Our Secret Constitution
George P. Fletcher

Published in print: 2003 Published Online: November 2003
Item type: book

This book asserts that the Civil War marks the end of one era of American legal history, and the beginning of another. Abraham Lincoln's famous Gettysburg Address is viewed as the beginning of a new kind of “covert” constitutional law – one with a stronger emphasis on equality in the wake of the abolition of slavery – which was legally established in the Amendments made to the U.S. Constitution between 1865 and 1870. The author asserts that the influence of this “secret constitution”, which has varied in degree from Reconstruction to the present day, is visible in the rulings of the Supreme Court on issues hinging on personal freedom, equality, and discrimination.

Heaven's Purge
Isabel Moreira

Published in print: 2010 Published Online: January 2011
Item type: book

This study explores the early history of purgatory as it developed from the first to the eighth centuries. Approaching the subject from a variety of angles, the book examines how ideas of post-mortem purgation as religious belief were forged from contested theology and eschatology, and how purgatory became the focus for such religious practices as prayer for the dead and the hope for intercession. Illuminating the various interests and influences at play in the formation of purgatorial ideas in late antiquity, this book discusses ideas about punishment and correction in the Roman world, slavery, medical purges at the shrines of saints, visionary texts, penitentials, and law codes. Confronting arguments that have viewed purgatory as a symptom of cultural shifts or educational decline, this book questions the extent to which Irish and
Germanic views of society, and the sources associated with them — penitentials and legal tariffs — played a role in purgatory’s formation. In reassessing the significance of patristic discussion of purgatory, this study highlights Bede’s contribution to purgatory’s theological underpinnings allowing the future acceptance of purgatory as orthodox belief. Among those whose writings are examined are Origen, Augustine, Gregory the Great, and Bede.

Throwing a Veil Over Equality: Equality and Hypocrisy in the Revolutionary Era
Jon Elster

in The Egalitarian Conscience: Essays in Honour of G. A. Cohen
Published in print: 2006 Published Online: May 2006
Item type: chapter

This essay considers how the American and French revolutionaries, famous defenders of the ideal of equality, contrived to evade the implications of that ideal when it came to slaves or workers. It contends that the hypocrisy of the revolutionaries is particularly egregious given that they stood to profit personally from the reduced scope of their egalitarianism.

Black Puritan, Black Republican
John Saillant

in Black Puritan, Black Republican
Published in print: 2003 Published Online: November 2003
Item type: book

In the second half of the eighteenth century, British and American men and women began criticizing the slave trade and slavery as violations of the principles of Christianity, natural rights, and political security. A black spokesman for abolitionism was Lemuel Haynes (1753–1833), one of the first African Americans to publish. Haynes served as a minuteman in the American War of Independence and began writing against the slave trade and slavery in the 1770s. After ordination in a Congregational church, he assumed a pulpit in Rutland, Vermont, where he became a leading controversialist, defender of the theology of Jonathan Edwards, and interpreter of republican ideology. He was dismissed from his pulpit in 1818, because his affiliation to the Federalist Party and his opposition to the War of 1812 offended his congregation. The last 15 years of his life were characterized by pessimism about the ability of Americans of
the early republic to defeat racism as well as by a defense of Puritanism, which he believed could guide the creation of a free, harmonious, and integrated society.

**Slavemaster President**

William Dusinberre

Published in print: 2008 Published Online: January 2010
Item type: book

This book examines both the social and the political history of slavery. James Polk — President of the United States from 1845 to 1849 — owned a Mississippi cotton plantation with about fifty slaves. Drawing upon previously unexplored records, this book recreates the world of Polk's Mississippi plantation and the personal histories of his slaves, in what is arguably the most careful and vivid account to date of how slavery functioned on a single cotton plantation. Life at the Polk estate was brutal and often short. Fewer than one in two slave children lived to the age of fifteen, a child mortality rate even higher than that on the average plantation. A steady stream of slaves temporarily fled the plantation throughout Polk's tenure as absentee slavemaster. Yet Polk was in some respects an enlightened owner, instituting an unusual incentive plan for his slaves and granting extensive privileges to his most favored slave. By contrast with Senator John C. Calhoun, President Polk has been seen as a moderate Southern Democratic leader. But this book suggests that the president's political stance toward slavery — influenced as it was by his deep personal involvement in the plantation system — may actually have helped to precipitate the Civil War that Polk sought to avoid.

**Eminent Victorians on American Democracy**

Frank Prochaska

Published in print: 2012 Published Online: May 2012
Item type: book

This book is a survey of a wide range of British opinion on the United States in the nineteenth century and highlights the views of John Stuart Mill, Walter Bagehot, Sir Henry Maine, and James Bryce, who wrote extensively on American government and society. The Victorians made a memorable contribution to the ongoing debate over the character and origins of democracy through their examination of a host of issues, including the role of the Founding Fathers, the American Constitution and its relationship to the British Constitution, slavery, the Supreme Court,
the Presidency, the spoils system, and party politics. Their trenchant commentary punctures several popular American assumptions, not least the idea of exceptionalism. To Victorian commentators, the bonds of kinship, language, law, and language were of great significance; and while they did not see the United States as having a unique destiny, they rallied to Anglo-Saxon exceptionalism, which reflected their sense of a shared transatlantic history. Their commentary remains remarkably prescient, if only because the American government retains so much of its eighteenth-century character.

**Natural Law and the Theory of Property**

Stephen Buckle

Published in print: 1993 Published Online: October 2011


Item type: book

In this book, the author provides a historical perspective on the political philosophies of Locke and Hume, arguing that there are continuities in the development of 17th- and 18th-century political theory that have often gone unrecognized. The book begins with a detailed exposition of Grotius's and Pufendorf's modern natural law theories, focusing on their accounts of the nature of natural law, human sociability, the development of forms of property, and the question of slavery. It then shows that Locke's political theory takes up and develops these basic themes of natural law. The author argues further that, rather than being a departure from this tradition, the moral sense theory of Hutcheson and Hume represents an attempt — which is not entirely successful — to underpin the natural law theory with an adequate moral psychology.

**Kara Deniz, 1500–1700**

Charles King

in The Black Sea: A History

Published in print: 2004 Published Online: August 2004


Item type: chapter

The Ottomans guarded the Black Sea as a great prize and, after their conquest of Constantinople, gradually restricted access by outside ships. For the first time all the sea's coasts were brought into a single commercial and political network. Trade, especially in slaves, enriched the empire. In time, however, the rise of the Cossacks and, later, Russia turned the sea and its northern coast into a source of insecurity.
De Tocqueville
Cheryl Welch

Published in print: 2000 Published Online: October 2011
Publisher: Oxford University Press
DOI: 10.1093/acprof:oso/9780198781318.001.0001
Item type: book

Alexis de Tocqueville is one of the most topical and debated figures in contemporary political and social theory. This introduction to de Tocqueville's thought examines in detail his classic works and their major themes. This book argues that Tocqueville's major themes tap into deep anxieties about democratic practices and his writings help us to identify the major fault lines in democracy at the turn of the new century. Beginning with a consideration of Tocqueville's distinctiveness against the historical background and intellectual context of his time, this book goes on to trace the development of his thought on democracy and revolution, history, slavery, religion, and gender, including chapters dealing with his writings on France and the United States. The final chapter then explores Tocqueville's historical legacy and his contemporary significance, illuminating the reasons why this displaced 19th century aristocrat has become one of the most topical figures in contemporary political and social theory.

Conclusion
Lacy K. Ford, Jr.

in Deliver Us from Evil: The Slavery Question in the Old South

Published in print: 2009 Published Online: September 2009
Publisher: Oxford University Press
DOI: 10.1093/acprof:oso/9780195118094.003.0019
Item type: chapter

This chapter discusses the upper and lower South's respective answers to the slavery question, which lay in different ways of reconfiguring the institution. In the upper South, that reconfiguration was a demographic one. The idea of a demographic reconfiguration of slavery emphasized the gradual whitening of the region and depended heavily on continued lower South demand for slaves and an active internal slave trade. The lower South's reconfiguration was ideological in nature, and it revolved around the embrace of race as the chief justification for slavery, the acceptance of white egalitarianism as the ethos of the region's political culture, and the triumph of paternalism as the lower South's prevailing ideology of slaveholding.
Honest Patriots
Donald W. Shriver

The book records attempts in three countries — Germany, South Africa, and the United States — to educate patriots who are neither loveless critics nor uncritical lovers of their nation, but rather loving critics. How does a national public learn to acknowledge the “dark side” of their country’s history? In the post-1945 years, Germans slowly but surely came to pay public attention to the evils of the Nazi era. In an astonishing accumulation of memorials, museums, films, anniversaries, and high school history books, the country has put its future generations on notice: “Never again”. Post-apartheid South Africa has seen comparable developments, especially in its Truth and Reconciliation Commission, new Constitution, memorials, and radically revised school text books. The United States, with a culture more focused on the future than the past, is undergoing a similar but slower public process. Two great crimes mark its national past: slavery and the fate of the people called Indians. The US is beginning to confront these collective crimes with new realism in new laws, museums, films, memorials, and history books. A political culture grows in its capacity for justice by remembering injustice. For a people not to remember the misdeeds of their past is to risk repeating them. Public memory requires concrete public signs, rituals, memorials, and education. This book seeks to record the attempts of these three countries to give public expression to justice by remembering injustice.

Violence as a Force of Oppression
Ann E. Cudd

This chapter argues that violence is and has always been a crucial component in the origin and maintenance of oppression. It explores how violence and the threat of violence constrain the actions of groups, harming the victims and benefiting the correlative privileged social groups. It argues that women as a group are oppressed materially through violence, and that there is a credible, psychologically effective
threat of greater harm that is transmitted by the obvious material harm that they do suffer.

The Public Face of the Seminary
Paul C. Gutjahr

in Charles Hodge: Guardian of American Orthodoxy

Chapter thirty-four examines Hodge as he establishes himself as the leading professor at Princeton Theological Seminary. Through his teaching, administration, and hospitality of famous guests such as William Cunningham of Scotland, Hodge shows himself to be the Seminary’s marquee figure.

Rough Country
Robert Wuthnow

Tracing the intersection of religion, race, and power in Texas from Reconstruction through the rise of the Religious Right and the failed presidential bid of Governor Rick Perry, this book illuminates American history since the Civil War in new ways, demonstrating that Texas's story is also America's. In particular, the book shows how distinctions between “us” and “them” are perpetuated and why they are so often shaped by religion and politics. Early settlers called Texas a rough country. Surviving there necessitated defining evil, fighting it, and building institutions in the hope of advancing civilization. Religion played a decisive role. Today, more evangelical Protestants live in Texas than in any other state. They have influenced every presidential election for fifty years, mobilized powerful efforts against abortion and same-sex marriage, and been a driving force in the Tea Party movement. And religion has always been complicated by race and ethnicity. The book tells the stories of ordinary men and women who struggled with the conditions they faced, conformed to the customs they knew, and on occasion emerged as powerful national leaders. We see the lasting imprint of slavery, public executions, Jim Crow segregation, and resentment against the federal government. We also observe courageous
efforts to care for the sick, combat lynching, provide for the poor, welcome new immigrants, and uphold liberty of conscience.

Introduction
Chester G. Starr

in The Aristocratic Temper of Greek Civilization

Published in print: 1992 Published Online: October 2011
Item type: chapter

The ancient Greek social spectrum ranged from slaves at one end through a variety of semi-free and free statuses to aristocrats at the other pole. If one turns to modern studies of social conditions, it is obvious that slavery receives an extraordinary concentration of attention from both Western and Marxist scholars. Aristocrats, on the other hand, are almost completely ignored if not condemned. This chapter offers a preliminary definition of the term “aristocrats” as being those who shared a cultured pattern of life and values consciously conceived and upheld from generation to generation. In all Greek states, such groups were limited in numbers but firmly considered themselves the “best”. This book devotes primary attention to the aristocrats as being of decisive importance in the origins and magnificent consolidation of the root of Western civilization.

Old Unpaid Debt
Donald W. Shriver, Jr.

in Honest Patriots: Loving a Country Enough to Remember Its Misdeeds

Published in print: 2005 Published Online: September 2006
Item type: chapter

Americans live in a culture resistant to much talk about the evils in their past; they prefer to think about the future. But like the descendants of victims of evil in Germany and South Africa, some living Americans are not about to forget the evil past. Prominent among them are African Americans. This chapter explores the stubborn persistence of racism in America, the work of a growing number of citizens to remember the pains of racism past and present, and to express that memory in public ways. Local illustrations of public repentance include Richmond, Virginia; Rosewood, Florida; Tulsa, Oklahoma; Salem, Oregon; and Selma, Alabama. After a “tour” of high school history books of 1960-2000, the
chapter ends with some summary answers to the question, “Can the past be repaired?” as well as arguments for and against reparations for slavery.

Introduction
Silvia Scarpa

in Trafficking in Human Beings: Modern Slavery
Published in print: 2008 Published Online: January 2009
DOI: 10.1093/acprof:oso/9780199541904.003.0001
Item type: chapter

This introductory chapter synthesises the structure of the book that is subdivided into five chapters. The first chapter examines trafficking in persons in the light of the recent definition of the phenomenon given by the Protocol to Prevent, Suppress and Punish Trafficking in Persons and identifies the most common forms of exploitation related to it. The second reviews the most important international instruments against slavery and the slave trade, the white slave traffic and trafficking in persons. The third discusses States' obligations under international human rights, criminal and labour law. The last two chapters deal with the contribution made to this field by the most important regional organizations in Europe, namely the Council of Europe and the European Union. Finally, it concludes by explaining that notwithstanding the many efforts already made to fight against trafficking in persons, improvements to the international protection standards for trafficking victims need to be made.

The Argument for the Secret Constitution
George P. Fletcher

in Our Secret Constitution: How Lincoln Redefined American Democracy
Published in print: 2003 Published Online: November 2003
DOI: 10.1093/0195156285.003.0001
Item type: chapter

This chapter argues that the Civil War began with one set of purposes, and ended with another. The original motive for resisting Southern secession was preserving the Union, but the final goal was to abolish slavery and reinvent the United States on the basis of a new set of principles – at the heart of which lay the Reconstruction Amendments. The principles of this new legal regime are so radically different from our original constitution that they deserve to be recognized as a second
American constitution. Where the first constitution was based on principles of nationhood as a voluntary association, individual freedom, and republican elitism, the guiding premises of the second constitution are organic nationhood, equality of all persons, and popular democracy – all themes signaled in Lincoln's famous Gettysburg Address.

Thomas Jefferson and the Separation of Church and State
Gary Scott Smith

in Faith and the Presidency: From George Washington to George W. Bush

Published in print: 2006 Published Online: January 2007
Publisher: Oxford University Press
Item type: chapter

While many of George Washington's contemporaries portrayed him as a devout Christian, Thomas Jefferson's foes depicted him as an infidel and an atheist. Given how similar their religious views and practices were, these radically different appraisals of Washington and Jefferson are ironic. Religion mesmerized, tantalized, alarmed, and sometimes inspired Jefferson, and he discussed religious issues, movements, and leaders often in his conversation and correspondence and occasionally in his addresses and published writings. Religious issues played a major role in Jefferson's life and presidency. He wrote the Virginia Statute for Religious Freedom (1786) that disestablished the Episcopal Church, enshrined the principle of freedom of conscience, and helped prepare the way for the First Amendment. Since 1947 his metaphor of a “wall of separation” between church and state has dominated constitutional debate over the proper place of religion in public life and policy. Although he repudiated much of orthodox Christianity, the Virginian was a deeply religious man. Jefferson's alleged lack of faith was a major issue in the hotly contested election of 1800. In an effort to discover the historical Jesus, he devised two different editions of the Gospels for his own use that eliminated all miraculous elements and focused on Christ's ethical teachings. Although his supporters, his opponents, and academicians have, for the past two centuries, debated the nature of his faith and whether he should be labeled an Episcopalian, a deist, or a Unitarian, many scholars do not recognize how important Jefferson's religious convictions were to his philosophy of government and career. Jefferson's character and views of slavery are also examined.
Like George Washington’s, Lincoln’s faith has been closely scrutinized, hotly debated, and often misunderstood. Both men attributed their success in war to divine providence, proclaimed days of public thanksgiving and prayer as president, rarely mentioned Jesus, and were intensely private about their personal beliefs. Lincoln was never baptized, never received communion, and never joined a church, but he had a thorough knowledge of the Bible and peppered his speeches with biblical references and allusions. Lincoln cited the Scriptures and discussed theology questions in his addresses more than the avowedly Christian statesmen of the late 19th and early 20th centuries. Some friends and associates claimed he remained an unbeliever all his life who attended church and employed religious language to win voters, gain support for policies, and convince Americans to trust him. Others who knew the 16th president equally well contended that he became an orthodox Christian who regularly read the Bible, prayed habitually, and frequently used scriptural passages and illustrations to express his personal convictions. Many investigators conclude that in his later years Lincoln had a profound sense of God’s presence, accepted many central scriptural tenets, and valiantly strove to follow Christian ethics. Through years of wrestling with God, Lincoln developed a deep but unconventional faith. Although he did not become a born-again evangelical, he became increasingly receptive to Protestant orthodoxy. More than any other 19th-century president, he became known for seeking to base public policies on scriptural principles. Lincoln’s religious views helped shape his political philosophy and actions, most notably the way he dealt with slavery and interpreted the Civil War. After his assassination, Lincoln was deeply mourned and frequently eulogized as a martyr who offered a redeeming sacrifice for the nation’s sins. He became the second great hero of the nation’s civil religion.