

“The Law of the Descent of Thought”

LAW, HISTORY, AND CIVILIZATION
IN ANTEBELLUM LITERARY ADDRESSES

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Abstract. In the antebellum era, literary addresses were a common form of public expression. Although legal historians have mined Fourth of July orations for their insight into legal thought, they have made virtually no use of literary addresses. This essay closely analyzes nearly forty addresses given at the University of Alabama from 1832 through 1860. It uses the addresses to create a picture of the world view of the orators and gauge the changes in thought in the antebellum South on political theory and jurisprudence.

The addresses allow us to assess the orators' intellect, interests, knowledge, and belief systems. The addresses illustrate a wide-ranging respect for ideas, including the abolition of capital punishment; the scholar's search for truth against the tide of public opinion; republicanism, democracy, and radicalism in American politics; and the importance of slavery to Southern culture. They also illustrate the changes from Enlightenment ideas of moral and technological progress to the proslavery vision of the late antebellum period. A final section turns to judicial opinions in Alabama to make a preliminary sketch of the ways that some of the ideas expressed in the addresses correlate with the moral philosophical views of judges on issues such as utility.

Keywords: literary addresses, antebellum colleges, proslavery thought, romanticism, enlightenment, University of Alabama, moral philosophy, slavery, antebellum jurisprudence

In the years before the Civil War, colleges throughout the country gathered their students and faculties together to listen to orations sponsored by literary societies.¹ The students heard wide-ranging orations. Speakers often

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emphasized the importance of learning and sought to justify the place of the university in American life. They emphasized moral and technological progress and the contributions of learning to that process. They also frequently linked that learning to issues in moral philosophy and law. At the University of Alabama, students gathered at the end of the academic year in the University's Rotunda, unfurled their literary society's banner, and listened for hours.² The addresses taught the special place of educational institutions and the educated in Alabama society.

This essay surveys the ideas in the nearly forty orations given at the University of Alabama in the antebellum period. It suggests some of the ways that orations represented the values of the University and the larger Alabama intellectual community and the changes in those values in the years leading into the Civil War. This essay is designed to accomplish several goals: first, to recover the richness of the antebellum University of Alabama literary addresses; second, to mine those addresses for some evidence of the changing nature of thought at the University and to link those changes to Alabama culture more generally; third, and most speculatively, to link the ideas in those addresses to Alabama legal thought. That is, this paper is part of an ongoing recovery of the long-forgotten connections between moral philosophy and legal thought in the antebellum South.³

I. THE INTELLECTUAL AND THE ORATOR

Functions of Oratory

There is a growing appreciation of the connections between public addresses and intellectual thought. We have studies of public addresses in the early national period, particularly in New England.⁴ Those studies point to the ways that public addresses reflect attitudes and the political structure, what is now commonly known as "authority." They also suggest ways that the addresses affirm and even in some cases create that authority.

It may be trite to observe that much of the political and social debate took place through public addresses. Historians frequently center their analysis around public addresses, such as the addresses around the Compromise of 1850⁵ and Georgia's debate over secession in late 1860,⁶ to take two examples. Analysis of contents of speeches tells us about the beliefs and aspirations of the speakers and their audience. The speeches also tell us much about how

politicians mobilized support for their positions, how they drew upon common cultural images and themes to garner support.

Many orations served stabilizing purposes and helped auditors to construct meanings in their world. In charges to grand juries, judges frequently used their authority to influence the public mind. Grand jury charges, which gained their greatest popularity during the age of Federalism, permitted judges to alert juries to issues of public concern. Many Fourth of July orations were the basis for celebrating past achievements.⁷ Those orations, which historians have mined for substantial insight into American culture, are well suited to tell us about aspirations. How do we celebrate our history, what is the meaning of the struggle for freedom? Particularly in the years leading into the Civil War, Fourth of July speeches were used to assure that the Union still had value. University of Alabama Professor Frederick A. P. Barnard (later president of Columbia University) delivered a pro-Union oration in 1851.⁸

Sometimes the orations criticized the ways that the current generation had failed to fulfill their mission. One long-neglected example of that criticism is George Bancroft's attack on Whiggery, which he delivered in western Massachusetts on July 4, 1837.⁹ At other times, a Fourth of July speech might be quite destabilizing. Frederick Douglass asked in an address at Rochester, "What have I . . . to do with your independence."¹⁰ Douglass's question pointed out a central question for Americans in the years heading into Civil War.

Many have written about the subversive aspects of speech, about the ways that speech can challenge authority. In the antebellum period in particular, public speeches were frequently occasions for presenting radical interpretations. During New York's anti-rent movement from the late 1830s through the Civil War, speeches were commonly occasions for advocating redistribution of property.¹¹ However, speeches were also a vehicle for conservatism, for drawing boundaries, and for supporting traditional modes of social organization. Thus, Daniel Barnard used an address to the Yale Phi Beta Kappa Society to oppose the "fanaticism" of the anti-renters.¹²

Public addresses were a popular vehicle for disseminating reform ideas. Meetings of temperance and bible societies, colonization and abolition societies, often used public addresses. Frequently they published those addresses, so that they might reach a wider audience. One may measure the popularity of published addresses as a vehicle of communication by looking

at the number of addresses discussed in literary magazines, such as the *North American Review*,¹³ the *United States Magazine and Democratic Review*,¹⁴ and the *Southern Literary Messenger*.¹⁵

Oratory as Evidence

While the best-known literary address, Ralph Waldo Emerson's "American Scholar," presented a destabilizing vision, Emerson was in the minority among literary society orators in the antebellum era. Those looking for subversion through speech were unlikely to find it at Southern literary societies. For antebellum literary societies were places for celebration of hierarchy. At Northern and Southern colleges, addresses commonly celebrated order and moderate progress. Colleges were places where students were disciplined to follow and accept such traditional values as obedience to established thought, patience, and hierarchy, as well as universal values such as hard work and patriotism.

The literary addresses offer some promise of peering inside the mind of the orator. They may help us learn about the nature of the mind of the Old South and the place of the university in it. Historians have made effective use of antebellum orations in reconstructing the nature of thought. Perry Miller's *Life of the Mind* relied on public statements, including addresses, to gauge the nature of legal thought.¹⁶ Three recent books have made use of literary addresses to Southern schools—Peter Carmichael's *The Last Generation*, largely about Virginia students who came of age in the decade before the Civil War, Michael O'Brien's *Conjectures of Order*, and Eugene Genovese and Elizabeth Fox-Genovese's *The Mind of the Old South*.¹⁷

University of Alabama Oratory

The addresses at Alabama have three key virtues for us. First, they illustrate the vibrant ideas in circulation in antebellum Tuscaloosa. Michael O'Brien observed that there were significant thinkers in the Old South associated with Georgia, Alabama, Maryland, Mississippi, and Louisiana. Those thinkers were "usually associated with urban centers like Savannah, Tuscaloosa, Baltimore, Natchez, and New Orleans."¹⁸ It is significant that Tuscaloosa receives a place of such prominence in O'Brien's catalog of urban centers that fostered intellectuals. That is a recognition of its importance as a center of education

and politics. For Tuscaloosa was a place where newspaper editors, college professors and other teachers, such as novelist Caroline Hentz,¹⁹ judges, planters, members of the state house and senate, and businessmen met, along with frequent visitors ranging from James Birney to William Gilmore Simms.²⁰ It had a lyceum, as well as the University and numerous churches.

The University of Alabama addresses also illustrate the role of education. That is, they are part of the recovery of the thoughtful world of antebellum universities. Public addresses illustrated the ideas in circulation and contributed to building an identity for the University. They help to place students’ understanding and courses into context. Edward Bullock’s conclusion of his oration illustrates those goals. He sought to “hold up to admiration the peculiar civilization of the South” and, he seemed pleased to say, the University of Alabama was the ideal place to support that peculiar civilization. For, he asked, where would have been a better place to defend Southern institutions “than before this assembly of her patriot scholars.”²¹

Finally, the addresses illustrate the minds of the Old South. The output of the Erosophic and Philomathic Societies, the alumni addresses, and other addresses at Alabama testify to a well-developed culture, which has not yet been fully studied. Yet, the process of describing Tuscaloosa’s intellectual world is not completed.²² The lectures are testimony to the rapid growth of thought; several refer to the wilderness of Tuscaloosa and how it was only a few decades removed from the days of first settlement.²³ Others represent a more fully formed vision of the world and of the role education could play in advancing civilization.

II. ERAS OF THOUGHT AT THE UNIVERSITY OF ALABAMA

Presidency of Alva Woods, 1831–1837:

“We must think for ourselves”

The University’s first president, Alva Woods, illustrates an affection for the idea of searching for truth.²⁴ Woods was born in Vermont in 1794, then educated at Phillips Academy. He entered Harvard College in 1813, where he graduated in 1817. Following study at Andover Theological Seminary, he returned to Harvard as a tutor in 1819 and finished his studies at Andover in 1821. Following a year teaching at the Columbia College in Washington,

Woods joined the faculty of Brown University, which he left in 1828 for the presidency of Transylvania University in Lexington, Kentucky, after which he assumed the presidency of Alabama in March 1831.²⁵

Woods's graduation addresses to the University of Alabama reflected common attitudes for a University president at the time: concern for language, morality, and learning. His concluding address in 1837, for instance, had two goals: the preservation of language, which meant the respect for precision in language, and morality.²⁶ He stressed the importance of morality to the continuation of the government,²⁷ as well as the dangers of too much freedom.²⁸ The later portion of the speech is drawn largely from William Paley's *Moral Philosophy*, whose work Woods used in his moral philosophy class.²⁹

Woods's 1836 baccalaureate address centered around the importance of disciplining passions, first of children and then of the nation more generally. "Why is our country sometimes disgraced with riotous mobs, trampling on all civil authority, and placing property, and even life itself, at the mercy of unbridled passions? These rioters were never trained up in childhood in the way they should go. They were never taught subordination and self-government."³⁰ Like many other orators, Woods saw virtue in the United States' changes, such as making religion more simple and accessible than in Europe and in making government more receptive to the people's will. But he wondered whether "we are in no danger of passing from the extreme of blind submission to the opposite extreme of universal resistance."³¹

Woods's concern for the excesses of democracy appears in fullest form in his lecture at the inauguration of the Tuscaloosa Lyceum. The Lyceum offers the hope of elevating the masses, not depressing the eminent:

The institution is altogether republican in character, and democratic in its tendencies. Here all the monopolies purchased by wealth, and all the distinctions acquired by power and rank, disappear and are forgotten. Here is the true doctrine of equality which consists in elevating the whole mass of the community. It is a leveling upwards, and not downwards. . . . Enlighten the people with whom all physical and political power resides. Let them be well informed, and their minds well disciplined, and you need fear no disturbance of the public tranquillity, no laws ruinous to property, no disgraceful riots, and outrages, no impairing the faith of contracts, no destruction of public credit.³²

James Birney, who had some responsibility for hiring the University's first president and faculty, brought Woods and the young professor and

antislavery activist Henry Tutwiler to Alabama. Birney was working assiduously in Alabama on behalf of the American Colonization Society beginning in the late 1820s and sought to bring Enlightenment ideas to the University and to the state. Those Enlightenment ideas meant a belief in equality, freedom, and the role of reason and science in human progress.³³ Birney was unsuccessful; by the mid-1830s, his spirit was broken and he left for Ohio and a later career as a radical abolitionist politician. He ran for President of the United States on the Liberty Party ticket in 1844.

During Tutwiler’s tenure at the University, he represented well Birney’s aspirations for a University built around Enlightenment ideas. Tutwiler, born in 1807 in Harrisonburg, Virginia, graduated from the University of Virginia in 1829. He worked with Birney in advocating the antislavery cause in Tuscaloosa through the American Colonization Society. As Tutwiler wrote to Birney in 1832, “almost all moral and political evil in this state may be traced to this fruitful source [slavery]—it exhausts our soil, corrupts our morals, and is the chief cause of that diversity of interest which is fast tending to rend asunder our political fabric.”³⁴ More than thirty Tuscaloosa residents supported the ACS in 1828.³⁵ Tutwiler taught mathematics at the University of Alabama from its opening in 1831 until 1837. Then he taught at La Grange College from 1837 to 1847; after that he had his own school in Greene Springs, Alabama.³⁶

Tutwiler’s 1834 oration, given at the beginning of the school year in August, is the longest extant statement of his ideas. It is an optimistic assessment of humans’ ability to make moral progress. Humans have the desire for progress in knowledge and take pleasure in it. His address represents the Enlightenment thought that was still dominant in parts of Virginia in the 1810s and 1820s of Tutwiler’s youth.³⁷ While acknowledging throughout the role of God, the address begins with an emphasis on reason, as informed by (but not replaced by) sentiment. Where many antebellum moral philosophers placed common-sense philosophy at the center of their thought, Tutwiler went beyond them. He admitted a role for sentiment in addition to reason. He urged students to work assiduously to develop their intellect. “Would you, for inglorious ease,” Tutwiler asked, “resign your birthright to all the lofty pleasures of knowledge.”³⁸ Tutwiler’s address represents the idea that the search for truth sets scholars on lonely paths, which may lead them to ask unsettling questions about the world around them.

That questioning of the world around them was all part of learning. There had to be personal effort *and* reflection.³⁹ “We must think for ourselves, and not be the mere passive receptacles of the thoughts of others.” That independence of thought, which represents the role of Enlightenment over tradition, allows a student to grow. One example of the need for independence and questioning appears among readers of books:

Books have become one of the most important sources of information; but they may be, and no doubt often are, productive of evil instead of good— . . . so unreflecting persons . . . are disposed to believe every thing which they read, when it does not conflict with a previously formed opinion. Now to read any book and adopt what is in it as mere matter of authority, will not only lead to confirmed ignorance, but it positively hurtful to the mind.⁴⁰

It is an optimistic address, concluding with a celebration of moral progress, and one is not surprised to learn that Tutwiler opposed slavery.

Many of the addresses during Alva Wood’s tenure were given by University of Alabama faculty, such as Alva Woods, Henry Tutwiler, R. T. Brumby,⁴¹ and Henry W. Hilliard,⁴² as well as by younger, promising Alabamians, such as Frederick Beck⁴³ and Benjamin Porter, who had recently joined the Alabama legislature.⁴⁴ They followed in many ways the theme established by Professor Tutwiler: an exploration of the virtues of scholarship, of a search for truth, and of an independence from social norms. They are optimistic addresses, linked to the world of the early national period, with its optimistic assessment of the steady progress in technology and morality.

Henry Hilliard’s 1832 address was typical of literary addresses from the 1820s and early 1830s in exploring the influence of America on the literary mind.⁴⁵ Hilliard, like Tutwiler educated at the University of Virginia, spoke on the “literary prospects of our country.” Hilliard, who trained as a lawyer in Georgia after graduating from South Carolina College in 1826, and later served in the United States House of Representatives as a moderate Whig, celebrated the triumph of moral and intellectual progress. “The conquest of the *mind* has begun—the dark day of blood has departed—the sun of peace hath arisen. . . . The empire of the mind is established, and henceforth nations are to be ranked, not according to their *physical*, but their *moral* strength.”⁴⁶ He credited the United States’ government for the progress. A government “disposes not alone of property and life, but it controls the intellect.”⁴⁷ He

located several intellectual forces leading to literary achievement—the United States’ government, our distance (and therefore insulation) from Europe, and Christianity. He saw a divine mission in the United States. “Who,” he asked, “does not rejoice that God has cast his lot on this land, in behalf of whose liberty, Nature herself does battle.”⁴⁸ The University and the state of Alabama both confirmed that optimistic, nationalistic vision:

What a beautiful illustration does our own State present of the excellence of that system under which we live! Over its fertile lands there is spread out already, an intelligent, noble and rapidly increasing population. It seems as if but yesterday, this spot was a wilderness; the forest of centuries waved over it; the only contrast to its unbroken gloom and stillness was the glare of the council fire, and the wild song of the Indian. Today, however different a scene! *Beauty* and *art*, and *elegance* and *fashion*. Here is a Literary Institution!⁴⁹

R. T. Brumby’s 1833 oration, delivered the next year, is more narrowly focused, but similarly optimistic. It celebrates the role of science. A series of inventions—Perkins’s nail machine, Whitney’s cotton gin, Franklin’s lightning rod, Fulton’s steamboat, Treadwell’s steam-press—illustrated the role of science in greatness.⁵⁰ Knowledge broke the hold of superstition in human minds.⁵¹ And knowledge broke the hold of tyranny, too. Brumby gave a talk that would be impossible fifteen years later. For he praised the printing press as putting into “the hands of the friends of the rights of man, intelligence.”⁵² The allusion to Thomas Paine’s *Rights of Man* is a hint of radicalism still sometimes appearing as late as the 1830s. Brumby went on to celebrate the demolition of monarchy during the French Revolution, a position at odds with addresses from the 1840s through the Civil War.⁵³ Brumby’s 1838 address, delivered shortly after Basil Manly became president of the University, similarly centered on moral uplift. He was concerned with the state’s failure to adequately fund education and he presented a simple plan for funding. “All intelligent men now concur . . . that the present improved condition of the earth, compared with all former periods, must be ascribed to the correction of the heart, and the illumination of the mind of man;—in a word, to the increased perfection of his moral character.”⁵⁴

Benjamin F. Porter’s 1836 address to the Philomathic Society opposed capital punishment. Porter was born in Charleston, South Carolina, in 1808 and then studied medicine and read law. He moved to Alabama around 1829 and entered the legislature in 1832. Porter subsequently became the reporter for

the Alabama Supreme Court.⁵⁵ He offered the address because, though the subject of capital punishment “may properly be the concern of the Legislator,” he found that “from these halls, the abode of letters and of science, are to issue forth lawgivers and statesmen, who in succeeding years are to become the benefactors and protectors of mankind.”⁵⁶ It is a surprising address, because he argues against capital punishment on grounds of expediency and morality. He saw capital punishment as based on feelings of revenge. But in a state of society, he saw the need for restraints on power and on revenge. Punishment, in his view, should be based on the protection of society by positive examples. “The conception of justice of a well regulated community,” Porter said in typical Whig fashion, is “of a firm, moderate, and merciful tribunal—regulating by collective wisdom the affairs of mankind, and opposing to their natural frailties the equal restraints of law, justice, and virtue.”⁵⁷

In keeping with other schools, there was antislavery sentiment at Alabama during the early 1830s, although it is difficult to assess its extent. William Gaston’s 1832 University of North Carolina *Address Delivered Before the Dialectic and Philanthropic Societies* questioned the viability of slavery and in some minor ways advocated antislavery.⁵⁸ We should be cautious in attributing too much radicalism to Gaston, however. When he spoke at Princeton in 1835, he spoke in favor of law against radicalism.⁵⁹

With the departure of President Alva Woods in 1837, the character of the addresses began to change. The conventional story of Woods’s departure is that he was too strict and the students rebelled, causing a virtual shutdown of the University.⁶⁰ The conventional story has no account of the battle over slavery and moral philosophy that appears to have swirled around Tuscaloosa in the mid-1830s, hints of which appear in Woods’s reflections at the end of his life.

Presidency of Basil Manly, 1837–1855: “Men [and Women] of the Mind”

The middle 1830s were a period of division in the antebellum South, of paths not taken and options foreclosed. In 1831, Nat Turner’s rebellion caused Virginians to seriously debate the future of slavery. When the Virginia legislature emerged from those debates in 1832, the Commonwealth was more seriously committed to slavery than it had been before the rebellion and less

willing to abide antislavery talk. Thomas Roderick Dew of William and Mary contributed a pamphlet to the debate, which became one of the most important proslavery arguments in the years leading into the war.⁶¹ In 1835 Charleston faced a crisis of abolitionist literature distributed through the United States mails. As happened in communities throughout the South, Tuscaloosa responded to the threat of abolitionist literature. The Tuscaloosa county grand jury indicted an editor in New York City. Talk of gradual abolition through the American Colonization Society declined, and shortly thereafter Birney left Alabama.

In 1837, the year that Ralph Waldo Emerson delivered his "American Scholar Address," the University of Alabama switched presidents. In place of the Rhode Island Baptist Alva Woods came South Carolina Baptist Minister Basil Manly.⁶² Manly set about changing the nature of the University.⁶³ When Manly arrived, Tutwiler left and with him so did the active antislavery movement at the University, at least so far as can be determined from the currently existing records. Manly set about building the University by hiring more faculty, including Yale-educated science professor Frederick A. P. Barnard. Barnard arrived in 1839; shortly there developed a conflict between Manly and Barnard. The conflict included Manly's charge that Barnard was antislavery, even though Barnard spoke in favor of slavery.⁶⁴

The first literary address delivered at the University under Manly's tenure was Brumby's, so there was some continuity with the practices under President Woods. The next was an address by William Crenshaw; it likewise reflects the optimism of Brumby and other orations that education leads to progress, a proposition with which most antebellum Americans agreed, even if in varying degrees. However, soon the character of the addresses began to change.

Alexander Meek's 1839 oration, "The Southwest: Its History, Character, and Prospects," illustrates Tuscaloosa literary culture well, as well as the understanding of Alabamians toward their history. Meek, who was born in 1814 in South Carolina and graduated from the University of Alabama in 1833, is best known for his literary work, especially the poem *Red Eagle*⁶⁵ and his literary criticism.⁶⁶ He deserves even more attention for his short-lived literary journal, *Southron*. Some measure of Meek's attitude comes from its first issue, which published a proslavery essay and a review of William Gilmore Simms's novel *Richard Hurdis*. *Southron* shows Tuscaloosa to have been well connected to larger intellectual movements. After

graduation from Alabama, he became a lawyer and later attorney general of Alabama.

The 1839 oration was a part of Meek's history of the Southwest, published in 1854.⁶⁷ Part of the purpose was to "dissipate the ignorance" of history of the Southwest, particularly the mixture of native, Spanish, French, and English cultures. For he invoked Lord Bolingbroke's statement that "history is philosophy teaching by example."⁶⁸ Meek's history, then, was directed toward an understanding of the "Moral and Intellectual Character of the Southwest."⁶⁹ For, as he told the students, "even a superficial notice of the history of the human race, shows us that man, in his intellectual and moral attributes, is ever modified by the circumstances around him."⁷⁰ Meek thus revealed a subtle understanding of the relationship between a people's manners (what we might call custom or norms) and their laws. Meek's analysis of law and custom, as evidenced by national character, was common among jurists as well as orators. It was part of a world of jurisprudence that sought to fit judicial decisions and statutes to the American character. Judges and legislators sought to reflect and to shape that character.

From his study of the Southwest, Meek concluded that the people of Alabama were pragmatic businessmen. They had a series of traits: frugality, economy, honesty, hospitality, self-reliance. But they also had less positive traits: rough manner, violent nature, disrespect for law. Overall, those characters lent a stability and vigor to the political culture. "Domestic in their dispositions, firm and patriotic, they are not wafted about by those excitements in politics and trade, which have so often lashed into tempest the crowded and fevered populations of Manchester and Paris."⁷¹ The address showed the gradual progression of Anglo-Saxons in Alabama and the triumph of liberty for whites. It was a celebration of local history, almost a form of hagiography, that left the listeners with an appreciation for their own distinctive culture. Slavery, of course, was part of that culture; in fact, "much of that character which is peculiar to our section of the Union is traceable to this institution." He found "that it is an Institution, in itself, naturally, morally, and politically right and beneficial." Slavery, quite simply, "generated, upon the part of our white inhabitants, a spirit of superiority and self-esteem, a certain aristocracy of feeling, and a proud chivalry of character." That superiority was part of a spirit of republicanism, of seeming equality among white men. And slavery produced other benefits as well, like the ability of white men to devote more time to "intellectual improvement."⁷² Slavery would confer great wealth on

the Southwest. “In a few years, owing to the operation of this institution upon our unparalleled natural advantages, we shall be the richest people beneath the bend of the rainbow, and then the arts and the sciences, which always follow in the train of wealth, will flourish to an extent hitherto unknown on this side of the Atlantic.”⁷³

Thomas Newton Wood’s July 4, 1840 address to the two literary societies celebrated the rise of freedom; it catalogued infringements on liberty by the English and the efforts to preserve it by the Swiss. It also looked to a better future, to endeavor “to say something which will tempt reason abroad, or awake to useful action dormant reflection.”⁷⁴ Wood spoke using the language of Enlightenment: “We celebrate the *triumph of mind*—the triumph of man’s civil and intellectual independence.”⁷⁵

Isaac Hayne’s December 1840 address to the combined literary societies dealt with the formation of “individual character.”⁷⁶ Hayne was skeptical of other orators who saw unbounded upward progress. “I fear, that if this inquiry be made in a spirit of candor, the much vaunted ‘march of intellect’ and improvement, especially in our own country, which is claimed as illustrating the age we live in, will not be found altogether such as it is represented by anniversary orators, sophomore philosophers, and designing politicians.”⁷⁷ “It is true, that in much for which the age is considered most admirable, our country stands deservedly pre-eminent. In commercial enterprises, mechanical ingenuity, and the exercise of all those faculties, whatever they be, which best fit for acquiring wealth—the crowning glory of this age—she had few to compete with, none to excel her.”⁷⁸ Hayne did not see the similar advances in morals that he saw in technology. For the “spirit of the age” was “characterized by an eagerness for gain, unparalleled in the history of the world—unless, perhaps, that antediluvian race were our equals, whom a just God in his anger swept from the face of the earth.”⁷⁹ He asked rhetorically, “When a monkey is god, what must be the worshipers.”

Hayne promoted different values from other orators. He focused on belief in human virtue, and noble daring action. It was an address aimed not just at thinking and reading, but at action as well. Toward the end, he asked what students should do. “Are you to yield tamely to the current, and helplessly float into whatever stygian pool it may chance to carry you?” Hayne urged his students that “the individual must not only think rightly, but he must form a *habit* of acting rightly, and feeling rightly.”⁸⁰ Hayne recommended a series of books in ancient literature, such as descriptions of Pericles, Spartan

discipline, Thebes, and Cato; in philosophy, he recommended the work of Edmund Burke, Adam Smith's *Theory of Moral Sentiments*, and Walter Scott.

But even as there was celebration, there was fear for the future. Several addresses, like that by Wood, explored literary culture in a manner similar to many addresses at other schools in the 1830s and 1840s. Reverend William T. Hamilton's 1841 *Address on the Importance of Knowledge* is a classic exploration of the multiple ways that scientific knowledge has advanced and the special place that Americans thought their society held. Hamilton was born in 1796 in England. He emigrated to Pennsylvania and taught school in Philadelphia in the middle 1810s, while studying for the ministry. He served as a Presbyterian minister from 1824 to 1834 in New Jersey, then moved to Mobile about 1834 as minister.⁸¹

What distinguished Hamilton from many other optimistic orators was his comparison with other societies in North America. Hamilton contrasted the "wandering hordes of western red men" with their "wretched hords, their filthy habits, their degenerated morals, their fierce passions, and their weak but cruel superstitions" with the "well ordered community peopling the . . . vast regions of our happy States!"⁸² Institutions that lead to the advance of science were themselves honorable.⁸³ Ignorance posed much danger.

One might contrast Hamilton's optimistic address with John Cochran's "Address on the Evidences of Decline in the American Government," delivered to the Philomathic Society on the same day as Hamilton's address to the Erosophic Society.⁸⁴ Born in Tennessee in the early nineteenth century, he was educated at Greenville College and began the practice of law in 1835 in Jacksonville, Alabama. In 1839 he was elected to Alabama legislature from Calhoun County, then ran and was defeated for Congress by Henry W. Hilliard in 1845.⁸⁵

Cochran had, indeed, a sober message, counter to the optimistic addresses generally given to the literary societies:

By some it may be thought more patriotic to listen only to the syren that chants the eternity of our institutions: but it is the part of masculine patriotism, while it rejoices in the music of hope, to be warned by the raven that occasionally croaks the fatal termination of the last effort of freedom to dwell among men.⁸⁶

Cochran cited debtor relief and support for the poor, as well as an excess of democracy in the 1840 presidential election, which was won by the Whig

candidates William Henry Harrison and John Tyler. “When the Roman people first neglected their own fields as a means of individual support and looked to the public granaries alone, the sun of Roman glory at that moment at its zenith, was seen to go down along the Italian sky, gilding with its expiring flashes those broken monuments of human grandeur, from which at last, in sorrow and darkness, it hid its face forever.”⁸⁷ There was a lesson here. Cochran’s listeners had to choose a path of upright, modest democracy or of pandering to the people:

Decide then, if you will choose the fame of the good man, which even in failure and adversity, challenges the admiration due to the heaven inspired impulse of lofty endeavor, and whose brilliancy is like that of the rocket as it dashes blazing and sparkling to the sky, and exhausts itself in an effort to reach Heaven; or the fame of the bad man, whose brilliancy is like the dim light of the meteor that gleams on the pathway of its own downfall, and flickers and dies in bogs and quagmires.⁸⁸

Alexander Gates’s July 4, 1841 address to the combined literary societies expressed fear for the future. He recognized, as had Alexander Meek, that societies had differing needs based on their systems of government.⁸⁹ For example, the United States was well suited to democracy. Other governments were not. Like Meek, Gates also understood the connections between law and morals. “Why is it,” he asked, “that we can so readily determine something of the manners, customs, and habits of a people, by an examination of the laws and institutions which govern them as such? Is it that the laws give character to the people, or that the people give character to their laws?”⁹⁰ Yes was the answer on both counts. Gates represented the common belief of Southern political philosophers that not all people were suited to freedom. This was part of a belief that people and nations were different in their character; that all people were not equal and that one needed to accept the world as it was and work for the best government given the constraints of surrounding realities. The American system of democracy was, however, well suited to us as a people. There was a question of republicanism constraining the excesses of democracy. For, as Gates said:

[n]otwithstanding this goodly prospect—this golden sunshine, a dark and tempestuous cloud might then have been seen peering above the horizon, which was destined to exert its blighting influence on all that was grand—on

all that was beautiful. “The fell-destroyer came;” the King was dethroned, and his family driven into exile. An unprejudiced observer might have predicted, from the spirit manifested on this occasion, the ultimate result of the French Revolution. But alas for humanity! It must ever stand, in the world’s history, an illustrious example of the fact, that “goodly virtues” do, at times, “bloom upon the poisonous branches of ambition.” The spirit of Liberty, as is always the case, where the great body of the people are not virtuous and intelligent, sunk into the most loathsome depths of anarchy and licentiousness.⁹¹

And while Gates celebrated the virtues of equality in the American system, he also had a fear for the future. For equality led to radicalism:

The spirit of revolution is abroad in the land; and in what it shall result can be known only to posterity. In our own country, we are rather apprehensive, that it will engender the lawless spirit of Agrarianism; already are its seed sown: that fanatical spirit, which has so plainly manifested itself in some parts of our country, both in religion and in politics, can forebode no possible good. It is but the smoke of a dreadful volcano, which lies concealed under the surface, and will ere long, unless the corrective is applied, and that speedily, break forth in all its ghastly splendor.⁹²

Following on such gloomy addresses, the next year, 1842, proved to be one of the most important years before the war in the University’s history for addresses in Southern literature. In that year, the leading novelist of the antebellum South and a leading proslavery writer, William Gilmore Simms, addressed the University. He dealt with the ways that society progresses.⁹³ Why had Spain and France failed to conquer Florida? Why was it the English who ultimately conquered Florida? Because, the English were able to turn it into a home, while Spain and France “sought either for gold, for slaves, or for conquest.”⁹⁴ The American Revolution was the natural result of Americans’ desire for independence and of the excesses of Great Britain. Yet, it also demonstrated Americans’ patience and moderation, their reason and sense of natural justice:

Such a people are not prone to change—are slow to excess—slow to revolution—considerate of life—reserved, cautious—fond of acquisition—apt to be moral, proud, prudent and persevering. . . . They are distinguished by the primary qualities of social permanence, method and consideration.⁹⁵

For Simms, the United States, faced though it was with a challenging economy, was progressing. It was the social principle that made progress possible and conquered Native Americans and European nations. Simms' patriotic speech extolled the role of culture in its advancing beyond nature. Simms, like other Southern thinkers, saw order through law and norms as the means for progress. "Society,—the presence and the restraints of neighbors, gentle, loving, and considerate,—the cheerful home—the certain school house—the 'decent Church that tops the neighboring hill'—those had saved them from this miserable descent."⁹⁶ Simms spent the concluding pages of his oration by dealing with the conflict between Americans' worship of money and society. It was a common theme for Simms, who so frequently lamented the failure to pay attention to intellect.

The following year, in December 1843, Caroline Hentz's poem, *Human and Divine Philosophy*, was recited to the Erosophic Society for her by faculty member and librarian A. W. Richardson. She drew largely upon themes from Greece and Rome to illustrate the gradual awakening of humans to religion and then to Christianity:

The vision changes—myriad forms arise—
 Light above light,—like gleams of sunset skies.
 The great of later days—a swelling band,
 Gathering in grandeur, from each distant land,
 And mingling here, with our illustrious dead,
 In solemn brotherhood, around us spread.⁹⁷

Hentz saw the gradual progression of Christianity and natural and human science as naturally occurring together. Humphrey Davy's invention of mining lamps made mining safer.⁹⁸ Similarly,

Franklin, in the scathing path,
 Red, with electric-breathing wrath,
 Stood, while the thunder-spirits hurled,
 Their arrows o'er a shrinking world,
 And while they fell, a hissing shower,
 Made them the vassals of his power.
 Oh! with the lightning's pencil, trace
 His name,—protector of our race,—
 And let the thunder's deepest tone
 Make his victorious honors known.⁹⁹

Even greater than those, greater than Washington and Milton, was Christ. Hentz urged attention to him:

But He within the midst!—The haloed brow
 Proclaims the Son of God—the same, who now
 Breathes in our ears, the oracles of Heaven—
 Truths, such as ne'er from Delphi's shrine were given.¹⁰⁰

The poem illuminates much of Hentz's world view—her interest in ancient Greece and Rome, her knowledge of the recent advances in science and the classics of literature, and the centrality of Christianity to her beliefs.

By looking to Hentz's other work, we can expand our knowledge of Tuscaloosa culture. She taught at the Female Seminary in Tuscaloosa from 1843 to 1845. After her departure, though, she published *The Planter's Northern Bride*, one of the most popular of the responses to *Uncle Tom's Cabin*. Hentz's proslavery fiction faced a steep uphill battle, because, like all fiction that defends the status quo, it is hampered by trying to make a sentimental story out of the imperfect present. Fiction is so well designed to critique, to point out problems; it is ill-suited, as Charles Sumner said on the floor of the United States Senate, to defend the present.¹⁰¹

This problem is illustrated by one of Hentz's more obscure short stories, "Wild Jack, or the Stolen Boy." It is about a young black boy who is taken from his mother's custody by a horseman. The mother fears that he will be sold into slavery. Both the mother and the boy are free; and she appeals for help to a college president, who organizes a search party for the boy. Then a white neighbor, the father of the horseman who took the boy, puts up money to buy the boy back.

The story is strange for many reasons, not the least because the setting is a kidnapping, which put a child on the road to slavery. Thus, buried in the sentimental story is an attempt to convert a free person into a slave. It required but little abstraction for readers to realize that the horrors this family suffered (and that the white community mobilized to protect) were visited upon families in Africa (and America). Hentz also designed the story to point out how Southerners frequently acted humanely. The implication is that if white Southerners would treat free blacks—people in whom they had no property interest—well, they would also treat slaves well. The story was laced with images of blacks and whites interacting amicably.¹⁰² Of course, the argument

that sometimes slaves were treated well did little to counter the abolitionists’ argument that in many cases they were not and that in any case slavery was dehumanizing.

There were other engaging, sentimental tales, which explore the goodness, as well as the greed, of the human soul. In “The Little Broom Boy,” an affluent banker, Mr. Campbell, adopts an earnest young boy, Ellery Gray, who makes brooms. Mr. Campbell provides the child an education, “short of a college life.”¹⁰³ Later in life, after Campbell’s daughter falls in love with Ellery, Campbell steals \$10,000 from the bank and allows Ellery to take the blame, including going to prison for a year. Nearing death, Campbell tells the truth, freeing Ellery. The story ends with Campbell taking the prison cell occupied by Ellery and Ellery living out a pious life. It is a story of hard work overcoming the doubts of the well-bred, a wonderfully middle-class story and a warning about both inherited privilege and contempt for those from modest beginnings.

And then there is the haunting “The Black Mask.” Young and beautiful Blanch falls in love with a man whose face was hidden by a black mask. She tried in vain to identify who he was; then a priest married the couple. Was the person behind the mask black as well? We will never know, because Blanche fainted as she removed his mask. And the story ends. The story is filled with images of white and black—the black mask and a black horse; white snow, pearls, and garments. The presence of the priest suggests the story took place in Louisiana, known for its mixed-race couples.

“A Tale of the Land of Flowers” triangulated within the beauty of nature in the wilderness, where a military fort was established, and the passions of a young bride of the officer in command of the fort. The bride went riding, with another officer, outside of the fort and was ambushed and killed by natives:

She saw nothing of the wild Indians who infested the borders, and, grown fearless by unmolested tranquility, entreated her husband to let her roam in the woods for the wild flowers, which had given name to the luxurious region in which she now dwelt. This, however, he constantly refused, never allowing her to go beyond the limits of the fort, unprotected by his presence.¹⁰⁴

The story thus juxtaposed love, betrayal, beautiful and destructive nature, and an outpost of civilization. Not much abstraction was needed to see how

Southerners needed to struggle against a beckoning but dangerous nature and their own passions. “A Tale of the Land of Flowers” was the South in microcosm. It was also a morality tale about obedience. As Hentz concluded,

Let the young maiden who perchance may read this sad but true history tremble at the consequences of filial disobedience. God, sooner or later, avenges the violation of his sacred laws. She may not, like Leïa, perish by the death-shot of the Indian, but she may be reserved for a fate more mournful still,—the slow wasting away of the heart, under the blighting influence of unkindness or perfidy.¹⁰⁵

Hentz is useful and unusual because she left such a rich literature, for many of the University’s orators left little published work other than their addresses.

In the 1840s, the addresses continued to turn toward sectional and pro-slavery themes. Many of the addresses are concerned with the sectional divisions and the meaning of history.¹⁰⁶ Others address the character traits that students should strive for—such as manliness, individuality, or knowledge.¹⁰⁷ But even those that focus on knowledge differ from Tutwiler’s careful work that calls for students to develop the virtue of thoughtfulness. For those later orations emphasize a steady determination to learn settled ways of thinking.

John Foster’s 1843 address on the “Literary Spirit of the Present Day”¹⁰⁸ is a typical celebration of the role of learning and scholars in American culture, which ends in celebrating hierarchy. Foster begins with an emphasis on the “Republic of Letters.”¹⁰⁹ Like Emerson’s “American Scholar,” Foster reminds that reform is afoot. “[T]he age calls aloud for action; our laws are to be improved, our institutions perfected, the public mind elevated, and the public taste refined.”¹¹⁰ He saw a particular role, as did Emerson, for engagement by scholars. “The scholar should not be satisfied to dream away life in a closet.”¹¹¹ Foster departs from Emerson in the lessons he provides for scholars. They should not be wild Transcendentalists. They ought, instead, to be steady reformers. The French Revolution, while it reveals lessons about the power of the press, reveals also the dangers of change. There are other lessons in the danger of the rationalism of the French Revolution. He criticized Voltaire’s writings and the French Revolution,¹¹² even as he celebrated the printing press and the diffusion of knowledge¹¹³ and the role of law.¹¹⁴ Foster’s clarion call for progress in social institutions notwithstanding, his was a moderate brand of reform.

Thus, even as Foster in 1843 and Hayne in 1840 spoke of typical themes of the virtue of intellectuals and of values other than making money, they also pursued an important Southern theme: the role of the intellectual in stabilizing society. They were intellectuals and conservatives at the same time, even as Emerson was an intellectual and a radical. Those Southern intellectuals who defended the status quo benefited from having a well-established and well-financed world to defend. They benefited from having that system to defend, even as the proslavery sentimental novelists faced an uphill struggle defending the same system. They were intellectuals using their minds to argue, in line with Alexander Pope, that what was, was right, or at least was close to right. Part of their defense of what was came from a belief that the world had evolved slowly and in ways that balanced competing considerations, so that the world—while imperfect—was the best possible one. That acceptance of the world as it is was a hallmark of conservatism, as Blackstone and Burke, among many others, has explained. The commonsense moral philosophers popular in the South taught a similar lesson: that by scientific study of the surrounding world and “what is,” one might arrive at proper understanding of and appreciation for the world.¹¹⁵ All we needed was a scientific study of the world.

Albert Forney’s 1843 address to alumni, given two days before Foster’s address to the literary societies, dealt with the typical subject of American literature’s prospects.¹¹⁶ It was part of defining American culture and the role of colleges in that culture. Forney presented both challenges to and opportunities for literature in America. The challenges included “the unsettled condition of our people”; “the absence of an international copy-right law”; “the small value we place upon literary attainments.”¹¹⁷ The opportunities included “recognition of perfect equality among all men,” which would be reflected in the literature.¹¹⁸ Forney, like Meek and Gates, saw the connections between law, morality, and literature. “Our government, then, as its tendency is to improve society, is favorable to the growth of that which is equally the reflection of its manners, resources, and feelings. And in proportion as it becomes settled, and its laws are sanctioned by the moral force of the community, this mental activity is directed to the pursuit of literature.”¹¹⁹ This was another subtle connection between the literary addresses and legal thought, which illustrated a rich understanding of jurisprudence. This insight was central to judicial understanding and to legislative debate. Legislators often spoke about the ways that values as expressed in law would influence a

people's character. Thus, in debate over the Fugitive Slave Act, members of Congress on both sides of the debate speculated on the implications of the law for national character.¹²⁰

The institution of slavery was another of the factors favorable to the development of literature, in Forney's mind:

To high intellectual culture, a class of individuals, upon whom devolves the sowing the seed, and ingathering of the harvest is indispensable. "How can he get wisdom, that holdeth the plough, that glorieth in the goad, that driveth oxen, and is occupied in their labors, and whose talk is of bullocks." And whether beneficial or not, in every society, how free soever it may be, there must be a portion of its members, destined to perform its drudgery and labor, whose habits of life and dependence necessarily constitute them mercenary and selfish. . . . By a wise decree of Providence, a peculiar race of men are made to perform these menial services, a race that is as far below our association, and as incapable of corrupting it, as are the suffering serfs to corrupt that of the lordly Britton; and whose very enslavement has elevated them from ignorance and misery, to the blessings of religion and happiness. It becomes us, then, to cherish an institution, in the establishment of which we had nothing to do.¹²¹

Forney was certainly proslavery, but his discussion indicated at least a sensitivity to the criticisms of abolitionists; he spent some time attributing slavery to people other than the current generation of Southerners and to Providence. In addition to slavery and the idea of universal white male equality, he found the newness of America as the final opportunity, for the American

belongs to a government just commending its existence, entirely different from any the world has witnessed. Society is yet developing its resources and feelings;—its wants are yet to be satisfied, and its energies called out. The natural objects that surround him, and that must, in a great degree, modify his feelings and character, are not the worn themes of ages. The grand and magnificent mountain scenery of his country, its picturesque landscapes, and expansive plains, are yet to become famous in song and story.¹²²

Forney's address illustrates the way that the United States would remake the world. That remaking, he predicted, was in morals and in literary culture. He believed there would be much advancement:

A new era must soon take place in the tastes and feelings of mankind; and much that is now written, must pass under a severe and rigorous review. Society is remolding itself, even in the most celebrated states of the old world. New interests are elicited, and new principles are to be settled. Religion has thrown off the disguises and false pretensions that, for so long a time, made her a terror instead of a blessing to a people. The doctrine of the church as well as of the government being, “Honor all men.” May we not hope, that this our country will become the theatre of this grand reformation, and that from here, as from the great centre, will go out influences to purify and to exalt the literature of the world.¹²³

Those concluding remarks are suggestive of what judges were doing, too.¹²⁴ And he certainly thought that laws were closely related to larger culture. As he said, “Laws are but the embodiment of public opinion, and this public opinion is nothing more than a general expression of the tastes and feelings of the whole community, or of those who represent it, whether kings with their parliaments, or small societies of noblemen.”¹²⁵

Benjamin F. Porter’s second address, given in 1845, nine years after his first, is much less explicitly political than his first. Where in 1836 he focused on the abolition of capital punishment, in 1845 he turned to a metaphysical topic: “The Past and the Present.” The strange address links humans together in a chain of the past, present, and future. Where others criticized the decline of the present age, Porter, like most of the University of Alabama orators, saw more hope in it. While some might read ancient literature as mourning the loss of the old, Porter found a different message. Although a poet “at Marathon, narrates in plaintive verse the beauty of the institutions of Greece, and utters mournful judgments upon her oppressors,” there is possibility for rebirth:

The germ of a new being reposes in every perishing husk. The nations, institutions, the men of one age, are but dead bodies to the souls of succeeding times. Death is the sleep from which another existence wakes up. Like the green ivy, which reaches its utmost height only through time-broken crevices, each era lives and advances upon the ruins of the last. The flame which burned so brilliantly on the altars of the Grecian, it is true, is extinguished there; but it enlightens land boasting a more rational and widely diffused liberty.¹²⁶

Porter understood that humans existed in different states of civilization; and that some civilizations, having risen, declined. But he saw the overall

tendency of humans toward progress. And he used an analogy to the earth's development to illustrate that general progression. He spoke with the precision of a geologist about the earth's evolution—the formation of the earth, the strata of rocks, the floods, the early giant plants and animals.¹²⁷ From that brief study he then hypothesized that “Man bears the relation to the moral world that the primitive rocks, the foundations of the earth, bear to physical nature.”¹²⁸

Porter wanted to understand how the whole world fit together—the “various characteristics of the religion, philosophy, laws, scientific improvements, and social manners of the human race.”¹²⁹ But he was skeptical of the reverence for history. “A simple truth of history, like a single ray of light separated in the phenomena of polarization, thus produces various colors calculated to amuse the fancy.”¹³⁰ That fascination was misplaced, in Porter's mind, for “as a mass, men of this day as much exceed in mind and morals, those living two hundred years ago, as those living two hundred years hence, will exceed the present generation.”¹³¹

Porter surveyed the multiple ways in which the present excelled over the past: in religion, in philosophy, in law. In each of those areas, great progress had been made. The progress in religion came about, in his mind, through propagation of simple truths:

Unlike every other system, it has been established in peace; without force, and without money. No war, no human sacrifices, no political connections, lie at the base of its structure. Its promoters have been disinterested; its sentiments couched in the sublimest simplicity of language. It has interfered with the authority of no government; with no man's social duty: It has taught obedience to the law; embraced among its commands every regulation necessary in life; enforced benevolence; united the family circle; and even required the slave to obey his master.¹³²

He told a lengthy story about the advancement of modern law over the arcane and arbitrary systems of ancient Greece and Rome and of the extraordinary technological advancements of the nineteenth century. Porter's discussion of the changes in law warrants extended treatment. For Porter depicted a legal history of Greece, France, and even of Great Britain filled with arbitrary pronouncements of judges, lack of respect for judges, and irrational rules of evidence:

The state of the laws of ancient times . . . like all human institutions, has varied; at one time challenging the admiration, at another, the abhorrence of men, frequently surrounded with a venerable mystery, into which the unprofessional eye has not dared to obtrude; often displaying unmeaning and useless forms eliciting only the contempt of men.¹³³

His was an optimistic message. He looked forward to a new, more moral world; and he thought his listeners would see that world. In closing, he spoke of Socrates’ noble death and the belief (with which he began the address) that death is accompanied by renewal:

Trace the progress of man’s mind during the intervening eras, and conjecture what will be its state, when, fifty years hence, you stand on the Pisgah of another age, and view the glorious scene beyond; when pointing to another race, whom your talents and virtues have led onward in sight of new promised lands of knowledge, encompassed by a more refined atmosphere, and still nearer, and nearer yet, approximating to the sphere of the Deity;—Universal peace blessing its happy plains; Religion resting on calm faith and unclouded reason; Social life, a rational association of good men; Politics, Patriotism; the Arts, usefulness; and Literature, truth.¹³⁴

Porter’s optimism looked to progress in human thought. And he urged individuals to work hard and act morally to ensure that continued progress.

B. W. Huntington’s paradoxically titled address, “Individuality,” also given in December 1845, was about the duty of the individual in society—the belief that each person has a role to fulfill, no matter how modest. Huntington emphasized the duties of those roles, such as truth and connections to society and God. “Please him where you may, you cannot isolate him from those currents which ever pass and repass along the electric chain that connects him with a higher sphere.”¹³⁵ Huntington believed that each individual had an innate sense of duty and he urged him to fulfill those senses. “The Fathers of our Freedom, even now, in their starry mansions, piously covet your opportunities. It is your province to consummate what they began, and in your success there will be found the greater glory.”¹³⁶ The ultimate mission of the scholar is to join philosophy and Christianity so that “moral resplendency can shine forth,” just as “by the combination of two inflammable gases you produce the dazzling Drummond-light.”¹³⁷ Huntington did not share the breadth of learning nor the vision of Porter.

The addresses increasingly reflect the shifting attitudes toward proslavery thought, as well as toward hierarchy and order.¹³⁸ They also reflect a shift toward an understanding that the University is a place of education of very special people—men who were separated from the rest of Alabama’s society. Joseph Wright Taylor’s 1847 address “A Plea for the University” is particularly illuminating.¹³⁹ Taylor was born in 1820 in Burkesville, Kentucky, and graduated from Cumberland College in 1838. He served in the Alabama legislature from 1845 to 1849 and also served as editor of the *Eutaw Whig*. Taylor was keenly interested in education, for he served as trustee of Southern University.¹⁴⁰ He offered a series of justifications for the University. He saw the University as training the intellectual leaders of the state. Those leaders would help spread learning throughout the state:

High seminaries of learning do more for a nation than to develop its gifted intellects; they elevate the great mass of its mind and give it new impulses and nobler aspirations. . . . Is one great mind developed and sent forth from the University? It becomes a sun in the intellectual firmament, illuminating the valleys as well as the mountain tops of society. Thousands of inferior minds rejoice in its brightness and are led by its guidance. . . . In this way all who may not be able to visit the fountain source, may yet drink of its cooling waters percolating through channels which pour the refreshing tide through all the ramifications of the social edifice. . . . This diffusible equality of knowledge constitutes the agrarian law of the kingdom of mind, by which its riches are distributed, in due proportion, among all the inheritors of reason.¹⁴¹

Taylor employed many analogies to the physical world in discussing the contributions of the University of Alabama to the public mind. For instance, he likened the University to “electric bars” that when “passed over metallic particles [students] attract them to their surface, when, in due time, they fall off to be succeeded by other particles, until the whole mass is brought under electric influence.” The students then returned to their home communities and, like the particles that fell off the electric bars, “help to electrify” the masses “by imparting portions of their own supply.”¹⁴² He saw the University as educating teachers for the common schools, which would then bring the University’s light and morals to the rest of the state. The University, moreover, prepares people for participation in the “well-regulated popular sovereignty.”¹⁴³

Prime among the justifications for studying at the University was its support for slavery. For, as Taylor said, “The University is useful in enabling the State to protect the peculiar rights and institutions which belong to it, as one of the Plantation States of the South.”¹⁴⁴ Taylor professed love for the Union and hope that a destructive conflict would never occur. “Never may [the Union’s] proud banner flutter out, with diminished stars and stripes, beneath skies blushing red with the hue of blood shed in the fratricidal conflicts of the warring fragments of a once united and powerful confederacy!”¹⁴⁵ The institution of slavery was essential to Southern wealth, constitutionally protected, and morally right. Slaves “have grown up with us, and have become an element of our social life, which cannot be, harmlessly, removed. We believe them to be lawful, judged either by the laws of reason or by the canons of Revelation.”¹⁴⁶ But the South was under attack by those who held a “misguided philanthropy”: “The pulpit and its instrumentalities, the press and its agencies, are the weapons they yield. The world is the field of battle; mankind the spectators; institutions, vital to the South, the guerdon of the victor; God and the right the arbiters of the final issue.”¹⁴⁷

And it was Southern colleges and universities that would provide the defense: “the champions of the South must be her sons, their weapons the pulpit and the press, their schools of discipline our own Colleges and Universities.”¹⁴⁸ Taylor would not rely on those from the North nor those trained in the North. “A hireling soldiery are as mercenary in a moral as in a physical contest. They may turn their weapons against their employers, and help the other party.” This was simply a question of training people loyal to the South and equipping them with the right arguments.¹⁴⁹

Taylor used the example of a man from Kentucky, who was educated in New England, and returned to his home state as an abolitionist. (This is a reference to Cassius M. Clay, who was educated at Transylvania University and then later at Yale.) Clay was unsuccessful, but “as when Lucifer fell from the bright sphere of heaven, there is one less in the ranks of the champions of God and the right, and one fallen spirit more to tempt others to rebel violence and foul revolt against institutions and the rights of the South.”¹⁵⁰ Taylor was happy that Clay had been ineffectual, but he worried that others might come back from Northern educations with similar abolition views. “Suppose one hundred or five hundred such erring minds were to turn loose their energies in the mad work of fanaticism in the State, how long would it be before Kentucky would see her blooming fields redden with blood shed in a servile

war?” Here we see Taylor’s principle of the educated spreading their influence working again (though obviously for ill in his mind).¹⁵¹ Should Alabamians send their children, Taylor asked rhetorically, “to be educated in the colleges of other States, that they may return with dangerous heresies coiled, like serpents, in their hearts, which will leap forth some day, instinct with a powerful vitality, to destroy the peace and to endanger the institutions of the State?”¹⁵² There were, of course, other advantages of the University. One important one was the opportunities it gave to poorer Alabamians. “The University,” Taylor concluded, “is the great equalizer of ranks in our society, correcting the irregularity of fortune in the rich, by equality of mental cultivation in the poor.”¹⁵³ Taylor looked forward to the future when the University would be proud of its role in the cultivation of morals and education throughout the state.

After Taylor, there is a decrease in the frequency of publication of literary addresses. One alumni society address, on the state debt, was published in 1848.¹⁵⁴ The next published address was John Pratt’s speech to the alumni in 1850 on “Duties of Educated Men.” Delivered on July 8, in the wake of the Fugitive Slave Act and John C. Calhoun’s death, Pratt was focused on the practical and weighty issues of contemporary politics. Pratt had just joined the University of Alabama faculty.¹⁵⁵ He dismissed “the pleasing illusions so often thrown around this occasion.” He did not imagine “that we are wandering amid the classic groves of antiquity.” Instead, he sought to “remember that the realities, the practical concerns of life are here.”¹⁵⁶

Pratt was interested in defense of the “men of the mind.” For he thought that “the sovereigns of a nation are its educated, thinking men.” Those educated people—the same ones that Taylor had celebrated as the bringers of morals and education to the masses—were the leaders. What they believed and acted on would set the tone for everyone else. “The law of the descent of thought, from the higher orders of intellect to the lower, is as constant and unvarying, as the law of physical gravitation.”¹⁵⁷ There often was hostility to the “aristocracy of the mind,” just as there was to wealth. Such, Pratt believed, was what those well-educated leaders of the community were up against. There was, moreover, a sentiment common among even the wealthy planters that there was no need to pursue an “extended intellectual culture,” for knowledge had little utility.¹⁵⁸ Pratt, like Taylor, hoped for further support of education by the educated.

Educated people were, moreover, the guardians of the nation’s government, policy, and laws. He wondered whether “that which touches all our most intimate concerns, as owners of property, as the component parts of a great nation, be forever consigned to the keeping of ignorant and unprincipled men?”¹⁵⁹ Pratt urged his educated audience to take action, for “every thing that is valuable to nations and individuals, is subject to the control of the civil authority.” He worried about the struggle over ideas that was taking place and predicted a violent controversy. For there was an “important place assigned to abstract principles, abstract questions in morals, and sickly sentimentalities about the sacredness of the human person, in the political discussions of the day.”¹⁶⁰ Those passions indicted that “a storm or violent struggle—perhaps revolution, is at hand.”¹⁶¹ Legislators, judges, lawyers, all needed college education as statesmen.¹⁶² He concluded with a call to scholars to take action: “we must translate words into deeds, and thought into action.”¹⁶³ In little more than a decade, much of what Pratt predicted occurred. And there would indeed be action, led by the well-educated statesmen of Alabama.¹⁶⁴

George Shortridge also delivered an address to alumni in 1850. Shortridge was born in 1814 in Mt. Sterling, Kentucky, and graduated from the University of Alabama in 1833. He became a lawyer in 1835. He ran for governor on the Know-Nothing ticket.¹⁶⁵ Like Professor Pratt’s, his address focused on education. Like Taylor, he was educationally xenophobic. “The formation of a distinct, independent State character, is absolutely conditioned upon the education of our youth upon their native soil, in our own social atmosphere, amidst our own political institutions, under our own southern sky.”¹⁶⁶ Shortridge justified and celebrated the role of the University’s education for Southerners:

Our social institutions, our social and political sympathies are intensely *southern* Are you doing this, when you send your sons to New England, to Virginia and to the Carolinas, to have their sympathies and opinions molded under influences, which may prepare them for other circumstances, but not for ours—influences moral, social, and political, which now threaten the Union and jeopardize the rights of the South?¹⁶⁷

After 1850, there was only one other literary address delivered under President Manly’s watch that saw publication in pamphlet form. That was an

address given to the Alabama chapter of Phi Beta Kappa in 1854 by Professor Frederick A. P. Barnard, “Art Culture: Its Relation to National Refinement and National Morality.” That lecture, which emphasizes the role that art plays in culture, presumably was not selected by President Manly, because there was a dispute at the time between Barnard and Manly over control of Phi Beta Kappa. Barnard surveyed art in differing cultures, such as ancient Egypt and Greece, and modern Europe, to suggest an “intimate connection between” people’s “intellectual attainments, their social refinement, and their aesthetic cultivation.”¹⁶⁸ From that he urged greater attention to the cultivation of fine art, which would help raise us above the level of utilitarians. “We need,” he concluded, “a national taste more highly cultivated.”¹⁶⁹

With Taylor’s address, the University reached the zenith of expressions of fear of the North and the culture of xenophobia. The nature of the literary addresses continued to change, moving in many instances toward proslavery thought.

Presidency of Landon Cabel Garland, 1855–1865

If the fruits of intellectual culture have not been so profuse among us, have we not been more fortunate in the development of the whole man, and may not the horseback exercise and the habitual use of the deadliest weapon of modern warfare, to which we are trained from our youth, be fairly set off against some of that curious learning which exhausts itself in the effort to overturn the Ark of our fathers, and to commit the hopes of mankind to the phantom ship of an infidel philosophy?

—Edward Courtney Bullock¹⁷⁰

When Basil Manly left the University in 1855 to return to South Carolina, the institution was well established, with a large faculty, a good physical facility, and a long tradition of literary addresses. Eight addresses from the period of Manly’s successor, Landon Cabel Garland, have survived. Two are important for the purposes of this essay, because the speakers—Edward Courtney Bullock and United States Supreme Court Justice John Archibald Campbell—consciously engaged in speculation on the relationship of society to culture and the idea of progress.¹⁷¹ The six others are concerned with the role of the educated in Alabama society.¹⁷²

Bullock offered a particularly detailed world of hierarchy and opposition to radicalism. It is a classic Southern work, which presents a rich picture of society from a Southern, slaveholding perspective. It is a poignant contrast with Henry Tutwiler’s oration. Born in 1822 in Charleston, South Carolina, he was educated at Harvard College, where he graduated in 1842. Bullock came to Eufaula and read law; he was admitted to the bar in 1846 and then practiced and edited a weekly newspaper, the *Spirit of the South*. He served in the state senate from 1857 to 1861 and during the secession crisis was Alabama’s delegate to Florida. Thus, he was at the center of the secession movement and a prime advocate of secession. He enlisted in the Confederate Army and was promoted to colonel. He died of typhoid fever at the end of 1861.¹⁷³

Bullock asked whether civilizations had an inevitable life, like that of humans, which must end in death. “Is the embrace of civilization sooner or later necessarily fatal, and is this the banquet of death to which it mockingly invites us?”¹⁷⁴ History seemed to answer yes, for there were legions of examples—the Assyrians fell to the Persians, who fell to the Macedonians. Greece fell to Rome, which fell to barbarians. “The culminating point of what we call civilization in each, was but the beginning of a fatal decline; and the noon-tide splendor upon which we love to gaze, was but too surely ushering in the night of desolation that was to succeed.”¹⁷⁵ But Bullock drew a distinction between true and false civilizations. The demise of civilization was not inevitable, but there were certain principles that had to be followed:

Courage, fortitude, independence, physical strength,—all the sterner qualities, flourish in man’s primitive state, and the cultivation of a more advanced period seems to be a certain extent less favorable to their existence; but true civilization instead of destroying these high attributes, uniting them with the gentler virtues, will soften them by humanity, and dignify them by knowledge.¹⁷⁶

True civilizations have hierarchy, which put people in their places. False civilization is flashy and concerned not with simple, manly principles, but with an excess of intellectual accomplishment. Bullock’s world is one of false civilization, where there is insufficient virility.

English society during the Middle Ages, a period of feudalism and chivalry, was a true civilization. For society was rural; it developed virtues in men and women and workers were able to support themselves.¹⁷⁷ With commerce—by which we might read capitalism—came the problem of

modern civilization, vast differences in wealth.¹⁷⁸ The Northern states displayed many of those problems. Capitalism led to the reduction of white workers to the status of slaves:

It may be that they who sow the wind will one day reap the whirlwind, and will learn how easy is the transition from the principles upon which they have inaugurated a crusade against an institution older than civilized society, and a right of property as sacred as any that ever received the sanction of law, human and divine, to the bold avowal of the great French socialist, that “all property is robbery.”¹⁷⁹

Bullock’s framework explained the problems of New England. The dense population in New England led to the decline from the era of Revolution to Bullock’s day. “Books have multiplied, education has penetrated every household, wealth has accumulated, learning is idolized, and yet are we not met on every side by the evidences of impaired manhood and decayed virtue.”¹⁸⁰ The signs of decline were everywhere in New England and those signs were that once-solid New Englanders had become fanatic reformers, who disobeyed the law in a misguided sentimental concern for slaves:

Her great statesmen driven into retirement to make way for pedants and philanthropists by trade! The old cradle of liberty closed against her brightest intellect, because he dared to uphold the inviolability of a solemn compact against the assaults of the higher law; and Faneuil Hall, that once reverberated with the eloquences of Otis and of Samuel Adams, sunk into the echo of the insane drivings of Exeter. The ermine of justice stripped from the shoulders of a judicial officer, the only charge alleged against whom, was, that he had sinned against the commonwealth by keeping his oath of office instead of obeying the mandates of an infuriated mob! . . . Scholarly essays, and conventions with any amount of choice rhetoric, to prove the intolerable tyranny of the moral law, and the imperative necessity for overturning society, church, and State, and practically reducing man to a level with the brute!¹⁸¹

By contrast with the North, the rural South is “true civilization.” Of course, slavery was central to that civilization and economic progress. All “the statistics of life and health and happiness proclaim in tone only less authoritative and commanding than the voice of God itself” that slavery for blacks is better than freedom.¹⁸² Bullock’s address was not written as political theory, but as a proslavery jeremiad.

United States Supreme Court Justice John Campbell delivered an address, “The Institutions, Duties, and Relations of Alabama,” the year after Bullock’s, in 1859.¹⁸³ Campbell discussed the moral and political philosophy reflected in the Constitution. He surveyed centuries of history leading to the Constitution and found in that history “a statement of the causes and conditions which have aroused and invigorated the human conscience and intellect for five centuries.”¹⁸⁴ The history of the Reformation demonstrated, to Campbell’s reading, that “there exists an order of truths which are immutable, not subject to the control of government or society, but to which the State in its corporate capacity, as well as its members, owe obedience.” The problem became, how could a state preserve those truths (of which personal liberty was a critical part)? Here Campbell turned the lessons of history into a defense of the present. He praised England for its steady traditions. “There is among [the English] none of that presumption and pride that is displayed in rejecting the lessons of experience, the counsels and acts of ancestors, and they steadily refused to divide the life of their country by abandoning their old and seeking at large for new laws, institutions, and habits.”¹⁸⁵ It was the revolution of 1688 that established the principles that Campbell most supported: “that political power exists of right in the entire society, and that government derives its sanction from the consent of the governed.”¹⁸⁶ Those principles appeared in the American Revolution, which was a sober return to original principles, rather than a radical break from England, and in the subsequent Constitution.¹⁸⁷

The Constitution and the Northwest Ordinance, followed by local acts such as the Alabama Constitution of 1819, established the principles of a government based in Christianity; subjection of the individual to the good of the whole; education and such other values as

[e]nlarged commerce, intelligent industry, facilities of communication, wealth to promote the progress of science and liberal arts and to relieve indigence and penury, liberal and just legislation and efficient and vigorous execution of the laws, under the influence of a wise and regulated opinion of a religious, moral, and educated people. . . .¹⁸⁸

In such a well-educated and well-regulated society, legislation would be benign. Campbell’s legal theory was that in a well-functioning society, legislation merely confirms and gently pushes morality in the right direction.

Thus, legislation springs from and must be in line with the prevailing sentiments of the community:

Authority is then scarcely felt, so naturally and spontaneously do the members of society perform their appropriate functions; and when employed, it is to bring the members of society into closer union, by the gentle stimulants of law, literature, industry, and intercourse. Legislation then only consecrates as law, the duties that have their sanction in the public conscience; obedience is the grateful homage of loyalty, to right as declared by legitimate authority; and justice, as pronounced by citizens selected temporarily to distribute it without aid from the insignia or array of power, is executed through the reverent sentiment for the sovereignty and majesty of law, in a self governed, virtuous community.¹⁸⁹

And in order to preserve the state, there must be “old customs, familiar household sympathies, the habits of subordination and obedience, the community of thought and opinion, the centres of worship” that hold the country together.¹⁹⁰ Campbell supported the Union because he thought that it supported those connections. He found in the Constitution a further support for Union. The lecture allows us to see how a Supreme Court Justice saw the metafunctions of law in supporting and working in conjunction with the community’s sentiments and for the support of order against change.¹⁹¹ He ended the address with a quotation from Wordsworth:

So will God protect us, if we be
 Virtuous and wise. . . .
 . . . by the soul
 Only, nations shall be great and free.¹⁹²

The last antebellum literary address from the University of Alabama that was published before the war was William Russell Smith’s “Uses of Solitude,” a poem delivered to the Phi Beta Kappa Society. Smith was born in Russellville, Kentucky, in 1815, and had studied at the University of Alabama in the early 1830s, but did not graduate. He became a lawyer in 1835, worked in Mobile and then Tuscaloosa as a lawyer and as editor of the *Tuscaloosa Monitor*. He served in Congress in 1860 and was a delegate to the 1861 secession convention, and was briefly president of the University after the war.¹⁹³ Like Barnard’s “Art Culture” and W. W. Lord’s poem, Smith’s address was outside of the typical pattern; it was aimed at an introverted, intellectual

topic—the scholar’s penchant for solitude and its benefits, the virtues of a quiet, introspective life of the mind. There were many uses of solitude, though. Toward the end, Smith suggests the power of solitude for even some practical purposes:

I sing the Solitude of Mind; the power
 To draw the sense from its accustomed use
 Of natural avenues; the power to be
 Still in the uproar, deaf to all the shouts
 Of angered multitudes; the power divine
 To pluck from turbulence the time to think;
 To shape the howling thoughts to themes divine,
 And meditate perfections infinite,
 While Fury races and moves tumultuous reign.¹⁹⁴

With that, the antebellum period drew to a close. Many of the men who had trained at Alabama took leading roles in the secession movement and then later in the war. They put their ideas into action. It remains for us to make sense of the ideas in the literary addresses and to connect them to the world.

Connecting Literary Addresses to the World

*The mind of a people imprints itself in its speech, as the light
 in a picture of Daguerre.*

—Frederick Henry Hedge¹⁹⁵

Recent writing on intellectuals in the Old South has dwelt on problems that they faced. They were isolated, frequently ignored, limited in power—in brief, unimportant. Because of their small market and their small numbers, it was difficult to produce significant work. According to historian Drew Faust, they felt isolated, and a group of five of the most important (William Gilmore Simms, Edmund Ruffin, George Frederick Holmes, Nathan Beverly Tucker, and James Henry Hammond) thought of themselves members of a small “sacred circle.”¹⁹⁶ Those intellectuals focused on the idea of moral stewardship: of a group of intellectuals leading the rest of the South. They sought to make themselves relevant by employing proslavery arguments.

Michael O’Brien’s more recent assessments draw a somewhat more engaging picture. In the introduction to his 1982 anthology of literary essays,

All Clever Men Who Make Their Way: Critical Discourse in the Old South, O'Brien made out a tentative case for a wider appreciation of the quality of the work of antebellum Southern intellectuals, even if not so much their influence. "We stand in our understanding of antebellum southern thought where the study of the New England mind stood when Perry Miller came to revise the orthodoxy of Brooks Adams."¹⁹⁷ In 2004, O'Brien offered a defense of the Southern intellectual in *Conjectures of Order*.¹⁹⁸ So we might now say that antebellum Southern intellectual history stands where colonial New England intellectual history stood following Perry Miller's two volumes on the New England mind. Going beyond his tentative 1982 introduction, O'Brien demonstrates that there was deep and rich thought across a spectrum of religious, historical, economic, and political topics, as well as significant productions in fictional literature. Surprisingly, jurisprudence receives almost no attention. Perhaps O'Brien believed that his treatment in *Conjectures of Order* of political economic works by people like Beverly Tucker met the needs for treatment of jurisprudence. If, however, one seeks to trace ways that books shaped ideas, looking at law books and judges allows precision we rarely see in other fields.¹⁹⁹ Moreover, Southern judges produced an immense amount of thoughtful scholarship in the form of judicial opinions, which compares favorably to that of their Northern colleagues. O'Brien is more concerned with describing the intellectual world of the antebellum Southerner and less concerned with describing their relationship to a world of action. And even more recently, Eugene Genovese and Elizabeth Fox-Genovese presented an important critique of capitalism even as they studied historical and religious thought in the Old South. They are optimistic about the quality of Southern intellectuals and believe that they were forward-looking people.²⁰⁰ The addresses can help us test those hypotheses.

Mapping the Mind

The Alabama literary addresses accomplish several purposes. By providing a set of data across nearly forty years, they allow us to pick out certain highlights of the transformation of thought. Perhaps most notable is the transition from late-Enlightenment thought to a world of hierarchy. The addresses also expand the scope of people we might think of as intellectuals in the Old South; that is, they are offered from a wide variety of speakers, many of whom are rarely, if ever, cited as figures in Southern intellectual history.

Thus we learn about the importance of (largely unknown) people such as Henry Tutwiler, John Pratt, and Edward Bullock. And even those about whom we sometimes speak, such as William Gilmore Simms and John Campbell, we see in additional perspective because of their addresses. The lectures also expand our understanding of the scope of ideas in circulation and demonstrate the diverse ideas held by antebellum Alabamians. We see a world of late-Enlightenment optimism for the cause of education. We see the idea of progress for the entire society through education, of stability through education, as confirmed by law. We see, particularly after 1840, a well-developed idea that the well-educated are the appropriate leaders of society and that hierarchy in society is proper and necessary. History from ancient times through the American and French Revolutions teaches that reform must be gradual, if it comes at all. The political philosophy of Edmund Burke and William Coleridge held sway; the ideas of Christian morality, American republicanism, and a social order stabilized through law and education are their visions. It is a rich and well-developed world.

The addresses suggest that the circles of Southern intellectuals may have been greater than previously believed; that more people may have cared about issues of the mind than we previously thought. The addresses also suggest that the proslavery argument was employed for wide purposes. Thus, it is not so much a part of bending the subjects of study to make intellectuals relevant to society, as it is having many smart and well-educated people employing the arguments because the arguments were relevant to them. The addresses suggest that the arrows of influence may have pointed from society and social needs to intellectuals, rather than the other way around. In contrast to some Northern intellectuals, who went against the grain of society, the intellectual in the South (particularly after 1840) went in the same direction. There was a linking of the interests of the wealthy, the powerful, and the intellectual. The picture that emerges contains elements familiar to several generations of historians, such as Eugene Genovese's picture of progress, though it is a change from a world of chaos towards one of order and hierarchy.²⁰¹ That progress toward order and hierarchy contains important elements of liberalism (such as respect for private property). At many times, individuals' rights are subordinate to the community's need for order. Thus there is also talk of the republicanism so familiar to historians from George Fredrickson to William Freehling.²⁰² We may, thus, be moving toward a more comprehensive picture of the Southern minds, which incorporates

many elements and looks like that complex picture in Michael O'Brien's *Conjectures of Order*. For purposes of understanding the relation of political philosophy to action, perhaps Manisha Sinha's *Counterrevolution of Slavery* has come closest to capturing the complex ideas of property, order, and dedication to preservation of that order and freedom for white men that propelled the South into Civil War.²⁰³ The addresses at Alabama, particularly in the years after the arrival of President Manly in 1837, offer an oratorical window into the ideas of the South's intellectual and political leaders.

Overall, the addresses also provide insight into the role of the University in intellectual life, for they provide a particular vantage on the role of the University in Southern life and the place of the speaker in creating a Southern intellectual culture. They celebrated the role that education might serve in leading to progress.²⁰⁴ One must, of course, be mindful of trying to push the analysis too far. For the addresses are aimed at the University audience and emphasize the importance of education. They may represent little more than what orators thought the University community wanted to hear, such as a justification of their existence. The addresses try to provide balance to the utilitarian sentiments of the age. Some are anti-intellectual and overtly pragmatic. Some offer statements so general as to be meaningless. The author of a short story about an Alabama Whig politician's first campaign characterized his speeches that way:

The multitude frequently shouted applause in reply to some of his senseless declamation. I discovered that he dwelt with particular emphasis on the words, *Liberty—Freedom—your County's rights, &c.* These are words calculated to make an orator appear to advantage; but, for my life, I could not discover why and wherefore he made use of them.²⁰⁵

And yet, there was the belief of many that politicians spoke the language of moral philosophy and continued to engage the ideas they had first met in college. One character, old Senator Burton, in William Russell Smith's novel *As It Is*, was said to be a follower of literature and frequently alluded to it in debate:

He was familiar with all literature. In his youth he had been a student; and in his busy manhood, while he had found it necessary to toil for pre-eminence and position, he had so vigorously applied his learning, as occasions of display offered, that the restamping of it on his memory had given a deep tinge of

philosophy to his thoughts; and all his conclusions appeared as the bright results of intuitive sagacity. He was only not a pedant because he was a genius: for the apt quotation so harmonized in his sentences and illustrated his meaning, that his reflections seemed to be original, and his mosaic phrases deserved for their elegance to be considered his own.²⁰⁶

There is much more that one might extract from the addresses, such as the sources they use, how the orators draw on ideas of history and moral philosophy; how proslavery thought fit with American identity; and how progress might be achieved through slavery.

The orations illustrate the values of the era. They may serve as a way of expanding the map of the mental universe that antebellum Alabamians inhabited. The orations explain the role of the University in Alabama society and some of the ideas of antebellum intellectuals. Given the relatively small number of orations that have survived—fewer than twenty between 1840 and the beginning of the Civil War—it is not possible to construct from them a complete catalog of the ideas in circulation. There is a striking difference between the University of Alabama addresses and many addresses to Northern literary societies: the preservation of slavery. The differences between Northern and Southern addresses correlates with differences between Northern and Southern thought, although a complete study awaits fuller reading in lectures at other Southern schools. Some of those differences relate to the amount of proslavery thought and attacks on reform. The Northern addresses focus, often, on mental, moral, and technological progress. Of course, within the North there are also significant differences between the addresses; portions of some of the Northern lectures could have been delivered at Alabama. There is convergence in particular in the lectures given at Northern schools by Southerners, such as those by North Carolina Justice William Gaston at Princeton in 1835 and Virginia lawyer William Wirt at Rutgers in 1830.²⁰⁷

We can use the Alabama orations to fill out a picture of the mind of antebellum Alabamians, which is a project that has made great headway and still promises to yield much more insight.²⁰⁸ The mind of the Old South—or maybe we should speak of the minds of the Old South—was developed at the antebellum University of Alabama. The orations are also important evidence of the rich intellectual life circulating in antebellum Tuscaloosa. Perhaps soon we will have a greater appreciation of the interplay of ideas in circulation at universities with legal and political thought and, ultimately, action.

Ideas into Action

One always likes to be able to generalize from a limited set of data and, because the addresses are so rich in ideas, it is particularly tempting to draw inferences about intellectual life in antebellum Alabama from these addresses. Yet, one may legitimately ask, what is the relationship between the literary addresses and larger thought? Do the addresses represent anything beyond what prominent Alabamians wanted to project about their society and thought? Are they merely the idiosyncratic thoughts of a small group of politicians and religious leaders? Do they relate anything more important than individual thoughts? There are a series of increasingly difficult questions that one ought to pose about these addresses. Are they representative of the thoughts of Alabama faculty or students? Are they representative of elite Alabamians, such as judges, lawyers, legislators, or slave owners? Do the addresses hold keys to the connections between Alabamians' views on history and moral philosophy and legislative or judicial action? Those are difficult and important questions.

Sometimes orators tell us about how they view the significance of orations. Francis Gray told the Brown University Phi Beta Kappa Society in 1842 that the addresses impart enthusiasm for knowledge in their listeners and lead to discussion of the common interests:

Public lectures, and all other assemblages of men for literary or scientific purposes, are also worthy of encouragement, though the knowledge obtained in them is, for the most part, superficial and incomplete. They can deter no reasonable being, otherwise disposed to it, from the thorough investigation of any subject; but on the contrary, by exciting curiosity, may induce many to enter on studies, which they would not else have thought of pursuing. Such meetings, too, of persons of different occupations and positions in society, to engage in the same pursuit, and share the same pleasure, tend greatly to remove mutual prejudices, and to facilitate intercourse among them by affording them topics of common interest.²⁰⁹

We must be cautious about drawing inferences from addresses, for the ideas presented may represent only what the orator believes he ought to project to the audience. Yet they at least allow us to form some judgments about the orators' intellect, interests, and knowledge, as well as the belief systems they associate with in public.

In the case of the antebellum University of Alabama, we can see a general trend moving toward support of a distinct world of hierarchy. That world needed a justification and received it. But by comparison with literary addresses at New England colleges, there is a difference. There is little in the way of celebration of general human progress;²¹⁰ there is instead an emphasis on progress of limited groups and the celebration of differences between those groups. During Tutwiler's time the role of scholars was celebrated; after his departure, the University is praised for the defense its students offer to Southern institutions.²¹¹

The comparison between Tutwiler and Joseph Taylor's 1847 address is especially stark, because Taylor focuses particular attention on the utility of the University to Alabama. His address emphasized the utility of education to the state in supporting Southern institutions, rather than its oppositional role. Precisely in his selection of topic, Taylor links the University to the powerful. Taylor saw Southern colleges, the Southern pulpit, and the Southern press as the defenders of slavery:

The sons of the South are its legitimate, its reliable, and its appointed defenders; and, in the Universities of the South, must they be imbued with the skill and force in the use of the weapons of reason necessary to the high encounter to which they are called. If they be educated elsewhere, may they not imbibe the doctrines of our assailants, and thus, returning to us in the guise of friends, help to drag over the walls and into the very citadel of our domestic Troy, some fatal horse pregnant with the impediments of fanatic propagandists and unreformed reformers?²¹²

There was much to that celebration of the role of Alabama's students, for they were drawn from the ranks of the wealthy and they were destined in many cases for important roles in antebellum history. Taylor's other work suggests that he was a Whig. For instance, he delivered an obituary on Henry Clay in 1852 and he delivered several addresses to other literary societies.²¹³ He also served as president of the board of trustees of Southern University in Greensboro. So Taylor was well familiar with the justifications for University education and his views are worth particular attention. The justification is set on utilitarian grounds.

With some, the connections between ideas expressed at the University and in the legislatures or courts were direct, as illustrated by Supreme Court Justice John A. Campbell's 1859 address. Likewise, Benjamin Porter, who

addressed the University literary societies twice, provided very direct connections to the outside world. He represented Tuscaloosa in the Alabama legislature.²¹⁴ United States Senator from Alabama, C. C. Clay, delivered an address at the University in 1855. We can link his thinking together with several speeches given in the Senate. On April 21, 1856, he opposed the admission of Kansas as a free state.²¹⁵

We can see the connections between legal thought and literary addresses by looking at the moral philosophy of Alabama jurists. Often as they justify their opinions they illustrate the complex world of hierarchy that motivated both jurists and professors. As Wilson Smith's study *Professors and Public Ethics* found, the world of the antebellum college provided a language for categorizing and thinking about the world.²¹⁶ A multiple regression equation that includes precedent, moral philosophy, and understanding of history and society explains much of the behavior of antebellum Alabama jurists.

Where other historians have emphasized the division between the intellectual and society in the antebellum South, looking to judges reminds us that there was a vibrant social mind in the antebellum South—and that frequently the defense of slavery received some of its strongest support from the judiciary. Drew Faust wrote of a “sacred circle” of antebellum Southern intellectuals who were isolated from each other and, largely, from those holding political power. Yet, in antebellum Tuscaloosa, there were close connections between the politically powerful and the intellectuals. Those connections (and fairly wide interest in the literary addresses) suggest that intellectuals occupied a more important place in antebellum Tuscaloosa than Faust found for her “sacred circle.” The life of the mind, concerned as it was for the hierarchy and preservation of the system as it was, was popular.²¹⁷

Close reading of cases is extremely helpful in figuring out what judges are doing. Are they concerned with efficiency or redistribution of property? What motivates judges? We should look to what they say, to see how they believe their decisional process works and what factors are important to them in making decisions. Judges will not necessarily say something inculpatory and there is often public dissembling about motives. We have seen that often in public discussions of slavery. Nevertheless, we should at least ask the participants what they thought was happening. Often when we ask those kinds of questions, we receive important insight. We can harness the techniques of intellectual historians—a close reading of public addresses—as a way of

understanding the complex grid of ideas of antebellum Americans. For public statements tell us how orators want us to believe they think.

The University of Alabama talks were delivered by a United States Senator, a United States Supreme Court Justice, and numerous local legislators and lawyers, as well as those who would serve as legislators. They illustrate the belief of those politicians and intellectuals in the importance of education and the role of the educated in governing society. The sophisticated addresses spoke of the connections between a people’s history and its morality, its history and culture and its legislation. They spoke of the utilitarian spirit of the age and the need to discipline that spirit with morality. Similar ideas motivated the judges. Thus, they remade the law, as a generation of legal historians have said, to bring it into line with ideas about expediency and progress, even as they sought to leaven those changes with attention to precedent and to humanity and considerations of morality. The addresses help construct a picture of the matrix that judges and legislators employed to reach decisions in concrete cases and on specific legislation. As we recover antebellum jurisprudence, we can do it in part through judges’ and lawyers’ extra-judicial writings, to create a picture of how their world fit together.

Judges in Alabama sometimes spoke of those considerations of history and of morality in their opinions. In *Caldwell v. State* all three members of the Alabama Supreme Court issued seriatim opinions on the question of the state’s jurisdiction to punish a white man for the murder of a Creek Indian.²¹⁸ *Caldwell* turned on whether the state had jurisdiction to punish crimes occurring on tribal land located within the state of Alabama.²¹⁹ Chief Justice Abner S. Lipscomb upheld Alabama’s power (derived in turn from Congress’s power) to pass legislation punishing murder and thus upheld the death sentence against the white man. Thus, Lipscomb was able to use the need to punish the murder to secure the state’s jurisdiction over land inhabited by natives. He thus limited native rights of sovereignty. Lipscomb concluded, as had Chief Justice John Marshall nearly a decade earlier in *Johnson v. McIntosh*, that the natives had limited rights to the land they inhabited, from the fact they were savages, who did not possess the attributes of sovereignty.²²⁰ Lipscomb employed his understanding of natives’ society to deprive them of the rights of sovereignty, for he found native societies to be nomadic and without an “established system of government.”²²¹ He thought “the pretension of those who live by the chase, must yield to the cultivator of the soil.”²²²

Justice Taylor's opinion surveyed much colonial and national history to assess the rights of the natives to the land. He recalled that until recent years, the natives had been the "undisputed lords of this immense continent." Some might conclude from that history that the natives should maintain sovereignty over the lands they occupy:

Such reflections excite a warm interest in behalf of the Indian, and we listen to his complaints fully prepared to believe that he has been injured. Similar feelings have been general throughout the union, and, doubtless, they have often controlled the intellect, and commanded the judgment, when forming an opinion upon the rights of the states over these rude nations.²²³

But those feelings of the heart did not hold sway in the Alabama courts. For the court justified the continued occupancy of native land. Against the suggestion that "unholy acquisitions be immediately surrendered" and that the current inhabitants "make restitution," the court had a justification. When they found the land "in a state of nature, our forefathers were justifiable in clearing away the forest and cultivating the fields formed by their industry, and in bringing the Indians into subordination to them by the best means which policy and humanity dictated."²²⁴

Justice Taylor wrote, much as later college orators did, of the progress in society. He found progress in the growth of cities, commerce, the development of agriculture, and the growth of political institutions. That progress led the Justice to believe that the natives had no claim to sovereignty or land in Alabama:

But when we contemplate the change which has been wrought in this once savage wilderness, by the arts, the industry, and the superior knowledge of the new population; when we visit our thronged cities, smiling fields, and happy habitations; when we contemplate our numerous bays and harbors, once the resort only of the wild fowl and the inhabitants of the deep; now studded with ships and vessels of all sizes and nations, pouring upon these lands the rich and extensive commerce of a whole world; when, instead of a roving tribe of hunters, we behold a powerful nation of agriculturists, as free in every desirable liberty, as their savage predecessors; when our happy political institutions and the religion of the Bible, have displaced their barbarous laws, and wretched superstitions; can we wish these effects of civilization, religion, and the arts, to disappear, and the dark forests and roaming Indian again to possess the land?²²⁵

The court found, as did later orators, the hand of providence in the changes: “Are we not compelled to admit that the superintending providence of that Being who first formed the earth, is to be seen in this mighty change?”²²⁶ The language by which Alabamians spoke of their progress appeared in judicial opinions, as well as in college addresses. That is as one would expect. For as Justice John Campbell said, law and community sentiment work together.

Caldwell provides a suggestive connection between the reasoning styles of judges and the college orators. Across 120 pages, there was much discussion of history and expediency, of reasoning based on understandings of human nature, and of a justification of the system as it existed. The extensive reasoning and discussion of precedent reminds us of the importance of ideas—and particularly of ideas in books—to lawyers. The jurist was expected to be a master of precedent and often displayed that learning. Those who lacked books were considered to be inadequate lawyers, as a short story printed in Mobile in 1837 about a lawyer who was lazy suggested. The author lamented that the once-hardworking lawyer’s office had declined from one with many books to one with a few books and an old map of the United States. “A dirty and ragged set of Blackstone, a coverless Digest, and an odd copy of a Law Dictionary, compose the ready part of his office.”²²⁷

In other significant cases, judges employed a similar range of sources for law, such as understanding of history and their interpretation of Alabama culture, as well as a close reading of statutes and of legal precedent. Some examples of these connections appeared when the Alabama Supreme Court struggled with interpreting wills that freed slaves. *Trotter v. Blocker*, for example, prohibited emancipation by will. Justice Collier concluded that restraints on disposition of property by will (at least in the form of emancipation) was “the dictate of a wise policy.” He thought the policy wise because:

As a measure of expediency, the State owes it to its citizens at large, to protect their interest, by throwing suitable guards around the institution of slavery. If emancipation were allowed, at the mere volition of the master, consequences, disastrous to the quiet of the country would likely result,—the public would be burthened with the charge of more paupers than it would be convenient to support, and slaves, themselves, would be turned loose upon society, who either from age, or the want of it, could not provide the comforts, or even the necessities of life. And last, though not least, the demoralizing tendency of such a policy would be such as should induce every christian and philanthropist to deprecate its toleration.²²⁸

Later, in 1852 in *Atwood's Heirs v. Beck*, the Alabama Supreme Court faced a more difficult question: whether a will requiring the executor to take slaves out of the state and free them was valid. Frederick Beck, who had addressed the Erosophic Society as a student in 1835, was the executor of the estate and he wanted to send the slaves to Ohio and emancipate them. Here the court faced the seemingly contrary precedent of *Trotter*, but it parsed the facts differently. Chief Justice Chilton surveyed much precedent. He noted the special attention the legislature had given slaves. "This general power which the master has over the slave, both in respect to his treatment and manumission, has been controlled and guarded by legislative checks, prompted alike by humanity for the slave and security for the State."²²⁹ After commenting on the right of lords to emancipate their villeins in medieval England and parsing a series of conflicting precedents in other Southern states, the court upheld the will. For it reasoned that an owner might take the slaves out of the state himself. Hence, an order in a will to an executor to take the slaves from the state and then free them was merely an exercise of the owner's pre-existing right.

There are other places in the Alabama reports that one can view more fleeting glimpses of the reasoning styles of judges and their connections to college moral philosophy and the common themes in college addresses, such as wonderment at technological and economic progress. When the Alabama Supreme Court faced the perplexing question of whether aliens should be allowed to purchase land, it returned to speculation on the nature of political thought. In 1830 in *Jenkins v. Noel*, the court concluded that both precedent and political theory ("the spirit of our institutions") supported alien land ownership.²³⁰

In deciding whether a book might be entered as evidence in 1857, the Alabama Supreme Court recalled how important printing had become in transmitting knowledge:

It is the boast of this age of advancing civilization, that, aided and facilitated by the printer's art, the collected learning of past ages has been transmitted to us. Shall we withhold the benefits of this heritage from the contests of the court-room? We think not. Evidence drawn from this source being admissible, the question arises, in what form is it to be laid before the jury? Are opinions, derived from the perusal of books, and deposited to by witnesses, safer guides for that body than the books themselves are.²³¹

At other times, judges spoke of the genius of political institutions and of the equality of people across wealth. Thus, in 1860 the Alabama Supreme Court refused to allow damages in defamation actions to turn upon considerations of a person's status in (or absence of) a profession:

We are not able to discover any sound principle, on which the plaintiff's high or humble rank in society, dissociated from his character, can be held a proper matter for consideration in determining the amount of damages he should recover. It is often the case that the greatest worth of character is found in the humblest ranks of life, and that to persons in those ranks a good character is more valuable, and slander more injurious, than to those who are above them in social position. It is equally true, that persons destitute of the qualities which make character valuable are found in what is denominated the highest rank in life, and in all the professions, the sacred ministry not excepted.²³²

A systematic study of places where moral philosophy and its considerations of expediency and morality influenced the evolution of the common law is necessary. Yet, perhaps those examples will suggest some of the correlations between literary and legal culture, as well as the promise of reconstructing the matrix of ideas that informed judges from such sources as literary addresses. As judges struggled with mixing considerations of utility and morality, progress, Christianity, and the community, they often arrived at differing results. As they groped toward results, they employed a host of considerations in deciding cases.

Often, though, judges felt constrained by legislation and precedent. If one wants to see the connections between the moral philosophy of the orators and public action, it might be most easily seen in legislative debates. For there, and particularly in debate over secession, Alabama legislators employed that same reasoning from history, utility, and a consideration of the world as it appeared and as they understood (and wished) it to be. For example, William Russell Smith, who delivered the last published literary address before the Civil War, was one of Tuscaloosa's delegates to the secession convention in Montgomery. He spoke about the morality of the slave trade and slavery itself:

I hold, that the African, taken from his native wilds and placed in the ranks that march onward from savage to civilized life, is greatly benefitted. He is humanised and christianised. He rises from the condition of a brute into the position

of a christian man. The present condition of the Alabama negro, illustrates this. . . . In nine cases out of ten, in positive contentment, the Alabama slave is happier than his master. His cottage is built for him, his food provided, his meals prepared; his hearth to spread with substantial comforts, and his long nights are for those blissful dreams that are undisturbed by the knowledge of coming necessities. He has no cankering cares, no buffeting with fortune, no aspiration for expanding acres, no cares for rain or sunshine. He has neither cloth nor meat to buy; he is free from debt, he is above all civil law—and he looks forward to Christmas, not as the maturity time for his bills, but for his holidays. Sir, there can be nothing immoral in placing a savage in such a condition as this.²³³

Representative Smith illustrates the intellectuals and the people of action, who employed the same reasoning styles and modes of argument. Such are some of the long-hidden connections between the worlds of the mind and of action in the old South, where college orations were often delivered by prominent judges, lawyers, and politicians. Ideas about progress and utility circulated—some thought descended—from the minds of those important actors and thinkers to students. And so antebellum universities served as important sites for the discussion and promulgation of these ideas, particularly as our nation shifted from enlightenment to romanticism, and from republicanism to democracy, and as the South shifted from caution about slavery to embracing it. How that practice worked on other campuses in the South and how the ideas expressed on other campuses correlate with ideas in circulation in newspapers, in courtrooms, and in legislative halls awaits further study.

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1. See, e.g., Kenneth Sacks, *Understanding Emerson: "The American Scholar" and His Struggle for Self-Reliance* (Princeton, NJ: Princeton University Press, 2003) (exploring in detail the context and meaning of Emerson's addresses); Lawrence Jenab & M. H. Hoeflich, "Forensic Oratory in Antebellum America," 51 *University of Kansas Law Review* 449 (2003).
2. John G. Barr, *Contributions of Science to the Uses of Man: Anniversary Oration of Boykin Burwell* (Tuscaloosa, Observer Office, 1857), 35 (describing scene of oration, including presence of women and alumni in the audience).

3. See, e.g., Alfred L. Brophy, “Reason and Sentiment: The Moral Worlds and Modes of Reasoning of Antebellum Jurists,” 79 *Boston University Law Review* 1131 (1999) (discussing the moral philosophy of antebellum jurists and using moral philosophy texts to explore it). Some others have looked to legal education for evidence of the nature of antebellum legal thought. See, e.g., Andrew M. Siegel, “‘To Learn and Make Respectable Hereafter’: The Litchfield Law School in Cultural Context,” 73 *New York University Law Review* 1978, 2003 (1998); Norman W. Spaulding, “The Myth of Civil Republicanism: Interrogating the Ideology of Antebellum Legal Ethics,” 71 *Fordham Law Review* 1397 (2003).
4. See, e.g., Sandra Gustafson, *Eloquence Is Power: Oratory and Performance in Early America* (Chapel Hill: University of North Carolina Press, 2000).
5. Sean Wilentz, *The Rise of American Democracy: From Jefferson to Lincoln* (New York: W. W. Norton, 2005), 637–45.
6. See *Secession Debated: Georgia’s Showdown in 1860*, eds. William W. Freehling & Craig M. Simpson (New York: Oxford University Press, 1992).
7. See, e.g., Andrew Burstein, *America’s Jubilee: How in 1826 a Generation Remembered Fifty Years of Independence* (New York: Alfred A. Knopf, 2001), 228–54.
8. Frederick A. P. Barnard, *No Just Cause for a Dissolution of the Union . . . The Union the Only Security for Southern Rights: An Oration Delivered Before the Citizens of Tuscaloosa, Alabama, July 4, 1851* (Tuscaloosa, Observer Office, 1851).
9. George Bancroft, *An Oration Delivered Before the Democracy of Springfield . . . July 4, 1836* (Springfield, MA: George and Charles Merriam).
10. “What to the Slave Is the Fourth of July?,” in *The Oxford Frederick Douglass Reader*, ed. William L. Andrews (New York: Oxford University Press, 1996), 108, 115.
11. See, e.g., Charles McCurdy, *The Anti-Rent Era in New York Law and Politics, 1839–1865* (Chapel Hill: University of North Carolina Press, 2002).
12. See Daniel Barnard, *Man and the State, Social and Political: An Address Delivered Before the Connecticut Alpha of Phi Beta Kappa at Yale College . . . August 19, 1846* (New Haven, CT: B. L. Hamlen, 1846).
13. See, e.g., “Learned Societies,” 8 *North American Review* 157 (1818) (discussing addresses by De Witt Clinton and Timothy Ford); “Everett’s Speeches,” 44 *North American Review* 588 (1837); “Phi Beta Kappa Orations,” 24 *North American Review* 129 (1827); “Bushnell’s Phi Beta Kappa Oration,” 46 *North American Review* 301 (1838); “Goddard’s Address,” 44 *North American Review* 551 (1837). See also Timothy Walker, “An Address Delivered Before the Union Literary Society of Miami University,” 3 *New-England Magazine* 513 (1832).
14. See, e.g., “The Law of the Progress of the Race,” 15 *United States Magazine and Democratic Review* 195 (1844) (discussing Mark Hopkins, *An Address Before the Society of Alumni of Williams College* (Boston: T. R. Marvin, 1843)); “Unitarian Portraits,” 15 *United States Magazine and Democratic Review* 389, 396 (1844) (“The literary address, in the hands of Everett, has become a classic form of writing: a species of oratory the growth of the present century. . . . The occasions of its display are generally either the celebration of a literary festival, or an epoch of a political history; or eulogies of the sorts so common with the French wits. Of these three classes, are the admirable orations before the Phi Beta Kappa Society, the orations at Plymouth, Concord, Worcester, Cambridge, Charlestown, and Lowell, and the masterpiece of Lafayette.”).
15. See, e.g., “Literary Societies,” 1 *Southern Literary Gazette* 58–61 (1828); William Gilmore Simms, “Popular Discourses and Orations,” 4 *Southern Quarterly Review* 317–51 (1851); Henry St. George Tucker, “Address,” 2 *Southern Literary Messenger*, 258–59 (March 1836); Hon. John Tyler, “An Address Delivered Before the Two Literary Societies of Randolph Macon College, Virginia, June 19, 1838,” 5 *Southern Literary Messenger* 20–25 (January 1839); Benjamin Johnson Barbour,

- "Address: Delivered Before the Literary Societies of the Virginia Military Institute, July 4, 1854," 20 *Southern Literary Messenger* 513–28 (September 1854).
16. See Perry Miller, *The Life of the Mind in America: From Revolution Through Civil War* (New York: Harcourt, Brace & World, 1966).
 17. Peter Carmichael, *The Last Generation: Young Virginians in Peace, War, and Reunion* (Chapel Hill: University of North Carolina Press, 2005); Michael O'Brien, *Conjectures of Order: Intellectual Life and the American South, 1800–1860* (Chapel Hill: University of North Carolina Press, 2004); Eugene Genovese & Elizabeth Fox-Genovese, *The Mind of the Master Class* (New York: Cambridge University Press, 2005).
 18. O'Brien, *Conjectures*, *supra* note 17, at 15.
 19. Caroline Lee Hentz, *Human and Divine Philosophy: A Poem, Written for the Erosophic Society of the University of Alabama . . . and Recited by A. W. Richardson December 12, 1843* (Tuscaloosa: Journal and Flag Office, 1844).
 20. See, e.g., Philip Beidler, *First Books: The Printed Word and Cultural Formation in Early Alabama* (Tuscaloosa: University of Alabama Press, 1999); John W. Quist, *Restless Visionaries: The Social Roots of Antebellum Reform in Alabama and Michigan* (Baton Rouge: Louisiana State University Press, 1998); Johanna Shields, "A Sadder Simon Suggs: Freedom and Slavery in the Humor of Jackson Hooper," 56 *Journal of Southern History* 641 (1990). There is much to deal with in the recovery of the intellectual world of antebellum Tuscaloosa, including the lyceum, the Female Seminary, the state legislature, the Supreme Court, and the University. See, e.g., Alva Woods, "Introductory Address Delivered Before the Lyceum of Tuscaloosa, Alabama, June 11, 1831," in *Literary and Theological Addresses by Alva Woods* (Providence: Providence Press Co., 1868), 37, 57 ("Are you a true American patriot? It is only by enlightening the people that you can hope that our liberties will be preserved, and that our republic will not, like the republics which have gone before us, fall a prey to anarchy and despotism.").
 21. Edward C. Bullock, *True and False Civilization. An Oration Before the Erosophic and Philomathic Societies of the University of Alabama July 13, 1858* (Tuscaloosa: Independent Monitor, 1858), 29.
 22. For the few citations to the University of Alabama addresses, see Drew Gilpin Faust, *A Sacred Circle: The Dilemma of the Intellectual in the Old South* (Baltimore: Johns Hopkins University Press, 1977), 157 n.25 (citing William Gilmore Simms, *The Social Principle: The True Source of National Permanence. An Oration Delivered Before the Erosophic Society of the University of Alabama, at Its Twelfth Anniversary December 13, 1842* (Tuscaloosa: Erosophic Society, 1843), 7); Rush Welter, *The Mind of America, 1820–1860* (New York: Columbia University Press, 1975), 147 (citing B. W. Huntington, *Individuality: An Address Delivered Before the Philomathic Society of the University of Alabama at Its Twelfth Anniversary* (Tuscaloosa: M. D. J. Slade, 1845)); James Perrin Warren, *Culture of Eloquence: Oratory and Reform in Antebellum America* (University Park: Pennsylvania State University Press, 1999), 149 (citing Simms, *supra*); Genovese & Fox-Genovese, *supra* note 17, at 147, 258–59, 297 (citing Benjamin F. Porter, *The Past and the Present: A Discourse Delivered Before the Erosophic Society of the University of Alabama* (Tuscaloosa: M. D. J. Slade, 1845)); *id.* at 292, 660 (citing Thomas Newton Wood, *An Address Delivered Before the Two Literary Societies of the University of Alabama, in the Rotunda, July 4, 1840* (Tuscaloosa: M. D. J. Slade, 1840)).

Indeed, relatively little use has been made of Southern literary addresses more generally. The exceptions include Faust, *supra*, at 155 n.4 (citing John Reuben Thompson, *Education and Literature in Virginia: An Address Delivered Before the Literary Societies of Washington College, Lexington, Virginia, June 18, 1850* (Richmond: H. K. Ellyson, 1850)); *id.* at 55–57 (citing N. Beverly Tucker, "An Oration Before the Two Societies of the South Carolina College December 4, 1849," 17 *Southern Quarterly Review* 37–48 (April 1850)); *id.* at 164 n.28 (citing N. Beverly Tucker, *A Discourse on the Dangers That Threaten the Free Institutions of the United States: An Address to the Literary Societies of Hampden Sydney College, Virginia . . . 22nd September, 1841* (Richmond: J. B. Martin, 1841)). Other references to

- Southern college addresses include John McCardell, *The Idea of a Southern Nation: Southern Nationalists and Southern Nationalism, 1830–1860* (New York: W. W. Norton, 1979), 204 (citing *Address Delivered on Thursday, December 18, 1851, on the Occasion of the Inauguration of Rev. Robert J. Stanton as President of Oakland College* (New Orleans, T. Rea, 1852)).
23. Alexander Brevard Forney, *Address Delivered Before the Society of Alumni of the University of Alabama, on the Eighth Anniversary of the Society December 11, 1843* (Tuscaloosa: M. D. J. Slade, 1844), 15 (“Wherever the axe of the woodman has been heard, the school-house and church have been erected. . . . And in this day, in the very bosom of this wilderness, we are assembled, within the precincts of an institution, dedicated to science and literature.”); Walter Henry Crenshaw, *An Oration Delivered Before the Society of Alumni . . . December 10th, 1839* (Tuscaloosa: Baldwin, 1839).
 24. Alva Woods, *The Introductory Lecture Before the Alabamian Institute December 7, 1833* (Tuscaloosa: W. W. & F. W. McGuire, 1834); Alva Woods, *A Eulogy on Lafayette: Delivered at the Request of the Mayor and Aldermen of Tuscaloosa December 27, 1834* (Tuscaloosa: Intelligencer & Expositor Office, 1835).
 25. See “Biographical Sketch,” in Woods, *Addresses*, *supra* note 20, at 377–98. Some hint of Woods’ attitudes on slavery appears in his biographical sketch, which mentions slavery as a partial cause of his departure from the University. *Id.* at 392 (“the never-ceasing and laborious duties of his office, and the debilitating effects of the southern climate on a constitution not entirely acclimate, began seriously to impair the health of Dr. Woods; and this, united with a very earnest desire to educate his son in the free states of the North, induced him to resign the Presidency, and return to the more invigorating climate of New England.”).
 26. Alva Woods, “Valedictory Address: Delivered at the Close of the Seventh Collegiate Year of the University of Alabama December 6, 1837,” in Woods, *Addresses*, *supra* note 20, at 211–73. See esp. *id.* at 237–67 (discussing morals).
 27. *Id.* at 238 (“Even the few restraints imposed by our laws, owe their efficiency entirely to the force of public opinion. When public opinion ceases to sustain the laws, they are as nugatory as if blotted from the statute book.”).
 28. *Id.* at 238 (“While this freedom is very properly a source of gratulation, it should not render us indifferent to the dangers which lurk around it. A serpent and forbidden fruit were found in the bowers of the first earthly paradise;—and but one Eden was provided for the great progenitor of mankind.”). See also “Eulogy on Lafayette,” in Woods, *Addresses*, *supra* note 20, at 137, 155 (“But these bright dawnings of French freedom, were soon overcast by dark clouds of the most portentous aspect. Regulated freedom, like the gentle stream of the mountains, which gradually swelling its tide till it becomes a mighty river, sends its fertilizing influences through the distant plains; and in a thousand ways ministers to the welfare of man;—but unrestrained freedom, like the rushing torrent, which breaking away from its banks, and bearing down with it the mountain avalanche, spreads desolation on the plains below, and carries destruction to the abodes of men.”).
 29. See *id.* at 92–93 (listing examination in moral philosophy, apparently from 1833, based on William Paley’s *Evidences of Christianity* (Cambridge: Hilliard and Brown, 1830)).
 30. Alva Woods, “Baccalaureate Address Delivered at the Fifth Annual Commencement of the University of Alabama Dec. 17, 1836,” in Woods, *Addresses*, *supra* note 20, at 191, 194. See also *id.* at 193 (“A family contains the rudiments of an empire;—and the paternal authority and the order of domestic life, supply the foundation of civil government. It is, then, in the family circle that the character of a nation is formed. It is around the hearth and home of infancy that the youth and manhood of future years are molded.”).
 31. *Id.* at 195.
 32. Woods, *Lyceum*, in Woods, *Addresses*, *supra* note 20, at 56–57.
 33. See, e.g., Henry F. May, *The Enlightenment in America* (New York: Oxford University Press, 1978).
 34. Tutwiler to Birney (August 20, 1832), 1 *Letters of James G. Birney*, ed. Dwight L. Dumond (New York: D. Appleton, 1938), 17.

35. Quist, *Restless Visionaries*, *supra* note 20, at 315–17, 323–25.
36. 4 Thomas McArdory Owen, *History of Alabama and Dictionary of Alabama Biography* (Chicago: S. J. Clarke, 1921), 1694–95.
37. See, e.g., Drew McCoy, *The Last of the Fathers: James Madison and the Republican Legacy* (New York: Cambridge University Press, 1991) (discussing Virginia thought through Madison's death in 1836).
38. Henry Tutwiler, *Address Delivered Before the Erosophic Society at the University of Alabama August 9, 1834* (Tuscaloosa: Robinson & Davenport, 1834), 8.
39. *Id.* at 11.
40. *Id.* at 11–12.
41. See R. T. Brumby, *Anniversary Address, Read Before the Philomathic Society of the University of Alabama December 8, 1838* (Tuscaloosa: Marmaduke J. Slade, 1838); R. T. Brumby, *An Oration Delivered Before the Erosophic Society of the University of Alabama, August 10, 1833* (Tuscaloosa: W. W. & W. F. M'Guire, 1833).
42. Henry W. Hilliard, *An Address Delivered Before the Erosophic Society, at Its First Anniversary, May 26, 1832* (Tuscaloosa: Wiley, M'Guire and Henry, 1832).
43. Franklin K. Beck, *An Address Delivered Before the Graduating Members of the Erosophic Society of the University of Alabama, at Its Third Annual Commencement, August 8, 1835* (Tuscaloosa: Meek & M'Guire, 1835). Beck was born in 1814 in Duplin County, North Carolina, and matriculated at the University of Alabama, although he graduated from Georgetown College in Washington, D.C. He studied law at Yale in 1837 and began law practice in Alabama in 1841. 3 Owen, *supra* note 36, at 120.
44. Benjamin F. Porter, *Address Delivered Before the Philomathic Society of the University of Alabama, on the Occasion of its Fourth Anniversary* (Tuscaloosa: Philomathic Society, 1836).
45. See, e.g., C. J. Ingersoll, *A Discourse Concerning the Influence of America on the Mind, Being the Annual Oration Delivered Before the American Philosophical Society, at the University in Philadelphia, October 18, 1823* (Philadelphia: A. Small, 1823).
46. Hilliard, *supra* note 42, at 4. See also David Durham, *An Intellectual Biography of Henry A. Hilliard* (Ph.D. dissertation, University of Alabama, 2005).
47. Hilliard, *supra* note 42, at 5.
48. *Id.* at 13.
49. *Id.* at 10. Hilliard warned against the radicalism of the French Revolution. See Genovese & Fox-Genovese, *supra* note 17, at 47.
50. Brumby, *Erosophic Society*, *supra* note 41, at 5. Richard Trapier Brumby was born in South Carolina in 1804 and graduated from South Carolina College in 1824. He taught at the University of Alabama from 1834 until 1849, then joined the faculty at South Carolina College, where he was educated. See 3 Owen, *supra* note 36, at 240. In South Carolina he published several articles, including "Foot-Prints of the Creator, or the Asterolepis of Stromness," 5 *Southern Presbyterian Review* 111 (1851), and "Evidence of the Degradation of Animals," 5 *Southern Presbyterian Review* 417 (1852). He died in 1875 in California. He seems, like much of the antebellum South, to have become more conservative in the 1840s and 1850s.
51. Brumby, *Erosophic Society*, *supra* note 41, at 7. Brumby's Erosophic Society oration follows a motif common at the time, of celebration of the role of science and progress. It is quite similar, for instance, to S. Henry Dickson's address to the Yale Phi Beta Kappa Society. See S. Henry Dickson, *An Oration Delivered at New Haven, Before the Phi Beta Kappa Society, August 17, 1842* (New Haven, CT: B. L. Hamlen, 1842), 6 ("The increasing light of natural science has reached even these dark corners, and witchcraft, spectres, and magical delusion, have yielded to the discoveries of chemistry and the laws of optics. Hibbert, and Scott, and Brewster, have broken the conjuror's wand, and laid every unquiet ghost in eternal repose. Who will say that we are not better and happier for this liberation.").

52. Brumby, *Erosophic Society*, *supra* note 41, at 16.
53. *Id.* at 16–17.
54. Brumby, *Philomathic Society*, *supra* note 41, at 6.
55. See Paul M. Pruitt, “An Antebellum Law Reformer: Passages in the Life of Benjamin F. Porter,” 11 *Gulf States Historical Review* 22–58 (1995).
56. Porter, *supra* note 44, at 6.
57. *Id.* at 12–13.
58. William Gaston, *Address Delivered Before the Dialectic and Philanthropic Societies at Chapel Hill, N.C., June 20, 1832* (Raleigh, NC: Jos. Gales & Son, 1832).
59. William Gaston, *An Address Delivered Before the American Whig and Cliosophic Societies of the College of New Jersey September 29, 1835* (Princeton, NJ: John Bogert, 1835).
60. See James B. Sellers, “Student Life at the University of Alabama Before 1860,” 2 *Alabama Review* 271 (1949).
61. Originally printed as Thomas R. Dew, “Abolition of Negro Slavery,” 12 *American Quarterly Review* 189–265 (Sept. 1832), it was printed in expanded form as Thomas R. Dew, *Review of the Debate in the Virginia Legislature, 1831–32* (Richmond: T. W. White, 1832).
62. A. James Fuller, *Chaplain to the Confederacy: Basil Manly and Baptist Life in the Old South* (Baton Rouge: Louisiana State University Press, 2000), 127–29.
63. *Address of His Excellency Governor Bagby, When Inducting into Office the President of the University of Alabama; Together with the Address of the President, Rev. Basil Manly. Delivered in the Rotunda, December 6, 1837* (Tuscaloosa: Ferguson & Eaton, 1838); Basil Manly, “Address at Commencement, University of Alabama, December 12, 1838,” *Bulletin of The Marion Institute* (1908), 16 (available in Manly Family Papers, Box 6 (also identified as Box 397), Hoole Special Collections, University of Alabama).
64. Fuller, *supra* note 62, at 170–73. Some of the conflict between Manly and Barnard was attributable to their differing educational philosophies. The nature of that conflict is inferable from Manly’s and Barnard’s work. See Frederick A. P. Barnard, *Improvements Practicable in American Colleges* (Hartford: F. C. Brownell, 1856); Frederick A. P. Barnard, *Letters on College Government, and the Evils Inseparable from the American College System in Its Present Form* (New York: D. Appleton & Co., 1855).
65. A. B. Meek, *The Red Eagle: A Poem of the South* (New York: D. Appleton & Co., 1855); A. B. Meek, *Songs and Poems of the South* (Mobile: S. H. Goetzel & Co., 1857); A. B. Meek, *A Poem, Pronounced Before the Ciceronian Club and Other Citizens of Tuscaloosa, Alabama, July 4, 1838* (Tuscaloosa: The Ciceronian Club, 1838); 4 Owen, *supra* note 36, at 1183.
66. See A. B. Meek, “Americanism in Literature: An Oration Before the Phi Kappa and Demosthenian Societies of the University of Georgia, at Athens, August 8, 1844,” in Meek, *Romantic Passages in Southwestern History* (New York: S. H. Goetzel & Co., 1857), 107; A. B. Meek, “Jack-Cadeism and the Fine Arts: A Discourse Before the Literary Societies of La Grange College, Alabama, June 16, 1841,” in Meek, *Romantic Passages*, *supra*, at 145, 150 (“Any one, who will cast an observant eye upon the pursuits of our people, will find how deeply this spirit of utilitarianism, as by courtesy of speech it is called, is ingrained in the very constitution of our society. . . . The great study of the farmer, the lawyer, the physician, the merchant, the mechanic, is how to double his profits.”).
67. A. B. Meek, “The Southwest; Its History, Character, and Prospects: An Oration Before the Erosophic Society of the University of Alabama, December 7, 1839,” in Meek, *Romantic Passages*, *supra* note 66, at 11.
68. *Id.* at 22.
69. *Id.* at 48.
70. *Id.* at 49.
71. *Id.* at 57.

72. *Id.* at 60.
73. *Id.* at 60. We get a sense of Meek's goals for history—as celebration—in his oration on the Alabama Historical Society. See "Claims and Characteristics of Alabama History: An Oration Before the Historical Society of Alabama, at Its Anniversary, July 9, 1855," in Meek, *Romantic Passages*, *supra* note 66, at 71.
74. Wood, *supra* note 22, at 6.
75. *Id.* at 6.
76. Isaac W. Hayne, *Anniversary Address on the Formation of Individual Character, and the Causes which Influence It; Delivered Before the Erosophic Society of the University of Alabama, December 12, 1840* (Tuscaloosa: Hale and Phalen, 1841).
77. *Id.* at 4–5.
78. *Id.* at 5.
79. *Id.*
80. *Id.* at 10.
81. 3 Owen, *supra* note 36, at 735–36. Hamilton died in 1884.
82. William T. Hamilton, *Address on the Importance of Knowledge; Delivered Before the Erosophic Society of the University of Alabama, at Tuscaloosa, December 11, 1841* (Tuscaloosa: Independent Monitor, 1841). See also William T. Hamilton, *The Duties of Masters and Slaves Respectively, or, Domestic Servitude as Sanctioned by the Bible: A Discourse Delivered in the Government Street Church, Mobile, Ala.* (Mobile: F. H. Brooks, 1845) ("These ultra abolitionists are few, but they are resolute and reckless. With some of this class it was my lot, during my late tour at North and East, to come into contact; and my deliberate opinion that they are crazy *quod hoc*. They are *monomaniacs*; laboring, upon one subject, under a delusion which renders their minds impervious to reason."); William T. Hamilton, *A Plea for the Liberal Education of Woman: An Address Delivered at the Annual Examination of the Female Seminary, under the Direction of Rev. S. R. Wright . . . at Marion, Perry Co., Ala., July 17, 1845* (New York: J. F. Trow, 1845).
83. Hamilton, *supra* note 82, at 15.
84. John Cochran, *An Address on the Evidences of Decline in the American Government; Delivered Before the Philomathic Society of the University of Alabama, December 11, 1841* (Tuscaloosa: Independent Monitor, 1841).
85. 3 Owen, *supra* note 36, at 360.
86. *Id.* at 5.
87. *Id.* at 9.
88. *Id.* at 14.
89. Alexander R. Gates, *An Oration on the Anniversary of American Independence; Delivered Before the Two Literary Societies of the University of Alabama* (Tuscaloosa: The Erosophic Society, 1841), 12.
90. See, e.g., *id.* at 11–12.
91. Gates, *supra* note 89, at 8–9.
92. *Id.* at 16.
93. See Simms, *supra* note 22.
94. *Id.* at 8.
95. *Id.* at 14. See also *id.* at 17–18 ("Whatever may be the temptations of gold or conquest, be sure that no man fights so stubbornly, as he who, knowing the value of his home, fights upon its threshold; and the very humbleness of the British homestead in America, increased the indignation with which he strove against his foreign invader. . . . It is not the value of the thing for which he combats. It is because that thing is *his own*; and it is partly to the veneration shown by British law to the British land-holder, that this lesson, teaching the profound value of the homestead to the meanest of Britain's sons, has served to make compact her social institutions, while the world around her was threatened with social overthrow.").

96. *Id.* at 37.
97. Hentz, *supra* note 19, at 11.
98. “T is Davy, the modern Aladdin, whose hand
Can, wand-like, the genii of science command,—
To bring forth their gems, and a palace to build,
Whose summit, the sunbeams, unsetting shall gild.
Id. at 12.
99. *Id.* at 13.
100. *Id.* at 15.
101. See Charles Sumner, “Freedom National, Slavery Sectional,” *Congressional Globe*, 32nd Cong., 1st Sess. 1111 (Aug. 25, 1852).
102. Caroline Hentz, *The Banished Son and Other Stories of the Heart* (Philadelphia, T. B. Peterson, 1856), 47, 64 (“There is no romance in the story of Jimmy, but there is truth, without any alloy of fiction. We have related it, as one of many instances of Southern kindness and humanity to a lowly race—whose feelings the Southron is too often accused of disregarding and trampling under foot.”). See also “Magnolia Leaves,” *id.* at 191 (story about a tree, which was cut down by a purchaser of property, a metaphor for an attack on heredity and then how hard work overcame that heredity).
103. *Id.* at 111, 118.
104. *Id.* at 183.
105. *Id.* at 187.
106. Porter, *Past and Present*, *supra* note 22.
107. See Hayne, *supra* note 76; A. A. Lipscomb, *The Morbid Exhibitions of the Human Mind: An Address Delivered Before the Erosophic and Philomathic Societies of the University of Alabama on Their Anniversary Occasion, December 19, 1845* (Tuscaloosa: M. D. J. Slade, 1846); Thomas Newton Wood, *An Address Delivered Before the Two Literary Societies of the University of Alabama, in the Rotunda, July 4, 1840* (Tuscaloosa: M. D. J. Slade, 1840). Lipscomb was born in 1816 and became a Methodist minister, then Chancellor of the University of Georgia from 1860 to 1876 and later a professor at Vanderbilt University. See 3 Owen, *supra* note 36, at 1052.
108. John Foster, *An Address Before the Philomathic Society of the University of Alabama, on the Eleventh Anniversary of the Society, December 12th, 1843* (Tuscaloosa: Journal and Flag Office, 1843), 3.
109. *Id.* at 3.
110. *Id.* at 12.
111. *Id.*
112. *Id.* at 4–5.
113. *Id.*
114. *Id.* at 6 (“The true science of Government too, seems now just being understood; the tendency of the laws throughout this wide spread Republic, is to ameliorate the condition of humanity, to make man free, virtuous and happy.”).
115. Perhaps the clearest explanation of this idea and its relationship to slavery appears in George S. Sawyer’s *Southern Institutes* (Philadelphia: J. B. Lippincott & Co., 1858), 13–15.
116. Forney was born in 1819 in Lincoln County, North Carolina. His father, Daniel M. Forney, served in the United States Congress from 1815 to 1818. In 1834 he moved the family to Lowndes County. Alexander Forney graduated from the University of Alabama in 1838, then studied law at the University of Virginia. He returned to Alabama, practiced law, and served in the legislature from Lowndes County in 1847 and 1848. He died in 1848. See 3 Owen, *supra* note 36, at 595.
117. Forney, *supra* note 23, at 7, 8, 9.
118. *Id.* at 11 (“And in proportion as it becomes settled, and its laws are sanctioned by the moral force of the community, this mental activity is directed to the pursuit of literature.”).
119. *Id.* at 11.

120. See, e.g., *Congressional Globe*, 31st Cong., 1st Sess. 530 (April 4, 1850) (Speech of Senator Underwood) (noting “it is generally combined arrogance and folly for a minority to denounce the legislation of the majority, and to threaten resistance and defiance in consequence of an alleged conflict with the law of God.”).
121. Forney, *supra* note 23, at 12 (quoting Ecclesiastes 38:24).
122. *Id.* at 13. Forney contrasts the vibrant, new American scenery with that of Europe. The constraints on the mind in Europe may suggest some of the constraints imposed upon European jurists: “The mind, thus walled around with objects as familiar as household words, sees but one beaten track ahead, and patiently sinks into the dull task of imitation.” *Id.* And in the United States, by contrast, the mind of the poet, orator, and novelist (and perhaps also the jurist) is freed from those constraints.
123. *Id.* at 15–16.
124. See *infra* notes 215–30.
125. *Id.* at 10.
126. Porter, *supra* note 22, at 6.
127. *Id.* at 8–17.
128. *Id.* at 17.
129. *Id.* at 18.
130. *Id.*
131. *Id.* at 19.
132. *Id.* at 19.
133. *Id.* at 24–25 (citing Jules Michelet, *Origines du droit Français Cherchées dans les Symboles et Formulas du droit Universel* (Paris: L. Hachette 1837)).
134. Porter, *supra* note 22, at 38–39.
135. Huntington, *supra* note 22, at 21.
136. *Id.* at 18.
137. *Id.* at 23.
138. In that regard, they track the trajectory of thought in antebellum universities. See Eugene Genovese, “Higher Education in Defense of Slave Society,” in Genovese, *The Southern Front: History and Politics in the Cultural War* (Columbia: University of Missouri Press, 1995), 92–106.
139. Joseph Taylor, *A Plea for the University of Alabama: An Address Delivered Before the Erosophic and Philomathic Societies of the University of Alabama on Their Anniversary Occasion, August 9, 1847* (Tuscaloosa, M. D. J. Slade, 1847).
140. See 4 Owen, *supra* note 36, at 1651.
141. Taylor, *supra* note 139, at 15.
142. *Id.* at 20.
143. *Id.* at 22.
144. *Id.* at 23.
145. *Id.* at 23–24.
146. *Id.* at 24.
147. *Id.* at 25.
148. *Id.* at 25.
149. *Id.* at 25.
150. *Id.* at 30.
151. *Id.*
152. *Id.*
153. *Id.* at 39.
154. John Little Smith, *The State Debt: An Address Delivered Before the Alumni of the University of Alabama at Their Fourteenth Anniversary, July 10, 1848* (Tuscaloosa, 1848). Smith was born in 1822 in North Carolina. He graduated from the University of Alabama in 1845 and received a master’s in 1847.

- Following study at Harvard Law School, he returned to law practice in Alabama in 1849. He also conducted graduate study at University of Paris in the mid-1850s. 4 Owen, *supra* note 36, at 1584.
155. See 4 Owen, *supra* note 36, at 1388 (noting in a very brief biography that Pratt taught at Alabama from 1850 to 1865).
156. John Wood Pratt, *An Address Delivered Before the Society of the Alumni of the University of Alabama, July 8, 1850* (Tuscaloosa: M. D. J. Slade, 1850), 3.
157. *Id.* at 4.
158. *Id.* at 11 (Planters argue “that Latin, Greek, and Mathematics cannot make *cotton*; that Logic, Metaphysics, and Chemistry cannot drive a gin; and therefore they conclude that the young planter has no business at college.”).
159. *Id.* at 19.
160. *Id.* at 20.
161. *Id.* (quoting without attribution Samuel Taylor Coleridge, *The Statesman’s Manual; or the Bible the Best Guide to Political Skill and Foresight: A Lay Sermon, Addressed to the Higher Classes of Society . . .* (London: Gale & Fenner, J. M. Richardson, and J. Hatchard, 1816), 18):

It is with nations as with individuals. In tranquil moods and peaceable times we are quite practical; facts only, and cool common sense, are then in fashion. But let the winds of passion swell, and straightway men begin to generalize, to connect by remotest analogies, to express the most universal positions of reason in the most glowing figures of fancy; in short, to feel particular truths and mere facts as poor, cold, narrow, and incommensurate with their feelings.

The invocation of Coleridge suggests Pratt’s world view: that of the centrality of ideas, rather than economics, to politicians. And it reminds us again of the sophisticated ideas, the subtle understanding of human motivations, circulating in Tuscaloosa. Coleridge’s concern for the role of religion in setting those ideas appears later in Pratt’s address when he remarks on the recent seventy-fourth anniversary of American Independence. It is “the most convincing demonstration of an inherent vitality somewhere in American Republicanism; but it is more;—it is an illustrious example of that higher truth, which as a nation, we are too prone to disallow;—that, GOD IS IN HISTORY; THE GOD OF ABRAHAM, OF ISAAC, AND OF JACOB.” Pratt, *supra* note 156, at 22–23.

162. See, e.g., Pratt, *supra* note 156, at 25, 28 (referring to “the Bible as the ‘Statesman’s Manual’”).
163. *Id.* at 29.
164. See, e.g., William Barney, *The Secessionist Impulse* (Tuscaloosa: University of Alabama Press, 2d ed. 2004) (discussing Alabama’s move towards secession).
165. 4 Owen, *supra* note 36, at 1555.
166. George D. Shortridge, *An Address from the Alumni of the University of Alabama, to the People of Alabama 7 (1850)* (typescript copy available in Hoole Library, University of Alabama).
167. *Id.* at 8.
168. F. A. P. Barnard, “Art Culture, Its Relation to National Refinement and National Morality: An Oration Pronounced Before the Alabama Alpha of the Society, of the Phi Beta Kappa, at Its Anniversary, July 11, 1854,” in *Representative Phi Beta Kappa Orations*, ed. Clark Northup Sutherland (New York: Elisha Parmele Press, 1927), 115.
169. *Id.* at 137. See also *id.* at 137 (“How few that build even expensively do more than heap up piles of brick and stone intolerable to the eye of cultivated taste! How many even of our public buildings, those monuments of folly appertain to our own University included, are open to the same objection.”).
170. Bullock, *supra* note 21, at 29.
171. R. B. McMullen, *Truth, the Foundation of Genuine Liberty: An Address Delivered Before the Alumni of the University of Alabama, July 13, 1858* (Tuscaloosa: Independent Monitor Office, 1858); John Archibald Campbell, *The Institutions, Duties and Relations of Alabama: An Oration Before the Erosophic and Philomathic Societies of the University of Alabama, July 12th, 1859* (Tuscaloosa: Jno. F. Warren, 1859).

172. C. C. Clay, *The Love of Truth for Its Own Sake: An Address Before the Erosophic and Philomathic Societies of the University of Alabama, at Its Commencement in July 1855* (Tuscaloosa: M. D. J. Slade, 1855); W. W. Lord, *The Wants of the South: A Poem Pronounced Before the Phi Beta Kappa Society of the University of Alabama, July 12, 1859* (Tuscaloosa: Independent Monitor, 1859); William Russell Smith, *The Uses of Solitude* (Tuscaloosa: Alabama Alpha of the Phi Beta Kappa Society, 1860).

The alumni orations were delivered by the leaders of the early Erosophic Society. See R. B. McMullen, *Truth, the Foundation of Genuine Liberty: An Address Delivered Before the Alumni of the University of Alabama, July 13, 1858* (Tuscaloosa: Independent Monitor Office, 1858); Shortridge, *supra* note 166. M. L. Stausel, *The University and the Higher Learning*, (1857) University Pamphlets, Alumni Association Addresses, 50-086, folder 35, Hoole Library, University of Alabama.

173. 3 Owen, *supra* note 36, at 254-55.
 174. Bullock, *supra* note 21, at 6,
 175. *Id.* at 5.
 176. *Id.* at 7.
 177. Bullock, *supra* note 21, at 10-11.
 178. *Id.* at 14-15.
 179. Bullock, *supra* note 21, at 20.
 180. *Id.* at 20.
 181. *Id.* at 20-21. Bullock attacked the Transcendentalists. *Id.* at 21-22 ("If, on the mysterious wires that connect us with that spirit world with which they profess to have daily communication, could be borne just one brief message from those sturdy old Puritans . . . how would its withering condemnation blight the mystical, skeptical, transcendental and dyspeptical generation that disgrace their ancestry!").
 182. *Id.* at 23.
 183. See Campbell, *supra* note 171. Campbell's other extrajudicial writings include J. A. C., "The Rights of Slave States," 3 *Southern Quarterly Review* 101-45 (1851); "Slavery Among the Romans," 14 *Southern Quarterly Review* 391-432 (Oct. 1848); "Slavery in the United States," 12 *Southern Quarterly Review* 91 (July 1847); John A. Campbell, *Address Delivered Before the Alumni Society of the University of Georgia . . . at the Annual Commencement, in August 1853* (Athens: J. S. Peterson, 1853); John A. Campbell, *An Address Upon the Life and Public Services of John C. Calhoun, Delivered at Mobile on the 13th of December, 1850* (Mobile, AL: Dade, Thompson, 1851).

Campbell's *Southern Quarterly Review* article concludes with a quotation from Emerson's "Self-Reliance" and then a comment on it:

We quote this from no design of adopting the sentiment it contains; but simply to invoke the confidence and self-reliance that it implies. It is the cardinal principle in our institutions, that the people are competent to form and *re-form* their constitutions. New conditions have been created in our affairs—conditions never contemplated by the authors of the constitution. These conditions menace our peace and safety. The highest obligations devolve upon us to secure these from all peril. This can be done by a united and concentrated movement of the States most interested.

"The Rights of Slaves States," *supra*, at 145.

184. Campbell, *supra* note 171, at 5.
 185. *Id.* at 14.
 186. *Id.* at 15.
 187. *Id.* at 16 ("The revolution by which colonies were converted into independent States, was the calm, grave, deliberate act of men who acknowledged all their responsibility and who knew that the facts would justify them before a candid world.").
 188. *Id.* at 22.
 189. *Id.* at 22-23.

190. *Id.* at 25–26.
191. *Id.* at 32–34.
192. William Wordsworth, *Near Dover*, September 1802.
193. 4 Owen, *supra* note 36, at 1594; Benjamin Buford Williams, *A Literary History of Alabama: The Nineteenth Century* (Rutherford: Fairleigh Dickinson University Press, 1979), 28–39.
194. Smith, *supra* note 171, at 33.
195. Frederick Henry Hedge, “Conservatism and Reform,” in *Martin Luther and Other Essays* (Boston: Roberts Brothers, 1888), 129, 141.
196. See Faust, *supra* note 22.
197. Michael O’Brien, *All Clever Men Who Make Their Way: Critical Discourse in the Old South* (Fayetteville: University of Arkansas Press, 1982), 2.
198. See O’Brien, *supra* note 18.
199. See Alfred L. Brophy, “The Law Book in Colonial America,” 51 *Buffalo Law Review* 1119–43 (2003) (reviewing David Hall & Hugh Amory, eds., *The Colonial Book in the Atlantic World* (New York: Cambridge University Press, 2000)).
200. See Genovese & Fox-Genovese, *supra* note 17.
201. See Eugene Genovese, *The Slaveholders’ Dilemma: Freedom and Progress in Southern Conservative Thought, 1820–1860* (Columbia: University of South Carolina Press, 1992), 4–8.
202. George M. Fredrickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817–1914* (New York: Harper & Row, 1971); William W. Freehling, *The Road to Disunion: Secessionists at Bay, 1776–1854* (New York: Oxford University Press, 1990); James Oakes, “From Republicanism to Liberalism: Ideological Change and the Crisis of the Old South,” 37 *American Quarterly* 551–71 (1985).
203. See Manisha Sinha, *The Counterrevolution of Slavery: Politics and Ideology in Antebellum South Carolina* (Chapel Hill: University of North Carolina Press, 2000).
204. See, e.g., John Patrick Daly, *When Slavery Was Called Freedom: Evangelicalism, Proslavery, and the Causes of the Civil War* (Lexington: University Press of Kentucky, 2002); David F. Ericson, *Debate over Slavery* (New York: New York University Press, 2000) (discussing Louis Hartz’s vision of liberalism); Bertram Wyatt Brown, *Hearts of Darkness: Wellsprings of a Southern Literary Tradition* (Baton Rouge: Louisiana State University Press, 2003), 67 (citing W. O. Cash & Michael O’Brien).
205. “The Whig—Or the Diary of a Young Candidate,” 2 *Bachelor’s Button* 11 (1838).
206. William Russell Smith, *As It Is* (Albany: Munsell & Rowland, 1860), 37.
207. See Gaston, *supra* note 59; William Wirt, *An Address Delivered Before the Peithessophian and Philoclean Societies of Rutgers College* (New-Brunswick, NJ: Terhune & Letson, 1830).
208. See, e.g., Guy Ward Hubbs, *Guarding Greensboro: A Confederate Company and the Making of a Southern Community* (Athens: University of Georgia Press, 2003).
209. Francis C. Gray, *An Oration Before the Phi Beta Kappa Society of Brown University, Providence, R.I. on Commencement Day, September 7, 1835* (Providence: B. Cranston & Co., 1835), 35.
210. See, e.g., Levi Woodbury, *An Oration Before the Phi Beta Kappa Society of Dartmouth College* (Hanover: Dartmouth Press, 1844), 4 (“The loom is still in some, countries mere sticks, driven into the ground, instead of the intricate machinery, suited, as with us, to weave the most beautiful fabrics, in every color of the rainbow, and in almost every figure of nature or the kaleidoscope, or the richest fancy.”).
211. See, e.g., Taylor, *supra* note 139, at 24.
212. *Id.* at 25. Orators at other schools made similar points to Taylor. In the immediate wake of the Compromise of 1850, for instance, an orator at nearby Howard College in Marion, Alabama, emphasized the utility of education in Southern values. See T. G. Keen, *Characteristics of the Times, Strong Incentives to Intellectual Effort: An Address Delivered Before the Franklin & Adelphi Societies of Howard College at Their Anniversary, held at Marion, Alabama, July 24, 1850* (Tuscaloosa: M. D. J. Slade, 1850).

213. Joseph Wright Taylor, *Henry Clay, His Life, Character and Services: An Oration Delivered Before a Meeting of the Citizens of Greene County, Alabama, at Eutaw, July 31, 1852* (Eutaw: William H. Fowler, 1852). See also William May Wightman, *Inaugural Address Delivered at the Opening of the Southern University, Greensboro, Ala.* (Marion: George C. Rogers, 1859), 9 (through liberal education the mind “is thus less in danger of becoming a mere cog or band in the vast machine to which our modern utilitarianism would fain reduce society.”).
214. Benjamin F. Porter, *Argument of Benjamin F. Porter in Support of a Bill, Introduced by Him, in the House of Representatives of Alabama, to Abrogate the Punishment of Death* (Tuscaloosa: J M’Cormick, 1846); Benjamin F. Porter, *The Value of Ourselves and the Times in Which We Live . . . Spoken Before the Ciceronian and Phi Delta Societies of Mercer University, Ga., on Commencement Day, July 25, 1849* (Penfield: Temperance Banner Office, 1849).
215. *Congressional Globe*, 34th Cong., 1st Sess. 481 (April 21, 1856); “Southern Rights, How Menaced by Northern Republicanism,” *Congressional Globe*, 35th Cong., 1st Sess. 144–49 (March 19, 1858) (discussing admission of Kansas, especially Constitution’s limitation on federal government to limit property rights in humans).
216. Wilson Smith, *Professors and Public Ethics: Studies of Northern Moral Philosophers Before the Civil War* (Ithaca, NY: Cornell University Press, 1956).
217. Cf. David Moltke-Hansen, “The Expansion of Intellectual Life: A Prospectus,” in *Intellectual Life in Antebellum Charleston*, eds. Michael O’Brien & David Moltke-Hansen (Knoxville: University of Tennessee Press, 1986), 3–44.
218. See Tim Alan Garrison, “Beyond Worcester: The Alabama Supreme Court and the Sovereignty of the Creek Nation,” 19 *Journal of the Early Republic* 423–50 (1999).
219. 1 Stew. & P. 327 (Ala. 1832) (construing jurisdiction to try white man for murder of Creek Indian).
220. *Id.* at 332–33 (citing *Johnson v. McIntosh*, 23 U.S. 543 (1823); *Goodall v. Jackson*, 29 Johns. R. 693 (N.Y. 1823)).
221. *Id.* at 333.
222. *Id.* at 339.
223. *Id.* at 444.
224. *Id.* at 425.
225. *Id.* at 445.
226. *Id.*
227. H. Thompson, “The Confessions of a Ci-Devant Politician,” 1 *Bachelor’s Button* 207, 209–10 (1837).
228. 6 Porter 269, 291–92 (Ala. 1838).
229. 21 Ala. 590, 608 (1852).
230. 3 Stew. 60, 81 (Ala. 1830).
231. *Stoudenmeier v. Williamson*, 29 Ala. 558, 567 (Ala. 1857).
232. *Gandy v. Humphries*, 35 Ala. 617, 627 (Ala. 1860).
233. William R. Smith, *The History and the Debates of the Convention of the People of Alabama, Begun and Held in the City of Montgomery, on the Seventh Day of January, 1861* (Montgomery: White, Pfister & Co., 1861), 201.