

The Nullification Crisis of the early 1830s pitted South Carolina, which claimed the right to nullify a national tariff law of which it disapproved, against President Andrew Jackson. John C. Calhoun, once a strong nationalist, emerged as the leading theorist of nullification. The national government, he insisted, had been created by an agreement between sovereign states, each of which retained the right to prevent the enforcement within its borders of acts of Congress that exceeded the powers spelled out in the Constitution.

In the aftermath of the crisis, Calhoun began thinking about other constitutional mechanisms that could preserve both the Union and the South's rights within a nation in which it was becoming a distinct minority. He developed the theory of the "concurrent majority." Rather than relying on a simple numerical majority to ascertain the popular will, Calhoun argued, the only way to ensure the stability of a large, diverse nation was for each major interest (including slaveowners) to have the right to veto all measures that affected it. Calhoun began writing his *Disquisition on Government*, from which the excerpt below is taken, during the 1840s, but it was not published until after his death in 1850.

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, 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, through 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. I call it the constitutional majority, because it is an essential element in every constitutional government,—be

its form what it may. So great is the difference, politically speaking, between the two majorities, that they cannot be confounded, without leading to great and fatal errors; and yet the distinction between them has been so entirely overlooked, that when the term *majority* is used in political discussions, it is applied exclusively to designate the numerical,—as if there were no other. Until this distinction is recognized, the better understood, there will continue to be great liability to error in properly constructing constitutional governments, especially of the popular form, and of preserving them when properly constructed. Until then, the latter will have a strong tendency to slide, first, into the government of the numerical majority, and finally, into absolute government of some other form. To show that such must be the case, and at the same time to mark more strongly the difference between the two, in order to guard against the danger of overlooking it, I propose to consider the subject more at length.

The first and leading error which naturally arises from overlooking the distinction referred to, is, to confound the numerical majority with the people; and this so completely as to regard them as identical. This is a consequence that necessarily results from considering the numerical as the only majority. All admit, that a popular government, or democracy, is the government of the people; for the terms imply this. A perfect government of the kind would be one which would embrace the consent of every citizen or member of the community; but as this is impracticable, in the opinion of those who regard the numerical as the only majority, and who can perceive no other way by which the sense of the people can be taken,—they are compelled to adopt this as the only true basis of popular government, in contradistinction to governments of the aristocratical or monarchical form. Being thus constrained, they are, in the next place, forced to regard the numerical majority, as, in effect, the entire people. . . .

. . .

The necessary consequence of taking the sense of the community by the concurrent majority is, as has been explained, to give to each

interest or portion of the community a negative on the others. It is this mutual negative among its various conflicting interests, which invests each with the power of protecting itself;—and places the rights and safety of each, where only they can be securely placed, under its own guardianship. Without this there can be no systematic, peaceful, or effective resistance to the natural tendency of each to come into conflict with the others: and without this there can be no constitution. It is this negative power,—the power of preventing or arresting the action of the government,—be it called by what term it may,—veto, interposition, nullification, check, or balance of power,—which, in fact, forms the constitution. They are all but different names for the negative power.

Questions

1. How does Calhoun distinguish between the “numerical” and “concurrent” majorities?
2. Which Americans would be most likely to object to Calhoun’s proposed constitutional system?

61. Chief Sharitarish on Changes in Indian Life (1822)

Source: James Buchanan, Sketches of the History, Manners, and Customs of the North American Indians (New York, 1824), pp. 38–42.

In 1821, a large delegation of Indians arrived in Washington to meet with President James Monroe. Among them was Sharitarish, principal chief of the Great Pawnees, a hunting tribe of the Great Plains. In his speech, excerpted here, Sharitarish describes the lives of his people and how they had changed as they came into contact with white traders and hunters. Although relatively few whites lived west of the Mississippi River in 1821,