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The Gag Rule:
From Compromise to Contradiction

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In harking back to the decades preceding the Civil War, many students of history will quickly call to mind the noise surrounding the slavery controversy. Few will remember the silence. In fact, the concerted attempt to quell unrest might have been more illustrative of the age than the original unrest itself. There is no better example of this than Pinckney's Resolution of 1836, ordinarily referred to as the House "gag rule." This was a resolution democratically passed in the House of Representatives which explicitly prohibited the discussion or reading of petitions regarding the abolition of slavery. Seen in its historical totality, the gag rule was a shabby effort to preserve peace, which ultimately only served to expose the tension inherent in a civilized debate over barbaric practices. In order to capture the rule's historical import, it is necessary to trace its original context up through to its ramifications today.

Essential to the background of the controversy surrounding the antislavery movement is the religious gusto engendered by the Second Great Awakening. Though not directly political in nature, the revivalism spawned by Charles Grandison Finney's work in New York during the 1820's had undeniable implications for how evangelicals should live in relation to slavery. A newly produced belief in the perfectibility of mankind, the teaching that humankind can grow closer to its creator by purging itself of unrighteousness in all aspects of life, logically culminated in activity toward abolition: If the enslavement of one human being by another is a

sin before God, it was incumbent on any God-fearing Christian to work immediately toward the expulsion of any trace of slavery within the nation.

Working off of these presuppositions, Oxford historian Richard J. Carwadine explains that slavery became “far more than a social evil to be endured stoically until it naturally withered away.” If indeed slavery was an institutional sin, then it could no longer be borne, as it “corroded the moral fiber of everyone it touched, directly or indirectly. Every individual, slaveholder or otherwise, had a compelling moral obligation to sever all ties with the institution and being immediately to work for its removal.”¹ Across the North, individuals who heeded this call to arms sprouted up to begin the process of raising awareness of the perfidy of the peculiar institution. Inflammatory writer William Lloyd Garrison began publishing the influential *The Liberator*, a paper dedicated to the sole cause of abolitionism.² Together with Garrison, Theodor Dwight Weld formed the American Antislavery Society (AASS) with a vision of galvanizing apathetic Northerners and converting Evangelical Southerners to the cause.

Perhaps unsurprisingly, these initial salvos in the movement of moral suasion ultimately reaped the opposite effect in the South. Irrespective of the content of these Northerners’ message, many in the South waxed indignant at the tone of these organizations’ rhetoric. Virginian Evangelical preacher John Adger claimed that, “If these mad fanatics had let us alone, in twenty years we should have made Virginia a free state. As it is, their unauthorized attempts to strike off the fetters of our slaves have but riveted them on faster.”³ Echoing Adger’s appeal to regional pride, John C. Calhoun spoke in the Senate in 1836, describing the abolitionist

¹ Richard Carwadine, *Evangelicals and Politics in Antebellum America*, (New Haven: Yale University Press), 135

² For further reading on Garrison’s life and influence on the abolitionist movement, see William E. Cain, *William Lloyd Garrison and the Fight against Slavery: Selections from the Liberator*, (Boston: Bedford Books of St. Martin's Press)

³ Carwadine, 142

movement as “A war of religious and political fanaticism, waged not against our lives but our characters. The object is to humble and debase us in our own estimation, and that of the world.”⁴ In response to perceived northern aggression, the Great Reaction was under foot.

Yet, to preserve a traditional way of life from the dangers of an argument that appeals to morality, a simple demand for respect would not suffice. Critical to the shift in perceptions toward slavery was the realization that, to maintain southern ideological complacency, the South would have to engage northern arguments on their own level. The Nashville *Republican* explains the phenomenon from the other side of the political spectrum: “As long as slavery is conceived to advance the pecuniary interests of individuals, they will be reluctant to encourage, any plan for its abolition. They will quiet their consciences with the reflection that it was entailed upon us—that it has grown up with the institutions of the country.”⁵

The historian Charles Grier Sellers categorizes the southern ideological reaction to northern critique of slavery as trifold: A religious argument emerged that attempted to characterize slavery as an evangelical mission of the white man to the black slave. It pointed out that slavery was mentioned in the Bible, and attempted to justify white supremacy by the fact that it allowed slaveholders to push their slaves toward salvation. In addition to this, there was a neofeudal argument, circumventing racial contentions by explaining plantation hierarchies as necessary for order. Finally, many slavery advocates subscribed to an explicitly racist argument, averring inherent white supremacy based on intellectual capacity.⁶

Given solely this dichotomous problematic between diehard abolitionism and absolute justification, it is easy to deprecate the importance of the ambivalent inhabitants of the

⁴ Ibid, 150

⁵ Charles Sellers, *The Southerner as American*, (Chapel Hill: University of North Carolina Press), 50

⁶ Sellers, 409

ideological middle-ground. That is, to many Americans, the arguments enumerated above lacked substance: if black slaves were only held in bondage to be evangelized, would that not imply an impending end to the conversion process, and subsequent timeline toward abolition? In the same vein, could the neo-feudal argument not be employed to justify any systemic oppression in the status quo? Indeed, to a large extent, the religious and ideological justifications presented in response to abolitionist arguments were not entrenched traditional forms of thought, but a direct result of fear of the unraveling of southern culture that might result if slaves were to be liberated.

Sellers goes on to explain that the vociferous slavery advocates were much less historically significant than “the persistent disquietude... among the many white Southerners who found the new pro-slavery dogmas hard to swallow.”⁷ Calhoun’s chief editorial spokesman confessed the greatest danger to slaveholding was not abolitionist petitions or legislation, but “the consciences and fears of the slave-holders themselves.”⁸ Southern pastor and politician Duff Green expressed his fear that “the insinuation of their [the abolitionists’] dangerous heresies into our schools, our pulpits, and our domestic circles might succeed in alarming the consciences of the weak and feeble, and diffusing among our own people a morbid sensitivity on the question of slavery.”⁹

Such was the moral backdrop upon which the gag rule operated. Upon seeing no end to the antislavery petitions that flooded Congress, the House voted to pass the Pinckney Resolution in 1836, containing the following text: “All petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatsoever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon

⁷ Sellers, 52

⁸ Ibid, 52

⁹ Ibid, 52

the table, and that no further action whatever shall be had thereon." On first inspection, this might be seen exclusively as a pro-slavery rule, but it must be remembered that the resolution was voted in by a sizable majority of 117 to 68. Up to eighty percent of northern Democrats voted for it.¹⁰

The contradiction inherent in the act of a legislature mandating its own silence is evident. The potential virtues of silence, on the other hand, are easier to overlook. Indeed, it was John Rawls, the putative "father" of liberalism, who wrote that, in crafting policy, a "method of avoidance" can be a useful tool in channeling discussion toward more productive ends.¹¹ NYU law professor Stephen Holmes writes that "self-denial may be indispensable in self-regulating polities." That is, the fact that "conflict resolution often presupposes conflict avoidance" implies that self-censorship could be a crucial element to democratic government.¹²

These theoretical considerations take on a new intensity when placed within the context of mid-19th century America. In 1836, white Americans in general, and southern slaveholders in particular, were reeling from a number of highly visible slave revolts that threatened their hegemony. In 1822, Denmark Vesey was a freedman arrested before leading an alleged revolt. Later, in 1831, the revolt led by Nat Turner garnered even more notoriety for its success in killing around sixty people. By justifying the gag rule to promote public order, the House may have seemed radical, but an alternate line of thought might see the rule as a logical continuance of the national tradition of procrastination, inaugurated by the unwillingness of the very framers of the Constitution to even mention slavery by name.

¹⁰ Daniel Wirls, "The Only Mode of Avoiding Everlasting Debate: The Overlooked Senate Gag Rule for Antislavery Petitions", 115

¹¹ John Rawls, "Justice as fairness: political not metaphysical," *passim*

¹² Stephen Holmes, "Gag rules or the politics of omission," 24

But the tradition proved limited. So counterproductive was the rule, in fact, that Civil War expert William Freehling characterized the gag rule's aftermath as the "Pearl Harbor of the slavery controversy."¹³ Though changes in the fervency of the antislavery movement are hard to measure, the spike in the number of abolitionist petitions after the rule's enactment offers a quantifiable glimpse into Northerners' reactions: In a comprehensive study of antislavery petitions, Harvard political scientist Daniel Carpenter finds that, from 1836 to 1840, the average number of signatories in any given abolitionist petition going to the House increased over threefold.¹⁴ More precisely, though the signatories were aware that their petitions would be immediately tabled upon receipt in the House, an average of 32 of them signed a given petition in 1836. By 1840, the average number increased to 107.

The greatest effect of the gag rule was not necessarily the increased willingness by the public to resort to political action, but rather the legitimization of pre-existing beliefs in a "Great Slaveholder Conspiracy" governing Congress. Having demonstrated they were content to silence a portion of the population in order to maintain an oppressive status quo, Congress was seen to have sold themselves to the slaveholders' cause, justifying more radical Northern action. The Massachusetts Haverville petition of 1842 most notably characterizes this perspective in its threat to push for Massachusetts secession from the Union if the gag rule was not to be repealed. This petition was subsequently used by John Quincy Adams, who forged a new reputation for himself in the House as "Old Man Eloquent" by patently violating the gag rule to argue that the only thing disrupting the Union were the slaveholding interests themselves.¹⁵

¹³ William Freehling, *The Road to Disunion: Secessionists at Bay (1776 – 1851)*, (New York: Oxford University Press), 351

¹⁴ Carpenter, Daniel, "The Petition as a Tool of Recruitment: Evidence from the Abolitionist Congressional Campaign," 15

¹⁵ Freehling, 351

By 1844, as the contradictory nature of the gag rule became evident to the nation, Congress repealed Pinckney's Resolution, once again with largely bipartisan support. Historian Clement Eaton's description of North Carolina Whig T.L. Clingman provides an archetypal attitude for disenchanted Southern congressmen: "Taking a pragmatic view of the situation, he maintained that repression would only strengthen the hands of the abolitionists in the North by allying their cause with that of freedom of speech." He, along with his colleagues, concluded any further suppression would only "weaken the cause" of the South.¹⁶ Freehling offers the best final statement on the subject in writing that "gag rules deployed too little tyranny to silence antislavery Northerners and too much tyranny for anti-abolitionist Yankees to tolerate."¹⁷ Ultimately, enforced silence spoke louder than any words could.

In addition to supercharging suspicions of conspiracy, the gag rule ended up having more concrete effects by galvanizing otherwise unpolitical populations. For example, Carpenter's research on petitions finds a sharp increase in female signatories and female-driven network formation in the years following the rule's enactment.¹⁸ A glimpse at the language of the resulting petitions reveals the renewed interest in slavery as a moral, extra-political concern. One petition signed exclusively by women explains that, "did not the peculiar nature of the case demand it," the petitioners would be content to remain in "the field to which... Providence has assigned them." However, the circumstances required them to leave their proper place in the home and pursue a political solution only because "the weak and innocent are denied the protection of the law," and "humanity is sold in shambles to the highest bidder."¹⁹

¹⁶ Clement Eaton, *Freedom of Thought in the Old South*, (New York: Duke University Press), 266-67

¹⁷ Freehling, 352

¹⁸ Carpenter, 18

¹⁹ *Ibid*, 18

Given the universal themes of silence and democracy implicit in a discussion of Pinckney's Resolution, it may be in order to briefly make note of gag rules in contemporary political concerns. Stephen Holmes illustrates that the same notion of silencing contention which informed the resolution of 1836 also plays a role in the contemporary question of prayer in school: though every given student in a class may be of some religious conviction, or even of the same religion, silence is deemed preferable to the risk of any particular religion's convictions offending another. Another example concerns abortion. Though the Supreme Court's decision on *Roe v Wade* is general knowledge, less known is Justice Byron White's dissenting opinion, in which he wrote: "Abortion is a hotly contested moral and political issue. Such issues, in our society, are to be resolved by the will of the people."²⁰ Essentially, abortion should not be discussed in the nation's highest court, not for its insignificance, but the very opposite: it was altogether too important a subject to be spoken of.

Though it is most often recognized as a tool for tyranny, silence can also be used as a frame through which to access more productive rhetoric. Acting on this presumption, the U.S. House of Representatives passed the gag rule in 1836 to escape the destructive capabilities seen as inevitable if rancorous vituperations were allowed to continue. However, rather than showing it to be a method of accord and reconciliation, history marked the gag rule as a conduit to intensified conflict. Through a historical contextualization of the gag rule's enactment, one can arrive not only at a better understanding of mid-nineteenth century America, but also approach the modalities of silence in points of democratic contention.

²⁰ Holmes, 52

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