

17.037/17.038. American Political Thought
Spring 2004

Reading/Discussion Questions for Week 9. A New Birth of Freedom?

Lincoln

In his address to the Young Men's Lyceum of Springfield, Illinois, Lincoln asks how we might guard against the "mobocratic spirit" or lawlessness. His answer focuses on fostering "political religion of the nation." What is "political religion," and what purpose does it serve?

Within three months of Lincoln's election to the presidency in 1860, seven Southern states elected conventions that endorsed secession, formed the Confederacy, drafted a constitution, and established a government. In his first inaugural address, Lincoln argues against secession and disunion, but his address was not a call to arms against slavery: he denies any constitutional authority to interfere with slavery in the states, he affirmed the constitutional obligation for the return of fugitive slaves, and he said he had no objection to a proposed Thirteenth Amendment that would make constitutional protection for slavery in the existing states explicit. Yet, Lincoln also said that what divided the country was the question of whether slavery "is wrong, and ought not to be extended," and moved to accept war rather than secession or Union on the South's terms. How does he make the case that the Union of states is perpetual? How does he defend majority rule? He states, "This country, with its institutions, belongs to the people who inhabit it" (291). If people "grow weary" of the existing government, what recourse do the people have?

How does Lincoln defend the colonization of blacks? Where does he think they ought to be colonized?

Three days before he was assassinated, Lincoln gave a speech on reconstruction. How did he think the seceded states could be brought back into "proper practical relation" with the Union?

Stanton

Stanton protests against abolitionists and Radical Republicans for refusing to support the American Equal Rights Association's demands for universal suffrage. Abolitionists like Wendell Phillips and Gerrit Smith argued that black men's struggle for the vote should take priority over "Saxon" women's struggle for the vote. How does Stanton argue for universal suffrage? What are the problems in her view of enfranchising black men before "Saxon" women?

Bradwell v. Illinois (1872)

Myra Bradwell was an American Woman Suffrage Association activist, editor of the *Chicago Legal News*, and wife of a Cook County judge. She brought suit against the Illinois Bar Association and the Illinois Supreme Court for refusing to license her to practice law, even though she had passed the requisite examination.

In his brief, Bradwell's lawyer argues that if the Fourteenth Amendment prohibits discrimination on the basis of race, it implicitly prohibits discrimination on the basis of sex. This is a position that was eventually applied to the equal protection clause of the Fourteenth Amendment rather than the privileges and immunities clause, which Bradwell's lawyer took to be the more forceful clause of the Fourteenth Amendment.

What rationale does Justice Miller, writing for the majority, provide in affirming the decision to refuse Bradwell's admission to the Illinois Bar?

In his concurring opinion, Justice Bradley rejects Miller's state-centered views (that the right to practice law was not a privilege and immunity of U.S. citizenship, only state citizenship, and thus the state could confer the privilege as it wished). What rationale does Bradley offer in affirming the decision to uphold Myra Bradwell's exclusion from the Illinois Bar?