

Natural Law *and* *the* Antislavery Constitutional Tradition

Justin Buckley Dyer

Natural Law And The Antislavery Constitutional Tradition

Jordan T. Cash



Natural Law And The Antislavery Constitutional Tradition:

Natural Law and the Antislavery Constitutional Tradition Justin Buckley Dyer, 2012-02-13 In *Natural Law and the Antislavery Constitutional Tradition* Justin Buckley Dyer provides a succinct account of the development of American antislavery constitutionalism in the years preceding the Civil War. Within the context of recent revisionist scholarship, Dyer argues that the theoretical foundations of American constitutionalism, which he identifies with principles of natural law, were antagonistic to slavery. Still, the continued existence of slavery in the nineteenth century created a tension between practice and principle. In a series of case studies, Dyer reconstructs the constitutional arguments of prominent antislavery thinkers such as John Quincy Adams, John McLean, Abraham Lincoln, and Frederick Douglass, who collectively sought to overcome the legacy of slavery by emphasizing the natural law foundations of American constitutionalism. What emerges is a convoluted understanding of American constitutional development that challenges traditional narratives of linear progress while highlighting the centrality of natural law to America's greatest constitutional crisis.

Natural Law and the Antislavery Constitutional Tradition Justin Buckley Dyer, 2012-02-13 *Natural Law and the Antislavery Constitutional Tradition* is a succinct account of the development of American antislavery constitutionalism in the years preceding the Civil War. In a series of case studies, Dyer reconstructs the arguments of prominent antislavery thinkers such as John Quincy Adams, John McLean, Abraham Lincoln, and Frederick Douglass. What emerges is a convoluted understanding of American constitutional development that emphasizes the centrality of natural law to America's greatest constitutional crisis.

After the Revolution Justin Buckley Dyer, 2009 Public actors associated with the tradition of American antislavery constitutionalism in the nineteenth century insisted that the Constitution of 1787 contained certain inbuilt purposes or animating principles which ought to have aided constitutional interpreters in construing specific provisions of the constitutional text that related directly or indirectly to the law and politics of slavery in the United States. The Constitution of 1787 recognized the existence of slavery in the several states, yet antislavery constitutionalists interpreted even the slavery-related clauses as aspiring toward a certain liberal constitutional vision that was not yet a reality. In this dissertation, I argue first that these nineteenth-century interpretations of the Constitution in antislavery terms were intricately bound up with theories of natural law and second, I suggest that this aspect of the antislavery constitutional tradition offers a strong interpretive challenge both descriptive and normative to various aspects of the current scholarly literature on constitutional development and constitutional theory.

The Founders and the Idea of a National University George Thomas, 2015 *Constituting the American Mind* is about early efforts to establish a national university and what those efforts say about the nature and logic of American Constitutionalism. This book offers the first in-depth study of the efforts to establish a national university from a constitutional perspective. While mostly noted in passing, the national university was put forward by every president from Washington to John Quincy Adams as a necessary supplement to the formal institutions of government; it would help

constitute the American mind in a manner that carried forward the ideas the constitution rested on including for example the separation of the civic from the theological *Slavery, Abortion, and the Politics of Constitutional Meaning* Justin Buckley Dyer, 2013-06-28 For the past forty years prominent pro life activists judges and politicians have invoked the history and legacy of American slavery to elucidate aspects of contemporary abortion politics As is often the case many of these popular analogies have been imprecise underdeveloped and historically simplistic In *Slavery Abortion and the Politics of Constitutional Meaning* Justin Buckley Dyer provides the first book length scholarly treatment of the parallels between slavery and abortion in American constitutional development In this fascinating and wide ranging study Dyer demonstrates that slavery and abortion really are historically philosophically and legally intertwined in America The nexus however is subtler and more nuanced than is often suggested and the parallels involve deep principles of constitutionalism **A Fire Bell in the Past** Jeffrey L. Pasley, John Craig Hammond, 2021-12-31 Many new states entered the United States around 200 years ago but only Missouri almost killed the nation it was trying to join When the House of Representatives passed the Tallmadge Amendment banning slavery from the prospective new state in February 1819 it set off a two year political crisis in which growing northern antislavery sentiment confronted the aggressive westward expansion of the peculiar institution by southerners The Missouri Crisis divided the U S into slave and free states for the first time and crystallized many of the arguments and conflicts that would later be settled violently during the Civil War The episode was as Thomas Jefferson put it a fire bell in the night that terrified him as the possible knell of the Union Drawn from the of participants in two landmark conferences held at the University of Missouri and the City University of New York those who contributed original essays to this second of two volumes a group that includes young scholars and foremost authorities in the field answer the Missouri Question in bold fashion challenging assumptions both old and new in the long historiography by approaching the event on its own terms rather than as the inevitable sequel of the flawed founding of the republic or a prequel to its near destruction This second volume of *A Fire Bell in the Past* features a foreword by Daive Dunkley Contributors include Dianne Mutti Burke Christopher Childers Edward P Green Zachary Dowdle David J Gary Peter Kastor Miriam Liebman Matthew Mason Kate Masur Mike McManus Richard Newman and Nicholas Wood **Towards Recognition of Minority Groups** Marek Zirk-Sadowski, Bartosz Wojciechowski, 2016-02-24 This volume analyses current debates concerning problems in the nature justification and legal protection of human rights for minorities with reference to the issues surrounding social milieu as a source of any legitimized law which is in itself in need of legal recognition as well as being an object of legal protection With contributions from a global network of scientists across several continents the work examines the debate dedicated to the understanding of the normative framework expressed in terms of human rights that guarantee autonomous action in public and private for minority groups as well as individuals The chapters go on to study the particular claims that need to be audible and visible for others in the public sphere with reference to the legal protection of human rights The work concludes

with the completion of an interpretative circle debating the issues of legal consensus and legal identity with respect to the specificity of the patterns and modes guiding human interactions Going beyond the legal analysis to discuss communication strategies in human rights this collection will be of great interest to those studying the philosophy and theory of law practical philosophy in general political sciences and theory of democracy

Thoughts That Burned Steve Gowler, 2025-04-15 In **Thoughts That Burned** Steve Gowler showcases the life of William Goodell one of the most significant leaders of the antebellum antislavery movement Between 1826 and 1864 Goodell edited more than a dozen reform newspapers and played a leading role in the formation of several organizations including the American Anti slavery Society the Liberty Party the American Missionary Association and the Radical Abolition Party His 1852 book *Slavery and Anti slavery* was the first comprehensive history of the antislavery movement written by an American Convinced that the logic of slavery needed to be investigated and laid bare Goodell explored the institution s deep structures Whereas many abolitionists based their arguments on the inhumane consequences of enslavement Goodell analyzed the legal and psychological relations constituting the slave system At the heart of this analysis was his close reading of Southern slave codes and of the United States Constitution He argued that the Constitution properly understood is incompatible with slavery and should be used as an instrument of emancipation Among those influenced by his constitutional hermeneutic was Frederick Douglass who described Goodell as the man to whom the cause of liberty in America is as much indebted as to any other one American citizen **Thoughts That Burned** is the first comprehensive biography of this extraordinary thinker whose powerful political and theological arguments grounded abolition within the concept of human rights

From Oligarchy to Republicanism Forrest A. Nabors, 2017-12-19 On December 4 1865 members of the 39th United States Congress walked into the Capitol Building to begin their first session after the end of the Civil War They understood their responsibility to put the nation back on the path established by the American Founding Fathers The moment when the Republicans in the Reconstruction Congress remade the nation and renewed the law is in a class of rare events The Civil War should be seen in this light In **From Oligarchy to Republicanism** The Great Task of Reconstruction Forrest A Nabors shows that the ultimate goal of the Republican Party the war and Reconstruction was the same This goal was to preserve and advance republicanism as the American founders understood it against its natural existential enemy oligarchy The principle of natural equality justified American republicanism and required abolition and equal citizenship Likewise slavery and discrimination on the basis of color stand on the competing moral foundation of oligarchy the principle of natural inequality which requires ranks The effect of slavery and the division of the nation into two opposite systems of civilization are causally linked Charles Devens a lawyer who served as a general in the Union Army and his contemporaries understood that slavery s existence transformed the character of political society One of those dramatic effects was the increased power of slaveowners over those who did not have slaves When the slave state constitutions enumerated slaves in apportioning representation using the federal three

fifths ratio or by other formulae intra state sections where slaves were concentrated would receive a substantial grant of political power for slave ownership In contrast low slave owning sections of the state would lose political representation and political influence over the state This contributed to the non slaveholders loss of political liberty in the slave states and provided a direct means by which the slaveholders acquired and maintained their rule over non slaveholders This book presents a shared analysis of the slave South synthesized from the writings and speeches of the Republicans who served in the Thirty Eighth Thirty Ninth or Fortieth Congress from 1863 1869 The account draws from their writings and speeches dated before during and after their service in Congress Nabors shows how the Republican majority charged with the responsibility of reconstructing the South understood the South Republicans in Congress were generally united around the fundamental problem and goal of Reconstruction They regarded their work in the same way as they regarded the work of the American founders Both they and the founders were engaged in regime change from monarchy in the one case and from oligarchy in the other to republicanism The insurrectionary states governments had to be reconstructed at their foundations from oligarchic to republican The sharp differences within Congress pertained to how to achieve that higher goal

Diversity, Conformity, and Conscience in Contemporary America Bradley C. S. Watson, 2019-02-19 America is a nation that celebrates diversity and freedom of conscience Yet as Alexis de Tocqueville observed democratic times often demand conformity Nowadays conformity might be enforced in the name of diversity itself and go so far as to infringe on the rights of conscience expression association and religious freedom Americans have recently been confronted by this paradox in various ways from federal health care mandates to campus speech codes to consumer boycotts to public intimidation to vexatious litigation to private corporations dismissing employees for expressing certain political views In this book Bradley C S Watson brings together leading thinkers from a variety of disciplines to examine the manner and extent to which conformity is demanded by contemporary American law and social practice Contributors also consider the long term results of such demands for conformity for the health and even survival of a constitutional republic The Isolated Presidency Jordan T. Cash, 2023-10-03 How powerful is the President of the United States In The Isolated Presidency Jordan T Cash re frames this question to instead ask what authority is available to all presidents Drawing on the Constitution itself Cash argues that the presidency possesses an internal logic derived from its structure duties and powers which not only grants the president a unique institutional perspective but also provides the president with considerable agency and discretion in pursuing his agenda Through three case studies of isolated presidents presidents who were unelected faced divided government and were opposed by major factions of their own political parties Cash provides lessons and examples of what constitutionally derived actions a president can take when confronted with the recurring issues of divided government and political gridlock **Oliver Wendell Holmes, Jr.** Susan-Mary Grant, 2015-07-24 Oliver Wendell Holmes Jr was one of the most influential jurists of his time From the antebellum era and the Civil War through the First World War and into the New

Deal years Holmes long life and career as a Supreme Court Justice spanned an eventful period of American history as the country went from an agrarian republic to an industrialized world power In this concise engaging book Susan Mary Grant puts Holmes life in national context exploring how he both shaped and reflected his changing country She examines the impact of the Civil War on his life and his thinking his role in key cases ranging from the issue of free speech in *Schenck v United States* to the infamous ruling in favor of eugenics in *Buck v Bell* showing how behind Holmes reputation as a liberal justice lay a more complex approach to law that did not neatly align with political divisions Including a selection of key primary documents Oliver Wendell Holmes Jr introduces students of U S Civil War and legal history to a game changing figure and his times

C. S. Lewis on Politics and the Natural Law Justin Buckley Dyer, Micah J. Watson, 2016-08-08 This book shows how Lewis was interested in the truths and falsehoods about human nature and how these conceptions manifest themselves in the public square

A Vindication of Politics Matthew D. Wright, 2019-01-28 Is politics strictly a means to an end something that serves only the interests of individuals and the various associations of civil society such as families and charities Or is a society s political common good an end in itself an essential component of full human flourishing Responding to recent influential arguments for the instrumentality of the political common good Matthew D Wright s *A Vindication of Politics* addresses a lacuna in natural law political theory by foregrounding the significance of political culture Rather than an activity defined by law and government politics emerges in this account as a cultural enterprise that connects generations and ennobles our common life The instrumentalist argument in Wright s view does not give a plausible account of among other things the value of patriotism of the way Americans revere the Founders for instance or love the Declaration of Independence or idolize Abraham Lincoln Such political affections cannot be explained by an instrumental common good Loyalty to one s country is not like a commitment to a telephone company As nasty as politics can be we hope for more from it than the quid pro quo of a business transaction To arrive at an adequate theoretical account of why that is Wright brings historical theory from Aristotle to Burke into conversation with contemporary theorists from John Finnis to Amy Gutmann In *A Vindication of Politics* he develops a case for the intrinsic value of politics in a way that underwrites a healthy patriotism and strongly suggests that the political common good is a critical part of what it means to be fully human The book offers new insight into the nature of the political common good and human sociability as well as their importance for making sense of the fundamental questions of American constitutional identity principles and aspirations

Christianity and Private Law Robert Cochran, Jr, Michael Moreland, 2020-11-22 This volume examines the relationship between Christian legal theory and the fields of private law Recent years have seen a resurgence of interest in private law theory and this book contributes to that discussion by drawing on the historical theological and philosophical resources of the Christian tradition The book begins with an introduction from the editors that lays out the understanding of private law and what distinguishes private law topics from other fields of law This section includes two survey chapters on natural law and biblical sources The

remaining sections of the book move sequentially through the fields of property contracts and torts Several chapters focus on historical sources and show the ways in which the evolution of legal doctrine in areas of private law has been heavily influenced by Christian thinkers Other chapters draw out more contemporary and public policy related implications for private law While this book is focused on the relationship of Christianity to private law it will be of broad interest to those who might not share that faith perspective In particular legal historians and philosophers of law will find much of interest in the original scholarship in this volume The book will be attractive to teachers of law political science and theology It will be of special interest to the many law faculty in property contracts and torts as it provides a set of often overlooked historical and theoretical perspectives on these fields *Narrating the Slave Trade, Theorizing Community* Raphaël

Lambert,2018-12-24 In *Narrating the Slave Trade Theorizing Community* Raphaël Lambert explores the notion of community in conjunction with literary works concerned with the transatlantic slave trade The recent surge of interest in both slave trade and community studies concurs with the return of free market ideology which once justified and facilitated the exponential growth of the slave trade The motif of unbridled capitalism recurs in all the works discussed herein however community whether racial political utopian or conceptual emerges as a fitting frame of reference to reveal unsuspected facets of the relationships between all involved parties and expose the ramifications of the trade across time and space Ultimately this book calls for a complete reevaluation of what it means to live together No State Shall Abridge Michael

Kent Curtis,2013-07-22 The book is carefully organized and well written and it deals with a question that is still of great importance what is the relationship of the Bill of Rights to the states *Journal of American History* Curtis effectively settles a serious legal debate whether the framers of the 14th Amendment intended to incorporate the Bill of Rights guarantees and thereby inhibit state action Taking on a formidable array of constitutional scholars he rebuts their argument with vigor and effectiveness conclusively demonstrating the legitimacy of the incorporation thesis A bold forcefully argued important study *Library Journal*

A Dark Inheritance Brooke N. Newman,2018-08-28 A major reassessment of the development of race and subjecthood in the British Atlantic Focusing on Jamaica Britain's most valuable colony in the Americas by the mid eighteenth century this book explores the relationship between racial classifications and the inherited rights and privileges associated with British subject status Brooke Newman reveals the centrality of notions of blood and blood mixture to evolving racial definitions and sexual practices in colonial Jamaica and to legal and political debates over slavery and the rights of imperial subjects on both sides of the Atlantic Weaving together a diverse range of sources Newman shows how colonial racial ideologies rooted in fictions of blood ancestry at once justified permanent hereditary slavery for Africans and barred members of certain marginalized groups from laying claim to British liberties on the basis of hereditary status This groundbreaking study demonstrates that challenges to an Atlantic slave system underpinned by distinctions of blood had far reaching consequences for British understandings of race gender and national belonging Reason, Revelation, and the

Civic Order Carson Holloway, 2014-03-14 While the dominant approaches to the current study of political philosophy are various with some friendlier to religious belief than others almost all place constraints on the philosophic and political role of revelation Mainstream secular political theorists do not entirely disregard religion But to the extent that they pay attention their treatment of religious belief is seen more as a political or philosophic problem to be addressed rather than as a positive body of thought from which we might derive important insights about the nature of politics and the truth of the human condition In a one of a kind collection DeHart and Holloway bring together leading scholars from various fields including political science philosophy and theology to challenge the prevailing orthodoxy and to demonstrate the role that religion can and does play in political life Contributing authors include such important thinkers as Peter Augustine Lawler Robert C Koons J Budziszewski Francis J Beckwith and James Stoner

Our Ancient Faith Allen Guelzo, 2025-04-15 An intimate study of Abraham Lincoln's powerful vision of democracy which guided him through the Civil War and is still relevant today by a best selling historian and three time winner of the Lincoln Prize Winner of the 2024 Abraham Lincoln Institute Book Prize Finalist for the 2025 Gilder Lehrman Lincoln Prize It is altogether fitting and proper that with this meditation on democracy and its most subtle defender Allen Guelzo again demonstrates that he is today's most profound interpreter of this nation's history and significance George F Will Abraham Lincoln grappled with the greatest crisis of democracy that has ever confronted the United States While many books have been written about his temperament judgment and steady hand in guiding the country through the Civil War we know less about Lincoln's penetrating ideas and beliefs about democracy which were every bit as important as his character in sustaining him through the crisis Allen C Guelzo one of America's foremost experts on Lincoln captures the president's firmly held belief that democracy was the greatest political achievement in human history He shows how Lincoln's deep commitment to the balance between majority and minority rule enabled him to stand firm against secession while also committing the Union to reconciliation rather than recrimination in the aftermath of war In bringing his subject to life as a rigorous and visionary thinker Guelzo assesses Lincoln's actions on civil liberties and his views on race and explains why his vision for the role of government would have made him a pivotal president even if there had been no Civil War *Our Ancient Faith* gives us a deeper understanding of this endlessly fascinating man and shows how his ideas are still sharp and relevant more than 150 years later

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