

# The Nature and Tendency of Free Institutions

**Frederick Grimke**

**Edited by John William Ward**

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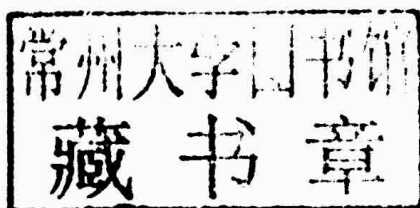
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# THE NATURE AND TENDENCY OF FREE INSTITUTIONS

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By FREDERICK GRIMKE

*Edited by John William Ward*



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BERNARD BAILYN  
*Editor-in-Chief*

# INTRODUCTION

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## FREDERICK GRIMKE: THE DYNAMICS OF FREEDOM

WHEN, in 1834, George Bancroft remarked on the need for a book which described the nature of American democracy, a correspondent replied that "no dependence can be placed upon any treatise that has yet appeared which professes to discuss [the business of government]. You must draw upon your own resources, you must think, — and think alone."<sup>1</sup> The opinion was widely shared. Orestes Brownson thought no American had produced a "work on politics of the slightest scientific value."<sup>2</sup> George Sidney Camp, in the preface to his little book, *Democracy* (1841), dwelt at length on the anomaly that "in a democratic country, where self-government has been successfully exercised by the people for nearly three quarters of a century," there was no literature on democracy to which one might refer "the young democratic disciple." The result was that Americans "journey on, living in the rich experience and practical enjoyment of democratic freedom, but in entire and reckless indifference to its abstract principles." Camp accounted for the anomaly by observing, with mild wit, that the "chief speculators" of the day were "in merchandise and real estate." Having won independence, with a continent to conquer and a nation to make, Americans were content "with the practical results" of their political system, hardly inclined to "patient study of its abstract nature." We have been "all action," said Camp. "There has been no room for the thinker; he has been jostled one side."<sup>3</sup>

Historians have agreed. The single high moment in American political thought remains the Revolutionary and Constitutional period, but even there the brilliance of a John Adams or an Alexander Hamilton, a Thomas Jefferson or a James Madison spent itself on shaping institutions rather than making books. State papers, occasional essays,

1. W. S. Wait to Bancroft, October 15, 1834, cited in Arthur M. Schlesinger, Jr., *The Age of Jackson* (Boston, 1948), p. 309.

2. *The United States Magazine and Democratic Review*, 13 (August, 1843), 129.

3. George Sidney Camp, *Democracy* (New York, 1841), pp. 10, 13, 15.



and letters were their form, not the architectonics of speculative theory. Once the challenge of revolution had passed and the need for a national government had been met, the intelligence of Americans turned to fields other than political theory. Even the terrible crisis of a Civil War brought forth blood, not political imagination. After the founding of the republic, American political thought seems, as Herbert Croly put it, a career in "intellectual lethargy."<sup>4</sup> The result is that we have turned to outsiders, especially Tocqueville, for critical perspective on our practice.

Yet, there is an exception to test the rule. There was at least one American, Frederick Grimke, who decided to step aside from the practical affairs of everyday life and devote himself to an analysis of the underlying principles of American democratic practice. The result was *Considerations Upon the Nature and Tendency of Free Institutions* which appeared in two editions in the author's lifetime, in 1848 and 1856, and in a third, in 1871, after his death. The three editions are, however, no measure of the book's contemporary fame, only of the author's tenacity. *The Nature and Tendency of Free Institutions* received only passing comment upon publication and has been largely lost to sight since.<sup>5</sup> But, if one of the tests of American scholarship is

4. Herbert Croly, *The Promise of American Life* (New York, 1909), p. 50.

5. The only considerable contemporary notice of *The Nature and Tendency of Free Institutions* was a long, unsigned review in the *North American Review*, 144 [n.s., 69] (October, 1849), 440-469. The *Southern Quarterly Review* drew attention to Grimke's book twice: 22 [n.s., 6] (July, 1852), 253-254; 23 [n.s., 7] (January, 1853), 120-140; the first is a bare notice that Grimke's book, along with two others by Southern writers, had appeared; the second is an essay on South Carolina and John C. Calhoun's theory of "concurrent majorities" which takes the form of an essay-review of eight titles, ranging from Calhoun's *Disquisition*, Tocqueville's *Democracy in America* and Algernon Sidney's *Discourse Concerning Government* to Grimke's *The Nature and Tendency of Free Institutions*, but with almost nothing explicitly on Grimke, only the implicit compliment of closely paraphrasing portions of his argument at the outset of the essay. The first notice in the *Southern Quarterly Review* is anonymous; the second is signed with the initials "E.H.B.," and in the edition in the Harvard College Library someone has in pencil corrected them to "E.B.B." and attributed the review to "Edward B. Bryan, Esq."

The reviewer in the *North American Review* was critical of the structure and the content of Grimke's work. From the tone of his review, it is obvious that he is a Christian conservative ("freedom lies, not in the absence of restraint, but in the power of obedience to God," p. 442) and hostile to the Democratic party of Jackson and Polk. Grimke read this review and wrote to his sister, Sarah, asking if she could discover the name of the author. He caught the olympian tone of the review when he said, "The author bestows great praise, and yet seems to give it unwillingly, as if none but a Bostonian could write a great work." (Frederick

its responsibility to the sources of our common life, then Grimke's book deserves to be restored to its proper place. It is a penetrating analysis of the theory and institutions of American democracy. It fairly deserves comparison with Tocqueville's justly famous work, *Democracy in America*, and is in certain ways superior. It is, in any event, the single best book written by an American in the nineteenth century on the meaning of our political way of life.

## I

We know frustratingly little about Frederick Grimke. What hints we have might recommend themselves to the intuition of, say, Henry James, for whom a gesture or a phrase could reveal the significance of an entire life; so too, the collective story of the Grimké family deserves the rich imagination of a William Faulkner. But the historian of Frederick Grimke's life, restricted by the pressure of fact, can have little to say.

Born September 1, 1791, into the famous Grimké family of Charleston, South Carolina, Frederick Grimke was one of fourteen children of John Faucheraud Grimké and brother of Thomas Smith Grimké and Sarah and Angelina Grimké. Grimke's father, a jurist and legal historian, author of *The Public Laws of the State of South Carolina* (1790), had gone as a young man to England to study at Eton and then Trinity College, Cambridge (A.B., 1774), after which he studied law in the Middle Temple in London. A young American abroad as the Revolutionary crisis threatened, the father was active in representing the colonial cause in England. The outbreak of the Revolution interrupted his studies and brought him home. He fought in the Continental Army, rising to the rank of lieutenant-colonel, served in the state House of Representatives under the Articles of Confederation, and was a member of the state convention that ratified the Federal Constitution, which he supported. His chief work lay, however, in the law, and as the *Dictionary of American Biography* puts it, "he did his best

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Grimke to Sarah Grimké, July 31, 1850, in the Weld-Grimké Correspondence, William L. Clements Library, Ann Arbor, Michigan.)

In twentieth-century American historical scholarship, there is only one article on Grimke and his book: Arthur A. Ekirch, Jr., "Frederick Grimké [*sic*]: Advocate of Free Institutions," *Journal of the History of Ideas*, 11 (January, 1950), 75-92. Grimke did not, in print or in his own hand in his correspondence, use the acute accent on the last letter of his name.

work as a legal compiler in the period of legal reform following the revolution."

Thomas Smith Grimké, Frederick's older brother, a graduate of Yale (A.B., 1807), a lawyer, was an important figure in the ferment of reform in the early nineteenth century. Deeply religious (he had originally intended to become a minister) and strongly nationalistic (as a state senator he opposed South Carolina on the tariff and upheld the federal government during the nullification controversy in 1832), Thomas Smith Grimké was actively involved in a wide variety of reform movements, from plans to simplify spelling and the support of utilitarian education, which he thought appropriate to a democratic society, to the temperance movement and the peace crusade. But it is Frederick's sisters, Sarah and Angelina, who are best known to history because of their place in the abolitionist movement and the crusade for women's rights.

The two movements were intertwined in the minds of the Grimké sisters from the start. Sarah, the elder, regretted she had not been born a man so she could become a lawyer; her life-long devotion to the ideal of equality for her own sex was inextricably involved with her struggle on behalf of the Negro for freedom from the repressive forces of society. At first, Sarah was the leader. Restive under the institutional forms of her inherited Episcopalianism, Sarah was converted to the Quaker faith after exposure to the Society of Friends on a trip to Philadelphia. Angelina followed her lead, but the social conservatism of the Philadelphia Friends satisfied neither.

The turning-point of their lives, and the point at which Angelina seems to have gone beyond her older sister and assumed the dominant role, came in 1835 when Angelina wrote a letter to William Lloyd Garrison, urging him to continue his good work, a letter which Garrison published in *The Liberator* (September 19, 1835). Sarah disapproved, as did the conservative Friends of the Philadelphia meeting, but there was no turning back for Angelina, and the next year she published her *Appeal to the Christian Women of the South*, a pamphlet which asked the women of the South to use their moral influence to destroy the terrible iniquity of slavery. Written by a Southern woman, the *Appeal* had an obvious attraction for Northern abolitionists; in the South it was publicly burned and Angelina was threatened with prison if she were ever to return to her native city and state. Sarah

overcame her initial reluctance and followed the course of her younger sister; in 1836, she wrote an *Epistle to the Clergy of the Southern States*.

The Grimké sisters were now identified with the cause of radical abolitionism. After first addressing audiences composed only of women, both achieved great notoriety, at a time when women were supposed to be seen and not heard, as the first women to deliver speeches before a mixed audience. The need to defend their own right to speak made them inevitable leaders in the cause for women's rights as well as opponents of slavery. After Angelina married Theodore Weld in 1838, Sarah lived with her, partly to help her sister who was frail and in chronically poor health.

Most of what one can discover about Frederick Grimke is through his letters to Sarah which still survive.<sup>6</sup> Frederick followed his older brother, Thomas Smith Grimké, to Yale where he roomed in his senior year with Samuel F. B. Morse, the painter and inventor, and became a member of Phi Beta Kappa and senior orator of the Class of 1810.<sup>7</sup> He returned to Charleston where he studied and practiced law, and about the time of the death of his father in 1819 moved to Ohio, first to Columbus, then to Chillicothe. The reason for choosing Ohio remains obscure, but it seems that he was a "protege" of Thomas Worthington (1773-1827), "The Father of Ohio Statehood."<sup>8</sup> In any event, he quickly impressed those he met. "He has been in the state about eighteen months," wrote a young friend in the Governor's office, "and has received the distinguished appointment of President Judge of the Court of C.[ommon] Pleas—He is a man of fine talents."<sup>9</sup> Grimke's first position on the bench as a judge in the

6. Frederick's letters to Sarah are to be found, as already noted, in the Weld-Grimké Correspondence in the William L. Clements Library at Ann Arbor, Michigan. Henceforth, reference to them will be by date in the text.

Sarah's side of what must have been a rich correspondence is lost because Frederick's papers were destroyed in a "great fire" (January 20, 1861). Presumably, Grimke refers to a fire on April 1, 1852, which gutted the center of Chillicothe, Ohio, where he then lived as a bachelor in a hotel. In local lore that fire was remembered as "the great fire" and it destroyed the entire center of town, including the city's two hotels. B. F. Sproat, *The Great Fire, Chillicothe, Ohio, 1852* (Chillicothe, Ohio, 1944).

7. Ekirch, "Frederick Grimké: Advocate of Free Institutions," p. 76.

8. George I. Reed, ed., *Bench and Bar of Ohio* (Chicago, 1897), I, 20-21.

9. "W.," to Miss Abby B. Lyman (Litchfield, Connecticut), January 17, 1820,

Court of Common Pleas was by appointment to fill a vacancy, but in 1830 he was elected by the General Assembly to a regular appointment as presiding judge. In 1836, he was elected to the Supreme Court of Ohio, a position which he held until 1842 when he resigned to devote himself to study and writing, the major result of which six years later was *The Nature and Tendency of Free Institutions*.<sup>10</sup>

Thus far the record. The rest of what one may say about Frederick Grimke is largely a matter of inference and speculation. It is clear that his life struck others as modest and retiring. The author of a notice of *The Nature and Tendency of Free Institutions* in the *Southern Quarterly Review* wrote, "Mr. Grimke . . . has long been known in the South as a gentleman, at once of great ability and modesty; of an ability which would justify his claim upon general attention, yet of a modesty that shrinks from notice altogether."<sup>11</sup> Grimke's style of life, as a bachelor living in hotels, further suggests a certain withdrawal from the social life about him, and when, in *The Nature and Tendency of Free Institutions*, he describes the virtuous life of the judge, he sounds as if he were elevating his own inclinations to the level of principle. It is not expected, he wrote, that the judge "will mingle in all the gayety and frivolity of fashionable life. He is thus placed out of the way of temptation more than other men, and is insensibly beguiled into a train of conduct the most favorable for the practice of both public and private virtue."

Yet beneath Grimke's outward modesty, one may detect considerable ambition. That ambition is implicit in the "Preface to the Second Edition" of *The Nature and Tendency of Free Institutions* where he attacks the "vitiated taste for reading" which spurned knowledge for books which were "of a superficial or of an exciting character." The result was not only "to enfeeble the understanding and even to pervert the moral faculties," wrote Grimke, but "the mischief extends itself to the few who are possessed by a noble ambition. Their efforts are chilled by the mental dyspepsia which prevails around them when

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in the Greene-Roelker Papers, The Cincinnati Historical Society, Cincinnati, Ohio. Mrs. Andrew N. Jergens, Jr., the librarian of the Cincinnati Historical Society, writes that "the 'W' signature in the letter to Miss Abby Lyman was apparently William Greene. William Greene was born January 1, 1797 in Warwick, R.I.; died March 23, 1883. In 1821 he married Abby Lyman."

10. Elliot Howard Gilkey, *The Ohio Hundred Year Book, A Handbook of the Public Men and Public Institutions of Ohio* . . . (Columbus, Ohio, 1901), p. 470.

11. *Southern Quarterly Review*, 22 [n.s., 6] (July, 1852), 254.

they stand in need of being powerfully braced by a healthful and invigorating influence."

Whether out of personal coldness or dissatisfaction with the "mental dyspepsia" of Chillicothe, Ohio, Grimke turned in upon himself, withdrew from political and social life, and in his ambition set himself the task of educating his contemporaries to understand the nature of their own society. But he did not do so sourly. He obviously enjoyed his hotel life. He wrote Sarah on April 22, 1857, after a new hotel had been built in Chillicothe after the great fire, "I am boarding in a hotel as formerly. You know Dr. Johnson told Boswell that a tavern was 'the home of human felicity.'" Or, again, in response to some "fine things" Sarah had said of him in one of her letters, Grimke wrote (March 13, 1858) that she had caused him to remember "the sentiment of Michael Angelo, who on being asked why he had never married, replied that his profession was his wife, and his productions his children."

If Grimke appeared cold to most people, he had an ambition and a passion he revealed at least to his sister, Sarah. He kept a book of "maxims" and once filled a whole letter to her (November 16, 1850) with sixty of them. Maxim "50" read, "Some persons have an appearance of reserve which is mistaken for coldness. Exactly the reverse is the case. Instead of too little, they have an excess of passion. The intensity of their feelings makes them use constant efforts to restrain them, and this to commonplace folks, gives them the appearance of coldness." Sarah must have recognized the character because she scored the margin beside this particular maxim. Nor did Grimke surrender the pride and ambition which led him to devote himself to a lonely life of writing. His contemporaries may have refused to recognize his worth but Grimke was willing to let the future judge. When he died in 1863, *The Nature and Tendency of Free Institutions* was virtually forgotten, but in his will Grimke set money aside for a final edition of his work with the instruction that a copy "be presented to the Congressional Libraries of the United States and the Confederate States, to each of the States, and to the chief Universities in each."<sup>12</sup>

Further, if Grimke felt stifled in the intellectual atmosphere of his time and place, he did not surrender to it. However provincial the details of his outward life, Grimke's inner life was intellectually rich

12. *The Historical Magazine*, 7 (April, 1863), 136.



and cosmopolitan. He was alert to the best contemporary European thought of his time and kept a considerable library of books, many of which he ordered directly from Paris. His letters to Sarah are full of suggestions for her reading. He had lavish praise for Comte's *Positive philosophy* ("The French mind has thrown off no greater work") and urged Sarah to "make an absolute *study*" of Harriet Martineau's translation, especially the last three books (December 18, 1854). On February 20, 1857, when he was only up to volume fourteen of a French edition of Sismondi's *History of France* in thirty volumes, he recommended the work warmly to Sarah; when she complained she did not have time to read so much, he lectured her on what one could get through if one only put aside four hours a day for reading. At the same time, Grimke was alert to the thought and writing of his own country. He recognized the value of Robert Baird's *Religion in America* (1844), yet criticized it justly as being far from a "philosophical" work; "it is altogether a work of detail" (April 22, 1857). He listened to lectures by the Transcendentalist, Theodore Parker, and wrote Sarah (April 24, 1853) that Parker's "distinction between the Reason and the Understanding is borrowed from Coleridge, who borrowed from the German School. But it is without any foundation."

*The Nature and Tendency of Free Institutions* bears sufficient witness to the breadth of Grimke's reading; one need not multiply examples from his letters to his sister. The point is simply that Grimke, living in a small town in the Old Northwest when the region was barely out of the frontier state, brought a range of reference and comparative study to bear upon his analysis of American political institutions which is admirable and which may still stand as an example to students of American life. Writing to Sarah (May 30, 1858) about the poor state of medical knowledge, Grimke insisted, "Individual cases prove nothing." He carried the same attitude to his study of American political institutions, and studied the practices of the ancient republics and contemporary Europe as well as the constitutions of the several states in order to make his study a "philosophical" work and not merely the work of "detail" he thought Baird's book on religion to be.

Yet, among all the subjects and through all the reading Frederick Grimke wrote about to Sarah, there was one topic he refused to confront: Negro slavery. Grimke accepted slavery on the basis of a belief in the racial inferiority of the Negro. His sisters did not agree with him and reticence on the subject was not mutual; it lay on Frederick's

side alone. In a long letter (June 10, 1857), after Sarah had obviously responded to a re-reading of *The Nature and Tendency of Free Institutions* when it appeared in a second edition, Grimke wrote: "I feel very much concerned to think that my chapter on slavery has given you so much trouble. You adopted the true sentiment on reading it in the first edition. You remarked, 'I differ with you, but I admire a mind *which is true to its own convictions*.' You probably do not recollect that you have not written me a single letter during the last twelve months which has not contained something on the subject. The golden rule you laid down in 1850, is I believe the most reasonable, the most natural, and the most just which can be adopted."

Grimke's reluctance to write to Sarah about Negro slavery can be understood in many ways. First, simple tact: he had said all he had to say in *The Nature and Tendency of Free Institutions* and there was no reason to exacerbate the feelings of a sister for whom he obviously cared deeply. Second — a generalization of the first — his "convictions" were markedly different from those of the world of his sisters and Theodore Weld. Grimke did not believe in the power of moral persuasion; he was skeptical of plans to reform the world and suspicious of the personal motivations of reformers themselves. He would approach these matters obliquely, but he never confronted Sarah with them directly. For example, he wrote Sarah (August 17, 1855), "The picture drawn by Victor Considérant, in 'Destinée Sociale' is very flattering, and delightful to look upon; but this fair exterior all vanishes at the touch of experience. The extreme feebleness of our condition, the imperfection of our faculties, and our dependence for enjoyment, on events which we can in no way control, naturally, and necessarily, produce this effect. And as this is the case, we must submit to the disadvantages, which are a law of our being, and not endeavor to exaggerate them by any artificial plan of life." Grimke did not believe, as did the Transcendentalists whom he criticized in the person of Theodore Parker, that man had access through intuition to the truth. He was a skeptical man who insisted upon the hard facts of daily experience. He knew he shared little of the fervent hopefulness which had led his sisters by the route of the inner light to a millennial dream of a world governed by love and justice.

These two reasons, Grimke's tact and his desire not to challenge further the assumptions of his sister's life, are probably sufficient to account for his decision to avoid slavery and the Negro in his letters



to Sarah. But there is a possible third reason. There was another brother among the Grimke children, Henry, and Frederick Grimke may have known what his sisters were finally to discover only after his death: there was, through Henry, a Negro line of descent in the Grimke family.

Henry appears fleetingly in Frederick Grimke's letters. Although Frederick was not a wealthy man, he advanced loans to his brother which went unpaid. "Poor fellow," Frederick wrote Sarah (April 22, 1857) after Henry's death, "it is only surprising that he should have lived so long, for as nothing contributes so much to longevity as the love of life, so nothing contributes so much to shorten it, as a distaste, and a disgust for life. In his letters to me, two or three years ago, he was fond of ruminating on death, as an effectual relief from all unhappiness. I thought I had diverted his mind from this melancholy mood, but his late letters to you show that he had again returned to it. To defects which never injured any human being but himself, he joined many virtues. To his faults then we will be 'a little blind; and to his virtues very kind.'"

How much Frederick knew of the "faults" of his death-obsessed brother, one cannot know; Sarah and Angelina discovered the truth only by chance after the Civil War. In addition to a distinguished line of white descent, the aristocratic Grimké family had a line of black descent, no less distinguished. Henry, in addition to a family by his white wife, had by Nancy Weston, a family slave, three sons, Archibald Henry, Francis James, and John Grimke. In his will, Henry provided that his Negro sons should be freed, and left them under the guardianship of their white half-brother, E. Montague Grimké. But five years later, their white brother tried to sell them into slavery, which led, in the flat understatement of Francis J. Grimke years later, "to some complications."<sup>13</sup> To escape slavery, Francis J. Grimke ran off and became the valet of an officer in the Confederate Army. After two years, on a visit to Charleston where the officer he served was stationed at a fort in the harbor, he was arrested and thrown into jail for some months. While Francis was recuperating after jail in the home of his slave mother, E. Montague Grimké, fearful that Francis would run off again, sold him to another Confederate officer whom he served as body servant until the end of the Civil War.

13. See the letter by Francis J. Grimke, January 24, 1887, which is reproduced by Carter G. Woodson, ed., *The Works of Francis J. Grimke*, 2 vols. (Washington, D.C., 1942), I, viii-ix.