

JOHN C. CALHOUN
AND THE SOCIAL CONTRACT

A Thesis

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ABSTRACT

A review of the scholarly literature on John C. Calhoun reveals that many of the critical questions about his political philosophy are as yet unresolved. One of the most important of these concerns Calhoun's relationship to the social contract theory. The question is a difficult one because Calhoun presents a number of arguments, some showing his clear debt to the traditional contract perspective, and others seeming to indicate an organic approach. To resolve this question - whether or not Calhoun is a contract theorist - calls for a clarification of the contract theory as it appears in the Anglo-Saxon and American tradition. This thesis attempts such a clarification by elucidating the basic elements of the contract theory as they appear in Locke's Second Treatise; Locke being selected both for his pre-eminence as a contractarian and his influence on American thought. Using these elements as a standard, we then examine Calhoun's major work, A Disquisition on Government to determine as precisely as possible Calhoun's perspective. It is our conclusion that each of these basic elements of contract theory is present in the Disquisition and thus that Calhoun is not an "organicist" but remains within the contract tradition.

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The name of John C. Calhoun continues to command attention for those who would understand the American political tradition. Calhoun's impact both as statesman and thinker is beyond question. In order to have a just estimate of Calhoun's importance, the nature of those early decades must be appreciated. At Calhoun's birth the Revolutionary War was not yet over. His childhood was set against the background of his father's intense political activity in the ratification struggle over the Constitution (he opposed it), and the fight for "up-country" representation in the South Carolina legislature. At school Calhoun followed the union's first bitter political struggle over the Alien and Sedition Acts, and later the attempts to avoid the widening European conflict.

The Constitution had yet to acquire the sanctity of tradition when Calhoun arrived in the nation's unpaved capitol. The founders themselves were still the leading political figures of the day, actively engaged in partisan disputes. It was a time when an able individual, by his own efforts, could still alter the course of the government. Such opportunity called forth men of a calibre rarely seen in public life. Calhoun, serving as congressman, senator, cabinet officer, and vice-president in a career of forty years, is

certainly in this category. On more than one occasion Calhoun succeeded in placing his personal stamp upon the policy of the government. Yet for all this Calhoun has still a greater and more enduring significance.

Calhoun was more than a statesman: he is a philosopher. In A Disquisition on Government Calhoun presents one of the few serious theoretical works of political thought ever produced in America. Calhoun attempts to give "a clear and just conception of the nature and object of government". Calhoun desires to explain not just the American order, but the first principles of government itself. In order to do so Calhoun, as any philosopher, identifies the critical issue, "the law of our nature", which dictates both the necessity and proper form of government. Calhoun's approach, in the words of one writer, "puts his Disquisition in a class of which it is almost the sole example: an American political theory."² Given the work's uniqueness, not to mention its author's prominence, one would assume serious efforts on the part of scholars to gain an adequate understanding of the Disquisition; however, this has not been the case.

An examination of the scholarly literature makes it evident that anything resembling a complete exposition of

Calhoun's political thought remains to be done. The majority of the work on Calhoun is of a biographical nature. The best of these is clearly Charles M. Wiltse's three volume study, John C. Calhoun, Nationalist, 1782-1828; Nullifier, 1829-1839; and Sectionalist, 1840-1850. Wiltse provides a detailed account of Calhoun's public life and avoids the simplistic attitudes concerning motives that earlier biographies exhibit. Wiltse, of course, speaks at length about Calhoun's philosophic efforts but does not subject them to any systematic analysis. The other biography worthy of mention is Margaret L. Coit's, John C. Calhoun: An American Portrait. Coit's major service is the more human picture she provides of Calhoun. Although Coit has an approach not unlike that of the "psycho-historian," the book is useful in providing a more balanced view of Calhoun's qualities as a man. Like Wiltse, Coit does not really offer a rigorous interpretation of Calhoun's thought.

Most of the analytical works on Calhoun are articles in various anthologies of American thinkers. Generally some aspect of Calhoun's position is examined and pronounced as the key to understanding Calhoun. Typical of these is Richard N. Current's "John C. Calhoun, Philosopher of Reaction." Current sets the tone of the article with his

statement, "Wherever contemporary Bourbons take counsel together, somewhere in their midst hovers the ghost of the great Nullifier."³ Current then goes on to identify the defining element in Calhoun's philosophy as the concept of class struggle. Calhoun, on this view, recognizes the inevitable restlessness of the rapidly expanding proletariat and is actually advocating a "sinister" alliance between Northern capitalist and Southern planter. Current makes his case with a series of quotations distinguished only by the minor role they play in understanding Calhoun. Nowhere does he mention Calhoun's theory of human motivation or his view of the relationship of society and government. This type of analysis - ignoring passages not supporting a particular thesis - is clearly inadequate for even a rudimentary understanding of Calhoun.

The disappointing state of the analytical work on Calhoun illustrates the difficulty of studying the man of action and theory. Without question much of the literature on Calhoun is vitiated by the inability to divorce Calhoun's theoretical statements from his well-known political stands; the most obvious, of course, being the defense of slavery. Such an attitude precludes an understanding of what Calhoun may teach us about the American political tradition on any but the most

basic of levels. It inevitably reduces analysis to a plane little above that of expose journalism. This is not to say the student should ignore Calhoun's political interest in seeking a fuller understanding of his philosophical views; but only that the latter not be reduced completely to the former. Such an identification pursued to the limit forecloses the possibility of philosophy itself.

The continued attention Calhoun receives - regardless of the quality of that attention - indicates there is little consensus as to Calhoun's proper place in the American political tradition. Still less certain is Calhoun's place in the Anglo-Saxon tradition of which the American experience is a part. A major difficulty in this task, apart from the one mentioned above, lies in the tension between the contractual and organic elements in Calhoun's thought. The purpose of this thesis is to locate Calhoun more accurately in the Anglo-Saxon and American political tradition by determining as precisely as possible both Calhoun's debt and point of departure from the contract school. Let us now briefly outline the course of the thesis.

The thesis begins with a discussion of some of the well known contractual and organic elements in Calhoun's writings. Calhoun's most explicit commitment to the contract

symbol is his view on the nature of the United States Constitution. The origin of the Constitution is a compact between the sovereign states, which alone have the authority to decide if and when the terms of the compact, i.e. the Constitution, are being abrogated. In the Disquisition, however, Calhoun makes certain statements which seem to undermine the basic assumptions of contract thinking as it is generally understood. The assertion that man is a "social being", who at no time or place has ever been without government, as well as Calhoun's direct attack on the "dangerous error" or positing a state of nature in which every man is free and equal, seem to place Calhoun outside the contract school.

The resolution of the question requires the identification of the essential elements in contract theory. This is to be done by an examination of Locke's Second Treatise on Civil Government. Locke was selected because of his classic formulation of the contract and his undisputed influence on American thinking. Having done this, the Disquisition is then analysed in light of these elements in order that their proper impact in Calhoun's thought can be determined. Finally, some tentative suggestions are offered for interpreting other aspects of Calhoun's theory in view of our conclusion.

Many have noted the fact that in time of crisis the more profound issues confronting society are most likely to be visible. It is only then that men, pressed to the limit, can see the very foundations of human order. Clearly the crisis of Calhoun's time was the gravest this society has ever faced; and clearer still is the position of the Disquisition as the sole theoretical tract of that time. This surely entitles Calhoun to the most serious attention. This thesis is an attempt to provide a small portion of that attention.

FOOTNOTES

1. References are to The Works of John C. Calhoun, ed. Richard K. Crallé' (6 Volumes) O. Appleton and Company, New York, 1883. The Disquisition and A Discourse on the Constitution and Government of the United States are in Volume one.
2. Ralph Lerner, "John C. Calhoun" in American Political Thought. The Philosophic Dimension of American Statesmanship, Morton J. Frisch and Richard G. Stevens ed. Charles Scribner's Sons, New York, 1971.
3. Richard N. Current, "John C. Calhoun, Philosopher of Reaction" in John C. Calhoun A Profile, John L. Thomas, ed., Hill and Wang, New York, 1968.

Conflicting strains in Calhoun's thought have long been recognized. Our thesis is concerned with the resolution of the apparent tension between the contractual and organic elements. We will attempt at this time to illustrate that tension by looking at some well-known examples of both elements. To establish Calhoun's reliance upon the contract symbol and his dexterity in applying it, we will refer to his explication of the nature and origin of the Constitution. Such a choice has a number of advantages. Calhoun's use here of contract terminology and reasoning is straight-forward and beyond question, no elaborate interpretation is necessary. Calhoun's explanation also reveals a thorough mastery of the contract position. Finally, it demonstrates that Calhoun, when pressed to explain the formation and nature of an actual political order, selects the contract as a valid and intellectually defensible method of doing so. Calhoun states his position on this issue most concisely in A Discourse On The¹
Constitution and Government of The United States, and the Fort Hill Address²; our discussion will rely on these two works.

The organic elements in Calhoun are seen most clearly in the Disquisition. They are disturbing because, at first glance, they seem to undermine the basis of contract thinking

as it is normally understood. Statements in the Disquisition describing man as a "social being" whose natural state is the social and political, or Calhoun's attack on the state of nature as an example of loose thinking, certainly appear to put Calhoun at odds with the contractarians. Let us now examine some of the conflicting elements more closely.

The precise nature and meaning of the United States Constitution is a question to which few men have devoted more attention than John C. Calhoun. It is not surprising. The bitter struggles marking Calhoun's career - the Bank, the tariff, the territories - are all, in large measure, conflicts over the meaning of the Constitution. What is the exact relationship between the states and the central government? Who is to judge the extent of the federal government's power, the government itself or the states? To Calhoun the answers to such questions are to be determined on the basis of an analysis of the document itself and the process which created it. Calhoun believes that such an analysis can lead only to the conclusion that the Constitution is the result of a "compact" between the states.

In the Discourse, Calhoun begins by pointing out the sovereign, independent status of the states prior to the Constitution. This point is so well known, states Calhoun,

that no difference of opinion is possible. Throughout the revolutionary period and that of the Articles of Confederation, the essential political fact was the sovereignty of the States. Calhoun cites as authority the Articles themselves, "Each State retains its sovereignty, freedom and independence; and every power, jurisdiction, and right, which is not, by this confederation expressly delegated to the United States in Congress assembled."³ This established, Calhoun then examines the process by which the Constitution was created and adopted to determine if the States construed such an action as a surrender of their sovereignty. Put differently, Calhoun is inquiring if some new community, distinct from the States and superior to them, was formed by the adoption of the Constitution. Such a change, "would have involved a thorough and radical revolution, both socially and politically."⁴ To demonstrate no such change in fact occurred, Calhoun first determines "by whom" and "for whom" the Constitution was established.⁵

To Calhoun the entire process by which the Constitution was formed and adopted is testimony to the sovereignty of the states. The delegates to the Philadelphia Convention were selected by the various states. In their deliberations they voted by states, each having one vote. Their work com-

pleted, they submitted the plan to the Congress, which itself, as mentioned above, was emphatically the creature of the states. Calhoun cites the letter introducing the Constitution as referring to the necessity for a "different organization"; no mention of any alteration in the relationship of the states to one another is made. Calhoun then points out that the term "national," which might connote some new relationship, was proposed in the Convention, but discarded after serious debate, and is nowhere found in the document.⁶

Calhoun believes the ratification procedure specified for the Constitution is further proof that it was considered as a "compact" between the states - the states being the representatives of the people. The Constitution would become effective upon the ratification by nine of the thirteen states. No national referendum to decide the issue by a majority vote was to be used. Each state would select a convention to decide on ratification and each State would have one vote, regardless of its size. Calhoun notes that the states not ratifying, as, in fact, was the case for a time with North Carolina and Rhode Island, were treated as foreign states, having no standing under the Constitution. Thus, for Calhoun, the record is clear; the Constitution was the result of a "compact" between the individual states and in

no manner formed a new "national" community, in contradistinction to the independent ones already in existence.⁷ Yet further proof is in the document itself.

The Constitution created a "Federal" government as opposed to a national or "consolidated" one. For Calhoun this is the only arrangement consonant with the continued sovereignty of the states. The plan by its very nature proves it can only be the result of a compact. It not only established a central government, it also defined the relationship between the government of the Union and those of the states; i.e. it ordained a "system of governments."⁸ The two governments, "stand to each other, in the first place, in the relation of parts to the whole,"⁹ together forming the entire government. This is not in reference to their organizations, for each is complete in this respect, but to their powers. The general government's powers were those which were specifically delegated to it. Calhoun makes it clear that the criterion for deciding whether a power should be placed with the general government was a determination of which government could exercise it most "safely or effectually."¹⁰ Thus the power of handling the relations of the Union with foreign states was assigned to the central government, it being decided that each state was

incompetent to decide matters most likely to affect them all. In this manner the central government was assigned its proper sphere of action; the powers not delegated to it being left to the states. Calhoun points out that the states made their intention clear in this matter by the passage of a Constitutional amendment (X), immediately following the ratification. The amendment reflected the concern of many of the ratifying conventions, especially Virginia's, that the Constitution not be construed as having any authority but that expressly assigned it.¹¹ For Calhoun the two governments in a federal system, must be co-ordinate and equal - equal in the sense that each has an equal right to exercise powers assigned to it. Each is supreme in its own sphere, but in that sphere alone. The obvious question, as Calhoun knows full well, is who shall decide the extent of the powers given to each government when there is a dispute.

The answer to this question, for Calhoun, must start with the fact that the people are ultimately sovereign. They are so through their communities, the states, there not being, strictly speaking, a "national community." In their sovereign capacity the people first created their state constitutions and then, as states, the Federal Constitution. The Constitution was the result of an agreement of the several

states. The government created by the Constitution was not a party to the compact, but rather the result of it. Any dispute as to the final meaning of the terms of the compact must be referred to the parties involved, this being, "essential to the nature of contracts." Such a result is unavoidable, Calhoun points out, if the Constitution is held to be a compact, and to do otherwise is to ignore the facts of political history, as well as the document itself. What other interpretation can the article declaring the Constitution shall become effective, upon the ratification of nine states, between the same, possibly have? Finally, Calhoun does not rely on his own authority on such a grave matter, but summons that of Madison and Jefferson. In the Virginian and Kentucky resolutions protesting the Alien and Sedition Acts, these States maintained the right to judge if acts by the general government violated the Constitutional compact. They further claimed the right to suspend the enforcement of such an act within their borders.¹² For Calhoun no "higher authority" on the true nature of the Constitution can be found.

Thus we have seen that Calhoun is thoroughly adept at contract reasoning and can apply it without reservation to an actual political system. Calhoun repeatedly used the

"compact" view to sustain his arguments against various proposals put forth which tended to "consolidate" the union. It has not been our purpose to defend Calhoun's explication of the Constitution, but merely to demonstrate the influence of the contract symbol in it. Now, however, we shall examine an aspect of Calhoun's thinking which appears to be at odds with any reliance upon the contract view.

Before describing some of the organic elements in Calhoun, a few remarks about "organicism" as opposed to contractualism are in order. The key element of "organic thinking" is the assertion that the state is a natural form of human association, necessary for the physical and moral development of the race. The state is prior to the individual in the sense that the whole is prior to the part. That which is outside the political association is, in Aristotle's words, "either a beast or a god: he is no part of a state."¹³ Thus a "state of nature" as portrayed by contractarians, in which men are not under government, is obviously incompatible with "organic thinking." On this view the government cannot be an artificial construct formed with the consent of its members. Consent, in fact, is not the basis of political obligation, rather, the duty to obey the pronouncements of the political order is founded upon the need to preserve

society - the precondition of human existence. Finally, the state is not "created" in the sense of coming into being at a certain time as a result of human action. Instead it is the product of a natural process of growth and expansion. These very briefly then, are the major elements of "organicism." If Calhoun is an organic theorist, the above kinds of assertions should be present in his work. In other words Calhoun should tell us that man belongs naturally in society and under government; that consent plays little or no role in the maintenance of the political order and, that the state is the result of a process of growth not conscious human action. To determine these things we must consult Calhoun's primary theoretical work, A Disquisition on Government.

There are a number of assertions in the Disquisition which, at least on one level, meet the criteria for organic thinking mentioned above. What, for Calhoun, is the natural condition for Man?

I assume as an incontestable fact that man is so constituted as to be a social being. His inclinations and wants, physical and moral, irresistibly impel him to associate with his kind; and he has accordingly, never been found, in any age or country, in any state other than the social. In no other, indeed could he exist, and in no other - were it possible for him to exist -

could he attain to a full development
 of his moral and intellectual faculties
 or raise himself, in the scale of being, ¹⁴
 much above the level of the brute creation.

Clearly then, Calhoun, in terms recalling those of Aristotle, considers man to be a "social being." Society, however, cannot exist alone, government - "the controlling power" - is necessary for the preservation of society. As in the case of society, man has never been found without government. Calhoun regards both these statements as self-evident and not requiring proof; they rest on "universal experience."

In similar fashion Calhoun disposes of the notion that a "state of nature" existed prior to the formation of society and government. This "great and dangerous error" has man living in isolation, each the sole judge of his own affairs. Such a state is "purely hypothetical," it being incompatible ¹⁵ with the nature of man, reason and experience plainly dictate. Government, then, in the crude sense of a level of organization sufficient to prevent anarchy and chaos, has always been present, "like breathing, it is not permitted to depend on our volition. Necessity will force it on all communities in some one form or another." ¹⁶ Having always been present - at least in some rude form - government, for Calhoun, is obviously not a device of human invention, but a reflection of God's choice as to the condition best suited to man's

"instincts and capacities."

A number of writers on Calhoun, both sympathetic and critical, have commented on the organic tenor of the Disquisition. Louis Hartz, for example, considers the tension in Calhoun between the contrary strains as proof that Calhoun is at bottom a muddled thinker. Calhoun resurrects the compact in the Constitution only after having destroyed its basis - Locke's state of nature - "in a blaze of organic glory."¹⁷ Hartz does not subject the tension to an involved analysis: for him Calhoun's organicism is obviously the result of a lame attempt to justify slavery. At the other end of the spectrum is August O. Spain. Spain - who considers Calhoun to be a first-rate thinker - devotes a chapter to the explication of Calhoun's organic perspective in which he draws parallels between Calhoun's ideas and those of the early Greeks.¹⁸ Spain clearly considers this to be a plus for Calhoun, avoiding as it does the numerous difficulties of contract reasoning. However, we shall return to both arguments later, for now our aim being only to make clear the weight of opinion regarding organicism in Calhoun.

Thus, there are apparently serious tensions in Calhoun's thought. We have seen Calhoun unhesitatingly use the contract to describe an actual political system, and in

a manner which demonstrates his thorough familiarity with such a theory's finer points. On the other hand, a preliminary scan of Calhoun's major treatise, A Disquisition on Government, has revealed assertions which seem to undermine the logical basis of a contract position. In order to resolve this tension, and thus place Calhoun more precisely in the American political tradition, we must move to a wider frame of reference. More specifically we must examine the notion of the contract in the American tradition. To do so we must look, not at an American, but at the Englishman, John Locke. For Locke is not only one of the pre-eminent contractarians in the Anglo-Saxon tradition: he is one of the major apostles of the American political creed.

FOOTNOTES

1. Richard K. Crallé', ed., The Works of John C. Calhoun, 6 vols. (New York, 1854-1857), I 111-406. Hereafter cited "Works."
2. Works, VI, 59-94. The work popularly known as the "Fort Hill Address" is formally titled, "Address on the Relations of the States and Federal Government."
3. Works, I, 115.
4. Ibid., 122.
5. Ibid., 128.
6. Ibid., 115-120, 161.
7. Ibid., 120, 195.
8. Ibid., 197.
9. Ibid., 199-200.
10. Ibid., 200.
11. Ibid., 247, 250.
12. Thomas Jefferson and James Madison, The Kentucky and Virginia Resolutions.
13. Aristotle, Politics, 1253a.
14. Works, I, 1-2.
15. Ibid., 58.
16. Ibid., 8.
17. Louis Hartz, "The Constitution: Calhoun and Fitzhugh," John L. Thomas ed., John C. Calhoun A Profile (New York, 1968).
18. August O. Spain, The Political Theory of John C. Calhoun, 82-84, (New York: Bookman Associates, 1951).

Any study concerning social contract theory in America must necessarily consider the philosophy of John Locke. His Second Treatise of Government was a primary source for the men who created the new American order. Following the lead of Hobbes, Locke had presented a radically different type of contract as the legitimate basis of "civil society." The traditional contract, dating from quite early in the medieval period,¹ consisted of an agreement between a ruler and his subjects, setting forth the responsibilities of each. Locke's contract, however, was between individuals in a "state of nature" who by their mutual agreement formed civil society itself. This contract was to be the very basis of the political community; not a mere device ordering the relationship of those already in civil society. The government appointed after such a contract would not be a party to the contract itself, but would be of the nature of a trustee, thus adding an element of accountability missing in Hobbes. Such a theory was well suited to the needs of the Americans. The older version of the contract, mentioned above, had initially been used by the colonists in the struggle with England with great success; it could not, however, be used to explain a system in which the people were to be sovereign. The Lockean contract could give theoretical justification to such an

arrangement and it became a major part of the emerging American doctrine.²

This chapter, obviously, can only give Locke's argument a brief examination. Our intent is to point out those elements, basic to the contract perspective in Locke, which were carried into the American tradition. If successful, we may then have some standard by which to judge whether a particular thinker, such as Calhoun, falls within the tradition.

Having refuted Filmer's patriarchal theory in the First Treatise, Locke attempts in the Second Treatise to give both the true origin of political power and the proper way to learn who may exercise it. Locke begins by defining political power, which, he points out, is not to be confused with any other type:

Political power, then, I take to be a right of making laws with penalties of death, and consequently all less penalties, for the regulating and preserving of property, and of employing the force of the community, in the execution of such laws, and in the defense of the commonwealth from foreign injury; and all this only for the public good.³

To learn how this power comes about we must, "consider what state all men are naturally in": that is, we must examine the "state of nature." For Locke, this pre-political state

is the key to understanding how the political community, i.e., civil society is to be organized; from its characteristics will come the specific form of the "commonwealth." Obviously, then, we must get a clear notion of this "state of nature" if we are to understand what Locke is teaching, unfortunately this is no easy task for Locke says a number of different things concerning it.

The state of nature, upon first impression appears to be almost idyllic. Men are free and equal, each seeing to his own affairs without interference from others. This is possible, Locke tells us, because the state of nature:

...has a law of nature to govern it, which obliges every one, and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions...

Thus reason, "the common rule and measure God hath given to mankind, "prevents the state of nature from lapsing into anarchy. The law of nature, whose main function is to insure the "peace and preservation of all mankind," seems to be clear enough in its dictates to the vast majority of men, as indeed it must if the state of nature is to avoid chaos. It is, in fact, "plain to a rational creature"; Locke even goes so far as to say the law of nature is as clear or

clearer than the positive law of civil society.⁵ Nonetheless, there are some men who ignore the law of nature, thereby becoming "noxious creatures" that endanger the security of their fellows. These individuals have "quit the principles of human nature," and may justly be destroyed as are the other "wild savage beasts" that threaten human society, thus man in the state of nature may enforce the law of nature against those who violate it. This must be, Locke tells us:

For the law of nature would, as all other laws that concern men in this world, be in vain, if there were nobody that in the state of nature had a power to execute that law, and thereby preserve the innocent and restrain offenders.⁶

Furthermore, every man may execute the law of nature for this is a state of "perfect equality": what one may do, all may do. The law of nature, however, only permits death in extreme cases; lesser violations are to be punished to ensure "reparation and restraint" alone. Men must be guided by "calm reason and conscience" in punishing transgressors; indeed to go beyond these bounds is itself a violation of the law of nature. Despite the presence of these miscreants, Locke continues to portray the state of nature as generally serene. It is certainly not to be confused with a state of war, which Locke reminds - in a thinly veiled thrust at Hobbes - some

have done. The state of nature is men living without a "common judge with authority;" the state of war is "force without right," whether there is a common judge or not. Thus the two states are,

...as far distant as a state of peace, goodwill, mutual assistance, and preservation; and a state of enmity, malice, violence and mutual destruction are one from another.⁷

It was noted earlier that Locke says a number of different things about the state of nature; this becomes apparent by the middle of the Second Treatise, i.e., in section 123. Here, and in the sections immediately following, Locke describes the actual formation of civil society, i.e., the political community. The state of nature, just prior to the new community, has undergone a subtle but profound transformation; the violators of the law of nature, seemingly so few and far between in the original formulation, now dominate the scene.⁸ In fact, we now see the "greater part" of mankind being described as "no strict observers of equity and justice," having as a result a state in which men though free, are nevertheless "full of fears" and subjected to "continual dangers." The state of nature is but an "ill condition" in which "the corruption and viciousness of degenerate men" will not allow their fellows the enjoyment of

their "lives, liberties, and estates." What, one may fairly ask, has happened to the law of nature, "plain to a rational creature," which was supposed to govern the state of nature? Locke tell us, in effect, that this standard was to no avail, for though it is clear,

...men being biased by their interest,
as well as ignorant for want of study
of it as a law binding to them in the
application of it to their particular
cases. 9

Men, it now appears, are not able to apply the law of nature to concrete cases, for they are blinded by their own interests. Even if a man is able to apply it in an individual case, it is likely he will be carried away by "passionate heats or the boundless extravagancy of his own will," and exceed the standards for retribution nature has set.¹⁰ This, in turn amounts to "force without right," and would subject the individual engaged in the excessive punishment to the justified wrath of his victim, thereby setting off another round in what must be an endless cycle. It should now be apparent that the distance between the two states, which Locke implied in his analogy, is not so great after all.

Locke continues the transformation of the state of nature by specifying its three critical deficiencies. First, there is the lack of a "settled, known law," - clearly

implying the law of nature was neither - to be the standard in deciding disputes. Until there is such a law, agreed to by all, no actual peace is possible. Secondly, the state of nature lacks a "known and indifferent judge" with the authority to resolve controversies about the law. Men, because of their very natures, are manifestly not competent to be judges in their own cases. Thirdly, there is no power in the state of nature, beyond that of a single man and perhaps those he can convince to help him, to enforce the sentence "when right and to give it due execution." The very attempt to do so is dangerous and "frequently destructive to those who attempt it." The result of these "inconveniences" is a state of nature which is indistinguishable from the state of war.

Thus it is little wonder that men are "quickly driven" into civil society, for the only other choice is chaos. Civil society is now a "state of peace," a "sanctuary," in which men are no longer subject to the arbitrary wills of other men: a state where "lives, liberties, and estates" are secure. However, if the civil society, created by the contract is to be such a haven, and replace the state of nature, its government must be of a certain form. Absolute monarchy, Locke points out, will not do, and "is indeed inconsistent

with civil government." For when both the legislative and executive power are combined in one man,

...there is no judge to be found, no appeal lies open to anyone, who may fairly and indifferently, and with authority decide, and from whence relief and redress may be expected...¹¹

Locke then, in the succeeding sections of the Second Treatise, advocates constitutional government, in which the legislative power is put "into the hands of divers persons" and then in turn is separated from the executive power.¹² Only this structure can overcome the temptations of "human frailty" which, if unchecked, will subvert the "trust" government is based upon, and bring back the state of war.¹³ If such an arrangement is maintained, men will ascend to a higher plane of existence, one of security, peace and prosperity: a state Locke implies is more "fitting" for man than the uncertain "state of nature."

The critical importance of the state of nature in Locke's doctrine - and the subsequent contract tradition - is now clearer. This state of man, though social and seemingly congenial, turns out, upon closer inspection, to be undesirable. In fact, it is a time of chaos, virtually indistinguishable from the Hobbsian state of war. Men, to protect their very lives, not to mention their properties,

are compelled to form civil society. This new state, the "commonwealth," is an artificial construct, created and maintained by human reason. However, this higher level of order, though a radical departure from the state of nature, is not independent of it, for the government which serves the new order is formed, limited, and judged by the specific characteristics of the state of nature. Up to this point, we have confined our analysis of the state of nature largely to its formal aspects, not delving too deeply into its substantive qualities. In other words we have not sufficiently considered the question of how and why the state of nature degenerates into a state of war. To do so it is necessary to examine the sections in the Second Treatise concerning property, for here Locke reveals many of his deepest thoughts about man, the state of nature, and the fuller purposes of political society: thoughts having a profound effect upon the American political tradition.

Locke's stated purpose in this chapter is to demonstrate how man comes to have private property before civil society.¹⁴ This issue has been "to some a very great difficulty" for revelation - according to Locke - has it that God has given the earth "to mankind in common." But God has also given men reason, which tells them they have a

"right" to their preservation, and thus to those products of the earth necessary for life. For there must, "of necessity be a means to appropriate them some way or other," if men are to benefit from nature's bounty. Locke supplies the solution by pointing out that, though the fruits of the earth belong to mankind in common, men have "a property in their own person," and consequently sole possession of the labor of their bodies. As such,

Whatsoever, then, he removes out of the state that nature hath provided and left it in, he hath mixed his labour with it, and joined to it something that is his own, and thereby makes it his property. ¹⁵

The mere act of adding his labor to some good, previously in the common store of mankind, changes it from something all men have a right to, and makes it the sole property of an individual. This title begins as soon as a man mixes his labor, for it is then that something else has been added, over and above what nature has supplied. Thus an acorn or an apple becomes a man's at the moment he picks it, and no man can rightfully take it from him. This even holds true in civil society, Locke reminds, when men take from a still common source, such as the sea; surely no one would question the fisherman's right to his catch. Land, as well as the more spontaneous products of nature, becomes the property of

a man when he labors upon it, and it is that labor which makes the land useful. For labor does more than give title to property in the state of nature, it makes up the greater¹⁶ part of the value of that property.

Labor, the effort of man, is what makes property worth having. For God, Locke implies none too subtly, has not been generous to man: "nature and the earth furnished only the almost worthless materials as in themselves." Man's condition has compelled him to work, and it is only by work that he has progressed. Thus it is that, "whatever bread is more worth than acorns, wine than water, and cloth or silk than leaves,¹⁷ skins or moss, that is wholly owing to labour and industry." Labor supplies, in fact, 999/1000 of the benefits man gets from nature. It is due to labor alone that "a king of a large and fruitful territory there (America) feeds, lodges,¹⁸ and is clad worse than a day labourer in England."

Though labor gives just title to property in the state of nature there is a limit to what a man may acquire. For God has intended the world for the "support and comfort" of man, and, "nothing was made by God for man to spoil or destroy." The property a man may have, then, is bounded by spoilage, one may amass only that amount that can be used before it rots, to go beyond this is a violation of the law

of nature. Men, however, desire to enlarge their properties beyond this limit in order to preserve themselves more securely, and so it is not long until money is invented. Money allows man to overcome the problem of spoilage and thereby justly increase his possessions. For it is,

...some lasting thing that men might keep without spoiling, and that, by mutual consent, men would take in exchange for the truly useful but perishable supports of life.¹⁹

For Locke it is the creation of money which allows man to give full vent to his energies and appetites. Until there is some medium of exchange, no man would take the effort to increase his store of goods, only to see them rot, but with money, one can exchange the excess for it. The net effect is a tremendous incentive for the "rational and industrious" who quickly outstrip other less enterprising men. In this manner, Locke concludes, men have agreed, without the aid²⁰ of political society, to an unequal division of property.

Though money has allowed men to take full advantage of their vigor and intelligence in providing for themselves, its effects have not been entirely wholesome. Locke speaks of the passing of "that poor but virtuous age" in which disputes were generally mild affairs, few and far between.²¹

Indeed, it was a "golden age," having less arrogant rulers and more virtuous subjects. Money, however, in permitting

large disparities in the possessions of men, has excited in them "vain ambition" and "evil concupiscence."²² The result is a tremendous increase in the level of conflict, for men, having circumvented the law of nature concerning property, are seemingly unwilling to follow its other dictates. Thus we arrive once more at the turbulent description of the state of nature mentioned above, this time, however, having a fuller understanding of how and why the state of nature has become a period of uncertainty and fear. At this point we can attempt a deeper analysis of the forms and purposes of Locke's civil society.

To Locke, private property represents man's basic response to his situation on this earth. It is the natural result of man's unique faculties and abilities being applied to the physical world. Through the invention of money, man supercedes nature's limits to the accumulation of property, and begins in earnest the transformation of nature for the satisfaction of his wants. Money permits exchange and specialization, providing the incentive for increased effort and innovation; man can now use his capacities to the fullest. The critical point here is that all this takes place outside the bounds of political society; for Locke society - though flawed and in need of a "remedy" - rather than the institution

of government, fulfills man's most basic needs. Thus society is superior to "civil society" whose primary function is to protect the property, and the ability to acquire it, men had in society. The contract is an ideal symbol for the authorization of such a subordinate political sphere, so limited in its aim and scope. For this political order is not to remake man or complete the formation of his character - the classical goals of politics - rather it is to restrain the "quarrelsome and contentious" so that the "rational and industrious" can go about their business. Government is to be viewed as an artificial construct, a device, created by man to better regulate the workings of society. In order to perform its tasks government needs great power - Locke intends to restrict government's goals, not its strength - for it must maintain internal order and guard against the encroachments of other states. This government must also, however, be designed in such a fashion as to remain within its proper sphere, and not oppress the people; here we recall Locke's ideas on such constitutional arrangements as separation of powers and a mixed legislature. We can get a clearer idea of what Locke considers the proper scope of governmental action by examining his remarks concerning equality.

We recall that Locke describes men as being free and

equal in the primitive state of nature. Free in the sense that each man may apply his energies as he sees fit to ensure his preservation, and equal in the sense that each man may accumulate only what he can consume without waste. Thus there will be a general equality in men's conditions. Money changes this, inevitably destroying the equality of men's possessions, thus provoking more frequent and bitter disputes, and necessitating the formation of civil society. One might think Locke would call upon government to restore equality, thereby reducing the level of conflict, but this is not the case. Civil society rather, is to tread lightly upon men's property, protecting it by positive law, and appropriating it only for the purposes set forth.²³ In other words, Locke is content to leave the "golden age" right where it is, for though it may have been a period of equality and virtue, it was one of crudity and ignorance. It is money and its consequence, inequality, which have enabled man to progress and enjoy the fruits of civilization. Inequality among men's conditions is, then, not a sign of degeneration, but of advancement; for government to tamper with the natural ordering of society is to endanger the basis of future progress and achievement. Here we see a substantive limit on the scope of government, one that is essential to Locke's doctrine and, as we shall

see presently, to the American perspective. We have yet to consider the view of human nature that emerges from these aspects of Locke's theory.

For Locke, the politically relevant aspect of human nature is man's overwhelming self-centeredness. Locke gives no indication that he views this as a symptom of depravity, to be corrected by the salutary effects of political action. Rather this self-concern reflects man's natural desire to survive in the harsh world in which he finds himself. This is the critical fact around which any successful political order must be constructed; Locke offers no visionary schemes to reform man. Such a conclusion concerning Locke's view of human nature finds support in the curious manner in which he presents the law of nature. As we noticed earlier it is the law of nature which governs the state of nature; it does so by willing the "peace and preservation of all mankind." Men, it would appear then, have a primary duty to preserve one another. The occasion for such an obligation would, of course, occur upon a violation of the law of nature endangering a fellow man. Locke, however, has qualified the traditional interpretation of the law of nature by making it binding on a man only, "when his own preservation comes not in competition." When we recall that to enforce the

law of nature is, "frequently destructive to those who attempt it," it becomes evident that this law, conceived of as a duty to other men, is a nullity. The portion of the natural law Locke does find effective upon men - the portion thus having political import - is not a duty, but a right: the right of self-preservation.

This self-centeredness of man, which is reflected in the natural law, has consequences for politics, both in the relations of men to other men, and of men to the physical world. The fact that men will generally look to their own interests, even at the expense of others, leads to conflict. Government to be effective over such men must have a great power, but it must also be constructed in such a manner as to restrict its scope and method, for those directing the government are men, and likely to aggrandize themselves if allowed. In relation to the physical world, men's self-centeredness translates into a natural acquisitiveness for the goods of the earth. Property is a "fence" to men's security, enabling them to better provide for themselves and reduce the uncertainty of life. Locke's political order is designed specifically to ensure the smooth functioning of this aspect of man's nature, for through its workings man has progressed to his present level. Thus, for Locke, man's self-centeredness

and its manifestations are the essential qualities of human nature; they alone are the basis of political understanding.

The purpose of this chapter is to establish a wider frame of reference for the study of Calhoun by examining the basic elements of social contract theory, as they appear in Locke and the American tradition. Specifically, the goal is a standard by which Calhoun can be measured in order to determine more precisely the extent of his reliance upon the contract as a perspective for political analysis. It would be wise to summarize briefly each of the elements, having them clearly in mind as we approach Calhoun's thought.

The first element of the proposed standard is the so-called "state of nature." For the matter at hand the state of nature symbolizes, not so much an historical account of the actual origin of political life, but rather a very distinct way of looking at the political sphere. This view assumes that society and government - at least for the purposes of analysis (if not in fact) - are discreet levels of human order. Of the two, society is judged to be both logically prior and superior. It is logically prior in the sense that government is to be given its proper structures, powers, and limitations from the characteristics of society. Society is superior to government in the sense that it fulfills

man's most basic needs and desires; government is only to facilitate society's workings. Thus government is considered to be artificial, created by reason, to accomplish specific tasks. This severe limitation upon the scope of political action is one of the most important aspects of social contract theory. Government does not have the responsibility to make men virtuous: government is merely to keep men out of each other's way. The crucial aspects of life are to find expression in the operations of society.

Second is a specific notion about what constitutes society's most characteristic function; namely, providing the environment in which individuals can accumulate property as they desire. This, it must be emphasized, men do as men, not as citizens. Government, then, must be designed and controlled, not to alter significantly this essential process, but to protect it through positive law. Thus a firm commitment to private property forms another element in the standard.

The last element is a certain view of human nature and its consequences for the political order. The defining aspect of that nature is a pervasive and unalterable self-centeredness, a trait formed in response to the harsh challenges of the physical environment. It is this attribute that is responsible for the strife among men, however it is

this same attribute that has enabled man to progress and prosper by bending nature to his will. Government, if it is to aid the workings of society, must restrain men's self-centeredness as it manifests itself in conflict toward others; it must not interfere with men's self-centeredness as it translates into the attempt to master the natural world. Government, then, must be powerful in order to ensure stability, but it must also be narrowly confined in its range of activity lest it hinder the operation of society.

FOOTNOTES

1. John W. Gough, The Social Contract Second edition; (London: Oxford University Press, 1957), 36-48.
2. Gordon S. Wood, The Creation of the American Republic, 1776-1787: (Chapel Hill: The University of North Carolina Press, 1969), 282-291.
3. John Locke, Second Treatise of Government: section 3.
4. Ibid., section 6.
5. Ibid., section 12.
6. Ibid., section 7.
7. Ibid., section 19.
8. For this aspect of the discussion of the state of nature I am deeply indebted to Leo Strauss, Natural Right and History: (Chicago: University of Chicago Press, 1953), and Richard H. Cox, Locke on War and Peace: (Oxford: Oxford University Press, 1960).
9. John Locke, Second Treatise of Government: section 124.
10. Ibid., sections 8, 125.
11. Ibid., sections 94, 107, 143, 144.
12. Ibid., sections 107, 143, 144.
13. Ibid., sections 13, 94, 131, 136, 198, 203, 219, 225.
14. Ibid., section 25.
15. Ibid., section 27.
16. Ibid., sections 36, 40.
17. Ibid., sections 41-43.

18. Ibid.
19. Ibid., section 47.
20. Ibid., section 50.
21. Ibid., sections 107, 110.
22. Ibid., section 111.
23. Ibid., section 138.

The aim of this final chapter is to discover Calhoun's basic perspective for political analysis, and thereby provide a clearer notion of his place in the American tradition. As we noted earlier, there is little agreement among writers on Calhoun concerning this fundamental question: some, like Spain, deciding Calhoun is an organicist, while others, such as Hartz, finding Calhoun simply muddled - a thinker torn between two irreconcilable traditions. To resolve this tension, we have attempted to provide a wider frame of reference for Calhoun by elucidating some of the key aspects of the contract theory, which, of course, was the primary doctrine of the period. Before applying this standard to Calhoun's Disquisition,¹ a few remarks about the nature of the task and our approach are in order.

Without question, a great part of the difficulty in resolving this tension lies in the fact that the Disquisition does not address the problem of authorization, i.e., the true source of political power, in nearly so direct a fashion as does the Second Treatise. Calhoun is clearly more preoccupied with the problem of controlling the operation of government, i.e., with the issue of accountability. To decide, then, whether or not Calhoun shares the contract perspective, we must rely, heavily, upon an analysis of the

assumptions and implications of what is being said. Such a method, if it is to be accurate, necessitates careful attention to the overall tenor of the work, something not to be achieved by isolating phrases from their wider context. However, let us temporarily put aside these particular difficulties of the Disquisition and briefly outline our procedure.

The analysis will follow the various strands of Calhoun's argument in the general order in which he presents them, emphasizing, of course, more fully those elements having a direct bearing upon our question. After going through the relevant portions of the text in this manner, we will then pause and reconsider our findings in light of the analysis, offered earlier, of the contract position. Following this, we will look again at the conflicting aspects in the Disquisition and offer some conclusions on Calhoun's basic perspective.

Calhoun's goal in the Disquisition is to provide "a clear and just conception of the nature and object of government." The essential pre-condition for such a task, Calhoun informs us, is an accurate knowledge of that "law of our nature," necessitating the formation of government. Political science, then, if it is to be worthy of the name, must have a "solid foundation," fixed and immutable, in the

same manner that astronomy must be based on a "law of the material world, according to which the several bodies composing the solar system mutually act on each other, and by which they are kept in their respective spheres."² Calhoun is seeking a trait of human behavior so uniform and pervasive in its operation, that it constitutes a law, "as unquestionable as is that of gravitation." Before elucidating this law, Calhoun pauses to state two basic "phenomena of our nature."

First, Calhoun tells us, man is a "social being," irresistably driven to "associate with his kind," to satisfy his "inclinations and wants, physical and moral." Besides fulfilling these drives, society also provides the environment in which man can develop his "moral and intellectual faculties," and thereby progress beyond the level of "brute creation." Second, Calhoun informs us, that although society is necessary for man's survival and improvement, "this state itself cannot exist without government." Both assumptions are based on "universal experience" and as such are beyond question. Having made these preliminary facts known, Calhoun is now prepared to discuss the common basis of both of them, namely, the primary characteristic of human nature.

For Calhoun, man's defining trait has two opposite

manifestations, one necessitating society, the other government. Society has its roots in man's "sympathetic or social feelings"; this it seems, is an instinctual compulsion pushing man into society, and reflecting the fact that he cannot exist alone. The other side of man's nature consists in his "direct or individual feelings," i.e., those centering on his own welfare. Government is necessary because man is more responsive to his individual feelings than to his social ones. As Calhoun puts it:

...while man is created for the social state, and is accordingly so formed as to feel what affects others, as well as what affects himself, he is, at the same time, so constituted as to feel more intensely what affects him directly, than what affects him indirectly through others. ³

In other words, even though men are compelled to associate with other men in order to survive, that same compulsion dictates they put their own interests first. The major characteristic of human behavior reflects a drive man shares in common with all "animated existence": the desire for self-preservation. This "great law of self-preservation," then, is the underlying principle explaining all behavior, human or otherwise; it alone is a reliable guide for predicting how men will act. To Calhoun this pattern of behavior is necessary if creatures, possessing only "limited reason and

faculties," are to preserve themselves. Thus, for Calhoun, such self serving actions do not connote something "depraved and vicious," but are natural: in fact so natural in man is this tendency that it cannot be overcome:

His social feelings may, indeed, in a state of safety and abundance, combined with high intellectual and moral culture, acquire great expansion and force, but not so great as to overpower this all pervading and essential law of animated existence.⁴

There are exceptions where this law does not hold, such as in the mother-child relationship, or with individuals having a "peculiar constitution," modified by education and habit. However, these manifestations are extremely rare, and the reaction such instances inspire constitutes, "the strongest proof that they are regarded as exceptions to some general and well-understood law of our nature."⁵

Not surprisingly, such men are going to seek their own well-being and pleasure, even at the expense of others, and this inevitably leads to conflict:

And hence, the tendency to a universal state of conflict, between individual and individual; accompanied by the connected passions of suspicion, jealousy, anger and revenge, - followed by insolence, fraud and cruelty; - and if not prevented by some controlling power, ending in a state of universal discord and confusion, destructive of

the social state, and the ends for which
it is ordained.⁶

Thus society, though distinct from government in its purposes and workings, is unable to exist without the aid of some "controlling power," i.e., government.⁷

The basic function of government, then, is to prevent chaos by restraining the selfish excesses of men utterly concerned with their own welfare. To demonstrate the necessary relationship between government and man's character, Calhoun analyzes the consequences of an alternative human nature. If men, for example, were more concerned with the happiness of others than their own, the resulting "officious intermeddling" by each into everyone else's affairs would produce great confusion. Government, in such a situation, would have the opposite objective; to restore order it would be necessary to restrain sympathetic feelings and encourage selfish ones. Thus to Calhoun it is evident that both the necessity for government and its specific tasks derive from human nature. Calhoun, having made clear the "solid foundation" of political knowledge, now focuses his attention more closely upon the characteristics of society and government.

Though their activities are "intimately connected,"

government and society are distinct in a number of decisive respects. For Calhoun, the primary task of society is "to preserve and perfect our race," while government is only to "preserve and perfect society." Thus society is "first in the order of things and in the dignity of its object," leaving government with a "secondary and subordinate" role. At this point, an important element in Calhoun's thought is becoming clear. Society is to encompass those basic human activities that enable men to live and develop. It is within this sphere that men form the relationships necessary for the continuation of the species and master the requisite skills for survival. Further, it is through the interaction of these relationships that men progress, thereby distinguishing themselves from other forms of life. Government is much more limited in scope and purpose, having only to protect society and remedy its flaws - the chief one being, of course, men's inherent tendency to favor their own interests to the point of conflict.

Unfortunately, government in its attempts to aid society, is plagued by the same difficulty. The powers incident to government, "cannot execute themselves," but must be enforced by men - men having the same propensities as other men:

and hence, the powers vested in them to prevent injustice and oppression on the part of others will if left unguarded, be by them converted into instruments to oppress the rest of the community. ⁸

Men, it seems, charged with the protection of society, and having the power of the community at their disposal, will act just as men do in their private affairs; i.e., they will put their own welfare above that of the community, even to the point of tyranny. To solve this difficulty men have had to develop a unique device, a constitution. ⁹

Calhoun uses the term "constitution" in referring to the attempts to hold government," strictly to the great ends for which it is ordained." So imperative is it that "constitution stands to government, as government stands to society": it must preserve and perfect government as government must preserve and perfect society. Without a constitution, government will, "in a large measure," fail in its responsibilities toward society, thereby preventing progress and advancement.

The most critical distinction between constitution and government lies in their mode of formation. Government, defined merely as a "controlling power" is always present in some rudimentary form, for it is a matter of "necessity."

Constitution, however, is not the product of necessity but of reason; it is a "contrivance," designed to improve human order. It is to these artificial devices, the products of human wisdom, that we owe the "advance of our race in civilization and intelligence." In fact:

...without a constitution, - something to counteract the strong tendency of government to disorder and abuse, and to give stability to political institutions, - there can be little progress or permanent improvement. ¹⁰

Thus, having established the critical importance of "constitution," and its distinctive function, Calhoun moves to his major concern: the proper construction of constitutional government.

As Calhoun points out, such a concern is hardly new; it has interested "wise and good men" throughout history. Indeed, some early civilizations such as, "the Egyptians, the Hindoos, the Chinese and the Jews," contributed greatly to man's progress by astutely controlling the action of government. However, Calhoun excludes the "devices" employed by these early wise men - "superstition, ceremonies, education (and) religion" - from his notion of constitution. Rather, Calhoun strictly limits "constitution" to the proper design of the "interior structure" of government; such an

arrangement or "organism" alone, is suitable for preventing¹¹
the abuse of government.

Let us pause briefly to consider why Calhoun restricts so severely the kinds of devices to be used in controlling the government. The answer, in part, lies in Calhoun's observation that these earlier devices could be used at a time when "intelligence was so partially diffused"; the clear implication being that such blandishments would not be effective with the less ingenuous men of the present age. More than this, however, is Calhoun's lack of faith in the efficacy of such direct attempts to alter human nature; in fact, the successful constitution - as Calhoun is about to argue - does not attempt to change man's nature but takes advantage of it.

Calhoun begins the discussion of a proper constitution by first pointing out two unacceptable methods for restraining government; one being denied by logic, the other by prudence. Government cannot be controlled by "instituting a higher power to control the government and those who administer it." The net effect of such a solution is merely "to change the seat of authority" - an authority which itself must then be guarded. It is equally unwise to permit "limiting the powers of government, so as to make it too

feeble to be made an instrument of abuse." This step may well prevent the government from accomplishing its primary tasks; thus exposing society to internal disorder and external aggression. For Calhoun, this last method is particularly unsound because it fails to recognize that the same law of behavior applies to communities as well as individuals. In other words, various communities of men will inevitably conflict with one another, just as individuals do, but with even greater ferocity, for communities, being self-sufficient, lack the sympathetic feelings which moderate individual relationships.¹²

A better method to harness government, Calhoun asserts, begins with the right of suffrage. Such a device will be effective for:

The same constitution of our nature which leads rulers to oppress the ruled, - regardless of the object for which government is ordained, - will, of equal strength, lead the ruled to resist, when possessed of the means of making peaceful and effective resistance.¹³

Suffrage is necessary, Calhoun tells us, because "power can only be resisted by power, - and tendency by tendency." The periodic use of this procedure, provided the people are "sufficiently enlightened," ensures that the rulers will be accountable to the ruled and thus faithfully represent their

interests. However, Calhoun cautions, though suffrage is the "indispensable and primary principle" of constitutional government, it cannot of itself complete the task. In fact, without the aid of other provisions, suffrage will:

...leave the government as absolute, as it would be in the hands of irresponsible rulers; and with a tendency, at least as strong, towards oppression and abuse of its powers...¹⁴

The prevalence of the belief that suffrage alone is sufficient to ensure good government, is a principal reason "why so few attempts to form constitutional governments succeeded." In the explanation of why the right of suffrage, by itself, is ineffective, Calhoun presents his view of the central problem of politics.

Suffrage would be sufficient, Calhoun informs us, if everyone in the community had the same "interests," and was therefore, affected in the same manner by the action of the government. With the laws imposing benefits and burdens equally there would be little serious party strife over the control of government; the only issue in elections would be who was the "wisest and most capable of understanding the common interest of the whole." This, of course, is not the case. Every community has numerous "interests" - Calhoun here meaning economic interests - especially if it is

extensive in area and has a large and diverse population. These various interests will, then, fare differently under the impact of the laws, though the laws be "couched in general terms; and which, on their faces, appear fair and equal." Even more, Calhoun asserts, the fiscal action of the government - the process by which revenues are collected and disbursements are made - by its very nature, is unequal in its affects. Unless each individual receives benefits equal exactly to the amount of his taxes, and outcome which is obviously impossible, it is clear that some portions of the population will benefit more than others.¹⁵ Taken very far by deliberate design, this process can allow one portion of the community to be "elevated to wealth and power, and the other depressed to abject poverty and dependence." It follows - human nature being as it is - that each interest will try to enrich, or at least protect itself, by gaining control of the government. This inevitable process, in popular governments, cannot be controlled by the right of suffrage, as Calhoun puts it:

The sum total, then, of its effects, when most successful, is, to make those elected, the true and faithful representatives of those who elected them, - instead of irresponsible rulers, - as they would be without it; and thus, by converting it into an agency, and the rulers into agents to divest

government of all claims to sovereignty, and to retain it, unimpaired to the community. ¹⁶

It is helpless to prevent one portion of the community from trying to oppress the others even though it is through lawful elections.

Calhoun adds that it is not sufficient to augment such a system with a written constitution, limiting the extent of governmental power and dividing its exercise into separate departments. For all the departments will soon fall into the hands of the majority, which will then offer a broad interpretation of its powers under the constitution, as opposed to a narrow one supported by the minority. The end result can only be the subversion of the constitution, and its replacement by absolute government. ¹⁷ The question becomes, then, for Calhoun: What device or mechanism must there be in addition to suffrage, in order to prevent one portion of the community from using the government to oppress the rest?

The device employed by Calhoun to protect the various interests of the community is his well known principle of the concurrent majority. The concurrent or "constitutional" majority results from requiring the consent of each of the leading interests of society before the government can act,

rather than merely that of the greater number as in a "numerical majority." As Calhoun puts it:

There is, again, but one mode in which this can be effected and that is by taking the sense of each interest or portion of the community which may be unequally and injuriously affected by the action of the government separately, through its own majority or in some other way by which its voice may be fairly expressed, and to require the consent of each interest either to put or to keep the government in action. ¹⁸

The organism of government designed to embody this principle must lodge within the "great and prominent interests" either a "concurrent voice" in the actual legislative process or a "veto" upon laws already in force. In either case, Calhoun argues, an effective mechanism for checking the oppressive tendency of the numerical majority is present. This "negative power" - the power to keep the government within its proper sphere - is the hallmark of a true constitution; when it is combined with the right of suffrage, the basic elements of constitutional government are present.

The nature of man guarantees such a system will, indeed, be able to restrain the government; the question, as Calhoun is well aware, is whether or not it will be too successful, i.e., paralyzing the government from enacting useful measures as well as oppressive ones. Calhoun admits

that this is, on the surface at least, a "plausible" objection to the concurrent majority. However, Calhoun points out, it fails to give due weight to necessity as a spur to action; for at the critical juncture, with the fate of society in the balance, the desire to prevent anarchy, "the greatest of all curses," will be sufficient to provide the unanimity necessary for action. To make his point Calhoun uses an analogy with the jury system. Here, it is the necessity of coming to some decision which induces twelve disparate individuals to compromise and thus arrive at a unanimous decision.¹⁹ To demonstrate the same reasoning can apply to governments, Calhoun offers historical examples of successful concurrent majority systems, the most famous being the Roman Republic and the British Constitution. Both these celebrated governments, Calhoun informs us, were based to a significant degree upon the concurrency principle, allowing the major elements of society a negative upon the action of government, and in neither case did the constitutions prove too cumbersome to protect the society.²⁰ To bring the qualities of the concurrent majority into sharper relief, Calhoun compares it, on a number of essential points, to its opposite, the "numerical majority."

For Calhoun one of the most pernicious effects of a

numerical majority system is its tendency to divide the community into "two great hostile parties," each bent on obtaining control of the government. In these struggles, "wise debate" is replaced by "cunning, falsehood, deception, slander, fraud and gross appeals to the appetites of the lowest and most worthless portions of the community." The end result can only be the destruction of the "sympathetic or social feelings" between the parts of community; eventually they will come to consider one another, for all practical purposes, as foreign communities. ²¹ As such, this system must inevitably resort to force to maintain itself, for no common ground will exist. The concurrent majority, on the other hand, has as its "conservative principle" not force, but compromise. Since it precludes the possibility of one interest or group of interests obtaining absolute control of the government, men will find it necessary to compromise to set the government in motion. The effects of such a mode of operation, Calhoun tells us, can only be beneficial. Instead of being corrupted and divided by the excesses of party strife, the community would find its common bonds strengthened, for in such a system:

Each sees and feels that it can best
promote its own prosperity by concil-
iating the good will and promoting the

prosperity of the others. And hence there will be diffused throughout the whole community kind feelings between its different portions and, instead of antipathy, a rivalry amongst them to promote the interests of each other, as far as this can be done consistently with the interest of all. ²²

By uniting and strengthening the community, the constitutional majority is better able to accomplish the most basic function of government, the preservation of society. However, for Calhoun, government must do more than protect society; government must attempt to perfect society.

Constitutional government alone can provide the environment in which society will advance to a higher more fitting level of civilization. To demonstrate this, Calhoun sets forth the relationship between government and the dynamic principle of society. The "mainspring" to the progress and advancement of society is "the desire of individuals to better their condition"; it is through this drive and its manifestations - property, trade, wealth, leisure - that man has progressed and distinguished himself from the beasts. ²³

Government, then, if it is to aid society in this essential process, must ensure two things, liberty and security. ²⁴

Liberty is necessary because men must be free to "exert themselves in the manner they deem best" if they are to give full

vent to their energies. Security is equally necessary for, if incentive is to be maintained, men must not be deprived of "the fruits of their exertions." Government, Calhoun tells us, often errs on this last point, mistakenly believing "equality of condition" to be necessary for true liberty. On the contrary, inequality of condition is the inevitable result of men's differing abilities; indeed, it is this very inequality which spurs men on to better their conditions and:

To force the front rank back to the rear or attempt to push forward the rear into line with the front, by the interposition of the government, would put an end to the impulse and effectually arrest the march of progress. ²⁵

Only constitutional government, i.e., the concurrent majority system, Calhoun asserts, can effectively provide these necessary safeguards for society. It does so by limiting the scope of government and by giving to each portion of society the means to protect its interests; in this manner society is given an environment in which it is protected, yet free enough to develop and progress. It is clear at this stage in the Disquisition that Calhoun does not consider absolute government to be government in the precise meaning of the term, for it can neither preserve or perfect society. It is, rather, constitutional government, the contrivance

of human reason, that men must turn to if they are to improve their lot.

We have now discussed the major points of Calhoun's argument in the Disquisition, it remains to compare them to the basic elements of the contract perspective. We recall that one of the key aspects of the contract perspective is the distinction between society and government as levels of human order. Society is found to be logically prior to government and superior to it in purpose, for it is through society that man fulfills his primary needs and desires and eventually progresses to a higher existence. Government has the much more limited task of regulating the workings of society, correcting its flows and better enabling it to minister to the needs of man. Government, though crucial to the success of society, is secondary - its goals and proper structure being formed in response to the needs of society. In this perspective, government, in relation to society has an air of artificiality; unlike society it is largely a product of reason, created to accomplish specific tasks. Clearly Calhoun uses the dichotomy of society and government as a basis for the analysis of government. He informs us that society "is first in the order of things and in the dignity of its object"; it is within society

that man satisfies his needs and develops his faculties. Government has a "secondary and subordinate" role, it is merely to protect society and "remedy" its defects. The connotations of the term "remedy", one Calhoun uses a number of times, aptly describes his notion of the role of government. In other words, to Calhoun, society, though essentially able to provide for man's needs, is wracked by strife and disorder, and government through its containment of conflict to a tolerable level, heals and protects society enabling it to fulfill its purposes. The type of government necessary to aid society effectively, i.e., constitutional government as opposed to absolute, can only be the product of reason, and thus it is artificial in the same sense that government is in the contract school.

The second element we examined in the contract theory is a very specific notion concerning the relationship of man, property and government. Property is viewed as the result of man's drive to preserve himself in a harsh and difficult environment; in Locke it is a "fence" to men's security and their best guarantee of survival. Wealth, leisure, refinement, learning, in short, the blessings of civilization are the result of man's proficiency at this basic pursuit. Most importantly, man accumulates property

and progresses as a member of society, not as a citizen under government. Government is to erect a legal framework to better order the operation of society and to use political power to maintain that framework against internal and external threats; it is not to supplant society or radically modify its workings. Calhoun is firmly within this tradition. The Disquisition, of course, devotes little specific attention to property as compared to the Second Treatise, a fact explained by the different purposes of each author. Locke's thorough treatment of property serves as a justification for a new and radical political teaching; a teaching at the core of the liberal politics of the 18th and 19th centuries. Calhoun, accepting this tradition, obviously sees little need to belabor such well-established principles of political thought. That he accepts them is the clear implication of Calhoun's assertions such as the desire of men to better their condition is the "mainspring" to progress and civilization; or that government must not deny men the "fruits of their exertions" in the name of equality if society is to advance; or again when Calhoun cites controlling the "fiscal action" of the government as one of the major problems for political science. It becomes apparent that for government to arbitrarily interfere in this crucial function of society

is in Calhoun's mind is the very substance of oppression. Calhoun, then, strongly adheres to that aspect of the contract doctrine which views property as having a fundamental and dynamic role in the progress and perfection of society.

The last element of our standard is a characteristic notion of human nature. In contract theory, the defining trait of man is an overwhelming and unalterable self-centeredness which is the result of man's natural desire to preserve himself. This powerful drive manifests itself in two critical ways: (1) the constant strife between individuals pursuing their own well-being; and (2) the attempt of individuals to master nature in seeking a more secure existence. Governments function in respect to human nature is basically to curb its unproductive manifestations while not hindering the others. Calhoun's science of government is based upon his observation that men "feel more intensely" those things which concern them directly, "feel" plainly indicating a drive beyond the range of reason. Such behavior demonstrates for Calhoun the primacy in man as well as the beasts, of the desire for self-preservation. Inevitably conflict is the order of the day, with avarice, ambition, and rivalry" becoming the "strongest passions of the human heart." Government has the task of controlling the excesses of men's natural tendency

to discord and saving society from anarchy, but government qua government, Calhoun points out, is insufficient and merely compounds the problem. It is only constitutional government, an artificial structure which takes advantage of men's natural drive, that can effectively protect and aid society. Thus in this respect, as with the others, Calhoun's perspective is consonant with the contract theory as it appears in the American political tradition.

Having concluded that Calhoun is within the contract tradition, let us again look at those statements in the Disquisition that some writers have labeled as "organic". The claims that Calhoun has broken with the established contract perspective and is, in fact, offering an "organic" analysis of government, are invariably based on Calhoun's assertions that man has never been without government and that a "state of nature" is "purely hypothetical." To conclude from these statements that Calhoun has rejected the contract perspective is to confuse the historical and philosophic aspects of that doctrine. In these passages Calhoun is responding to the contract as an historical account of the formation of society and government, as is demonstrated by his definition of the state of nature as a "state of individuality, supposed to have existed prior to the social

and political state; and in which men lived apart and independent of each other."²⁶ Calhoun clearly rejects such a ludicrous explanation of the actual development of political society. However, we must recall that deeper role of the state of nature in Locke's contract theory is to symbolize the critical distinctions between society and government so they can serve as the basis for a new political philosophy. It is on this more profound, theoretical level that Calhoun remains within the contract perspective as it appears in Anglo-Saxon political tradition.

FOOTNOTES

1. Richard K. Cralle', ed., The Works of John C. Calhoun:
(New York: D. Appleton and Company, 1883), I, 1-107.
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2. Works I, 1.
3. Ibid., 2-3.
4. Ibid., 4.
5. Ibid., 3.
6. Ibid., 4.
7. Ibid., 4.
8. Ibid., 7.
9. Ibid., 8.
10. Ibid., 11.
11. Ibid., 11.
12. Ibid., 9.
13. Ibid., 12.
14. Ibid., 13.
15. Ibid., 19.
16. Ibid., 14.
17. Ibid., 31-35.
18. Ibid., 24-25.
19. Ibid., 66-67.

20. Ibid., 91-107.
21. Ibid., 47-48.
22. Ibid., 48-49.
23. Ibid., 56-57.
24. Ibid., 52.
25. Ibid., 57.
26. Ibid., 58.

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