a sovereign to his co-sovereigns; and society becomes a great mutual insurance of liberty to *all*; and to *ALL* because to *EACH*.

If these views be correct, how fallacious is that doctrine to which I have adverted, that a man under free institutions must surrender a portion of his liberty in order to secure the residue! And how monstrous that other odious notion, which is the superlative of good with some political thinkers, that the highest purpose of government is to attain the greatest good to the greatest number! A doctrine which,

not content with making each man purchase a remnant of his right, by the tame surrender of a part, demands that a portion of society shall, if need be, give up all, in order to fill the cup of good to the greatest number to overflowing! Whence is this prerogative of society derived? Where does it obtain the power to shuffle my rights with yours, and advertising the grand drawing of the government lottery, by which you *secure rights*, and *I endure wrongs*! Man would have no rights, according to this theory, but those he can win at a raffle!

It will be observed, that in the discussion already indulged, I have regarded personal isolation as a hypothetical condition, from which logical deductions may properly be drawn, and the social condition as man's necessity. In the former the race would perish; in the latter only can it exist.

Hence, in the history of the race, the liberty of isolation is an exception, which fortunately has had its only type in the partially fabulous life of Crusoe; while social or civil liberty is that only to which man, as a permanent occupant of the earth, can aspire.

Civil liberty is that which marks the condition of the individuals of a society, where their social rights—those modified rights of which I have spoken—are respected and protected. *These are the highest rights of man, as a social being.\** To preserve them in their *entirety*, he enters into the social pact, and adheres to it. He does not do so in order to acquire rights, or to obtain privileges at its hands. He comes into the social bond to preserve what he has, what is his own; and he invests society with power to accomplish that purpose.

This idea, that a man derives any rights, or can look for any, from government, is an *exotic*, reared in the hot-houses of monarchical systems. *Non det, qui non habet.* It assumes that man has no rights but those he derives from his government; whereas, as has been shewn, government, the growth of social existence, has no power but such as it obtains from the man. Man gives it nothing, but the power of himself and his co-pactors to maintain the rights which each had antecedent to its existence, and brings with him into society.

\* And as man, as a social being, has higher opportunity for development, than when isolated, it follows that these "highest rights of man, as a social being," are the highest of which his nature is susceptible.

The compact, as already remarked, is one of *mutual assurance*, and government is but the general agent to enforce it against all.

There are some important corollaries, which flow from these simple, but fundamental truths.

Does civil liberty, as defined, involve socialism? or demand the equalization of the condition of the members of society?

I answer, agrarianism has no hope from the view presented; and socialism is destroyed by it.

It involves a parity of right in the members of society—an absoluteness of right in each as to his own powers; but it utterly excludes any idea of participation by others in those of each. *Each is his own master.* God has given to each his own talent. Its use is guaranteed to him by its Giver, and for it the receiver alone is responsible. He becomes a party to the social compact, in order to protect himself in this exclusive use of what is his own.

Now it is obvious, as all are not alike in capacity, and as there exists the greatest difference in faculty, mental, moral and physical, true equality of right in each to what is his own, must result in inequality, and is utterly inconsistent with an equality of condition among individuals. In other words, so far from agrarianism resulting from the postulate of an equality of right, it is the greatest *inequality of right* to enforce an *equality of condition*.

It is likewise obvious, that as this equality of right in men involves the exclusive use of all that is his own, the socialist idea of huddling all in a common mass, and making one machine of the many separate organisms—thus forcing the gifted to divide with the impoverished, the strong with the weak, the laborer with the drone—is as inconsistent with the principles of civil liberty, as it is repugnant to common honesty, and opposed to the revealed will of God.

As to both of these miserable excrescences of a pseudo-Democracy, spawns of the free-labor Democracies of the world, which perish in the Democratic Republics of the South, as the toad away from the miasmas of his cess-pool, they are condemned by reason and revelation. The latter declares that each shall bear his own burthen; and He who spake in parables, illustrative of all truth, because they were so of his spiritual teachings, has told us, that the wise and thrifty

virgins, whose lamps were filled, trimmed and burning, should reap the reward of the performance of duty; while the unthinking five should suffer the penalty of their own neglect, with no claim upon their wiser companions, under the laws of the modern socialist or agrarian.

The true corollary is, that as each has separate gifts from his Creator, and comes into the social compact to preserve them, equality of right demands that each be left to work out his own destiny, freely and manfully—to accomplish all which by nature he is fitted to accomplish, without hindrance from his fellows, and without help or interference from his government. The world the arena, man the athlete, government the mere police, God the arbiter, and the reward the laurel he can gather, and the crown he can win.

There is a still further and most important view. I have said that man's social rights are the rights of isolated man, controlled and modified by the like rights of his associates. The extent of this abridgment will of course depend upon the claims and the necessities of the latter. If each cannot have all the rights he might have as a solitary being, he must have all which is consistent with the existence of the highest practicable rights in others. If there be conflict, it must be reconciled by such a compromise as will attain the best development, the highest happiness and well-being of all. Neither part must seek for itself a greater elevation, by the deeper depression of the other; but each must so adjust itself to a social equilibrium, that the maximum elevation for each shall be attained, and the minimum depression of each avoided.

Thus, where two conflicting interests are combined in a society, civil liberty will consist in the preservation of that equilibrium, where the social rights of each so modify those of the other, as to preserve to each the greatest amount of right and freedom consistent with their co-existence in social combination. In this there may be what appears to be an abridgment of liberty; but it is the abridgment of the liberty of isolation. It is not an abridgment of social or civil liberty, because it is the highest liberty which either interest can enjoy consistently with their coherence in society. In such a case, the liberty incident to isolation is abridged, as a result of the nature

of the society—not of the political institutions of that society. It is unquestionably true, that the amount of civil liberty in any one society may differ from that in another; even where in each the highest degree of liberty has been attained for the individuals comprising it, which is possible. Relatively, the degrees of liberty thus attained will differ, aye, must differ; but if they do, it will be as the necessity of their social condition, and not because civil liberty in either is less than is practicable. So far is this true, that it is possible for the citizens of each country in the world to be free to the highest degree which its social condition will permit, and yet the citizen of one will be far less free than those of others. In other words, the maximum of liberty possible in different nations, is very different, as a result of the social elements composing them.

Let it not be forgotten then, that the perfection of liberty in any one nation may be far below what it is in every other, and yet may be all such nation may be susceptible of, or entitled to. This perfection of free institutions in each is not attainable by reaching after that *which is adapted to the condition of some other*, or in modelling our own after theirs; but in striving so to construct the elements of our own system, as to secure the highest happiness and liberty of which the members of our own society are capable.

This is emphatically the study of the true constitutional statesman. The man who writes constitutions by the dozen, and keeps them on hand for use or distribution, without a careful investigation of the social capacities of the people for whom they are designed—he who *guesses* that our institutions would be admirably suited for China or Japan, or that our federative system of republics would work with facility and success under a President Roberts upon the coast of Africa, is a dangerous empiric—a mere pretender, whose reward should be fixed in a perpetual banishment from the counsels of a wise people, and in the solitude of an asylum for political lunatics.

I think, that in this view is involved the perfect vindication of that great Southern institution which has been the subject of villification by our enemies, and of some conscientious distrust on the part of a number of our best citizens. Standing upon the basis of the purest Republicanism, I feel that we may as vehemently repel the former as

we may honestly and kindly dispel the latter. Republican principle as truly rejects the schemes of the abolitionist, as it condemns (as already shown) the odious ideas of the agrarian and the socialist. They are all hatched in the same nest of fraud and spoliation with Parisian Jacobinism. They have no breath, but discord; no words, but curses; no food, no drink, but human misery; no charity, but that of demons; no love, but visits upon its object a doom more terrible than its hate can inflict on its victim; no faith, but in a breach of faith; no belief, but in the dogmas of their own creed; no morality, but murder, treason, theft, and perjury, even under senatorial robes; no religion, but atheism; no God, but themselves! For, let it be ever remembered, the prototype of infidel, atheistic abolition here, is to be found in that Reign of Terror, when Jacobin France illustrated the doctrines of its kindred socialistic creed, in the blood-flowing streets of her capital, and in the worship of the goddess of its own reason, while trampling under its feet the word of God. Like causes must produce results so entirely similar.

It is true that human reason may suggest that the Saxon and African should never have been united; and abolition plants itself upon this supposed impregnable suggestion. But what is the answer with which every candid enquirer cannot fail to be impressed? However wise may be the *human* suggestion, the *Divine* Wisdom has decided that it was best they should be united, and, as I believe, for centuries to come—and as master and slave. Unless, therefore, humanity is modestly determined to sit as a high court of errors, and solemnly to reverse the decree of Divinity, it may be considered useless further “to justify the ways of God to man,” in the mysterious union of the two races upon the virgin continent of our western world.

If I am asked, Was it originally right to bring the African here? my answer is brief, but to my mind conclusive. It is not a question for *your* conscience or *mine*. We did not bring them here. If it was wrong, the responsibility of the act was *assumed* by a generation which once lived, and, having passed away, has *met* it long ago, at a higher than human tribunal. The act of bringing has left no load of responsibility upon the souls of this generation. “The fathers have eaten sour grapes, and the children’s teeth have *not* been set on edge.”



I read in that wonderful Providence by which three millions of a stranger race are immovably affixed to our continent, a noble end, which their union with the Anglo-American is to subserve in the world's future destiny, and a decree of punishment to a guilty race, which, in its execution of banishment from their native land, will yet be freighted with blessings to them and their posterity. We may say in great humility, that the Anglo-Saxon race has been "faithful in a very little." The gifts of Providence strewn in profusion around them have to some extent been improved; the five talents conferred have been productive of five talents more. And while we thus gratefully assume that we have been fruitful in some good, can we fail to see in the unhappy and degraded race of Africa, the story of him "who hid his talent in the earth"—who, productive only in a deeper and deeper debasement of his powers, and prostituting them only to the purposes of bestiality, had its solemn doom pronounced in the sentence, "Take, therefore, the talent from him, and give it unto him which hath the ten"? And can we refuse to see, that if we would meet the grand designs of Providence in this additional imposition of responsibility, and this gift for larger development, we must do so by boldly girding up our loins to the enterprise, and improving it to the advancement of our own destiny in that onward march, as we trust, towards the attainment of the highest dignity of which our fallen nature is susceptible?

Casting away, then, the timidity of a squeamish sensibility, and applying the true principle of Republicanism already announced, to this deeply vital question, let me ask, in order to answer, What is our duty? Clearly not to attempt to meet the responsibilities of others; nor to pry into the decrees of Providence; nor to enquire how we may undo what they have already accomplished; nor to imagine how much better things would have been managed, had we only lived at a former day, and especially, had we been at the helm of dominion in the affairs of men. None of these! they are the idle dreams of the sentimentalist, of the order of the "Do Nothings," which must be discarded by the men of this practical "Do Something" age. We must simply meet *our* responsibility, and, taking things as they are, do what is best in the circumstances in which we are placed. This is our duty; and we must perform it.

But Republicanism (the false) proposes the equality of the two races. Good sense and universal experience teaches, there can be no equality politically, where social communion cannot exist. History affords no instance in which two races, diverse in particulars which can never be erased or forgotten, have ever existed as co-equal elements in any people. Those which present a supposed analogy to that proposed, have been productive of convulsions, continuing for centuries, and only ceasing when a social amalgamation, which with them was possible, destroyed their political diversity and conflict. But in these cases, the diversity of race was more imaginary than real—more the result of difference of habits, and of natural origin, than of inherent and permanent characteristics. No case can be cited, where political equality has co-existed with an unchangeable diversity in individual peculiarities; a diversity, not resulting from a difference in mental and moral culture alone, but stamped upon, and inherent in, the very physical nature and appearance of the two races conjoined, palpable to the sense, and transmissible forever.

Need I add, that this social amalgamation between the Saxon and African is abhorrent to every sentiment of our natures? a sentiment, which time nor habit can ever eradicate, unless by substituting the base quality of the inferior for the noble sensibility of the superior race. But if it could be removed, a higher law—the law of God—forbids it. It is written upon the constitution of the two races, in characters not to be misunderstood, and declares in plain and emphatic language, “Those whom God has put asunder, let not man join together.”

It is therefore clear, that our duty forbids equality in social condition of the two races, whose destiny it is our responsibility to direct; and that being forbidden, their political equality, as I have shewn, becomes wholly impossible. What then results? *The inequality, social and political*, of the Saxon and African, becomes our solemn duty; *a permanent inequality, fixed by a decree irreversible.*

It is obvious, further, that it cannot be the duty of the superior race to assume the position of subordination, and to surrender its real supremacy to that inferior, whose “hidden talent” has been entrusted to its keeping. For, besides, that the supposed evil of inequality

would not be removed by such a reversal of positions, a responsibility imposed must be met; and a neglect of duty enjoined is as culpable as the commission of wrong. It then follows, as an inevitable conclusion, that the duty of the Anglo-Saxon race in the South is so to organize the elements of which our Southern Society is composed, as, by retaining the perpetual supremacy of the master race and the like subordination of the African, to attain the highest happiness of which each is susceptible, in the relative positions which are assigned to them by the decree of Providence. This is the republican duty of the Saxon race. True Republicanism, where the two races exist, can only prevail where such an organization obtains.

For I put it to any candid man, who hears me, or who will examine this question as he should, whether the very best relation for the two races, if they must live together, be not that of master and slave? With our own experience of the relation between the white and the free negro population—and more than that, with the experience of the free States expressed in many of their new constitutions—can any man hesitate to say, that, as the two races exist in the South, the most favorable condition for the African is slavery, and the only condition for the Saxon, consistent with his progress or even existence, is that of being the director of the physical and moral energies of a race whose capacity for *self-control*, centuries in the past and the experience of the present amply demonstrate?

It is not my purpose to vindicate further this important relation in the Southern States. This digression from the general purpose of my address was merely intended as a defence of the institution of Slavery from the charge of being anti-Republican; and to show that, upon the principle already established, and with the two races co-existent in our Southern society, Republicanism demands the maintenance of that institution, as best adapted to the happiness and well-being of the subject race; and as alone consistent with the progress and civilization of that to which Providence has awarded the supremacy.

Yet I should do injustice to myself and to our assailed position upon this question, if I did not add, that it is clear to my mind, while the servitude of the African places him in a higher sphere than

he has ever elsewhere attained; while he is a better man and more civilized than he was in his native wilds, or can be in the wicked pur-licus of the free cities of the North; the institution of Slavery has given to the white man more real freedom, has developed in him to a higher degree his mental and moral capacities, and has made him the noblest specimen of the American Republican. The negro slave is a higher being than the negro freeman. The Saxon freeman of the slaveholding State has a more actual and a truer liberty than those of the non-slaveholding. Thus it is that the free labor democracies depress the high and the low, while the slave labor democracies elevate both. The former level downwards, the latter upwards.

I trust I have thus developed the true idea of Republicanism; what I believe to have been essentially the Virginian, the American idea. It may be summed up thus: Each man, with rights distinct from those of every other, enters or adheres to the social organization to secure them. He is to be regarded as a party to the social compact; and his object in becoming such is the assurance of his own rights; not claiming to participate in the rights of others, nor permitting others to exact a share in his own. These rights, attaching to him as a social, not as an isolated being, are not absolute, but are qualified by the rights of others, and are limited in their nature, as the necessary consequence of association, but not thereby losing their distinctness. The object of government should be to secure these separate rights to each individual, to the full extent which his social relations entitle him to demand.

Having thus ascertained the legitimate purpose of all government, by regarding the motive to social cohesion, it becomes proper to enquire how this purpose can be best carried out, and the means most appropriate for doing so.

One general view will be suggested by the discussion already indulged: that, as the purpose of all government is the assurance of individual rights, its powers will be best administered when wielded by those for whose security it is to operate. In other words, in so far as the action of government can be brought under the control of the individuals of society, it will the most surely attain the object of its institution.

This general proposition would indicate that to be the best government which is most under the control of the people, or in common phrase, which is Democratic.

But if we look at the proposition more closely, we will find it involves a higher and more important truth. To place the government under the control of *all*, may be very important; but it is more important that it should be controlled by *ALL*, because it is thus subjected to the control of *EACH*. We must remember that *each man's rights are to be assured*, not the rights of a mass of men. For this, he joins the social pact; for this, he constructs government; for this, he desires a voice in its action. But if his lone voice be drowned in the shout of the popular "All;" if his rights, though differing from those of all others, should by that shout be condemned to outrage and violation, the purpose for which he contracted the social bond is defeated, and the mastery of the government by the whole will not only be of no advantage to him, but become a ready means for his oppression.

We thus see the government must be, as to its action upon the rights of each, under the control of each, in order best to carry out its legitimate end; otherwise, the rights of each and all would be subjected to the control of those whose interest might lead them to impair or destroy them.

But such a government, it may be said, would be impracticable, and is therefore out of the question. The objection is not without force; and I will therefore show how the principle just announced yields to the modification demanded, without any essential impairment of its value.

It will be observed, the power of each person in the control of the government involved in the proposition just stated, is not a power in each to be exerted *over others*, but is only to be exerted *defensively for the protection of rights* threatened to be invaded *BY others*. It is not an *active*, but a *resistive* force. It does not involve the justly detested heresy of an oligarchy, but is under another form of expression, the doctrine of the veto or negative power.

If, now, we regard society as made up of distinct classes, the interest of each member of the class being that of every other, each class would present a *unit* of interest, and the voice of that class would

fairly represent the voice of each of the persons composing it. And if to each class is given the negative power contended for, it will answer every essential purpose of giving it to each of its members. By this means, the value of a negative power is not materially impaired, while its practicability is secured.

Now, it is true, that the difficulty lies in the reduction of this great principle to practice. So diverse and intricate are the interests of society; so strangely do the co-incidences in interest of men to-day change to-morrow; so unseen are the various relations which the classes of society will assume in the future, that the perfection of this principle in practice has never yet been seen. And yet to discard it, because we cannot perfect it, would be as unwise and foolish as it would be fraught with disaster and ruin. That man who expects perfection in human institutions, is unfit for all the practical purposes of life. We must deal with things as they are, not as we may fancifully conjecture they ought to have been. If we cannot reach truth, we must approximate it. How, we shall proceed to show.

If we bear in mind, that the object in view is to secure power to the individual, as a means of protecting his rights from the invasion of others, either through the action of the Government or otherwise, the views I shall now present will be obvious.

The first consideration with the individual would be, of course, to retain as much power over his own action, and to give as little to the Government, as possible. Thus the primary security to individual liberty is to be found in a strict and rigid limitation upon governmental power, and in the reservation of as much as possible to the man. And as his motive in entering into the social compact is the security of his rights from the invasion of others, it is clear, that the more strictly the action of society is confined to the mere protection of personal rights, and the less interference with them it indulges, the more nearly will the purpose of its institution be realized, and the more perfect will be the civil liberty of the individual.

Another most important assurance to personal liberty and against governmental power, is the American invention of written constitutions. By this means, the discretion of government is much abridged, and its action limited by boundaries prescribed by the popular will.

Nor is there reason to apprehend the same danger to liberty from the provisions of a constitution, as from the ordinary acts of legislation. For there is this striking difference between them. The constitution is a *general rule, permanent and fixed*; while the law is a *special act*, designed to meet a temporary emergency, or perhaps to gratify a transient ebullition of tyrannical passion. The one cannot be repealed except by extraordinary measures; the other may be repealed at once. Thus the very people who might not hesitate to commit a wrong under a transient impulse, would shrink from giving to government, by a constitutional provision, a permanent and abiding authority to deal tyranny to whomsoever it should list.

Another security is to be found in that political axiom in our day, by which the three modes in which power may be exercised, are confided to hands entirely separate and distinct. It is conceded, that the most unmitigated tyranny would result from the union in the same hands of legislative, executive and judicial functions; while in their separation, thus affording to the citizen the chance of a *veto* by some one of them upon the despotic purposes of the others, is provided an additional assurance to his rights under a written constitution.

But there is one other most important view, which I cannot overlook. While judicial power initiates no action against a citizen, and executive authority is merely ministerial, the legislative department affords the widest scope to the invasion of private right. It is therefore to the organization of this we should look with anxious and watchful vigilance.

According to the view already presented, it is here that we should secure the power of the veto or negative to the classes of the community, those *units* of interest composing the body politic. This can only be done by taking the best united and most prominent interests of society, as the bases of political authority, and so arranging power between them, that neither can injure the other without its assent. The larger the basis that can be given by this means to the popular will—that is, the greater the majority of the people requisite to the action of the government, and the smaller the minority which is necessary to defeat it—the higher will be the assurance to the rights of the citizen, because the greater will be the possibility, that by his

own individual action he may defeat their contemplated invasion by the Government.

I need scarcely say, that this is the principle of "concurrent majorities," as it has been most happily designated by the greatest political thinker of our country. The safety of each interest is assured, because its assent is necessary to action. This is the consummation of political theories; and if it could be perfected in practice, it would make man's happiness and security no longer the subject of another's will, but controllable only by himself, and those whose interests are identical with his own. This would indeed realize the noble idea of self-government. His rights are safe until invaded by himself. He is therefore self-regulated, self-governed. He is a real freeman.

I cannot but call your attention, for a moment, to the contrast between this system of government and that which boasts the same title; a government of a mere numerical majority. How can the minority, whose rights are under the absolute control of a majority, with no interest in common with them; who are governed by King Numbers with as despotic power as the Turk by his Sultan, or the Russe by the Czar; how can this minority be said to be self-governed? Not consulted, except to be over-ruled; with no rights but such as the majority may accord to them; with no will, except to obey, they are summoned to sing hosannas to the beauties of a system of *self-government*, and are deluded into the belief that they are free, when free to do nothing but the bidding of others!

That my meaning may not fail to be comprehended, permit me to illustrate this view by our own splendid example.

Our system is the most compound in its nature, as in its origin, which has ever existed. We have not only written constitutions ordaining that entire distinctness of departments already referred to, but we have two distinct governments, each of which is broken into three sub-divisions. Thus, in the mutual checking of the several departments of each government, the citizen has a grand security for his liberty and his rights; and in the rival jealousy of the one government to the other, he has more than once found an ample shield for his protection. The strictly limited powers of the Federal Legis-



lature are further curbed by an independent judiciary; the tendency of the executive to enlarge its authority is restrained by the guardians of popular liberty in the legislative branch; and the ever centralizing nature of an overshadowing Federal Government, is held in check by the jealous *home* governments of the States.

But this is not all. The veto principle is still more intimately interwoven in the legislative branch of our system. A brief view of this will illustrate my subject more strikingly.

In the lower house of Congress, the *States* are represented, but according to numerical strength. In the Senate, they are represented according to their equi-sovereignty. In the Executive, who, as to his negative or veto power, is properly a branch of the Legislature, the States are represented according to the equi-sovereign and numerical elements in combination. Thus, in these several modes in which the *States* express their law-making will, there must be a concurrence of all, before any law can be made to operate upon any citizen of any one of them; and the dissent of either defeats the action of the others. Thus, in the increased chances of *non-action*, the danger to liberty from *over action* is avoided, and the rights of the citizen are secured, because let alone. For I may safely say, in 99 cases in 100, governmental action is more dangerous to personal rights than non-action.

It is in this veto or negative power of each branch of this compound system, each a breakwater to the flood-tide of despotism, that the best security of the citizen can be found; and so long as the independence of each is assured to it against the influence of the others, so long may our liberties be perpetuated. The danger is in the tendency of some one branch to a monopoly of power in itself; and in the attempt, always to be resisted, to impair the efficacy of the veto principle in any of the various forms under which it exists in our system. There is no substantial danger, and can be none, in the non-action of government. The danger is in its over-action; a danger avoided by the veto. The veto, let it be ever remembered, can only *prevent action*; it can never consummate it. Its efficiency is merely negative; never positive. It is a shield against power; it is never the sword of power.

This is the theory of our system. It is sad to think how little, even in the best arranged human institutions, there is to assure us of our rights, or to ensure us against wrong.

For reasons which it would too much prolong this address to explain, in my own judgment, there has been over-action in our entire system, but a fatal tendency to it in our Federal Government. No man can read the Constitution, and the history of its formation—the anxious attempts to guard against an over exercise of power—and then turn to the labors of each term of our Federal Legislature, without feeling, deeply feeling, that it has long since broken through the barriers which parchments had erected, and limited its action only by its illimitable discretion.

I say in grave seriousness, young gentlemen, the fault is not in our stars, but in ourselves, that this is so. We have not held to the principles which I have attempted to develop. We have looked too much to the “nation”—as we term it, with neither constitution nor history to justify the term—and too little to the rights of the citizen. *His rights* are the motive to all this intricate and theoretically admirable—I had almost said, perfect arrangement of elements in our system. But in our admiration of the *means*, we have too much forgotten the *end*.

Permit me to re-construct the views thus imperfectly analyzed, in order to show the remedy, if there be one. I have endeavored to show, that the best government would be where *the power to forbid its action* was reserved to every man. But as such a system would be impracticable, the approximation to it is in the reservation of the *veto power*, as far as is possible, to every class, viewing each as a unit, and as representing fairly in the whole, the views of each man belonging to it.

In attempting to decompose society into its component interests, though we may fail in doing so perfectly, it is obvious that the nearer we bring the government, which is to operate upon the individual, within the reach of his control, the more secure we make his rights against any infringement by it. And as between two governments who are to legislate for him, power is safest for him in the hands of that one over which he has the greatest influence; because, to the

extent of his greater influence, it is his own control of himself; it is self-government, which is admitted to be the safest for him. And it is further obvious from the course of reasoning already adopted, that this will be proportionably more true, as the government over which he has most influence, is controlled by others whose interests are similar to his own.

These obvious principles indicate this inevitable conclusion. As each citizen of a State has a proportionably larger influence over *its* government than he has over the Federal Government, and as his interests and those of the other citizens of the State are more homogeneous, than are his and those of citizens of all the other States, it follows that power, as far as the rights of each citizen are involved, is safer in the State than it can be in the Federal Government. The mass of power, therefore, should remain in the State Government, and only so much, and not one jot or tittle more, as is absolutely necessary for the purposes of its creation, should be permitted in the Federal Government.

Looking, then, to the object in view in the establishment of government, the security of the rights of the citizen, I am an earnest and jealous advocate of the power of the States, because I am a zealous friend to the sovereignty of the man. As man, a sovereign, formed the social compact upon which the State Government rests, so the State, a sovereign, formed the larger social compact of our Federal Union, upon which rests its now wide-reaching government. And while, as a man, I jealously watch the tendency of the one to encroach upon my individual sovereignty, as a citizen of Virginia I desire that she should guard her sovereignty from the advances of Federal usurpation, which in their consequences must further abridge my personal rights and liberty.

And thus it is, gentlemen, that at last these splendid things, called governments, claiming power as their prerogative, and trampling upon private rights as if they belonged to them, and granting privileges as if they were the vicegerents of Providence, are but the creatures of your power and mine; they live at our bidding, and die at our will. For by the voice of men they are changed; by the act of expatriation their power over the man ceases; and by revolution they are overthrown.

By enlarging the sphere of our view, we find the analogy in our Federal Union. Created by the fiat of each State for itself, it dies at its will. The expatriation of the citizen is the secession of the State. And thus, when either Government, in violation of the end of its being, makes itself the instrument of wrong, the citizen in the one case, and the State in the other, by the exercise of that high negative or veto authority of which I have spoken, interposes the shield of individual or State sovereignty, for the security of the rights of the man from the usurpation of the Government.

If the theory of our system is to be realized in its practical operation, it must be by a return to the principles which I have thus imperfectly sketched. The glory of the Government must consist in its rigid care of the rights of its citizens. The splendors of its conquests—the munificence of its charities—the extensiveness of its donations—the largeness of its philanthropy—the brilliancy of its moral reforms—the magnificence of its improvements, manifesting themselves in intrusive regulations of private interests, and injurious diversions of the industry of the country to suit its own views of a well-doing people; these are all beyond the scope of true governmental powers, and dangerous in their exercise to the sphere of individual freedom. They have made the human race cry out in emphatic remonstrance, “The world is governed too much.” Let the *man* alone! He knows his interest better than the members of an ephemeral Legislature, and he can regulate it better. As to moral reform, the man has a conscience to accomplish his own—a guide which has never been given to any body of men. The division of responsibility in the latter destroys the operation of the individual conscience.

These are all forms of the evils resulting from an assumption of larger powers by Government, than according to its nature were ever designed to be vested in it. Our safety is in the limitation, not the enlargement of power. In our federal relations, our security is in realizing the historical truth, that the Union sprang from the will of State sovereigns; that it is the subject of that will; in restricting the powers of its government within the narrow boundaries allotted by the Constitution, and in *keeping* it there.

I cannot close this address, young gentlemen, without a word to you personally. My life-bark has too lately left the moorings of the

haven from which you so soon sail, for my sympathies to slumber at the prospect of your future. And yet my career has been long enough to enable me, and with your leave, to induce me to tender to you the suggestive aid of my short experience, and my hopes for your prosperous voyage.

I presume I address none but Southern men. I may address you as such, for there is no more sincere defender of her institutions than I am. The destiny of the South is one full of matter for concern and reflection for her sons. Perhaps there has been no clime in the world's history, whose destiny was obviously more entirely dependent upon herself. If true to herself, it may be more full of dignity, more fraught with good to the human race, than that of any people in the present age. But if untrue to her own highest interests, her fate may be the most melancholy in the records of history.

When I regard the spectacle of six millions of whites wielding the permanent labor of three millions of Africans, in the cultivation of those articles which feed and clothe the world; when I remember, that their labor lifts the flood-gates of that vast manufacturing horde, in whose employment kingdoms find peace, and whose discharge involves carnage and revolution; when I remember, that when the century opened, cotton was scarcely known as an export, and that fifty years have witnessed the astounding fact, that it now constitutes more than one-third of the whole export of the country; when I see every turn in the wheel of the world's revolutions increasing the demand for the products of slave labor, and making, in the order of Providence, slavery a perpetuity in the Southern States; when I see the Queen of the Antilles stretching out her jewelled arms to hug the kindred shores of our Florida; when I look upon the crumbling edifice of Mexican civilization, requiring Southern men and Southern labor to re-construct it under Anglo-American institutions—a country throwing its long arm about our glorious Gulf, and almost touching Cuba with its extremity; when I read of the rich clime of the Amazon valley, awaiting the labor of the African under the direction of the intelligent Southerner, for its full development in those fruits which will send comfort and enjoyment throughout the civilized world; when I take a view of this whitening field of a rich harvest to Southern

enterprise, I cannot despair of a nobler destiny for the South, under the patriarchal relation of slavery, than awaits any other people. It is her's to develop the tropics of our continent, and make them what Providence designed them for, the comfort and happiness of the masses of the world. Destroy her institution, and you strip poverty of its clothing, and wealth of its adorning. At her bidding, every spindle in England's factories would cease; and like the fabled *Nemesis*, she may clip the wings of a world's commerce. With the Gulf for her harbor, the waters penetrating the valleys of the Mississippi and Amazon, like the arteries from her heart, would bear back her swift-flowing wealth to the remotest parts of the continent; every sea's canvass would be filled to bear the products of her labor, and every clime be refreshed by the blessings of her industry.

And who, to such a people, shall dictate terms? shall tell her to surrender the talent which God has given her, or be prostrated to the barbarism of St. Domingo? I say it boldly—she holds the reins of empire in Christendom, by means of this, her very weakness. If she be brave; if she know and hold her vantage ground; if she speak to her foes the language of defiance, not of fear, she must triumph. What should make her craven? Whence does she trace her genealogy? The men who snatched from the hands of insolent power the birth-right of our liberties, were Southerners! “The illustrious Southerner” who sleeps on the banks of his own Potomac, led the armies of the States to glory and to victory. A Southern voice, whose dead echoes sleep within the sound of my own, proclaimed tyranny to be treason, the love of liberty to be true loyalty, and the clank of Boston chains the summons to the fight for independence. A Southern hand penned the Declaration which announced us sovereign States. And a Southern State—why should I not name her?—Virginia—may God ever bless her!—sounded in a despot's ear the first defiant note of the first free Commonwealth of America!

Our origin, our history, our manifest destiny, summon us to win a name, the noblest in history.

Much, young gentlemen, depends upon you! To you the fate of the South must be in great part committed. The Wizard of the

North makes Scotland's beauteous Queen appeal to her young page,  
when flying from captivity and treason,

"Oh! Roland Graeme! Be true to me!  
Many have been false to me!"

So speaks the South to each one of you!

Personal purity of character, individual integrity of purpose, an independence of nature to scorn the possession of power, where it is not won, and cannot be held, with honor; a fixed determination to do right, and never to sacrifice it to the expedient; a patriotism which looks to the country's true glory, rather than to the accumulation of her wealth; and an humble and Christian dependence upon the guidance of Providence; these are the elements which should constitute the Southern statesman, to prepare him to guide her in the trying, but I trust glorious future, which is before her.

Never sacrifice truth to error, even to gain power. Better be a martyr to truth than the favorite child of falsehood. Let it be your resolution, neither to seek power by unworthy means, nor use it for unworthy purposes. Let the candidate for public favor be enrobed in the spotless garb, the *toga candida* of his position; and when success crowns his efforts, let the robes of office be soiled with none of the filth of the arena! Be assured, its ripening fruit waits to reward the votary of virtue; and the ashes of disappointment are sure to defile the lips of him, who seizes the bright but tainted apple, the Dead Sea of vice alone can bear. Even obscurity, when sweetened by the consciousness of right, is infinitely higher than the eminence of him, whose shining success can never atone for the wrong done in its attainment. For,

"Not all that heralds rake from coffin'd clay,  
Nor florid prose, nor honeyed lies of rhyme,  
Can blazon evil deeds, or consecrate a crime!"

I wish you, young gentlemen, prosperity in the career which lies before you, and success in the discharge of those duties which may be assigned to you; that you may win the honor of the good, and merit and command the respect even of the bad; and that you may be enabled so to use the talents you possess, that they may redound to the glory and advancement of our country!

