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CALHOUN, SECTIONAL CONFLICT, AND MODERN AMERICA

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During the sectional crisis, the overwhelming practical and theoretical inheritance that nourished the Southern worldview was built upon an appreciation of the necessary limitations of social and political life. Primary among the means of limitation was the need for societal and personal restraint when faced with the possibility of radical transformation.[1] While change and social mobility were not the most commonly acknowledged aspects of Southern society, neither were they beyond the pale of possibility.

John Caldwell Calhoun, perhaps the most probing and insightful thinker of this generation, presented an Aristotelian mean as the basis for installing an element of restraint in the operation of government. If government could not be restricted, the populace's role in governing would be greatly diminished, and the regime would necessarily lose a sense of legitimacy. This essay will explicate Calhoun's critique and its significance for contemporary politics and society.

While maintaining a lifelong appreciation of voting and majority rule, Calhoun also acknowledged their limitations. As he had noted years earlier to his friend Virgil Maxcy, "We have much to learn in

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[1]Calhoun's complex understanding of the role of slavery as a "political institution" within Southern society cannot be separated from his defense of communal life. See John C. Calhoun to Richard Packenham, *The Papers of John C. Calhoun* (Columbia: University of South Carolina Press, 1981), vol. 18, p. 278.

political science. The rule of the majority & the right of suffrage are good things, but they alone are not sufficient to guard liberty, as experience will teach."[2]

THE CONCURRENT MAJORITY

Instead of endorsing purely abstract notions of majority rule and voting, Calhoun preferred to define both within a historical context. His use of the historical should be appreciated as an attempt at refining and explaining the importance of the founding principles within a distinctively nineteenth-century framework. Regardless of the political system, those who assume the reins of government need certain restrictions. In presenting his recapitulative theory of politics, Calhoun expanded upon his earlier work on the "organism" that promoted such restraint within the polity. He also employed myriad titles to describe this quality of restraint: the concurrent voice, the sense of the community, and, most prominently, the concurrent majority.

As both a theoretical and practical means of encouraging consensus, securing liberty, promoting the diffusion of power, and, ultimately, ensuring the regime's survival, the concurrent majority was what Calhoun considered the pre-eminent American contribution to political thought. However, the hegemonic forces that controlled the general government had supplanted the concurrent majority; the Jacksonian democratic dream had become the American political nightmare. A steady concentration of political power in the general government, increasing social and regional hostilities resulting from the quest for control, and the debasement of popular rule were, to Calhoun, ominous signs of the future awaiting the nation:

> As the Government approaches nearer and nearer to the one absolute and single power, the will of the greater number, its actions will become more and more disturbed and irregular; faction, corruption, and anarchy, will more and more abound; patriotism will daily decay, and affection and reverence for the Government grow weaker and weaker, until the final shock occurs, when the system will rush to ruin, and the sword take the place of the law and constitution.[3]

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[2]Calhoun to Virgil Maxcy, August 6, 1831, *The Papers of John C. Calhoun*, vol. 11, p. 451.

[3]Calhoun, "Speech in Support of the Veto Power," February 28, 1842, *The Papers of John C. Calhoun*, vol. 16, p. 149.

Calhoun's efforts to recover the concurrent majority suggest a vigilant desire to return to the original understanding of liberty and authority within the American political tradition. Such a mission depended upon "dividing and distributing the powers of government" and supplying each "division" with "either a concurrent voice in making and executing the laws or a veto in their execution."[4] Reviving the concurrent majority in American politics was (and remains) primarily an effort at restoration and preservation. Ironically, many proponents of the diffusion of authority, especially American conservatives, have failed to recognize the importance of Calhoun's insight for contemporary political science. In some cases, these critics have unfortunately misrepresented Calhoun's valued contribution to the American political tradition for the purpose of their own temporal political gain.[5]

The concurrent majority was neither an invention based upon Enlightenment notions nor a purely mechanistic "device" to protect Southern political and economic concerns.[6] Instead, it served as the

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[4]John C. Calhoun, *A Disquisition on Government*, in *Union and Liberty: The Political Philosophy of John C. Calhoun*, ed. Ross M. Lence (Indianapolis, Ind.: Liberty Fund, 1992), p. 21.

[5]John O'Sullivan, a former editor of *National Review*, dismissed Calhoun indirectly as responsible for "the emergence of legal theories, in the writing of Lani Guinier et al., that would revive 'fancy franchises' and 'concurrent majorities' on the underlying assumption that minorities and majorities are not continually forming and reforming on different issues, but permanently frozen along ethnic and racial lines." John O'Sullivan, "Mistaken Identities," *National Review* (November 25, 1997), pp. 50–56.

Some reputedly conservative critics of Calhoun have argued that he derailed American political thought. In a published letter, Harry Jaffa suggested: "Do I not bring philosophy down from the heavens and into the city—making it practical and political—when I demonstrate by my critiques of Kendall, Bradford, and Wills, that their doctrines are merely varieties of Confederate doctrine, and that the vital center for their beliefs is derived from John C. Calhoun? Do I not do that even more profoundly, when I show that the 'Marx of the Master Class' is not, in the crucial respect, so very different from Marx himself, since the proslavery attack on free society, and the Marxist critique of capitalism, closely coincide?" Harry Jaffa, *American Conservatism and the American Founding* (Durham, N.C.: Carolina Academic Press, 1984), p. 136.

[6]Wilson Carey McWilliams's description of Calhoun's work as "entirely based on Enlightenment concepts" serves as a representative example of the widespread failure to appreciate the depths of Calhoun's political thought. See

most "republican" element in the American constitutional and political tradition, establishing a system of government predicated upon popular rule rightly constituted.[7] However, it was not a panacea for resolving America's political crises—Calhoun consistently argued that the concurrent majority was a stopgap measure only to be exercised until a more substantial constitutional consensus of three-fourths of the states could be secured.

THE CONCURRENT MAJORITY AND THE CONSTITUTION

The combination of the concurrent majority (or voice) and voting produced genuine constitutional and popular rule; however, voting alone could never provide stable popular rule. As the foundation of republican government, popular rule must acknowledge other means of recognizing preferences among the citizenry than voting by simple plebiscite. Appropriately, Calhoun argued that concurrent measures were already present in the American constitutional structure and clearly operating during the formative period of political union. The original American Constitution abounds with examples of measures designed to counterbalance the perversion of republican government into plebiscitarianism, or a government of the "simple majority."[8]

Calhoun's *Discourse* presents these concurrent features of the U.S. Constitution—including the Senate, the Electoral College, the Supreme Court, and the separation of powers to a degree—as contributing to the original design for popular rule. In presenting this understanding of American politics, Calhoun suggested that the numerical majority could not represent the full character of the republic. Participation was originally encouraged, nurtured, and protected in the political process

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McWilliams, *The Idea of Fraternity in America* (Berkeley: University of California Press, 1973), p. 260. Several recent works present useful, although inadequate, challenges to previous scholarship. See James D. Clark, "Calhoun and the Concept of the 'Reactionary Enlightenment'," (Ph.D. diss., University of Keele, 1982); and Lacy K. Ford, Jr., "Inventing the Concurrent Majority: Madison, Calhoun, and the Problem of Majoritarianism in American Political Thought," *Journal of Southern History* 60, no. 1 (February 1994), pp. 19–58.

[7]Calhoun, *A Discourse on the Constitution and Government of the United States*, in *Union and Liberty*, p. 133.

[8]Calhoun, "Rough Draft of An Address to the People of South Carolina," *The Papers of John C. Calhoun*, vol. 11, p. 273.

through the implementation of the concurrent majority. The recovery of the concurrent majority could rejuvenate participation discouraged by decades of neglect and patronage. The concurrent majority aids the unfolding and augmentation of participation and the interspersing of political power. More importantly, this amalgamation of voting and the concurrent majority provides a basis for offsetting "the tendency of government to oppression and abuse of power; and to restrict it to the fulfillment of the great ends for which it was ordained."[9] For Calhoun, the benefits accruing from allowing for thoughtful deliberation and authentic consensus-building outweighed the disadvantages of limiting temporary majorities. Recovering the concurrent majority in union with a disciplined mode of true majoritarian participation offers the possibility of reclaiming popular rule.

ABSOLUTE MAJORITY AND CONCURRENT MAJORITY

Reiterating the centrality of popular rule, Calhoun argued that two competing majoritarian visions exist in American politics: that of the numerical or absolute majority, and that of the concurrent or constitutional majority. Without considering the diversity within the community itself, the numerical majority assesses overall electoral outcome as the only indicator of preference. Numerical majorities are based upon electoral "numbers," a radical majoritarian understanding of participation that eschews all considerations besides the act of voting itself.[10]

Such a conception of popular government requires a unitary vision of politics and the state. It also supposes that the apparatus of voting can resolve all conflict, even profound crises in which no consensus of opinion exists. To its credit, the numerical majority can tabulate the "sense of the greater number; that is, of the stronger interests or combinations of interests, and to assume this to be the sense of the community."[11] Resulting from its "simplicity and facility of construction," the numerical majority possesses a troubling propensity for reporting cumulative electoral outcomes without regard for the natural divisions of authority.[12]

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[9]Calhoun, *A Disquisition on Government*, p. 22.

[10]Calhoun, *A Disquisition on Government*, p. 24.

[11]Calhoun, *A Disquisition on Government*, p. 23.

[12]Calhoun, *A Disquisition on Government*, p. 57. For a more generous reading of the numerical majority's function, see August O. Spain, *The Political*

The numerical majoritarian concept of popular rule also presumes that mankind can participate in governing *en masse*, at every available opportunity, and with the necessary leverage to undertake any possible action. Calhoun's fundamental criticism of this understanding of popular rule suggests that attaining a numerical majority under any circumstance is illusory at best, and utopian at worst. The numerical majority can only function effectively in a political world devoid of geographical and economic divisions and without competing claims upon authority.

In fact, Calhoun argued that this "simple" numerical majority could not sustain authentic popular rule, and was incompatible with a comprehensive appreciation of the concept. Second, if popular rule is predicated upon providing the citizenry with an expedient option to initiate whatever they desire, then popular rule itself must no longer be considered the primary achievement of republican or democratic political theory. Individual and communal assertion and preference, after all, are often prominently associated with other political systems, especially modern authoritarian and totalitarian regimes that discourage true popular rule in any concrete form while professing to represent the actual sentiments of an oftentimes amorphous populace. More importantly, as we begin the twenty-first century, Calhoun's insight provides a guide for understanding and responding to the crisis of a postmodern internationalism that promotes a vulgarized model of popular rule that merely consists of the collection of individual wills and sentiments without regard to the substantial and historical limitations of mankind.

By presenting the limitations of the numerical majority, Calhoun demonstrated that a more inclusive approach is necessary if the true preferences of the citizenry in any political system are to be ascertained. Voting alone, due to its inability to incorporate properly an understanding of the diverse interests that must be considered, cannot assimilate the level of insight necessary for governing.

"INTEREST" AND THE "SENSE OF THE COMMUNITY"

Unfortunately, Calhoun's use of the term "interest" in explaining this aspect of his political thought has diverted scholarly attention from his purpose, and has encouraged numerous academic assessments

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Theory of John C. Calhoun (New York: Bookman Associates, 1951), pp. 132–35; and Cheek, *Calhoun and Popular Rule*.

that fail to appreciate the meticulousness of his thought. Most of these appraisals attempt to explain Calhoun's use of "interest" as either a means of defending the South and slavery or as the philosophical precursor to contemporary theories of interest group politics.[13] As a lot, these critiques evidence the influence of contemporary liberal political theory, especially the schema of "possessive individualism."[14] Viewing social and political life as obsessed with the acquisition of wealth and power, "possessive individualism" as a philosophical approach assumes that the desire for personal aggrandizement is primary among man's longings. With antecedents in the thought of Rousseau and Kant, "interest" is viewed as synonymous with human self-determination or the search for autonomy.

Calhoun rejected this narrow view of interest and defended it as an intrinsic manifestation of the body politic, grounded in the community. The natural and evolutionary predilections of the regime ascertained through the most reliable units, the states, deserved protection from the arbitrary exertion of force by the general government against these elements. Viewing diversity within the community as integral to the survival of the country, and as the only practical basis for embodying a totality of concerns, Calhoun echoed Publius's earlier plea for "[t]he regulation of these various and interfering interests" as a primary requirement for American politics.[15] But interest, Calhoun declared, should not be defined as purely individual assertion:

> It results, from what has been said, that there are two different modes in which the sense of the community may be taken: one, simply, by the right of suffrage, unaided; the other, by the right through a proper organism. Each collects the sense of the majority. But one regards numbers only, and considers the whole community as a unit

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[13]For the former, see Ralph Lerner, "Calhoun's New Science of Politics," *American Political Science Review* 17 (December 1963), p. 931; for the latter, see Peter F. Drucker, "A Key to American Politics: Calhoun's Pluralism," *Review of Politics* 10 (October 1948), pp. 412–26; Darryl Baskin, "The Pluralist Vision of John C. Calhoun," *Polity* 2 (Fall 1969), pp. 49–65; and Peter J. Steinberger, "Calhoun's Concept of the Public Interest," *Polity* 13 (Spring 1981), pp. 410–24.

[14]C.B. MacPherson, *The Political Theory of Possessive Individualism* (London: Oxford University Press, 1962); and Baskin, "Pluralist Vision," pp. 51–53.

[15]Alexander Hamilton, James Madison, and John Jay, *The Federalist*, ed. George W. Carey and James McClellan (Dubuque, Iowa: Kendall-Hunt, 1990), No. 10 (Madison), p. 45.

> having but one common interest throughout; and collects the sense of the greater number of the whole as that of the community. The other, on the contrary, regards interests as well as numbers—considering the community as made up of different and conflicting interests, as far as the action of the government is concerned; and takes the sense of each throughout its majority or appropriate organ, and the united sense of all as the sense of the entire community. The former of these I shall call the numerical or absolute majority; and the latter, the concurrent or constitutional majority.[16]

Thus, Calhoun's understanding of interest more closely resembled Publius's than contemporary theories of "interest group" or pluralistic democracy.[17] Publius and Calhoun incorporated similar conceptions of human agency into their appreciation for the decision-making of autonomous or semi-autonomous communities, as well as for the interconnected roles these communities play in addressing the most profound social and political issues that a republic must confront. Instead of relying upon purely private economic and political preferences to synthesize community and regime responses into a composite whole, Publius and Calhoun insisted upon assimilating the deeper, more comprehensive needs of the whole by focusing upon the responses of the communities and the republic in their particularity.[18] A consensus

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[16]Calhoun, *A Disquisition on Government*, pp. 23–24.

[17]As a commentary on his earlier "Fort Hill Address" (1831) and a reminder of his consistency in this regard, Calhoun composed a public letter to South Carolina Governor Hamilton further clarifying his understanding of interests nearly two decades before writing the *Disquisition*: "When, then, it is said, that a majority has the right to govern, there are two modes of estimating the majority, to either of which, the expression is applicable. The one, in which the whole community is regarded in the aggregate, and the majority is estimated, in reference to the entire mass. This may be called the majority of the whole, or the absolute majority. The other, in which it is regarded, in reference to its different political *interests*, whether composed of different classes, of different communities, formed in one general confederated community, and in which the majority is estimated, not in reference to the whole, but to each class or community of which it is composed, the assent of each, taken separately, and the concurrence of all constituting the majority. A majority thus estimated may be called the concurring majority." Calhoun to James Hamilton, Jr., August 28, 1832, *The Papers of John C. Calhoun*, vol. 11, p. 640, emphasis added.

[18]Whereas recent scholarship has challenged previous misconceptions regarding the role of interest in *The Federalist,* Calhoun's use of the concept has yet to experience such a needed re-evaluation. See George Carey, *The Federalist:*

might be possible if the distinct preferences of all communities in a regime were considered, but only after much trial and error. An unrefined or less articulate majority serves only to discourage participation, and ultimately it undermines the regime's legitimacy.[19]

By merging the "sense" of the communities within a republic into a truer and inclusive majority, a republic could be sustained, Calhoun argued. Concentrating solely upon electoral success, the numerical (or absolute) majority cannot adequately provide such a foundation for popular rule. Instead of clarifying and collecting the "sense[s]" of the diverse communities that comprise a regime, the numerical majority actually misrepresents and overrates the homogeneity of the political environment.

Although exhibiting many other debilitating characteristics, the numerical majority is most deficient in its inability to fully incorporate into the practice of governing an understanding of the preferences and opinions of the populace. If the numerical majority could function as claimed, it would be "a true and perfect model of a popular constitutional government; and every departure from it would detract from its excellence," Calhoun declared.[20]

However, the numerical majority fails to meet these expectations and should not be confused with the actual majority or genuine popular rule. Calhoun argued that the numerical majority's propensity to consider an incomplete "sense" of the regime as authoritative, "a part over a part," was actually a dangerous perversion of true popular rule.[21] As such, a government of the numerical majority has a predisposition toward diminishing the concurrent qualities integral to the survival of the regime. The numerical majority naturally benefits from a diminution of concurrent measures; from the perspective of numerical majoritarianism, concurrent elements are an imposition upon the will of the majority. In subjugating the entire republic to the dictates of a questionable collection of votes from elections not predicated upon appraising

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Design for a Constitutional Republic (Urbana: University of Illinois Press, 1989); and David F. Epstein, *The Political Theory of The Federalist* (Chicago: University of Chicago Press, 1984).

[19]While a political order based upon unanimity is appealing, Calhoun rejected such a possibility because it would prove "impracticable." See *A Disquisition on Government*, pp. 24–25.

[20]Calhoun, *A Disquisition on Government*, p. 25.

[21]Calhoun, *A Disquisition on Government*.

the regime's complex preferences, the numerical majority threatens to undermine the electoral and constitutional foundations of republican government.

ELECTORAL PARTICIPATION AND GOVERNMENT RESTRAINT

Accordingly, recent scholarship has confirmed that concurrent measures can actually enhance the genuine participation and deliberation vital to popular rule. Roberta Herzberg, for example, argues that Calhoun's "design would result in a decision process more stable than that expected under simple majority rule. Moreover, each interest included in the decision-making process would be protected against any policy change that would make it worse off."[22] Against the dire claims of Calhoun's critics, Herzberg suggests that his understanding of popular rule and democratic theory merits reconsideration.

Herzberg's research affirms Calhoun's argument that the electoral and participatory attributes of popular rule suffer as a result of the numerical majority's tendency to identify as the majority whomever votes in a particular election while disregarding the range of responses necessary to canvass the citizenry adequately. Further, the constitutional infrastructure is impaired in its ability to facilitate popular rule when the governmental structure established by such a deficient majority is mistaken for the more commodious "government of the whole" that is provided by the concurrent majority. Finally, the spirit of restraint so essential to the American constitutional and political tradition suffers a devaluation.

Restraint—societal and personal—encourages a tenor of resiliency within the constitutional order by imposing limitations upon a temporally elected majority's ability to assert sovereign authority. Envisioning restraint at the heart of republican government, Publius defined this centrality of purpose in terms of deliberativeness: the operation and power entrusted to government must be diffused or filtered "to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country."[23]

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[22]Roberta Herzberg, "An Analytic Choice Approach to Concurrent Majorities: The Relevance of John C. Calhoun's Theory of Institutional Design," *Journal of Politics* 54 (February 1992), p. 78.

[23]*The Federalist*, No. 10 (Madison), p. 47.

For Calhoun, a "simple government, instituted by the states, for their mutual security, and more perfect protection of their liberty and tranquillity" best fulfills this purpose.[24] Imbued with societal and personal restraint, this form of government also guards against the impulse of the moment controlling its decision-making, while developing political institutions that mirror those qualities premised upon restraint. It is precisely the inculcation of these habits into social and political structures and the citizenry that define the concurrent majority in action. Not bound by the restraint of the concurrent majority, the numerical majority inadvertently encourages the rise of oligarchic rule. Offering an initially appealing and laudable strategy of providing for a more democratic regime, but without any mode of restraint or resistance, the numerical majority leads to a tyranny of the majority.

There are, of course, measures other than the concurrent majority that are capable of counteracting the numerical majority's influence, although these choices may function most effectively in tandem with the concurrent majority. A formal, written constitution, establishing parameters for the scope and function of the general government, has always been considered protection against disruptions to the political order. Calhoun maintained a great love for constitutions, especially the American version. The statesman described the Constitution as the greatest manifestation of the citizenry's understanding of political order.[25] A constitution functions as a major source of restraint against the excesses of flawed human reason and promotes liberty through its invocation and nurturing of this restraint among the citizenry.

Relying upon a constitution alone presented a republic with an insurmountable problem: even though governmental authority was formally restricted, the constitutive parts of the regime responsible for constraint were not given "the means of enforcing their observance."[26] In other words, the citizenry and states were presented with the theoretical tools to protect the regime, but not with the necessary pragmatic power of enforcement to complete the task. Influenced by

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[24]Calhoun, "Speech on the Bill to Prevent the Interference of Certain Federal Officers in Elections," February 22, 1839, *The Papers of John C. Calhoun*, vol. 14, p. 565.

[25]Calhoun, "Second Speech on Amendments to the Compensation Law," January 20, 1817," *The Papers of John C. Calhoun*, vol. 1, p. 393; and "Speech in Support of the Veto Power," February 28, 1842, *The Papers of John C. Calhoun*, vol. 16, p. 138.

[26]Calhoun, *A Disquisition on Government*, p. 26.

the sinful impulse, the struggle for control would naturally result in a conflict between the dominant party in charge of government and the weaker party outside of it. Following the prescriptions of a numerical majority, the dominant party would contest any limit on its power. In response, the weaker or minority party's only recourse would be to seek rigid enforcement of all formal restrictions upon authority, resulting in a struggle between the "liberal" and the "strict" constructions or interpretations of the constitution. As a result of the numerical majority's inability to accept any authenticating standard for popular rule other than voting, the dominant party would always control such conflicts, perpetuating the denigration of the minority.

Calhoun's defense of the original constitutional design differed substantially from the current advocacy of "original intent." For Calhoun, the evocative power of the American Constitution was found in its ethical spirit. Simply recovering the Framers' "ideas" will not suffice: only a determined effort to reclaim the ethical worldview and authentic constitutional arrangements for the diffusion of political authority can restore genuine popular rule in America.

THE LIMITS OF POLITICAL DISCOURSE

Calhoun's discussion of majority/minority tensions in the *Disquisition* is less an extended apology for his personal struggles than an explicit recognition of the limits of rational discourse in politics. The numerical majority's success also suggests a crisis of reason within the republic. During Calhoun's career as a statesman, various political movements arose in the country that refused any attempt to understand the nature of politics in a comprehensive manner.[27] As the American regime approached the mid-nineteenth century, the increasingly ideological nature of political debate, especially the concept of "immediatism" articulated by the abolitionists, suggested a refusal to depend upon republican political theory, deliberation, and the interchange of ideas to resolve the increasingly divisive political situation.

For Calhoun, this shift marked another attempt, both explicit and implicit, to ignore the limitations of human nature.[28] Viewing these

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[27]Aileen Kraditor, *Means and Ends in American Abolitionism* (1967; reprint, Chicago: Ivan R. Dee, 1989), pp. 178–234; and Eugene D. Genovese, *A Consuming Fire* (Athens: University of Georgia Press, 1998), pp. 3–71.

[28]Calhoun also criticized his fellow South Carolinians during the 1844 "Bluffton Movement" for sacrificing principle for expediency. See *The Papers of John C. Calhoun*, vol. 19, p. 525.

movements as potentially dangerous and philosophically untenable, Calhoun described them as extremely misguided: "With more zeal than understanding, [Abolitionism] constantly misconceived the nature of the object regardless of the means, by which it is to be effected."[29] In confronting the political crisis encouraged by Abolitionism, Calhoun continued to defend the standard of original restraint; he affirmed the providential character of social and political existence, as well as the vital nexus between liberty and constitutionalism in American politics. This interrelationship depended upon the Constitution to provide a framework for liberty, but liberty was to be nourished by the diversity of the "authority which created" it, the states, and protected against the numerical majority's inevitable movement towards hegemony:

> To talk of liberty, without a Constitution, or, which is the same thing, an organic or fundamental system of legislation, by which the will of the Government may be effectually coerced or restrained, is to utter ideas without meaning; and to suppose an ultimate power, on the part of Government, to interpret the Constitution as it pleases, and to resort to force, to execute its interpretation, against the authority which created the Constitution itself, is to be guilty of the greatest political absurdity that can be imagined.[30]

Without the concurrent majority, the Constitution could easily be subverted through the machinations of the dominant party. If combined with the concurrent majority, the constitutional framework could be preserved and prosper as the result of their intended union. Calhoun argued that the reclamation of the American political tradition could come from within: through the implementation of the concurrent majority, the Constitution could provide for the greatest amount of liberty possible, and be fortified against any impediments that the tradition might encounter. The concurrent majority was, as we have suggested, part of the Founders' design, as seen in the ratification and amending processes. Against the many criticisms of the Constitution, including the Abolitionists' steady vilification of it as a "pro-slavery compact," Calhoun defended the document as the greatest testament of the country's achievement of freedom under law.[31]

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[29]"Report from the Select Committee on the Circulation of Incendiary Publications," February 4, 1836, *The Papers of John C. Calhoun*, vol. 13, p. 62.

[30]Calhoun to a Committee in Columbia County, Georgia, September 9, 1833, *The Papers of John C. Calhoun*, vol. 12, p. 170.

[31]This method of dismissing the Constitution was prominent during Calhoun's lifetime, and is present in contemporary political thought as well. See Wendell

RESTORATIVE FEATURES

Additional measures or devices conceived outside of the same constitutional ethos and aimed at supporting or reforming political and constitutional structures were, in his view, superfluous and usually counterproductive. The most useful correctives were of an iterative quality, according to Calhoun.[32] For example, efforts at dividing the function of government into departments (sometimes described during the nineteenth century as the "departmental theory" of politics) for the purposes of improving administration and discouraging the concentration of power could never succeed. Unless the departments were distributed to the nation's major regions or "communities" with each given a negative check on the other, the dominant party would simply assume control of the departments and the operation of government.[33]

Calhoun's most famous and perhaps least significant proposal for amending the Constitution, a dual presidency, was offered within the larger constitutional framework and not as a modification originating outside of this realm.[34] In essence, Calhoun advocated a retrogressive theory of constitutionalism, preferring to locate the restorative features of the tradition within the original "purity" of the document.[35]

In returning to the Founding as a guide for facing America's future, Calhoun was influenced neither by a romantic nostalgia for the Founding nor a proceduralism rooted in a faith in measures beyond the Constitution. Instead, a genuine devotion to the republic inspired him. At some junctures, Calhoun seemed to assume a pessimistic posture regarding the future of the Constitution and the American regime. His responses

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Phillips, ed., *The Constitution as Pro-Slavery Compact, or, Extracts from the Madison Papers*, 3rd ed., enl. (New York: American Anti-Slavery Society, 1856).

[32]Frustrated by perceived inadequacies of the American Constitution, many scholars have proposed "extra-constitutional" measures designed to promote particular interpretations of popular rule, although most are of a plebiscitarian cast. See Robert A. Dahl, *A Preface to Democratic Theory* (Chicago: University of Chicago Press, 1956), pp. 134–35; Claude Lefort, *Democracy and Political Theory*, trans. David Macey (Minneapolis: University of Minnesota Press, 1988), pp. 9–20; and Lani Guinier, *The Tyranny of the Majority* (New York: Free Press, 1994).

[33]Calhoun, *A Disquisition on Government*, pp. 27–28.

[34]Calhoun, *A Discourse on the Constitution and Government of the United States*, pp. 275–77. See Cheek, *Calhoun and Popular Rule*, esp. chap. 1.

[35]Calhoun, *The Papers of John C. Calhoun*, vol. 15, pp. 28, 354.

to these problems were most typically critiques of prominent efforts to separate the principles of popular rule under the fundamental law as he understood them—namely, the concurrent majority sustained by voting—from each other. If these elements were diminished in some fashion, freeing the numerical majority from constitutional and concurrent restraint, the Constitution would become a "dead letter."[36]

POSITIVE AND NEGATIVE AUTHORITY

Amidst the possibility of disorder, with anarchy as the worst outcome, Calhoun reaffirmed the mutual compatibility of the concurrent majority and voting as the essence of genuine popular rule. To provide the most salutary foundation for popular rule, both positive and negative authority are needed.

Positive authority comes via participation. With regard to voting, the numerical majority might assist in a limited way to the process of gauging preferences, although its "simplicity and facility of construction" would eventually prove "incompetent" when required to provide for a complex republic.[37] As a positive authority within the political system, voting allows for the establishment of a government by regularly and partially confirming preferences, electing officials, and responding to new circumstances within the country. This positive authority contributes substantially to the regime, supplying government with some of the "power of acting," or, in other words, supplementing the original design for the public sphere with a spirit of animation.[38] As a contribution of positive authority, voting assumes especial importance in a system guided by concurrent measures.

Unlike the numerical majority, the concurrent majority depends upon the citizenry's regular and sustained participation in decision-making. Instead of concentrating upon simple electoral totals to dictate public policy, a concurrent system values the depth of participation as expressed within the communities forming the regime. Calhoun envisioned the concurrent majority as allowing for an extension of the voting "franchise" to a large portion of the citizenry.

The numerical majority also encourages voting, although it makes no distinction between typologies of interest or communities as the natural subdivisions of the republic. The lack of discrimination and

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[36]Calhoun, *The Papers of John C. Calhoun*, vol. 12, pp. 7, 86.

[37]Calhoun, *A Disquisition on Government*, p. 57.

[38]Calhoun, *A Disquisition on Government,* pp. 34–35.

restraint intrinsic to numerical majoritarianism could thwart popular rule. Advocates of the numerical majority are more likely to make way for demagogues or candidates who appeal to the capriciousness of the moment than for leaders with prudence and character.

On the other hand, the concurrent majority gives countenance to the Founders' notion that those elected to office should be virtuous citizens capable of acting responsibly in all matters, and amenable to the needs of the communities they represent. Calhoun anticipated that the concurrent majority would draw upon pre-existing personal restraint and discipline among leaders in various communities, molding people of insight and wisdom to guide the republic. He also believed that some citizens possessed the capacity to lead:

> [I]n governments of the concurrent majority . . . mere numbers have not the absolute control; and the wealthy and intelligent being identified in interest with the poor and ignorant of their respective portions or interests of the community, become their leaders and protectors. And hence, as the latter would have neither hope nor inducement to rally the former in order to obtain the control, the right of suffrage, under such a government, may be safely enlarged to the extent stated without incurring the hazard to which enlargement would expose governments of the numerical majority.[39]

In this regard, the concurrent majority embodies a theory of aristocratic statesmanship, assuming that leaders will exhibit integrity and morality in their daily lives. A theory of concurrent statesmanship requires individual restraint and virtue that will nurture these same qualities in government and in the larger society. The citizenry's opinions and preferences can then be filtered through the leaders, communities, and representative institutions in order to ascertain the "sense" of the republic.

Positive power can establish a government, but it cannot independently sustain the republic. The balance to positive power is the equally vital negative power, the concurrent force behind the Constitution that serves as the most concrete form of restraint in the political order. The negative provides checks against abuse and concentration of power, while at the same time containing a

> mutual negative among its various conflicting interests which invests each with the power of protecting itself,

[39]Calhoun, *A Disquisition on Government*, p. 36.

> and places the rights and safety of each where only they can be securely placed, under its own guardianship.[40]

If "negative power . . . makes the constitution," then government, as the prudent amalgamation of concurrent measures, combined with voting, will provide the diffusion of power necessary to "take the sense of the community by its parts—each through its appropriate organ—and regard the sense of all its parts as the sense of the whole."[41] In "making" the constitution, the negative encourages government, society, communities, and individuals to exhibit the restraint necessary to resist the sinful impulse and related quest for control of the public sphere. The negative aids the weaker, albeit important, human propensity to seek the good against the innate "constitution of man which leads those who govern to oppress the governed," eventually leading to resistance on behalf of the oppressed.[42]

In providing this contribution, the negative or concurrent element also entails a more inclusive approach to resolving potential conflicts within the republic. Instead of yearning to dictate all decision-making by controlling government, the concurrent majority recognizes and incorporates the natural divisions of authority into a coherent whole through a mode of deliberation premised upon compromise. With the numerical majority (and more absolutist forms of governing), the only path to power is in the domination of government. In an effort to avoid the oppression that must eventually result from such a struggle, the concurrent majority relies upon compromise among the constitutive parts of the republic to ameliorate tension and promote cooperation. Even though compromise may suggest unanimity of opinion as an appealing goal, in reality, such a thorough consensus is improbable.[43] The concurrent majority, therefore, offers the best practicable indication and public confirmation of preferences. It contributes substantially to affirming popular rule by depending upon this exchange of ideas among the groups or divisions, furthering the peaceful resolution of conflict. Without such a diffusion of power and interactivity among the parts of the republic, decision-making could lead to conflict and eventual despotism or anarchy. The alternative to the concurrent majority's reliance on compromise is force, and Calhoun urged the avoidance of conflict whenever possible.

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[40]Calhoun, *A Disquisition on Government*, p. 28.

[41]Calhoun, *A Disquisition on Government*, p. 29.

[42]Calhoun, *A Disquisition on Government,* p. 30.

[43]Calhoun, *A Disquisition on Government,* pp. 50–53.

In presenting his understanding of positive and negative power, Calhoun explained how the concurrent majority served as the greatest theoretical and practical achievement of the American political experience: the government of the concurrent majority implied a sacred obligation to protect the country and provide order. The "voice of the people," expressed most completely through concurrent means, and united against the sinful impulse, approximated the "voice of God" in this effort to preserve society.[44]

CONCLUSIONS

Relying upon a providential view of social and political life, Calhoun believed that republican government must amount to more than the flux of voting and interest coalitions, political parties struggling to possess the "honors and emoluments" associated with patronage, and the pursuit of power. The numerical majority naturally fosters the rise of two political parties determined to control government. The numerical majority is also guided by the desire to monopolize the perquisities that accompany majority status in the regime. The struggle for superiority between two political parties usually limits and confines participation in government to a portion of the majority party, and ensuing political struggles provoke a movement toward the inevitable "concentration of power" in the general government.[45] The only remedy against the maladies associated with republican government can be found in the concurrent majority. As Calhoun's tonic against the devolution of republics into "debased" forms of popular rule, the concurrent majority provides the theoretical and practical ingredients to ensure survival.

Perhaps the most neglected and important contribution of Calhoun's concurrent majoritarianism concerns the cultivation of moral habits and self-restraint among the citizenry. The concurrent majority, as

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[44]Calhoun, *A Disquisition on Government,* p. 31.

[45]Calhoun, *A Disquisition on Government,* pp. 32–33. During his lifetime, Calhoun typically avoided associations with national parties, interpreting their function as self-preservation. See *A Discourse on the Constitution and Government of the United States*, p. 218. The possibility of a party that would embody the agrarian concerns of a large portion of the nation, or at least the South, was, however, occasionally appealing to the statesman. See Calhoun, *The Papers of John C. Calhoun*, vol. 15, p. 172; and John C. Calhoun, *The Works of John C. Calhoun* (New York: D. Appleton, 1853–55), vol. 4, p. 394.

we have argued, assists a republic in resolving disputes, and, thus, "tends to unite . . . and to blend the whole in one common attachment to the country."[46] The spirit of compromise reduces tensions and encourages "each portion to conciliate and promote the interests of the others . . . towards purifying and elevating the character of the government and the people, morally as well as politically."[47]

This attribute becomes even clearer when viewed in light of the numerical majority's shallowness in relation to the complexities and profound dilemmas of politics. With its goal of controlling government at any cost, it must remain more devoted to political party than to any other objective, including the survival of the republic. In other words, political success becomes synonymous with electoral success. It follows that the numerical majority contains no impediment against the drive for control, or what we might describe as political egotism. The conflict and struggle for power it fosters further defines the numerical majority. This egotism, or unbridled self-interest, is the predominant characteristic of the plebiscitarian or simple democratic variety of popular rule.[48]

Against the egotistic urge, the concurrent majority's promotion of the diffusion of authority remains of vital importance, but its capacity for encouraging self-restraint is potentially even more significant. Predisposing individuals at home and in local associations to practice self-restraint and moral leadership will benefit communities in general and society as a whole and eventually impact the government.

Calhoun's work as a statesman and political theorist encouraged a return to the original diffusion of political authority and authentic popular rule. He was a systematic political thinker in the larger Western tradition that ennobles liberty grounded in personal restraint, and is a figure of significance to a larger audience because he frames this theory of politics and conflict resolution as an alternative to political partisanship and superficiality. For Calhoun, restraint and concern for the common good were more important than the perpetuation of any

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[46]Calhoun, *A Disquisition on Government*, p. 37.

[47]Calhoun, *A Disquisition on Government,* pp. 38–39.

[48]Egotism of this sort may also be associated with Thomas Hobbes, although recent studies have aptly presented him as a defender of self-interest as well as the commonwealth in opposition to "political disintegration." See David Walsh, *The Growth of the Liberal Soul* (Columbia: University of Missouri Press, 1997), p. 114.

particular regime or political party.[49] In recovering Calhoun's theoretical contributions, the limits of the hegemonic state are more easily appreciated, critiqued, and challenged.

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[49]"I would do any thing for Union, except to surrender my principles," in Calhoun to B[olling] Hall, February 13, 1831, *The Papers of John C. Calhoun*, vol. 11, p. 553.

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