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**One and Inseparable:  
The Union and Deliberative Conduct in Webster's "Reply to Hayne."**

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"Wise men and strong we did not lack;  
But still, with memory turning back,  
In the dark hours we thought of thee,  
And thy lone grave beside the sea."

--John Greenleaf Whittier, "The Lost Occasion."

The mortal remains of Daniel Webster lie in a modest grave in the Winslow Cemetery in Marshfield, Massachusetts. No ornate mausoleum, no great obelisk, marks the final resting place of America's greatest orator. Instead, Webster is buried in a simple setting, at the end of a quiet residential street, beneath the branches of a white ash and a dunkeld larch. In his repose, he is surrounded by the graves of his family members all enclosed by an iron fence, his own grave marked unpretentiously by a granite headstone displaying only his name. The "gorgeous ensign of the republic" waves above. A small memorial marker placed at the site by Dartmouth College on the centenary of Webster's death, and commemorating his efforts in the 1819 Dartmouth College case, is the only indication that this is the final resting place of the "Godlike Daniel," the Defender of the Union, and the embodiment of American eloquence in the first half of the nineteenth century.<sup>1</sup>

But the simplicity of Webster's grave is exactly as he desired it. "I wish to be buried without the least show or ostentation," he said as he prepared for his death.

Webster's coffin was carried out of his house on the shoulders of six of his Marshfield

neighbors, and the funeral procession that conducted Webster's remains to the gravesite a mile from his home "passed on foot unheralded by official pomp, military display, or even the strains of mourning music."<sup>2</sup>

Webster's contemporaries believed they understood why no splendid and imposing memorial was needed for the Expounder of the Constitution. Eulogist after eulogist repeated the commonplace that "the noblest monument must be found in his works. There he will live and speak to us and our children, when brass and marble have crumbled to dust."<sup>3</sup> "His fame," wrote Wilbur Hayward, "shall outlive marble, for when time shall efface every letter from the crumbling stone,--yea, when the marble itself shall dissolve to dust, his memory shall be more deeply encased in the hearts of unborn millions."<sup>4</sup> Franklin Pierce, speaking at Concord, New Hampshire, was certain Webster had "reared for himself a vast pillar of renown, which will stand, in undiminished strength and grandeur, when the work of men's hands, erected to his honor, will be like Nineveh."<sup>5</sup>

Eulogists could be certain of Webster's lasting fame because they had faith that his orations would remain forever among the brightest examples of the nation's literature. "By those who are to come after us he will be chiefly known through that written eloquence which is gathered in our public records and enshrined among the pages of his published works," intoned Representative John Appleton of Maine,<sup>6</sup> while George S. Hillard remarked that "As a writer and as a public speaker, upon the great interests of his country, Mr. Webster stands before us, and will stand before those who come after us, as the leading spirit of his time."<sup>7</sup> At a memorial service in New York, the Reverend Samuel Osgood asked, "What, sir, is the greatest and most enduring of historical

monuments? Is it edifices of stone? Is it cities, empires, or even races of men?" Not at all. "Palaces and temples may go back to dust, cities disappear, empires vanish, and races die out. But speech remains and bears, throughout changing ages, the great thoughts of able minds."<sup>8</sup>

One oration in particular drew the attention of eulogists. For those whose duty it was to remember Daniel Webster, "The Reply to Hayne" served to represent the brilliance of his oratory, and proved that his fame was secure. "No speech, ancient or modern, has within the same time, convinced so many minds, and produced so great and salutary results," recalled Justice Joseph Sprague. "It was not addressed merely to the enlightened and reflecting audience around him, but to this great reading nation, and to the civilized world."<sup>9</sup> The Reply to Hayne "settled in the minds of all reasonable men the question of State Rights and Nullification, then broached in Congress, to the great danger of the Union," wrote Wilbur Hayward. "May the Heavens be rolled away as a scroll, and the elements melt with fervent heat, before such sentiments shall fail of the knowledge and respect of the American people."<sup>10</sup> "The reputation of Webster," James Brady believed, became "fixed at that hour."<sup>11</sup>

The sentiments of these eulogists and biographers echoed the opinions of many of Webster's admirers who wrote to him after news of his triumph over Hayne circulated through the country. The "Reply to Hayne," A. M. Hughes believed, had made Webster's name "familiar to the inmates of every log house on this side [of the] mountains and known too, sir, as the great apostle of National Republicanism, and as the ardent and able and we would hope the successful advocate of the perpetuity of the Union of the States."<sup>12</sup> "The doctrines you have laid down are sound doctrines, and stated so plainly,

that all may understand them," wrote Amos Lawrence, "the whole country will be better for them, and they will prove a safe political manual for our children after us".<sup>13</sup>

This was the memorial that Webster anticipated. While humble about the disposition of his physical remains, he was ever conscious of his place in history, and desirous of securing a permanent station among those honored in public memory. Throughout his career he devoted his best efforts to cultivating among his fellow citizens a "consciousness of alliance with excellence which is departed."<sup>14</sup> His commemorative orations were works of preservation, transmitting to "the generations which are rising up rapidly to fill our places,"<sup>15</sup> the memory of the Pilgrim fathers, the heroes of Bunker Hill, and of Washington, Adams, and Jefferson. Thus it was with some delight and "deep satisfaction" that Webster, a little more than a year before his death, and in ill health leaning on the artist's arm, viewed the premier display of George Healy's portrait of "Webster Replying to Hayne."<sup>16</sup> The sixty by thirty foot painting, over which Healy labored for seven years, depicts Webster in heroic stance, amidst his Senate colleagues, in the act of delivering his greatest oration. "It is Daniel Webster as he appears in his moments of forensic power," wrote one Boston newspaper. Webster must have known that Healy's magnificently executed painting would aid the preservation of his memory and contribute to his lasting fame. And indeed, this was the view of the city fathers who elected to purchase the painting from Healy "with a view to securing a work of art, that will be so interesting, for centuries to come to all Americans."<sup>17</sup> The painting was, in the words of Charles Lanman, "a worthy representation of a memorable scene."<sup>18</sup> Here was proof for later generations, Webster must have thought, that he had "endeavored to transmit the great inheritance unimpaired."<sup>19</sup> He knew that in order to be remembered,

"the acting and speaking men" of the republic required "the help of the artist, of poets and historiographers, of monument builders or writers, because without them the only product of their activity, the story they enact and tell, would not survive at all."<sup>20</sup> It was the eulogist, the painter, the biographer, and the historian who could, in Webster's words, "raise mortals to the skies," and whose works presented "the moving and speaking image of the departed dead to the senses of the living."<sup>21</sup>

Healy's painting, like the "Reply to Hayne" itself, and along with Webster's other "ennobling flights of reason, and lofty outbursts of oratorical power, give us evidence clearer than the light of day, that genius will leave an impress on the human heart which time can not corrode, nor circumstances destroy."<sup>22</sup> Yet Webster himself understood, perhaps better than any of his well-intentioned admirers and eulogists, that there were indeed circumstances that could destroy public memory and annihilate his own fame. Amidst the echoed images of "eroding marble," "crumbling pillars" and "fragmented monuments" lurked a growing anxiety about the fate of the Union, an uneasiness that was only reluctantly expressed in eulogistic metaphor.<sup>23</sup>

The consequences of disunion were plain enough to Webster, even in 1830. There would be war between North and South, and the world would witness "states dissevered, discordant, belligerent," a "land rent with civil feuds," and drenched with "fraternal blood." But, if the time came when the government "crumbled into dust," and "scattered to the four winds," the nation would also forfeit its past.<sup>24</sup> It would abandon its history, and delegate to the ash heap its heroes and national memories. Without the Union, there would be no place for remembrance, no public space where excellence would be exhibited, recalled, preserved, and transmitted to posterity.

Hannah Arendt tells us that "if the world is to contain a public space, it cannot be erected for one generation and planned for the living only; it must transcend the life-span of mortal men."<sup>25</sup> For the Greeks and Romans, the public space, the realm of human politics, was the depository of public memory, the "guarantee against the futility of individual life" and a chance "that a deed deserving fame would not be forgotten."<sup>26</sup> The existence of the commonwealth, "guaranteed by its laws--lest the succeeding generations change its identity beyond recognition--is a kind of organized remembrance."<sup>27</sup> For Webster, no less than for the Greeks and Romans, the American Union, too, was a kind of "organized remembrance." Secessionist doctrines that imperiled the Union, and sought to "change its identity beyond recognition," also threatened to forsake the nation's public memories, and vacate the public space where recollection of Webster's own excellence, and that of his distinguished peers, could be preserved.

Throughout the body of his work, Webster returns again and again to themes of remembrance, permanence, and union. He often used images of architectural decay to communicate the peril of disunion. Whether considering the completion of Bunker Hill, or an addition to the Capitol, he equated the permanence of national monuments with the obligations to remember the past, and with the survival of the republic itself. He saw in the durability of these public edifices hope that the Union would survive, thereby perpetuating the conditions necessary for the remembrance of his own "works and deeds and words."<sup>28</sup> In one of his very last occasional addresses, Webster asked those who threatened secession to contemplate the grandeur of the Capitol building. "Do you desire, from the soil of your State, or as you travel to the North, to see these halls vacated, their beauty and ornaments destroyed, and their national usefulness gone for ever?"<sup>29</sup>

Webster emulated the heroic orators of Greece and Rome, who "entered the public realm because they wanted something of their own or something they had in common with others to be more permanent than their earthly lives."<sup>30</sup> He invested heavily in the discourse of public memory, and was no doubt confident that his own services to the republic, like those of the heroes he himself eulogized, would not "fail from the remembrance of men."<sup>31</sup> "The record of illustrious actions," he told the gathering at Bunker Hill, "is most safely deposited in the universal remembrance of mankind."<sup>32</sup> And that deposit, he believed, would be protected as long as the nation itself was sustained. As he declared in his oration on Adams and Jefferson, "The tears which flow, and the honors that are paid, when the founders of the republic die, give hope that the republic itself may be immortal."<sup>33</sup>

Five years before the Reply to Hayne, Webster called on his fellow citizens to assume the mantle of leadership and "see whether we also, in our day and generation, may not perform something worthy to be remembered. Let us cultivate a true spirit of union and harmony. In pursuing the great objects which our condition points out to us, let us act under a settled conviction, and an habitual feeling, that these twenty-four States are one country."<sup>34</sup> Two years after the debate with Hayne, Webster could still hope that "a hundred years hence," when another generation of Americans gathered to celebrate Washington's birthday "with no less of sincere admiration than we now commemorate it," that those future citizens of the republic would still see, "as we now see, the flag of the Union floating on the top of the Capitol."<sup>35</sup> Efforts of memory, as Webster understood, required a public space, represented figuratively by the Capitol, where an orator amidst his fellow citizens might, in his words, "indulge in refreshing remembrance of the past."<sup>36</sup>



The preservation of public memory, then, depended on the survival of the Union itself, a Union menaced by Southern theories of nullification and interposition. "If the walls of yonder Capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley," Webster pronounced in 1832, "all these might be rebuilt. But who shall reconstruct the fabric of demolished government? Who shall rear again the well-proportioned columns of constitutional liberty?"<sup>37</sup>

Here, then, is the motive for Webster's "Second Reply to Hayne." It is a speech that safeguards the space of public memory. It is, in Arendt's view, the kind of "action, in so far as it engages in founding and preserving political bodies," that "creates the condition for remembrance, that is, for history."<sup>38</sup> "While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children," Webster said in his peroration. "Beyond that I seek not to penetrate the veil. God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union."<sup>39</sup> A union in fragments left no space for the action of distinguished orators who could "show who they really and inexchangeably were," no place where "through unique deeds or achievements" Webster could exhibit his excellence. Thus it was to preserve such a public space for action and remembrance that Webster was willing to "share in the burden of jurisdiction, defense and administration of public affairs."<sup>40</sup>

Examining Webster's motive allows us to shed light on one of the enduring scholarly controversies connected with Webster's performance, and indeed in public address criticism in general: the authenticity of the published text of the speech. Wilbur

Samuel Howell and Hoyt Hopewell Hudson, in their critical essay on Webster, question whether critics can ever discover "the real Webster" who in their view "lies concealed beneath his own formal literary habits." The "real Webster" can be glimpsed, "only when we give him no opportunity to superimpose his literary talents upon his actual persuasive techniques."<sup>41</sup>

Webster's "literary habits" included the extensive revision of his speeches before publication. "Whenever the report of one of his extemporaneous speeches came before him for revision, he had an instinctive sagacity in detecting every word that had slipped unguardedly from his tongue, which he felt, on reflection did not belong to him," wrote Edwin Whipple.<sup>42</sup> The orator was especially attentive to the text of his "Reply to Hayne." Joseph Gales took short hand notes for Webster during the debate with Hayne. Mrs. Gales wrote out the speech and provided Webster with a transcript, which he then spent a month revising for publication in the newspaper and in pamphlet form. "That Webster took particular care with the Second Reply to Hayne is clear;" Robert Ferguson observes, "his original notes, first full transcript, and published oration all differ radically from each other."<sup>43</sup>

The editors of the modern edition of Webster's papers believe those revisions were the result of Webster "consciously converting the spoken words, embellished as they had been by gestures, modulations of voice, and changes of expression, into words that would be read without these accompaniments but would leave the reader as thrilled and awed as the listening audience had been."<sup>44</sup> Harlow W. Sheidley, however, attributes more specifically ideological motives to Webster's crafting of the published text. "He appealed to his conservative New England colleagues when revising, and their assistance

with that task as well as with the circulation of the printed version indicates that they considered the 'Second Reply,' a definitive statement of their values and a potential vehicle to national power."<sup>45</sup> But if we rather consider the importance of public memory in Webster's thinking, and his need to aid in the preservation of a public space where his deeds and actions might be remembered, then we understand the necessity of Webster's working the text into a publishable and permanent form.

Political action, Hannah Arendt explains, "is transacted in words," and consists in "finding the right words at the right moment."<sup>46</sup> But left to themselves, the words of political actors lack tangibility and durability. "In order to become worldly things," speech and action

must first be seen, heard, and remembered and then transformed, reified as it were, into things--into sayings of poetry, the written page or the printed book, into paintings or sculpture, into all sorts of records, documents and monuments. The whole factual world of human affairs depends for its reality and its continued existence, first, upon the presence of others who have seen and heard and will remember, and second, on the transformation of the intangible into the tangibility of things.<sup>47</sup>

Webster's crafting of the speech into a publishable text, what Irving Bartlett called his "consciously shaped literary effort,"<sup>48</sup> then, finishes the work of the speech itself. It answers the need for "the enduring permanence of a human artifact" to assure the "imperishability" of his action.<sup>49</sup> Just as his oration sought to preserve the union as the space for political action and public memory, his text seeks also to create a durable record of his own excellence. "Had I such a monument of fame erected to me; as you have

acquired for yourself in your recent speeches in defense and support of the Union and the cause of National Republicanism," A. M. Hughes assured Webster, "I would say as did one of old, 'now let me depart in peace'."<sup>50</sup> The published text is what Arendt would consider a "remedy for the futility of action and speech," that improved the "chances that a deed deserving fame would not be forgotten, that it actually would become 'immortal'."<sup>51</sup>

Webster's speech, of course, was not forgotten. The letters he received following its publication as a pamphlet, the reprints of it in anthologies, and the Healy painting all gave evidence that memory of his oratorical excellence in the engagement with Hayne would survive him. Joseph Gales sold more than 40,000 copies of the pamphlet edition from his own press, and there were at least twenty other editions printed across the country. The oration quickly became "the most widely-read and most influential utterance of its time."<sup>52</sup> Gales himself wrote that "no speech in the English language has ever been so universally diffused, or so generally read."<sup>53</sup> Within Webster's lifetime, students took to memorizing the peroration as "a standard schoolboy exercise."<sup>54</sup> Admirers of Webster compared the speech to the works of Pericles and Demosthenes,<sup>55</sup> while critics and historians have been nearly unanimous in describing it in glowing terms. Samuel Eliot Morison called the "Reply to Hayne," "the greatest recorded American oration, thrilling to read even today in cold print."<sup>56</sup>

And that is the point of Webster's attention to revision and publication. He sought to create a "recorded oration," to which later generations would have access, and which, in "cold print" would nevertheless become "one of the proudest and most inviolable monuments of American patriotism, philosophy, genius, character, and talents."<sup>57</sup> Henry

Alexander Scammell Dearborn, a correspondent and friend of Webster's, wrote to him while he was preparing his revised text and validated that commemorative impulse. Politicians with a narrow focus and "little minds," Dearborn assured Webster, would "perish as unremembered as the bustle which they make, about the petty concerns of their *constituents*." On the other hand, "the man who represents the *whole* country, the union . . . the really & truly able representatives of the *nation*," will "live through all time" and have his name "identified with the history of the United States."<sup>58</sup> As Arendt explains, "without remembrance and without the reification which remembrance needs for its own fulfilment . . . the living activities of action, speech, and thought would lose their reality at the end of each process and disappear as though they never had been. The materialization they have to undergo in order to remain in the world at all is paid for in that always the 'dead letter' replaces something which grew out of and for a fleeting moment indeed existed as the 'living spirit'."<sup>59</sup> "Great men do not wholly die," Appleton remarked in his eulogy to Webster, "All that they achieved worthy of remembrance survives them. They live in their recorded actions."<sup>60</sup>

Webster also understood that the durability of his speech would rest upon the "dead letter" of the written text, and indeed upon the "memorability"--the artistic quality--of the text.<sup>61</sup> Those few who witnessed the debate with Hayne would take their personal recollections to the grave. To rest his fame merely on the transcribed notes of the debate would be too much of a gamble for Webster. He crafted the permanent text to give history the kind of speech, in the words of one eulogist, "that will go down to posterity, as one of the country's heirlooms, through I know not how many successive generations."<sup>62</sup>

And thus we are brought to our own relationship with Webster as readers of his work from another generation, who's attention he sought, and upon whom he relied to preserve the memory of his action and bring to life again the "dead letter" of his now famous "Reply to Hayne."<sup>63</sup> "Action," says Arendt, "reveals itself fully only to the storyteller, that is, to the backward glance of the historian, who indeed always knows better what it was all about than the participants."<sup>64</sup> As critics of public address, then, we commit to examine a speech and thus we unavoidably assume the role cast for us by those whose actions we study. As we take up the text of a bygone age, we judge it worthy of continued remembrance and inevitably serve to sustain and shape the public memory of orators past. It is no insignificant responsibility.

As a critic I elect to interpret Webster's work, and to suggest a profitable reading for my audience. But in choosing to study Webster's speech, I am also committing to Webster himself, and cannot detach from that criticism my awareness of his hopes for immortality. Ultimately, mine is an ideological commitment. As I set out to reveal the "living spirit" of Webster's action 168 years after the "Reply to Hayne," I am also acknowledging those aspects of Webster's performance that merit recognition. And, in that regard, I am suggesting that what makes Webster's speech worthy of remembrance are the political and rhetorical dimensions of his action that ought to continue to have an influence today, ought to once again shape the political landscape and serve our own time as an example of deliberative conduct.

Webster, I believe, still has something to teach us. His work should not be merely of antiquarian or literary interest. We should take seriously the remarks of Webster's contemporaries, who also spoke to us in their eulogies and letters, and who admonished

us to accept Webster's orations as "enduring lessons of instruction to our countrymen," and as "a repository of political truth and practical wisdom, applied to the affairs of government."<sup>65</sup> We would be an arrogant posterity if we did not begin with the presumption, at least, that the judgments of Webster's contemporaries were sincere and well-founded, and that in Webster's rhetoric we might find something of value for our own politics.

What is the "enduring lesson," then, that we are meant to learn from the Reply to Hayne? That the Union should be sustained, be perpetual? Yes. But more than that, we must learn that the preservation of the Union requires more than our concurrence with Webster's constitutional interpretation. There is something in Webster's speech that tells us *how* to preserve the Union, how to sustain our republic by our own political action. The lesson here is not only that we ought to reject the Carolina doctrine of nullification and secession, for that doctrinal issue was settled with the surrender of the confederacy at Appomattox. What continues to instruct us is the implicit political theory of Webster's rhetoric. The Reply to Hayne is a paradigm of civic conduct, a practical enactment of Webster's political principles communicated in the performance of a memorable oration that responds with decorum, prudence, and rhetorical skill to the challenges of a particular historical moment. While the specific demands of the occasion depart with history, Webster's philosophy of political action remains, and speaks to us as that "repository of political truth and practical wisdom" that his own generation were anxious for us to appreciate. It is a lesson best learned by a careful examination of the speech itself.

## THE UNION AND DELIBERATIVE CONDUCT

To his contemporaries, Webster's Reply to Hayne was a great personal and ideological victory. Indeed, it was a commonplace of eulogy and history alike to memorialize Webster's speech as if it were a dramatic victory of physical combat. At a public dinner in New York City honoring Webster's success Chancellor James Kent, introducing Webster, remarked that "It is a plain truth, that he who defends the constitution of his country by his wisdom in council is entitled to share her gratitude with those who protect it by valor in the field. Peace has its victories as well as war."<sup>66</sup> In one early biography, Louis Clark wrote that the approaching debate with Hayne saw Webster "like the warhorse of the Scriptures, who 'paweth in the valley, and rejoiceth in his strength: who goeth on to meet the armed men, --who sayeth among the trumpets, Ha, ha! and who smelleth the battle afar off, the thunder of the captains and the shouting."<sup>67</sup> Justice Sprague, in eulogizing Webster at the Boston Circuit Court in 1852, maintained that "General Hayne, heralded his speech with a declaration of war, with taunts and threats, vaunting anticipated triumph, as if to paralyze by intimidation." Webster's speech, Sprague insisted, "was made to repel an attack, sudden, unexpected, and almost unexampled; an attack upon Mr. Webster personally, upon Massachusetts and New England, and upon the Constitution."<sup>68</sup> With great melodrama, Samuel Smucker wrote in 1859 that Webster "examined and confuted every position advanced by Mr. Hayne. He crushed every bone in his forensic body. He wrested every weapon from his hand, and then broke them over his opponent's shoulders." All the while, Smucker assured his readers, Hayne "was prancing to and fro, like a chafed and chastised tiger, in the rear of



his seat; in vain endeavoring to evade the destructive shafts aimed at him by this modern Apollo,--in this case verily the 'god of the unerring bow'."<sup>69</sup>

These memorials of the orator's performance no doubt reflect a recognition of the intensely personal tone of the Webster-Hayne debate, and indeed borrow the very language Hayne himself had employed to issue his deliberative challenge to Webster. But, the commentaries by Webster's contemporaries, while seeming to delight in the imaginative development of the metaphors of physical combat, and to celebrate the triumph of their champion, neglect the practical lesson of Webster's oration. Ironically, the praise of Webster's speech is constructed in language that he himself explicitly rejected, and sought to discourage as the currency of political debate. As the "Reply to Hayne" makes clear, the language of physical combat represents for Webster a brand of politics and a mode of deliberative conduct that would, like the Constitutional doctrines he sought to defeat, subvert the perpetuity of the Union.

Privately, Webster assured Justice Joseph Storey that in facing Hayne in debate he would "grind him as fine as a pinch of snuff."<sup>70</sup> Publicly, during his oration, however, he insisted to his audience that he "had not the slightest feeling of unkindness towards the honorable member."<sup>71</sup> The contrast here is instructive. Webster's remarks reveal his awareness of the bounds of propriety, and the necessity of observing rules of decorum in public debate. Webster's gesture is not merely conventional debate form. Rather, it reveals a consciousness of appropriate civic conduct that informs both his political theory and his rhetorical strategy in the Reply to Hayne. The contest with Hayne was as much about the style and manner in which public representatives conduct their affairs, as it was about which view of the Constitution would prevail. Webster was contending not only

for a constitutional doctrine, but indeed for a political way of life. For Webster, this was Constitutional theory and prudent action. It was philosophy and performance.

The immediate political circumstances that produced the controversy over the Union, were considerably less memorable in themselves than the speech Webster gave in response to them. During the week before Webster's "Second Reply," of January 26, 1830, Hayne and Webster had engaged each other in argument over the question of western land sales. The debate revolved around the issue of whether Congress should more or less quickly sell and settle Federal land in the new states and territories of the West. Hayne, in advocating a more rapid settlement, suggested that the Eastern states were hostile to the West and to Western settlement. "We have treated them [the West] not like heirs of the estate, but in the spirit of a hard taskmaster, resolved to promote our selfish interest from the fruit of their labor." In holding back Western land sales, he thought, the Federal Government was reserving those lands as "a fund for permanent revenue," used to fill Federal coffers by "coining our lands into gold." Such a policy, Hayne argued, led to "consolidation" of the Federal government, a consequence he viewed, in light of the independence of the states, as truly evil.<sup>72</sup>

Hayne identified the plight of the West, with that of his native state, South Carolina, which had suffered under the Federal tyranny of the tariff. The general government, under Northern influence, "subjects us to a taxation, which it requires the utmost efforts of our industry to meet." Because of the tariff, "The rank grass grows in our streets; our very fields are scathed by the hand of injustice and oppression." Hayne saw the motive for the tariff, and the restraint on Western land sales, as connected to the effort by Eastern politicians to protect the manufacturing interests of their section. Just as

with the tariff, by which "the fruits of our labors are drawn from us to enrich other and more favored sections of the union," the land policy of the East aimed to "create and preserve in certain quarters of the union a population suitable for conducting great manufacturing establishments."<sup>73</sup>

In identifying the Western land policy with the long held Southern resentment of the tariff Hayne gave Webster his opening. The deliberative question before the Senate, said the South Carolina Senator in beginning his first speech, was one "involving the feelings and interests of a large portion of the union."<sup>74</sup> It was those feelings that made Hayne vulnerable to Webster's baiting. In identifying the question as involving Southern "feelings," Hayne was coding the matter as an affair of honor, as a dispute that required a degree of "satisfaction."

Webster answered Hayne in his "First Reply" on January 20, 1830. He opposed on practical grounds the lowering of prices on western lands, which he said, "may have the effect of throwing large quantities into the hands of individuals, who would in this way, in time, become themselves competitors with the government in the sale of land."<sup>75</sup> But after having addressed the deliberative issue at hand, Webster turned to discuss the "two or three topics" raised by Hayne, "in regard to which he expressed sentiments in which I do not at all concur."<sup>76</sup> First, Webster denied that Federal policy injured the West. "From the very origin of the government," he maintained, "these Western lands, and the just protection of those who settled or should settle on them, have been the leading objects in our policy, and have led to expenditures, both of blood and treasure, not inconsiderable."<sup>77</sup> He next addressed Hayne's fear of "consolidation" as he began to direct the debate toward the question that would make the encounter memorable. "I

know," said Webster, "that there are some persons in the part of the country from which the honorable member comes, who habitually speak of the Union in terms of indifference, or even of disparagement . . . They significantly declare, that it is time to calculate the value of the Union. . . . Sir, I deprecate and deplore this tone of thinking and acting . . . the union of the States is essential to the prosperity and safety of the States."<sup>78</sup>

Finally, Webster arrived at what he called "the main occasion of my addressing the Senate," his defense of the Eastern states against the charges of hostility toward the West. "I deny it in the general, and I deny each and all its particulars. I deny the sum total, and I deny the detail. I deny that the East has ever manifested hostility to the West." To prove as much Webster reviewed the history of Eastern votes on Western policy, and in particular the drafting and passing of the Northwest Ordinance of 1787. "That instrument was drawn by Nathan Dane, then and now a citizen of Massachusetts." The supreme value of the Ordinance, said Webster, was that it "fixed for ever the character of the population in the vast regions northwest of the Ohio, by excluding from them involuntary servitude. It impressed on the soil itself, while it was yet a wilderness, an incapacity to sustain any other than freemen." That wise measure, he continued, "was, of all things, the very means of rendering certain a vast emigration from her own population to the West."<sup>79</sup>

As he closed his first reply Webster told the Senate, "I am not accustomed to allude to local opinions, nor to compare or contrast different portions of the country." But the remarks of Hayne had led Webster to defend Massachusetts. "As a true representative of the State which has sent me here, it is my duty, and a duty which I shall fulfill, to place her history and her conduct, her honor and her character, in their just and

proper light, so often as I think an attack is made upon her, so respectable as to deserve to be repelled."<sup>80</sup>

It is unlikely that Webster expected this to be the last word between him and Hayne. In responding to Hayne's remarks, Webster questioned the commitment of Southerners to the union, and aimed at irritating tender South Carolina nerves by raising the issues of slavery and the tariff. Most important, having spoken of the dispute as a matter of honor, character, and duty, Webster could not reasonably expect his barely veiled escalation of Hayne's challenge to go unrebuked.

In literal terms, Daniel Webster opposed dueling. In 1817, when called to appear on the "field of honor" by John Randolph of Roanoke, Webster dismissed the challenge, writing to Randolph that "it is enough that I do not feel myself bound, at all times and under any circumstances, to accept from any man, who shall choose to risk his own life, an invitation of this sort; although I shall always be prepared to repel in a suitable manner the aggression of any man who may presume upon such a refusal."<sup>81</sup> Still, Webster fully understood the code of honor, and the language of insult, challenge and satisfaction, especially among his Southern colleagues, that continued to make dueling not an uncommon occurrence in American politics.<sup>82</sup> "Politicians were quick to perceive the intentional slap at a man's reputation," explains Joanne B. Freeman. "They recognized the key words and phrases that signaled the commencement of an honor dispute and the subtleties of meaning contained in the wording and timing of a response." Neither was Webster the only one to exploit such language and sensibilities for strategic purposes. "Politicians manipulated the affair of honor to serve their immediate political ends,"

writes Freeman. "An attack on a political measure was an attack on an individual, and an attack on an individual demanded a personal defense."<sup>83</sup>

Predictably, Hayne rose to Webster's bait, and took on the task of answering Webster's challenge in his Second Speech of January 21, 1830. "I charged no party, or state, or section of the country with hostility to any other," said Hayne. But Webster, inexplicably, had ignored the remarks of Senator Benton of Missouri and was "making war upon the unoffending South."<sup>84</sup> Hayne, now driven more by passion than sense, unleashed a torrent of sarcasm and personal invective that seemed for the time to vanquish Webster. Hayne pointed to contradictions in Webster's voting record on protective tariffs, and connected Webster to the New England Federalists who, unlike Southern patriots, opposed the War of 1812. "When I look back and contemplate the spectacle exhibited at that time in another quarter of the Union," chided Hayne, "when I think of the conduct of certain portions of New England . . . when I follow that gentleman into the councils of the nation, and listen to his voice during the darkest period of the war, I am indeed astonished."<sup>85</sup>

Most irritating to Hayne was Webster's reference to slavery, which led the South Carolinian to confess that his "feelings suffered a revulsion which I am now unable to describe in any language sufficiently respectful towards the gentleman from Massachusetts." Significantly, it was in Webster's mention of slavery that Hayne confessed he saw, "the very spirit of the Missouri question intruded into this debate."<sup>86</sup> Hayne's reaction must have convinced Webster that his strategy had worked. Webster no doubt understood that Hayne would respond to the slavery issue with the same feelings Alabama Representative Eli Shorter expressed when he recalled the Missouri

Compromise, "wherein the brand of inferiority was then stamped deep on the brow of southern manhood and southern honor."<sup>87</sup> As with Shorter, the matter was for Hayne nothing less than a question of honor:

Mr President, the impression which has gone abroad of the weakness of the South connected with the slave question, exposes us to such constant attacks, has done us so much injury, and is calculated to produce such infinite mischiefs, that I embrace the occasion . . . to declare that we are ready to meet the question promptly and fearlessly. It is one from which we are not disposed to shrink. . . . We are ready to make up the issue with the gentleman, as to the influence of slavery on individual or national character, on the prosperity and greatness either of the United States or of particular states.<sup>88</sup>

But Hayne reminds his Senate colleagues that, to his mind, "this controversy is not of my seeking . . . this unprovoked and uncalled-for attack was made on the South, not one word had been uttered by me in disparagement of New England." Rather it was Webster who, "crossed the border, he has invaded the state of South Carolina, is making war upon her citizens, and endeavoring to overthrow her principles and institutions." Yet Hayne promised to "drive back the invader discomfited," and to "carry the war into the enemy's territory, and not consent to lay down my arms until I have obtained 'indemnity for the past and security for the future'." To do any less, he assured his colleagues, would be to neglect "the performance of my duty."<sup>89</sup>

One of those principles for which Hayne offered a vigorous defense was the constitutional theory of John C. Calhoun. "The Senator from Massachusetts, in denouncing what he is pleased to call the Carolina doctrine," remarked Hayne, "has

attempted to throw ridicule upon the idea that a state has any constitutional remedy, by the exercise of its sovereign authority, against a 'gross, palpable, and deliberate violation of the constitution'.<sup>90</sup> But Hayne defends that doctrine as historically sound, grounded in the opinions of Madison and Jefferson contained in the Virginia and Kentucky Resolutions of 1798. In Hayne's view,

if the deliberate exercise of the dangerous powers, palpably withheld by the Constitution, could not justify the parties to it in interposing even so far as to arrest the progress of the evil, and thereby to preserve the Constitution itself, as well as to provide for the safety of the parties to it, there would be an end to all relief from usurped power, and a direct subversion of the rights specified or recognized under all the state constitutions, as well as a plain denial of the fundamental principles on which our independence itself was declared.<sup>91</sup>

The consequence, Hayne believed, would be nothing less than "an annihilation of the state governments, and the erection upon their ruins of a general consolidated government." In such an event, he concluded, the individual states would have to choose between "a dissolution of our union," or "submission to a government without limitation of powers." Hayne promised that if such a time came, South Carolina would meet the crisis "with a firm, manly, and steady resistance against usurpation."<sup>92</sup>

Webster's goading of Hayne, then, coded in the language of Southern honor, accomplished what it sought. It led Hayne into a bold, emotional, and public defense, not only of his state and section, but specifically of the Constitutional doctrine that Webster was looking for an opportunity to vanquish. Equally important, Webster led Hayne into a defense of South Carolina and its institutions that was constructed largely with



metaphors of dueling, war, and combat. This was what Webster wanted; his subtle allusions to honor, duty, and vindication of his state led Hayne to accept the implicit challenge, and to meet it with strong language, language appropriate for the response of an insulted Southern gentleman. Webster's baiting led Hayne into exactly the style and temper of oratorical performance that would serve Webster's strategy in the Second Reply. From Webster's view, Hayne could not have chosen better metaphors. Hayne's assertions were confident and energetic, and that made him an ideal opponent for Webster's purpose. The clash was dramatic, and public attention was drawn to it both in Washington and beyond as word of the deliberative battle spread by newspaper throughout the nation. This was Webster's main chance, but the occasion was one for more than a theoretical dispute. He now had an appropriate opportunity to offer a spirited defense of Massachusetts, to ridicule Hayne's view of the Constitution, and position himself as the leading spokesman for Constitutional nationalism. But more important, perhaps, to Webster, Hayne's language had given him the chance to draw a contrast between ideals of civic conduct: his ideals which formed a fundamental part of his political theory, and those of Hayne, which threatened the Union. The "Second Reply to Hayne," then, can be read not only as Webster's profound exegesis of the Constitution, but also as his performance enacting the politics that he believed would preserve the Union. It was Webster embodying the "republican ethos" and enacting the "republican style" that, according to Robert Hariman, emphasized "civility," and was "intended to maintain the republic beyond the conditions of its origin."<sup>93</sup>

For all the attention to old Federalist meetings, sectional loyalties, voting records on tariffs and internal improvements, and the issue of Foot's Resolution itself, what

mattered most to Webster and his supporters was his articulation of the National-Republican view of the Constitution. "As a Patriot, I felt gratefull to you (as will every virtuous American not only of the present generation but of future time) for your clear & splendid exposition of the principles of the Constitution on points hitherto least understood," wrote Peter Buell Porter to Webster.<sup>94</sup> Henry Bond applauded Webster for opposing the dissemination of "unsound and dangerous doctrines," while Jonas Platt thought Webster's oration commendable "for sound and wholesome constitutional doctrine, for enlightened patriotism, for elevation of sentiment, for wisdom as well as for chaste and manly eloquence."<sup>95</sup> "It seems to me," William Sullivan offered, "that the most valuable quality of these speeches is, that they teach the citizens in general what their relation to the federal government is;--and in a manner so comprehensible, and satisfactory, that every one not only asserts, but is surprised, that the doctrine should not have been familiar to him."<sup>96</sup>

But an emphasis on Webster's constitutional argument has sometimes led historians and critics to overlook the connection between his political views and his rhetorical practice. As more than one Webster admirer recognized in 1830, the progress and triumph of the Constitutional interpretation was set in motion by Webster's ability to "put to flight, completely, all the sophistry and non-sense of Mr. Hayne's notions about state rights."<sup>97</sup> Moreover, Webster's effort to discredit Hayne's Constitutional view was bound structurally and stylistically to his personal contest with Hayne, the dramatic clash of personae fashioned from Hayne's use of war metaphors and the language of physical combat. Indeed, thought Benjamin Estill, Webster deserved praise "for having prostrated, I trust forever, that mischievous nonsense called the Carolina doctrine, and

taught its arrogant supporter, a lesson of humility, which neither he nor his party are likely soon to forget."<sup>98</sup>

Observant as he was, however, this contemporary of Webster failed to quite grasp the main gesture of Webster's oration. For while Hayne indeed was humiliated, the virtue of Webster's performance was not in the victory of one champion over another, but rather in the embodied articulation of a theory of political action. Webster triumphed in seeing his view of the Constitution prevail in debate, but he also affirmed a collective national commitment to an ideology of deliberative conduct that positioned him as an eloquent leader of the republic.

For Webster, the Union was perpetual, and part of what made that possible was the performance of orators in a space of deliberation. The presence of men in a Senate debating public issues, following rules of decorum, maintaining standards of civic conduct, and displaying their eloquence, assured that the union was vital.<sup>99</sup> Along with a constitution that created the deliberative space and guaranteed its perpetual functioning, it was the action and prudent judgment of public men that sustained the national life, composed the national identity, provided the discourse for public memory, and assured the transmission of the national culture to future generations. Webster saw himself as a representative of that style of deliberative conduct that contributed to the perpetuity of the Union. In contrast, Webster attacked Hayne not only for advocating doctrines that threatened the Constitutional survival of the nation, but also for engaging in a brand of political conduct that was itself subversive of the principles of a perpetual union.

In Webster's view, the survival of the Union required not only an orator who could defend the Constitution as he did against Hayne, but one who could embody the

spirit of the constitution in deliberative performance. In his legislative debating, in his legal arguments, in his eloquent public commemorations, Webster performed his politics, and became that embodiment. With his public action, he struggled to sustain a republican ideal that was threatened by the temper and style of opponents such as Hayne.

Webster begins his "Second Reply" with the image of the Mariner. The metaphor is sometimes noted as an eloquent figure, but its significance as an orienting device has been overlooked.

When the mariner has been tossed for many days in thick weather, and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and before we float farther on the waves of this debate, refer to the point from which we departed, that we may at least be able to conjecture where we now are.<sup>100</sup>

The image refers to the debate itself, and the conduct of those Senators involved in it.

Webster is the mariner. He captains an implicit "ship of state." Hayne's speech has "tossed him for many days, in thick weather." Hayne's language and deliberative conduct are the "elements" that have driven the mariner and his ship "from his true course."

Webster, now, "imitates [the mariner's] prudence" at this "pause in the storm" of deliberative engagement, by referring to the original issue of the debate.

The images here are instrumental in composing the contrast Webster desires to impress upon his audience. The terms of the comparison depict the influence of Hayne as dangerous, without direction, and unable to discern essential navigational facts. Webster, on the other hand, is "prudent," and keeps in view the point of origin, the current position,

and the "true course" for the ship of state. Our concentration, then, is focused on the deliberative conduct of the two Senators, and once fastened there, our attention is directed to further characterizations of Hayne's behavior in debate. The Senate has not heard appropriate political argument from Hayne, but rather "has been entertained by the gentleman from South Carolina," whose "excursions" have visited every issue but the resolution under consideration.<sup>101</sup>

With our attention sharply focused upon Hayne's conduct and rhetoric Webster introduces the main theme of the first third of the speech. The key maneuver is to turn Hayne's own metaphors against him. Webster accepts the language of war and combat Hayne had used to characterize the dispute, but identifies those images as tokens of Hayne's indecorous bearing, imprudent judgment, unfit temperament, and impotent rhetoric. The metaphors used by Hayne become proof of his deliberative incompetence, and his failure as a republican orator. In Webster's view, Hayne has revealed that he possesses few of the intellectual qualities or rhetorical skills necessary to be a counselor to the nation or a leader of free men. In short, he is incapable of responding to the challenge of the particular moment with a memorable oratorical performance.

By contrast, of course, Webster appears as a prudent, able, and eloquent, leader uniquely positioned to instruct his colleagues and the nation on the true meaning of the Constitution, and ready to take his place as an ideal of appropriate civic conduct. The contrast he draws with Hayne is one between philosophies of public action. Hayne's appearance merits ridicule and condemnation; Webster's virtuous performance bespeaks his deliberative excellence, and is worthy of emulation by peers and recollection by history. With his performance, he prepares his audience to endow him (and not Hayne)

with authority to read the Constitution, understand the meaning of the founders, and to navigate the "true course" for the nation. As Webster speaks, then, he engages in a style of deliberative behavior that "constitutes" correct republican action, the model of action that assures the continuance of the political space wherein an eloquent leadership can ascend, and the memory of deliberative excellence will be cherished.

Webster insists on his vision of the Senate as a deliberative forum rooted in the history of the republic, enduring the challenges of the present, and continuing into an future where the eloquent leaders of a distant time will memorialize the virtuous action of their past and engage in free and courageous debate. The honor of the Senate is the honor due to public service in the national interest, not the personal code of a Southern duelist. Prudence and eloquence are the virtues of Senate action, not the feigned courage of an "insulted" gentleman, or the sectional loyalty of a defender of slavery. The Senate, to Webster, is a public arena unaccustomed to threats of violence, and unacquainted with the language of personal intimidation. The Senator who relies on such language violates decorum, and is not only rhetorically impotent, but also unfit to serve the national interest, or to interpret the founding document of the nation.

The first third of the "Reply to Hayne" reads like a running commentary on the debate, and as a critical review of Hayne's language and temperament. "When this debate, Sir, was to be resumed on Thursday morning," Webster announced, "it so happened that it would have been convenient for me to be elsewhere. The honorable member, however, did not incline to put off the discussion to another day."<sup>102</sup> Immediately, we see that Hayne is discourteous to Webster, not affording him the normal considerations due to a respected colleague. Webster reminds his colleagues of his

opponent's language of dueling. "He had a shot, he said, to return, and he wished to discharge it. That shot, Sir, which he thus kindly informed us was coming, that we might stand out of the way, or prepare ourselves to fall by it and die with decency, has now been received."<sup>103</sup> Webster's tone is one of ridicule. The metaphor casts Hayne's second speech as a shot in a duel. Hayne's motive is personal, his rhetoric aims at injury of Webster in an affair of honor, and his rhetorical skill is depicted as marksmanship. But once Hayne's speech "has been discharged," Webster reports, it fails to reach its target. Hayne's rhetoric, after all, is without power, lacking sufficient force to accomplish its goal. "It may become me to say no more of its effect, than that, if nobody is found, after all, either killed or wounded, it is not the first time, in the history of human affairs, that the vigor and success of the war have not quite come up to the lofty and sounding phrase of the manifesto."<sup>104</sup>

With Hayne unable to deliver on his threat of rhetorical assault, Webster begins to explore and contrast motives. "The gentleman, Sir, in declining to postpone the debate, told the Senate, with the emphasis of his hand upon his heart, that there was something rankling *here*, which he wished to relieve." What needed relief, according to Webster's speculation, was Hayne's "uneasiness," his "anger" or his "consciousness of having been in the wrong." But Webster, looking inside himself, shows that in contrast his own performance transcends the personal and is not grounded on base passions. He had had disagreements with Hayne, to be sure, but "had used philosophy and forgotten them . . . nothing was farther from my intention than to commence any personal warfare." Therefore, Webster said, "while there is thus nothing originating *here* which I have wished to at any time to , or now wish, to discharge, I must repeat, also that nothing has

been received *here* which *rankles*, or in any way gives me annoyance."<sup>105</sup> We see, then, that Webster begins his "Reply" not by attending to the major Constitutional issues, or even by himself addressing the resolution by Foot that he had the clerk read, but by reflecting on the conduct of the ongoing debate, and in particular upon the motives and speech of his opponent. Webster takes the high road, displaying recognized gestures of decorum while bringing into question Hayne's temperament, his language, and his motives.

Continuing to borrow Hayne's language of war, Webster focuses specifically on the impotence of Hayne's rhetoric:

I will not accuse the honorable member of violating the rules of civilized war; I will not say, that he poisoned his arrows. But whether his shafts were, or were not, dipped in that which would have caused rankling if they had reached their destination, there was not, as it happened, quite strength enough in the bow to bring them to their mark. If he wishes now to gather up those shafts, he must look for them elsewhere; they will not be found fixed and quivering in the object at which they were aimed.<sup>106</sup>

This passage is instructive, for it introduces many of the themes that Webster will develop as the speech progresses. In his review of Hayne's deliberative conduct, Webster implies that members of the Senate share an understanding of rules of decorum, and were capable of judging for themselves whether Hayne had violated standards for civilized debate. The metaphor here implies that Hayne intentionally directed personal remarks at Webster, but also that such remarks remain without effect. Hayne's rhetoric, then, is



impotent--without the power to injure or humiliate Webster even when such remarks exceed the bounds of proper deliberative conduct.

This contrast is made clear when Webster answers Hayne's charge that he had "slept on his speech." It is true, Webster said, an immediate adjournment of the Senate had meant that he had to wait until the following day to offer his reply to Hayne. But Webster denied using any of the time to prepare his remarks. "Nevertheless, Sir, the mere matter of fact is undoubtedly true. I did sleep on the gentleman's speech, and slept soundly." For not only had Hayne's discourse not caused Webster the least injury or anxiety, but Webster also claimed "some advantage over the honorable member, attributable, doubtless, to a cooler temperament on my part. For I slept upon his speeches remarkably well."<sup>107</sup> Neither did Webster rehearse his performance, but could respond to the demands of the situation with prudent and appropriate remarks. The contrast between the deliberative character of Hayne, and that of Webster, is advanced again. This time Webster reiterates his representation of Hayne's rhetorical impotence, while also suggesting that Hayne lacked the necessary temperament to engage in civilized debate on matters of public importance.

As the "Second Reply" proceeds, Webster resumes his review of Hayne's conduct in debate, maintaining his attention on Hayne's language of dueling and combat and demonstrating the inconsistency of Hayne's actions with the dignity of the Senate. Hayne had accused Webster of selecting him as an adversary, rather than Thomas Benton of Missouri. "He proceeded to ask me whether I had turned upon him in this debate, from the consciousness that I should find an overmatch, if I ventured on a contest with his friend from Missouri." Clearly to Webster, the "tone and manner of the gentleman's

question" was beyond the "friendly courtesies of debate." There was, said Webster, "an air of taunt and disparagement, something of the loftiness of asserted superiority," in Hayne's accusation. "This is extraordinary language, and an extraordinary tone, for the discussions of this body."<sup>108</sup>

Webster again positions Hayne as outside the rules and conventions of civil debate, and as motivated by personal animosity rather than by duty or the public good. Hayne's language and tone are "extraordinary," and out of place in the Senate:

Matches and overmatches! Those terms are more applicable elsewhere than here, and fitter for other assemblies than this. Sir, the gentleman seems to forget where and what we are. This is a Senate, Senate of equals, of men of individual honor and personal character, and of absolute independence. We know no masters, we acknowledge no dictators. This is a hall for mutual consultation and discussion; not an arena for the exhibition of champions. I offer myself, Sir, as a match for no man; I throw the challenge of debate at no man's feet.<sup>109</sup>

Here Webster uses his commentary on Hayne and the debate to articulate his view of a proper deliberative body. Webster identifies with a "Senate of equals", with "honor," "character," and "independence," with "mutual consultation and discussion." Webster's Senate is the ideal republican body, one where freedom, prudent judgment, consensus, and eloquence earn respect from peers. Hayne's Senate is one of "taunt," "disparagement," and "superiority." It was a Senate for "masters" and "dictators," for "challenges" and "champions." With the references to "superiority" and "masters," Webster implies that the Senate invoked by Hayne's language and tone would be a "Southern" Senate--one controlled by rules of a Southern code of "honor," finding

decision as often in dueling as in civil debate. A Senate such as Hayne might imagine, Webster rejects:

if it be supposed that, by casting the characters of the drama, assigning to each his part, to one the attack, to another the cry of onset; or if it be thought that, by a loud and empty vaunt of anticipated victory, any laurels are to be won here; if it be imagined especially, that any, or all these things will shake any purpose of mine, I can tell the honorable member, once for all, that he is greatly mistaken, and that he is dealing with one of whose temper and character he has yet much to learn.

But, should Hayne desire such a contest, Webster assures Hayne "there will be blows to take as well as blows to give," and recommends to Hayne, "a prudent husbandry of his resources."<sup>110</sup>

As Webster distinguishes himself from Hayne on the basis of "temper" and "character" he suggests the importance of judgment in the conduct of a proper Senator. That political judgment, or "prudence," finds its most public articulation in the performance of a speaker, in the discourse that reveals the "temper" and "character" of the speaker along with his other virtues, his rhetorical skill, and his ideological commitments. As Robert Hariman explains,

Prudent conduct will be conduct that relies on shared expectations regarding how and how well one might act out one's decision. These expectations involve both specific compositional details of the pertinent communicative art, and a general dramatic sense of how to move for effect in the realm of appearances. . . . The prudent agent is one who has mastered the performative nuances of a political

culture to the extent that he or she understands how matters of calculation or of philosophy are modulated or constrained by questions of performance, including questions of characterization, timing, tone, and the like. . . . Prudence is the art of making the right gesture in a public space with whatever are the available means for political action.<sup>111</sup>

Aiming to marginalize Hayne from the political mainstream, then, Webster focuses next upon the South Carolinian's rhetorical choices--his inability to "make the right gesture in a public space." Webster begins by reflecting on Hayne's remarks about the "coalition" of John Quincy Adams and Henry Clay. "Sir, this charge of a coalition, in reference to the late administration, is not original with the honorable member. It did not spring up in the Senate. Whether as a fact, as an argument, or as an embellishment, it is all borrowed. He adopts it, indeed, from a very low origin, and a still lower present condition."<sup>112</sup> These critical reflections by Webster do not answer the substance of Hayne's accusations, but are rather focused on Hayne's rhetorical skill. Webster suggests that Hayne is incapable of original invention, unable to master the "specific compositional details of the pertinent communicative art." He must "borrow" his rhetorical material from others, and then must go to questionable sources to find it. The charge of a corrupt bargain between Clay and Adams Webster dismisses as a tired refrain that now has "sunk into the general mass of stale and loathed calumnies. It is the very cast-off slough of a polluted and shameless press. Incapable of further mischief, it lies in the sewer, lifeless and despised."<sup>113</sup> And here Hayne has gone to fetch the material of his speech. He is portrayed, in Webster's construction, as lacking an essential element of the performative dimension of prudence.

Webster continues his humiliation of Hayne by responding to his opponent's enlisting of Shakespeare in the Southern cause. Hayne had quoted from Macbeth, citing a passage about Banquo's ghost in a metaphor about the "murdered Coalition." Webster demonstrate's Hayne's incompetence as an orator, by bringing both his education, and the propriety of his rhetorical invention, into question. "The honorable gentleman is fresh in his reading of the English classics, and can put me right if I am wrong; but according to my poor recollection, it was at those who had begun with caresses and ended with foul and treacherous murder that the gory locks were shaven. The ghost of Banquo, like that of Hamlet, was an honest ghost."<sup>114</sup> Webster's remarks must have cut Hayne to the quick. Unlike Webster, Hayne was not educated at college, and Webster's ridicule of him as "fresh in his reading" belittled the Senator from South Carolina, suggesting Hayne in the role of a school boy. The correction by Webster is patronizing, highlighting Hayne's educational disadvantage as well as his incompetence in selecting appropriate rhetorical images.<sup>115</sup> It is an image of Hayne that carries over to the next section of Webster's speech as he ridicules Hayne for being unfamiliar with one of the authors of the Northwest Ordinance.

At a pivotal moment in the first third of the Oration, Webster introduces the character of Nathan Dane. Dane had been praised by Webster in his first reply as the wise counselor of the nation who authored the prohibition of slavery contained in the organic document dealing with American territories. "I had introduced into the debate," Webster says, "the name of one Nathan Dane, of whom he assures us he had never before heard." Ignorance of Dane, says Webster, shows Hayne "less acquainted with the public men of the country than I had supposed. Let me tell him, however, that a sneer from him

at the mention of the name of Mr. Dane is in bad taste." As with Webster's previous attacks on Hayne, this one focuses on various elements of Hayne's rhetorical incompetence. Not only does Hayne lack requisite knowledge of the nation's public characters and history, but his remarks about such characters exhibit "bad taste."

Webster accounts for Hayne's ignorance and lack of decorum in geographic terms:

But the truth is, Sir, I suspect, that Mr. Dane lives a little too far north. He is of Massachusetts, and too near the north star to be reached by the honorable gentleman's telescope. If his sphere had happened to range south of Mason and Dixon's line, he might, probably, have come within the scope of his vision.<sup>116</sup>

Webster's metaphors of ridicule are sharp. Not only does he remind his audience that Hayne's is the sectional philosophy in the clash of Constitutional doctrines, but he also figuratively questions Hayne's vision—his ability to see. The image raises yet another dimension to the deliberative incompetence of Webster's opponent. Insofar as one's "scope of vision" is inadequate, one lacks an essential quality for prudent judgment. The ability to counsel the nation on future policy depends in no small degree on the skill of discernment of the public good, and, as Webster said in his introduction, the capacity to "take his latitude" and perceive the "true course" of the nation. One must see well to "refer to the point from which we departed, that we may at least be able to conjecture where we now are."

In contrast to Hayne's lack of vision, Webster offers the example of Nathan Dane, who's "great wisdom and foresight" is discernable in the prohibition of slavery he grafted into the Northwest Ordinance, a public act that has "been attended with highly beneficial and permanent consequences," and one, as Webster shows, worthy of remembrance in the

councils of the nation.<sup>117</sup> However, said Webster, the original mention of the prohibition led Hayne into a "labored defence of slavery" and "also into a warm attack on me."

Webster explains that the slavery question is "a delicate and sensitive point in Southern feeling," a feeling "always carefully kept alive, and maintained at too intense a heat to admit discrimination or reflection."<sup>118</sup> Slavery, then, is the nerve that irritates Hayne.

Webster reveals to his audience the element of Southern character that makes Hayne unfit to counsel the nation. On the issue of slavery, the feelings of Southerners are "maintained at too intense a heat." Such feelings, says Webster, distort prudent judgment, and do not admit of "discrimination or reflection."

But it has always been the view of Northerners, Webster claims, that slavery is to be left alone in the Southern states. On this point Webster offers to "look a little at the history of the matter." Thus, while Hayne lacked historical knowledge in not knowing Nathan Dane, Webster spins a narrative of history that includes accounts of actions from both Northerners and Southerners. While Hayne's judgment is corrupted by heated feelings, Webster demonstrates his "cooler temperament" and offers a historical dissertation to instruct his opponent. While Hayne's judgment lacked 'discrimination or reflection," Webster's account demonstrates reflection upon the lessons of history, and understanding of how they might inform present policy.

Hayne, on the other hand, has no natural talent for applying historical lessons to policy questions. His use of history only comes with the aid of fellow Democrat Levi Woodbury of New Hampshire, who passes along to him anecdotes and stale facts with which he might color his orations:

However uninformed the honorable member may be of characters and occurrences at the North, it would seem that he has at his elbow, on this occasion, some high-minded and lofty spirit, some magnanimous and true hearted monitor, possessing the means of local knowledge, and ready to supply the honorable member with every thing, down even to forgotten and moth-eaten two-penny pamphlets, which may be used to the disadvantage of his own country.<sup>119</sup>

Once again, Webster depicts Hayne as lacking mastery over essential rhetorical skills. He is incapable of original invention, must rely on others for his evidence, and then resorts to "moth-eaten" and "forgotten" sources (unworthy of remembrance) that lead him to advocate positions that "disadvantage" the country.

The point is reinforced by Webster's reflection on Hayne's quotation of Col. Barré. In this case Hayne "had suffered his judgment to be betrayed," and was "carried away again by the appearance of analogy or struck with the eloquence of the passage," but incapable of discerning an appropriate use of historical precedent for argument or illustration. Webster corrects Hayne's reading of the Barré passage, which he sees as "not a little out of place," and then recommends that Hayne "leave it, to be recited and declaimed by our boys against a foreign nation; not introduce it here, to recite and declaim ourselves against our own."<sup>120</sup> As before, Hayne is humbled by Webster's characterization of his rhetoric. His efforts are the puerile declamations of school boys, entirely out of place in the Senate. Not only has Hayne much to learn about history, but he yet fails to understand the rules for appropriate deliberative conduct in the Senate.

Thus, not only the origin and interpretation of Hayne's historical sources, but the manner of his speaking offends the standards of Senatorial propriety. "Any one who



heard him, and who had not heard what I had, in fact, previously said, must have thought me routed and discomfited, as the gentleman had promised." But, says Webster, again dismissing Hayne's rhetoric as impotent, "a breath blows all this triumph away."<sup>121</sup>

A third of the way through his Reply to Hayne, then, Webster has said almost nothing about the nationalist Constitutional doctrines for which the speech is deservedly remembered. Up to this point, the focus of his effort has been on his opponent whom he has spent considerable energy characterizing as undereducated, imprudent, and rhetorically incompetent. "Where is the ground of the gentleman's triumph?" Webster asks, returning again to the image of combat Hayne had chosen to define their dispute. "Sir, if this be a sample of that discomfiture with which the honorable gentleman threatened me, commend me to the word *discomfiture* for the rest of my life."<sup>122</sup>

Webster uses the available means of persuasion to compose an instructive contrast between himself and Hayne. The terms of that contrast are focused on standards of deliberative conduct and propriety. Hayne's language of dueling, combat, and war are out of place in the Senate, and reveal a hot-headed Southerner with limited sectional vision. Hayne is uninformed, unwise, and ineloquent. Consequently, Hayne is unfit either to interpret the Constitution properly, or to recommend policy for the nation. Webster, by contrast, is prudent, deliberate, historically informed, attentive to matters of decorum, civility, and propriety. He rejects the metaphor of combat even as he uses it eloquently to humiliate his opponent. It is Webster, then, who demonstrates through deliberative performance, his own competence to assume the role of interpreter and defender of the Constitution. Webster's politics come alive within his practice of rhetoric. His view of what is important in politics--creed as well as action, content as

well as form--are made evident in the display of eloquence before his Senatorial peers. It is the kind of performance of which Hayne is incapable. Yet it is exactly the type of rhetorical action required by the complexity of the Constitutional questions being considered.

The first third of Webster's speech, then, prepares the audience to expect from Webster, and not his opponent, the authoritative reading of the Constitution. Webster's dismissal of Hayne's combative metaphors, and his promotion of an image of eloquent and heroic deliberative conduct, resonate with an audience ambitious to elevate its institutions to the stature of an ancient Greek assembly, or a time-honored British Parliament. Seeking to confirm a deliberative self-image, both the Senate itself, and the larger public, respond to Webster's insistence on standards of decorum, and his construction of prudential and eloquent performance as a paradigm for deliberative conduct. The success of Webster's rhetorical effort, then, not only secures for his Constitutional view a new currency in antebellum political disputes, but positions him as the representative prudent nationalist--he who most clearly understands the political value of the Constitution, and who embodies in performance the kind of deliberative action that secures a space wherein the Union can achieve the permanence to which the nation aspires.

In the next section of the speech, Webster develops another element of that deliberative ideal. After considerable effort at disparaging Hayne's rhetorical skill, Webster reaches the point under consideration by the Senate. "I must now bring the gentleman back to what is the point," he says. But, in the end, the actual matter of Western lands gets little attention from Webster. "Has the doctrine been advanced at the

South or the East, that the population of the West should be retarded, or at least need not be hastened, on account of its effect to drain off the people from the Atlantic States? Is this doctrine, as has been alleged, of Eastern origin? That is the question.” In the space of two paragraphs Webster dismisses Hayne’s allegation, asserting that “New England is guiltless of the policy of retarding Western population.”<sup>123</sup>

Having met his obligation to address the substantive matter before the Senate, Webster then turns “to a more important part of the honorable gentleman’s observations.”<sup>124</sup> He sets out to consider various specific points of dispute between Hayne and himself, probing to reveal the underlying principles and method of deliberation upon which such opinions are based. The contrast between modes of judgment continues Webster’s instruction about proper deliberative conduct. He compares his own discretion and foresight with the imprudence of Hayne, as he outlines the grounds upon which all policy making and deliberative engagement should proceed.

Webster frames the comparison by relying on terms that emphasize judgment, and he begins by referring to a question raised by Hayne: “Since it does not accord with my views of justice and policy to give away the public lands altogether, I am asked by the honorable gentleman on what ground it is that I consent to vote them away in particular instances.” This sentence is vital to understanding Webster’s political theory, and his strategy in the speech. Webster implies the operation of a political principle that is founded upon “justice and policy.” But that principle is a general rule of thumb, not a universal absolute. However valuable as a maxim, in the abstract it has no deliberative force. It can be of practical use only when applied to the variety of contingent circumstances that confront deliberative bodies. And, from time to time it may give way

to the demands of “particular instances.” This, therefore, is how Webster can “reconcile” his “professed sentiments” with his “support of measures appropriating portions of the lands to particular roads, particular canals, particular rivers, and particular institutions of education in the West.”<sup>125</sup> As Hariman explains, “prudence designates the capacity for effective political response to contingent events. It arises in deliberation, requires implicit understanding of the possible, the probable, and the appropriate within a specific context.”<sup>126</sup> Webster uses this opportunity to articulate his theory of prudence, his “capacity for effective political response to contingent events.” It is in these matters requiring judgment that Webster recognizes “the real and wide difference in political opinion between the honorable gentleman and myself.” Webster examines questions with an eye toward the “common good,” while Hayne is occupied with “only local good,” a distinction made manifest in the response of each Senator to the question: “what interest has South Carolina in a canal in Ohio?” Webster, sent by his constituents to “act for the whole country,” can recognize the national interest, and discern correct policy in such matters, “for the general benefit of the whole.” Hayne, on the other hand, without any apparent effort to understand the specific demands and advantages presented in the particular instance “only follows out his own principles,” and merely “announces the true results of that creed which he has adopted himself.”<sup>127</sup> Hayne’s theory is inflexible. It leaves no space for “reasoning about politics,” and marks him, in Webster’s words, as “one who possessed too little comprehension, either of intellect or feeling, one who was not large enough, both in mind and in heart, to embrace the whole,” and who, consequently, “was not fit to be intrusted with the interest of any part.”<sup>128</sup>

As Webster proceeds, the contrast is sharpened. He offers the representatives from New England as examples of prudent conduct in deliberation. The New Englanders were “just and enlightened public men,” who aimed “to meet the exigency which had arisen in the West with the appropriate measure of relief.”<sup>129</sup> Their judgment was like that of Webster himself, who following the War of 1812 recognized “an entirely new and a most interesting state of things.” In considering the options before him then, he said, “it appeared plainly enough to me, as well as to wiser and more experienced men, that the policy of the government would naturally take a start in a new direction.”<sup>130</sup> His conduct, even then, exemplified prudence. He “considered the Constitution, its judicial construction, its contemporaneous exposition, and the whole history of the legislation of Congress under it; and I arrived at the conclusion that government had power to accomplish sundry objects, or aid in their accomplishment, which are now commonly spoken of as INTERNAL IMPROVEMENTS.” It was an instance when Webster “made up [his] opinion,” and determined his “intended course of political conduct.”<sup>131</sup>

In Hayne’s incapacity for prudent judgment, however, Webster sees “the key to his construction of the powers of the government.” Hayne’s response to questions about internal improvements “develops the gentleman’s whole political system,” and leads him to “the natural conclusions of his own doctrine.”<sup>132</sup> The difference in views is one that Hayne himself cannot adequately comprehend. As Webster remarks, Hayne consistently misunderstands the words, votes, and actions of his opponent. “Others, I must hope, will find much less difficulty in understanding me,” said Webster, but by Hayne he was repeatedly and “unaccountably misunderstood.”<sup>133</sup>

To enlighten his opponent, Webster answers charges of inconsistency in voting on the tariffs with a dissertation on proper deliberative judgment. Rather than an abandonment of principle, or a contradiction of his earlier position, his votes were “a change of position to meet new circumstances.” He was supporting a measure “brought forward to meet this precise deficiency, to remedy this particular defect.” Laws once established should be “revised and amended, and made equal, like other laws, as exigencies should arise, or justice require.” There is no virtue in consistency, Webster argues, if consistency means “always giving negative votes.” Does the demand for consistency “require of a public man to refuse to concur in amending laws, because they passed against his consent?” The only alternative to a prudent adaptation to changing circumstances was to “embrace the South Carolina doctrine, and talk of nullifying the statute by State interference.”<sup>134</sup>

For Webster, then, the virtue of prudence is central to his understanding of the deliberative conflict with Hayne. As he considers the range of questions he debates with Hayne, he also seeks to demonstrate a consistent ability to apply political principle to the uncertainties of particular circumstances. Moreover, Webster clearly shows that such application of principle is most effectively enacted through oratorical performance. This is the thread that knits the parts of the speech together. Deliberation requires both prudence and eloquence. The skilled representative must have the judgment to discern the proper course, and the ability to articulate that course in a persuasive fashion. Such abilities, indeed, form the very essence of the ideal of deliberative conduct enacted by Webster in the “Reply to Hayne.”

After positioning Hayne as an imprudent national counselor, Webster returns again to the theme of Hayne's rhetorical incompetence, once more seizing on Hayne's use of war metaphors to make his point. Webster now combines his critique of Hayne's judgment with that of his oratory. "The gentleman wished to carry the war, as he expressed it, into the enemy's country," Webster recalled, as he reviewed the points of Hayne's second speech, "The politics of New England became his theme; and it was in this part of his speech, I think, that he menaced me with such sore discomfiture."<sup>135</sup> But, Hayne did not succeed in his assault.

Has he disproved a fact, refuted a proposition, weakened an argument, maintained by me? Has he come within beat of drum of any position of mine? O, no; but he has 'carried the war into the enemy's country!' Ye, Sir, and what sort of a war has he made of it? Why Sir, he has stretched a drag-net over the whole surface of perished pamphlets, indiscreet sermons, frothy paragraphs, and fuming popular addresses; over whatever the pulpit in its moments of alarm, the press in its heats, and parties in their extravagance, have severally thrown off in times of general excitement and violence. He has thus swept together a mass of such things as, but that they are now old and cold, the public health would have required him rather to leave in the state of dispersion. For a good long hour or two, we had the unbroken pleasure of listening to the honorable member, while he recited with his usual grace and spirit, and with evident high gusto, speeches, pamphlets, addresses, and all the *et ceteras* of the political press, such as warm heads produce in warm times; and such as it would be "discomfiture" indeed for any one, whose taste did not delight in that sort of reading, to be obliged to peruse.

This is his war. This it is to carry the war into the enemy's country. It is in an invasion of this sort, that he flatters himself with the expectation of gaining laurels fit to adorn a Senator's brow!<sup>136</sup>

The paragraph is remarkable. Webster focuses exclusively on Hayne's conduct in debate. The war metaphors remind his audience of the inappropriate violence of Hayne's attitude, while once again emphasizing Hayne's ineffectiveness in matching Webster in debate. Hayne is especially weak in countering Webster's arguments, and displays an appalling inadequacy of inventional skills. He has turned to "perished pamphlets" and other obsolete sources for the material of his speech. These documents impose upon the "taste" of the Senate, and are merely "recited" by Hayne. Neither can Hayne arrange his materials effectively. Rather, he has "swept together a mass" of old sermons and addresses. Sarcastically, Webster remarks on Hayne's dramatic delivery, and the "unbroken pleasure" provided by listening to the "high gusto," of Hayne's recital.

The critique of Hayne also emphasizes his impropriety, his want of decorum, and his general failure to prudently measure the requirements of the moment. His sources are those produced in "moments of alarm" and "extravagance," by "warm heads," in "warm times," and "thrown off in times of general excitement and violence." Hayne's indiscriminate "drag-net" collects material without consideration of audience tastes, or the demands of what "best suits the time, place, and occasion."<sup>137</sup> Applying no discretion in his selection of topics, he goes as far as to include even the "*et cetæras* of the political press." It is a lack of rhetorical judgment that is paralleled by his recklessness as a public servant, for in offering to his audience "old and cold" matter, he has imparted "what the public health would have required him rather to leave in their state of



dispersion.” Indeed, so unfit is Hayne to judge the necessities of the moment, that he confuses his own remarks with the kind of rhetorical performance that could worthily gain remembrance and “laurels fit to adorn a Senator’s brow!”

By contrast, Webster shows himself to be the prudent Senator, guided by standards of taste, decorum, and propriety. “For myself, Sir, I shall not rake among the rubbish of bygone times,” he affirms, and will “employ no scavengers,” nor “rescue from forgetfulness the extravagances of times past.” Although Hayne may have a “determined proclivity to such pursuits,” and seek his words among the “stores of party abuse and frothy violence,” Webster promises, “I shall not touch them.”<sup>138</sup>

Webster's critique once again suggests Hayne's rhetorical incompetence, thus enabling Webster to disregard Hayne's language of "chivalry." "He chooses to consider me as having assailed South Carolina," Webster says, refuting the charge, "and insists that he comes forth only as her champion, and in n her defence." And yet, Webster adds, "he has not the slightest ground for any such assumptions."<sup>139</sup>

Deflecting Hayne's allegations of an attack on South Carolina leads Webster to a contrast between his own generous enlarged view of patriotism, and the selfish parochialism of his opponent. Webster claims also to "partake in the pride" of South Carolina's patriots. Remembrance of their names and deeds is the duty of all Americans, and "their renown is of the treasures of the whole country." Webster refuses to "sneer at public merit because it happens to spring up beyond the little limits of my own State or neighborhood," nor will he be "moved by local prejudice or gangrened by State jealousy."<sup>140</sup> He requests, instead, "pleasing recollections" of "early times" of "greater harmony" as the proper historical attitude. He remembers with delight the patriotic deeds

of Massachusetts, but only to remind Hayne and his audience that the liberty for which Massachusetts men fought is made safe by the union of the states "by which alone its existence is made sure."

In Webster's philosophy, preservation of the Union requires an expanded patriotism and a national historical consciousness. It is the duty of the public servant to remember the excellence of the past, and to rehearse the narratives of patriotic service. Such recollection inoculates against "alienation and distrust," against "discord and disunion," and invites the enlarged view of national history that both affords "homage due to American talent," and refreshes the nation with a wellspring of examples that animate patriotic ambitions, guide future civic action, and help secure the union as "a kind of organized remembrance."<sup>141</sup>

As Webster turns to address Hayne's constitutional doctrine in the theoretical centerpiece of the address, he aims to provide as well, in his own memorable performance, a patriotic example of public service that might be praised by his own, and recalled by future generations. With the portrait of an imprudent and rhetorically impotent Hayne nearly fully drawn, Webster offers his own discourse on the constitution as a remedy to Hayne's brand of indelicate bluster and defective reasoning. Webster's discussion of the Carolina doctrine is thorough, clear, and measured. He instructs us in both law and history, and treats the doctrinal dispute with all the formalities of debate. Here is Webster the ideal of deliberative conduct. He is the lawyer, the historian, and the Senator as he considers the issues and applies his judgment to them. No longer concerned to refute a particular adversary, he dismantles meticulously the flawed theory of interposition and nullification. Reason, decorum, and clarity dominate the style of

these passages, and we see in his paragraphs the language that Lincoln drew upon when composing his own masterpieces. In his own words, Webster sets out to "state my own sentiments, without challenging for them any particular regard, with studied plainness, and as much precision as possible."<sup>142</sup>

Webster opens his refutation with his own restatement of Hayne's doctrine, asserting five propositions that he understands Hayne to maintain. Once more imitating the mariner, and taking his bearing, the style suggests Webster's prudent approach, avoiding misapprehension, emphasizing accuracy, reason, and fact, and orienting the audience to the key points of conflict in the dispute. "This is the sum," says Webster, "of what I understand from him to be the South Carolina doctrine, and the doctrine which he maintains. I propose to consider it, and compare it with the Constitution."<sup>143</sup>

Webster's argument is informed by forensic values. As if he were arguing before the Supreme Court, and had the nation at large observing from the gallery, he clarifies the issue, and in nearly syllogistic fashion constructs his interpretation of the constitution. "The great question is," he announces, "Whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that, the main debate hinges. The proposition, that, in case of a supposed violation of the Constitution by Congress, the States have a constitutional right to interfere and annul the law of Congress, is the proposition of the gentleman. I do not admit it."<sup>144</sup>

As his correspondents and eulogists recognized, Webster's dissertation on the Constitution and the Union was "unanswerable," and "not only correct but invincible"<sup>145</sup> Hayne's argument, thought one eulogist, was "met, examined, answered," while another remarked that Webster himself, throughout the reply, "was perfectly self-possessed and

self-controlled. Never was his bearing more lofty, his person more majestic, his manner more appropriate and impressive," as he delivered a "condensed reply which has the force of a moral demonstration."<sup>146</sup> Looking back on Webster's great Constitutional triumph, Wilbur Hayward remarked that Webster's argument "settled in the minds of all reasonable men the question of State Rights and Nullification, then broached in Congress, to the great danger of the Union."<sup>147</sup>

Webster's reasoning demonstrates the untenability of Hayne's position, while demonstrating the danger to the Union threatened by the Carolina doctrine. Hayne's theory is not only impractical, it "is in defiance of the plainest provisions of the Constitution." His principles would inevitably lead to conflicts between states, and with "no power to settle such questions, independent of either of the States, is not the whole Union a rope of sand?" The dangerous consequences of Hayne's theory, Webster asserts "are too plain to argued. Four-and-twenty interpreters of constitutional law, each with a power to decide for itself, and none with authority to bind any body else."<sup>148</sup> But, as Webster demonstrates, the absurdity of such a scene need never occur as "it is quite plain, that the Constitution of the United States confers on the government itself, to be exercised by its appropriate department, and under its own responsibility to the people, this power of deciding ultimately and conclusively upon the just extent of its own authority."<sup>149</sup>

In contrast to Hayne's theory, New England, in the person of Samuel Dexter, provides Webster with a fitting practical model for illustrating the necessary attitude and public action required in matters of political and constitutional dispute. Dexter represented New England in the conflict with the Madison administration over the

Federal embargo against British trade. Webster emphasizes Dexter's capacity for sound judgment, and his prudent action in advancing the New England cause. "He was then, Sir, in the fulness of his knowledge, and the maturity of his strength," and had "retired from long and distinguished public service." Dexter had a "mind of true greatness" that enabled him to approach "subjects discussed in the national councils" with "enlargement and expansion." He could demonstrate "deep and clear analysis" of constitutional law, and "his very statement was argument; his inference seemed demonstration." Dexter was, furthermore, firmly "attached to the general government and to the union of the States."<sup>150</sup>

Webster identifies closely with Dexter, and within the "Reply to Hayne," the old New England lawyer serves as both an example of prudent civic conduct, and a type for Webster himself. Indeed, just as readers of Webster's famous speech might have remarked about the "Expounder of the Constitution," he said of Dexter that "One was convinced and believed, and assented, because it was gratifying, delightful, to think and feel, and believe, in unison with an intellect of such evident superiority." Dexter argued the New England cause and lost. "The established tribunals pronounced the law constitutional, and New England acquiesced." And thus Dexter, like Webster, followed a principle of constitutional law that was "the exact opposite of the doctrine of the gentleman from South Carolina," but one that rightly recognizes that "between submission to the decision of the constituted tribunals, and revolution, or disunion, there is no middle ground."<sup>151</sup>

Hayne's mistake, Webster argues, comes again from a "total misapprehension, in my judgment, of the origin of this government, and of the foundation on which it stands."

By now, we have come to anticipate such mistakes by Hayne, whom Webster has shown to be imperceptive, misinformed, impulsive, and incompetent, personal qualities that emerge again clearly in Webster's narrative of the "practical application" of Hayne's doctrine. Webster places Hayne in command of an army of South Carolina nullifiers opposing the Federal tariff laws. Webster uses all his satirical resources to depict his opponent's imprudence--his flawed constitutional reasoning, his inability to envision the consequences of his actions, and, unlike Dexter who relied on "solemn argument," his willingness to apply violence to secure his political views. The narrative ridicules Hayne, and identifies him with the constitutional doctrine that leads, as this "application" shows, to "civil war."<sup>152</sup>

The consequences are made clear by Webster as he summarizes his dismantling of the South Carolina doctrine:

Direct collision, therefore, between force and force, is the unavoidable result of that remedy for the revision of unconstitutional laws which the gentleman contends for. . . . these doctrines go the length of revolution. They are incompatible with any peaceable administration of the government. They lead directly to disunion and civil commotion; and therefore it is, that at their commencement, when they are first found to be maintained by respectable men, and in a tangible form, I enter my public protest against them all.<sup>153</sup>

Webster's motive is clear. Both his constitutional doctrine, and his deliberative conduct, aim to secure the Union. "The people," he says, "have preserved this, their own Constitution, for forty years" and it may not be threatened "if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and

vigilantly discharge the two great branches of our public trust, faithfully to preserve, and wisely to administer it.”<sup>154</sup> It is Webster’s hope that as he concludes his “Reply to Hayne,” he has discharged both solemn duties.

The peroration of Webster’s famous speech is well known. It is the most “memorable” passage of the address, and has been repeatedly excerpted and printed in school readers and speech anthologies. Yet while the dramatic closing of Webster’s speech serves well as a patriotic set piece, it also functions to summarize the key points of the oration, and emphasize the performative nature of deliberative conduct. Indeed, it is profitable to read the peroration as Webster’s summary performance of decorum, prudence, and eloquence, the deliberative virtues that have informed his speech, and grounded the critique of Robert Hayne.

As he begins his peroration, Webster acknowledges the constraints and value of decorum and propriety in deliberative bodies. “Mr. President,” he says, “I am conscious of having detained you and the Senate much too long.” He was “drawn into the debate,” without the sort of “previous deliberation,” that would have been “suited to the discussion of so grave and important a subject.” Yet, Webster is also the prudent Senator. The debate, he believes, involves “nothing less than the Union of the States, it is of most vital and essential importance to the public happiness.” Because of this, Webster has kept “steadily in view the prosperity and honor of the whole country, and the preservation of our Federal Union” and he has not “coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder.” The purpose of the Senate is to guide policy and preserve “to us all a copious fountain of national, social, and personal happiness,” and so he could not regard Hayne, or those like him, “as a safe

counselor in the affairs of this government,” when they should be “mainly bent on considering, not how the Union may best be preserved, but how tolerable might be the condition of the people when it should be broken up and destroyed.”<sup>155</sup> Webster’s reflections focus on questions of judgment and the public good. He advances “public happiness” as the ultimate goal of a deliberative endeavor, and in revealing the grounds of his own judgment, enacts the political values that he recommends.

But, central to the advancement of a political theory, and woven together with the values of decorum and prudence, is the necessity of the eloquent rhetorical act. Public speech animates the theory, and articulates the judgment in the space of deliberation. Rhetoric is the instrument by which the orator addresses the practical challenge of his situation, and invites those with whom he deliberates to share his insight and inspiration. Webster’s peroration is an eloquent performance. It is crafted to be “memorable” and to help secure his own lasting reputation as a patriotic orator-statesman. The language is highly figurative, inspired, and sublime. Webster’s conclusion, drafted under the “glorious ensign of the republic” presents a stark stylistic contrast to the unconvincing appeal by Hayne to the Carolina men assembled beneath the “floating banner” of the “*nullifying law*.” The images that pre-figure Webster’s dying moments suggest his consciousness of the historical audience, and an anticipation of the place of the peroration in his oratorical legacy. Webster uses the images in the peroration to animate our memorial impulses. Within the closing narrative, he turns to “behold for the last time the sun in heaven,” as we who read the speech in later ages recall Webster’s actual death, the political landscape he last looked upon, and the “land rent with civil feuds,” that he prophesied but never witnessed.<sup>156</sup> Just as the eulogists and early biographers did, we



mark the eloquent passages, consider the place of this speech in his political career, and remember, especially, the effort he made to preserve the Union with his oratory. This is his memorable action, the kind of speech that, unlike the recital of his opponent, is worthy of “gaining laurels fit to adorn a Senator’s brow!”

In the peroration, then, as in the body of the speech, the “Reply to Hayne,” by Daniel Webster enacts a philosophy of deliberative conduct. Webster uses his performance in debate not only to assail his opponent, defend New England, and expound on the Constitution, but further to demonstrate with his own oratory the abiding value of decorum, prudence, and eloquence in the national life. Webster becomes the ideal of deliberative performance as he contrasts his own conduct in debate with that of his Southern opponent. Webster’s speech is inspired by the need to manage preservation of the Union not only with a Constitutional theory, but also with a paradigm of public action. This lesson Webster shares with us long after the relevance of Foot’s resolution or the Carolina doctrine. His oration, then, stands as a model of virtuous civic practice, deliberative conduct motivated and guided by patriotic nationalism, parliamentary decorum, deliberative prudence, and rhetorical eloquence. As well, his performance advanced the cause of the Union, and thus ensured, as he no doubt hoped it would, that within a Union well preserved there would be a place to remember great words and great deeds, a space for the preservation of his oratory as a memorial that indeed may outlast the statues and monuments erected to his memory.

## Endnotes

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<sup>1</sup> The Dartmouth monument reads: “He belongs to the Nation whose union, rock-ribbed, he so largely wrought. Beloved son, class of 1801, of the College he loved, his defense of her independence in the Dartmouth College case before the Supreme Court of Chief Justice Marshall made her right to independence a constitutional cornerstone in America’s heritage of free institutions.”

<sup>2</sup> *A Memorial of Daniel Webster from the City of Boston* (Boston: Little, Brown and Co., 1853), 17, 213. See also Robert Remini, *Daniel Webster: The Man and His Time* (New York: Norton, 1997), 763-64.

<sup>3</sup> Edward Everett, "Eulogy in Boston," in *The Private Life of Daniel Webster*, by Charles Lanman (New York: Harper & Brothers, 1852), 196.

<sup>4</sup> Wilbur Hayward, "Eulogy," in *The Life, Eulogy, and Great Orations of Daniel Webster* (Rochester: Wilbur M. Hayward & Co., 1854) , 70.

<sup>5</sup> Franklin Pierce, "Speech on the Death of Daniel Webster," in *The Public and Private Life of Daniel Webster: Including Most of His Great Speeches, Letters from Marshfield, &c. &c.* by Gen. S. P. Lyman (Philadelphia: J. W. Bradley, 1860), 233. Pierce's reference is likely to Nahum 3:7, "And it shall come to pass that all they that look upon thee shall flee from thee, and say Nineveh is laid waste," or Zephaniah 2.13, "And he will stretch out his hand against the north, and destroy Assyria; and will make Nineveh a desolation and dry like a wilderness."

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There were many other such remarks in eulogies to Webster pronounced around the country. His support of the Constitution "will render his name immortal; and in the hearts of the people he will 'still live,' after all that is mortal is no more, and when the monuments which eulogize his memory shall have crumbled to the dust." (Proceedings of the Mechanic Apprentices Library Association, in *A Memorial of Daniel Webster from the City of Boston*, 175); "Although no sculptured marble should rise to his memory, nor engraved stone bear record of his deeds, yet will his remembrance be as lasting as the land he honored," (Remarks of Mr. Van Duzen, Columbia College, in *Report of the Committee of Arrangements Appointed by the Common Council of the City of New York, to Render a Suitable Tribute of Respect to the Memory of the Hon. Daniel Webster, Late Secretary of State of the United States* (New York: McSpedon & Baker, 1853), 62.

<sup>6</sup> Remarks of Representative Appleton of Maine in *Obituary Addresses on the Occasion of the Death of the Hon. Daniel Webster of Massachusetts, Secretary of State for the United States: Delivered in the Senate and in the House of Representatives of the United States, Fourteenth and Fifteenth of December 1852*. [Washington: Robert Armstrong, 1853], 43.)

<sup>7</sup> "Mr. Hillard's Eulogy," in *A Memorial of Daniel Webster*, 259.

<sup>8</sup> "Remarks of the Rev. Samuel Osgood," in *Report of the Committee of Arrangements*, 52. Others made similar assurances. "Webster's oratory," said Congressman Stanley, "has emblazoned [his patriotic deeds] to the world, and erected monuments to their memories more enduring than marble" (in *Obituary Addresses*, 76); In his works, wrote

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Millard Fillmore, "he has bequeathed to posterity the richest fruits of the experience and judgment of a great mind, conversant with the greatest national concerns. In these his memory will endure as long as our country shall continue to be the home and guardian of freemen" (in *Report of the Committee of Arrangements*, 17).

<sup>9</sup> Mr. Justice Sprague, "Proceedings of the Circuit Court," in *A Memorial of Daniel Webster*, 110.

<sup>10</sup> Wilbur Hayward, "Eulogy," in *The Life, Eulogy, and Great Orations of Daniel Webster*, 61.

<sup>11</sup> James T. Brady, "Commemorative Oration," in *Report of the Committee of Arrangements*, 178.

<sup>12</sup> A. M. Hughes to Daniel Webster, April 28, 1830, Vol. 4, *Webster Papers* New Hampshire Historical Society, 175.

<sup>13</sup> Amos Lawrence to Daniel Webster, March 3, 1830, Vol. 4, *Webster Papers*, New Hampshire Historical Society, 147.

<sup>14</sup> Daniel Webster "First Settlement of New England," *Works* vol. I (Boston: Little and Brown, 1851), 6. On the Plymouth speech see Stephen H. Browne, "Reading Public Memory in Daniel Webster's Plymouth Rock Oration," *Western Journal of Communication*, 57 (1993), 464-477.

<sup>15</sup> Webster, "First Settlement of New England," *Works* I:7.

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<sup>16</sup> George P. A. Healy, *Reminiscences of a Portrait Artist* (New York: Da Capo, 1970), 162-166; Marie De Mare, *G. P. A. Healy: American Artist* (New York: David McKay, 1954), 170-71.

<sup>17</sup> Remini, *Daniel Webster*, 709.

<sup>18</sup> Charles Lanman, *The Private Life of Daniel Webster* (New York: Harper & Brothers, 1852), 147. In his review of Webster's oratory, Edward G. Parker, wrote of the Healy painting: "Would that we had so suggestive a canvas or mosaic of Cicero uplifting his arm with his 'Quousque tandem,' and driving out the historic Catiline from the Senate in which Caesar, and Cato, and Brutus were sitting," *The Golden Age of American Oratory* (Boston: Whittemore, Niles, and Hall, 1857), 118. Robert Hariman notes that, indeed, "republican representation" includes "statues and other monuments, paintings and murals, civic rituals, stories of great leaders, autobiographies, and so forth," and are meant to address "two fundamental problems facing a republic: convening at all for debate and majority rule amidst conflict, and perpetuating the republic across time" *Political Style: The Artistry of Power* (Chicago: University of Chicago Press, 1995), 128-129.

<sup>19</sup> Webster, "First Settlement of New England," *Works* I:7.

<sup>20</sup> Hannah Arendt, *The Human Condition*, (Chicago: University of Chicago Press, 1958), 173.

<sup>21</sup> Daniel Webster, "Second Reply to Hayne, January 26-27, 1830," *The Papers of Daniel Webster: Speeches and Formal Writings*, Vol. I, ed. Charles M. Wiltse, (Hanover:

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University Press of New England, 325-26. All references to the speech are taken from this edition unless otherwise noted; "First Settlement of New England," *Works* I:7.

<sup>22</sup> Wilbur Hayward, "Eulogy," in *The Life, Eulogy, and Great Orations of Daniel Webster*, 59-60.

<sup>23</sup> Webster himself often gave voice to the same fears, drawing explicit comparison between disunion, and the disintegration of public monuments. "This column stands on Union," he said at Bunker Hill in 1843. "I know not that it would totter and fall to the earth, and mingle its fragments with the fragments of Liberty and the Constitution, when State should be separated from State, and faction and dismemberment obliterate for ever all the hopes of the founders of our republic, and the great inheritance of their children," "Completion of the Bunker Hill Monument," *Works* I:89-90.

<sup>24</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:338-39, 347.

<sup>25</sup> Arendt, *Human Condition*, 50.

<sup>26</sup> Arendt, *Human Condition*, 56, 197.

<sup>27</sup> Arendt, *Human Condition*, 198.

<sup>28</sup> Arendt, *Human Condition*, 19.

<sup>29</sup> Daniel Webster, "The Addition to the Capitol," *Works*, 2:607.

<sup>30</sup> Arendt, *Human Condition*, 55.

<sup>31</sup> Daniel Webster, "Adams and Jefferson," *Works* 1:136.

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- <sup>32</sup> Daniel Webster, "The Bunker Hill Monument," *Works* 1:61.
- <sup>33</sup> Webster, "Adams and Jefferson," *Works*, 1:136, 113. For my extended views on the "Adams and Jefferson" eulogy see, James M. Farrell, "The Speech Within: Trope and Performance in Daniel Webster's Eulogy to Adams and Jefferson," in Thomas W. Benson, ed. *Rhetoric and Political Culture in Nineteenth-Century America* (East Lansing: Michigan State University Press, 1997) 15-37.
- <sup>34</sup> Webster, "Bunker Hill Monument," *Works* 1:78.
- <sup>35</sup> Daniel Webster, "The Character of Washington," *Works* 1:232.
- <sup>36</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:326.
- <sup>37</sup> Webster, "The Character of Washington," *Works* 1:231.
- <sup>38</sup> Arendt, *Human Condition*, 8.
- <sup>39</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:347.
- <sup>40</sup> Arendt, *Human Condition* 41.
- <sup>41</sup> Wilbur Samuel Howell and Hoyt Hopewell Hudson, "Daniel Webster," in William Norwood Brigance, ed., *A History and Criticism of American Public Address*, vol. II (New York: Russell & Russell, 1960), 732.
- <sup>42</sup> Edwin P. Whipple, "Daniel Webster as a Master of English Style," in Charles F. Richardson, ed., *Daniel Webster for Young Americans* (Boston: Little Brown, 1903), lxxviii.

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<sup>43</sup> Robert Ferguson, *Law and Letters in American Culture* (Cambridge: Harvard U. Press, 1984), 222. See also Charles Lanman, *The Private Life of Daniel Webster*, 145, and the introduction to the speech in Wiltse, ed., *Speeches and Formal Writings* I:286-287.

<sup>44</sup> Wiltse, ed., *Speeches and Formal Writings* I:286.

<sup>45</sup> Harlow W. Sheidley, "The Webster-Hayne Debate: Recasting New England's Sectionalism," *New England Quarterly* 67 (1994): 20. See also Merrill D. Peterson, *The Great Triumvirate: Webster, Clay, and Calhoun* (New York: Oxford, 1987), 179; and Alan L. Benson, *Daniel Webster*, (New York: Cosmopolitan, 1929), 187.

<sup>46</sup> Arendt, *Human Condition*, 25.

<sup>47</sup> Arendt, *Human Condition*, 95.

<sup>48</sup> Irving Bartlett, "Daniel Webster as a Symbolic Hero," *New England Quarterly* 45 (1972): 490.

<sup>49</sup> Arendt, *Human Condition*, 204.

<sup>50</sup> A. M. Hughes to Daniel Webster, April 28, 1830, *Webster Papers*, New Hampshire Historical Society, vol. 4, 175. The view of Hughes echoes clearly Arendt's understanding that "whoever consciously aims at being 'essential,' at leaving behind a story and an identity which will win 'immortal fame,' must not only risk his life but expressly choose, as Achilles did, a short life and premature death. Only a man who does not survive his one supreme act remains the indisputable master of his identity and



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possible greatness, because he withdraws into death from the possible consequences and continuation of what he began" *Human Condition*, 193. Alan Benson also writes of a Southern colleague of Webster's who, after hearing the speech, leaned to him and said "Mr. Webster, I think you had better die now and rest your fame on that speech." *Daniel Webster*, 189.

<sup>51</sup> Arendt, *Human Condition*, 197. Webster's modern editors believe that in revising "he was in no sense correcting or enlarging upon his theme for the eyes of history" (*Papers of Daniel Webster: Correspondence, Volume 3: 1830-1934*, Charles M. Wiltse, ed., [Hanover: University Press of New England, 1977], 16). Nevertheless it seems unquestionable that Webster, as well as his admirers, had in mind the historical audience, and the value of preserving for later generations a memorable public record of his greatest speech.

<sup>52</sup> Wiltse, ed., *Speeches and Formal Writings I*:286.

<sup>53</sup> Quoted in Paul D. Erickson, *The Poetry of Events: Daniel Webster's Rhetoric of the Constitution and the Union* (New York: NYU Press, 1984), 25. See also Maurice G. Baxter, *One and Inseparable: Daniel Webster and the Union* (Cambridge: Belknap Press, 1984), 188.

<sup>54</sup> Irving H. Bartlett, "Daniel Webster The Orator and Writer," in Kenneth E. Shewmaker, ed., *Daniel Webster "The Completest Man"* (Hanover, Dartmouth, 1990), 86. See also Charles F. Richardson, "Webster, The American Orator," in *Daniel Webster for Young Americans*, xlii.

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<sup>55</sup> See Howell & Hudson, "Daniel Webster," 692; and John Fiske, "Daniel Webster and the Sentiment of Union," in *Essays Historical and Literary*, vol. I (New York: Macmillan, 1902), 389.

<sup>56</sup> Samuel Eliot Morison, *The Oxford History of the American People* (New York: Oxford, 1965), 434.

<sup>57</sup> George A. Waggaman to Daniel Webster, April 4, 1830, in *Webster Papers*, New Hampshire Historical Society, Vol. 4, 164.

<sup>58</sup> Henry Alexander Scammell Dearborn to Daniel Webster, February 19, 1830, in Wiltse, ed., *Correspondence* 3:18.

<sup>59</sup> Arendt, *Human Condition*, 95. Confirming Webster's concern for preserving a historical record of his eloquence is a letter written to his nephew Charles Brickett Haddock, who was preparing a collection of Webster's speeches for publication. Webster advises that the "Two Speeches from this Session" be included in the collection. He also cautions that "A good deal of care should be bestowed upon it; & such a publication, at the present moment, will have so many bearings, that it must be well considered what it should contain." Certainly such a publication had immediate political value, but, as both Webster and Haddock undoubtedly understood, it would be of historical importance as well. See Daniel Webster to Charles Brickett Haddock, March 4, 1830, in Wiltse, ed., *Correspondence*, 22-23.

<sup>60</sup> Appleton, *Obituary Addresses*, 47.

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<sup>61</sup> It is not surprising, then, that certain carefully revised passages of the speech, such as the peroration, were both the most "memorable" and the most "memorized," becoming the set pieces "declaimed from thousands of school platforms by the lads of the coming generation," (Morison, *Oxford History of the American People*, 435). Even during the Civil War, Edwin Whipple explains, long after the death of Webster, "hundreds of thousands of American citizens marched to the battle-field with the grand passages of Webster glowing in their hearts. They met death cheerfully in the cause of the 'Constitution and the Union,' as by him expounded and idealized; and if they were so unfortunate as not to be killed, but to be taken captive, they still rotted to death in Southern prisons, sustained by sentences of Webster's speeches which they had declaimed as boys in their country schools," ("Daniel Webster as a Master of English Style," xcix). See also John Fiske, "Daniel Webster and the Sentiment of Union," 391. So famous was the peroration on its own that even as early as 1857 Edward G. Parker predicted that "When Patagonia shall be annexed, it has been justly said the Patagonian schoolboys will declaim it in their schoolroom," *Golden Age of American Oratory*, 82.

<sup>62</sup> Representative Appleton, in *Obituary Addresses*, 41.

<sup>63</sup> See Arendt, *Human Condition*, 169.

<sup>64</sup> Arendt, *Human Condition*, 192.

<sup>65</sup> Senator Cass, *Obituary Addresses*, 29; Edward Everett, "Remarks in Faneuil Hall," in *A Memorial of Daniel Webster*, 65.

<sup>66</sup> Webster, *Works* I:193.

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<sup>67</sup> Charles W. March, *Daniel Webster and His Contemporaries*, quoted by Louis Gaylord Clark, "Life of Daniel Webster," in Hayward, ed., *The Life, Eulogy, and Great Orations of Daniel Webster*, 13. The Biblical reference is to Job 39:21, 25.

<sup>68</sup> "Proceedings of the Circuit Court," in *A Memorial of Daniel Webster*, 109, 107.

<sup>69</sup> Samuel M. Smucker, *The Life, Speeches and Memorials of Daniel Webster; Containing His Most Celebrated Orations, A Selection from the Eulogies Delivered on the Occasion of His Death; and His life and Times* (Chicago: Belford, Clarke & Co., 1859).

<sup>70</sup> Peter Harvey, *Reminiscences and Anecdotes of Daniel Webster* (Boston: Little Brown, 1877), 156.

<sup>71</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:288.

<sup>72</sup> Robert Y. Hayne, "First Speech on Foot's Resolution," *Register of Debates in Congress, Comprising the Leading Debates and Incidents of the First Session of the Twenty-First Congress: together with and Appendix Containing Important State Papers and Public Documents, and the Laws Enacted During the Session: With a Copious Index to the Whole*, Volume VI (Washington: Gales & Seaton, 1830), 32-33. The deliberation on Foot's Resolution, of which the Webster-Hayne debate is a part, lasted from December 30, 1829 to April 2, 1830, and covers over 300 pages in the *Register of Debates*. The Webster-Hayne exchange occurs relatively early in the discussion of the merits and consequences of Foot's Resolution.

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- <sup>73</sup> Hayne, "First Speech," *Register of Debates*, 33-34.
- <sup>74</sup> Hayne, "First Speech," *Register of Debates*, 32.
- <sup>75</sup> Daniel Webster, "First Speech on Foot's Resolution," *Works* 3:249-250.
- <sup>76</sup> Webster, "First Speech," *Works*, 3:250.
- <sup>77</sup> Webster, "First Speech," *Works*, 3:251.
- <sup>78</sup> Webster, "First Speech," *Works*, 3:258-259.
- <sup>79</sup> Webster, "First Speech," *Works*, 3:261, 263-64.
- <sup>80</sup> Webster, "First Speech," *Works*, 3:269.
- <sup>81</sup> Benson, *Daniel Webster*, 74-75
- <sup>82</sup> Daniel Walker Howe maintains that Whigs in general promoted "moral suasion 'over mere brutal force,'" and notes that the "Whig Congress elected with Harrison outlawed dueling in the District of Columbia." Dueling, however, also revealed the clash of "two rival value systems, a Democratic-Southern one that honored violence as a sign of manhood and a Whig-Northern one that placed a higher value on self-possession and expressed anger verbally instead of violently." *The Political Culture of the American Whigs* (Chicago: University of Chicago Press, 1979), 128-129. For an account of a typical duel of the period, see L.F. Johnson, "The Holman-Waring Duel," in *Famous Kentucky Tragedies and Trials* (Louisville: Baldwin Law Book Co., 1916), 27-33.

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<sup>83</sup> Joanne B. Freeman, "Dueling as Politics: Reinterpreting the Burr-Hamilton Duel," *William and Mary Quarterly*, 3rd Series, Vol. LIII, Nol.2 (April 1996): 295-299.

<sup>84</sup> Robert Y. Hayne, "Second Speech on Foot's Resolution," *Register of Debates*, 43.

<sup>85</sup> Hayne, "Second Speech," *Register of Debates*, 51.

<sup>86</sup> Hayne, "Second Speech," *Register of Debates*, 46.

<sup>87</sup> Don Fehrenbacher, "The Missouri Controversy and the Sources of Southern Sectionalism," *The South and Three Sectional Crises* (Baton Rouge : Louisiana State University Press, 1980),

<sup>88</sup> Hayne, "Second Speech," *Register of Debates*, 46.

<sup>89</sup> Hayne, "Second Speech," *Register of Debates*, 50.

<sup>90</sup> Hayne, "Second Speech," *Register of Debates*, 56.

<sup>91</sup> Hayne, "Second Speech," *Register of Debates*, 57.

<sup>92</sup> Hayne, "Second Speech," *Register of Debates*, 57.

<sup>93</sup> Hariman, *Political Style*, 124. Steven A. Wartofsky articulates a similar view of the importance of oratory in Webster's politics. See "Critique of the Upright Self: Everett, Webster, Calhoun and the Logic of Oratory," *Massachusetts Review* 33 (1992), 415-417.

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<sup>94</sup> Peter Buell Porter to Daniel Webster, May 8, 1830, *Webster Papers*, Vol. 5, New Hampshire Historical Society, p. 12.

<sup>95</sup> Henry Bond to Daniel Webster, March 11, 1830, *Webster Papers*, Vol. 4, New Hampshire Historical Society, p. 153; Jonas Platt to Daniel Webster, March 15, 1830, *Webster Papers*, Vol. 4, New Hampshire Historical Society, p. 155.

<sup>96</sup> William Sullivan to Daniel Webster, March 23, 1830, *Webster Papers*, Vol. 4, New Hampshire Historical Society, p. 158.

<sup>97</sup> A.M. Hughes to Daniel Webster, April 28, 1830, *Webster Papers*, Vol. 4, New Hampshire Historical Society, p. 175.

<sup>98</sup> Benjamin Estill to Daniel Webster, April 4, 1830, *Correspondence* 3:49.

<sup>99</sup> Edward G. Parker recognized the importance of decorum in Webster's political practice. "Decorum reigned supreme," he wrote. "The decencies of debate, the decorum of the scene and the subject, were upon all public occasions distinctly present to his mind. . . . in Congress and before the people, the consideration due to the audience, and to his own historic character, controlled him with despotic supremacy. He spoke and acted then, as though conscious that he stood upon a great eminence, and, as it were, in the presence of Posterity," *The Golden Age of American Oratory*, 95. See also Robert Ferguson, *Law and Letters in American Culture*, 222, and Hariman, *Political Style*, 122-123.

<sup>100</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:287.

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- <sup>101</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:288.
- <sup>102</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:288.
- <sup>103</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:288.
- <sup>104</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:288. Edward G. Parker suggests that similar remarks of "remorseless severity," disparaging the rhetorical skill of Hayne were in fact edited out of the final draft by Webster. See *Golden Age of American Oratory*, 107-108.
- <sup>105</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:288-289.
- <sup>106</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:289.
- <sup>107</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:289.
- <sup>108</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:290.
- <sup>109</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:290.
- <sup>110</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:291.
- <sup>111</sup> Robert Hariman, "Prudence/Performance," *Rhetoric Society Quarterly* 21 (1991): 27-28. Rhetorical critics have recently focused on "prudence" as a key concept in understanding the public address of the nineteenth century. See James Jasinski, "The Forms and Limits of Prudence in Henry Clay's (1850) Defense of the Compromise Measures," *Quarterly Journal of Speech* 81 (1995): 454-478; Kirt H. Wilson, "The



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Contested Space of Prudence in the 1874-1875 Civil Rights Debate," *Quarterly Journal of Speech*, 84 (1998): 131-149.

<sup>112</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:291.

<sup>113</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:291-92.

<sup>114</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:292.

<sup>115</sup> Even Hayne's biographer seems sensitive on this point, "[Hayne] had not received the advantages of education which had been bestowed upon Webster, and, to a great extent, was a self-educated man," Theodore D. Jervy, *Robert Y. Hayne and his Times* (New York: Macmillan, 1909), 240.

<sup>116</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:293.

<sup>117</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:293.

<sup>118</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:294.

<sup>119</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:298. On the participation of Woodbury in Hayne's presentation, see Maurice G. Baxter, *One and Inseparable: Daniel Webster and the Union* (Cambridge: Belknap Press, 1984). Some historians have taken Webster's remarks to refer to assistance by John C. Calhoun, (see for example Peterson, *Great Triumvirate*, 175, and Bartlett, "Daniel Webster as Symbolic Hero," 501) but the position of Calhoun as presiding officer of the Senate makes that unlikely. Moreover, while undoubtedly Hayne articulated Calhoun's view of the Constitution, he would not have needed assistance in presenting that well-known

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doctrine. He may, however, have required aid from an ally more familiar than he with the political history of New England.

<sup>120</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:301-302.

<sup>121</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:299.

<sup>122</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* I:302.

<sup>123</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:302-303.

<sup>124</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:303.

<sup>125</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:303.

<sup>126</sup> Hariman, "Prudence/Performance," 26.

<sup>127</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:303-304.

<sup>128</sup> Hariman, "Prudence/Performance," 32; Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:304.

<sup>129</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:307.

<sup>130</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:308.

<sup>131</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:309-310.

<sup>132</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:303-304.

<sup>133</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:314-315.

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- 134 Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:316-318.
- 135 Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:319.
- 136 Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:319-320.
- 137 Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:318.
- 138 Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:320-321.
- 139 Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:323-324.
- 140 Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:325-326.
- 141 Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:326. Arendt, *Human Condition*, 198.
- 142 Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:327.
- 143 Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:327.
- 144 Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:329.
- 145 George Mason to Daniel Webster, March 8, 1830, *Webster Papers* Vol. 4:150;  
Noah Worcester to Daniel Webster, March 12, 1830, *Correspondence* 3:32.
- 146 "Remarks of Mr. Van Duzer," in *Report of the Committee of Arrangements*, 83; Mr. Justice Sprague, "Proceedings of the Circuit Court," in *A Memorial of Daniel Webster*, 109-110.

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- <sup>147</sup> Wilbur Hayward, "Eulogy," in *The Life, Eulogy, and Great Orations of Daniel Webster*, 61.
- <sup>148</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1: 331-332.
- <sup>149</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:336.
- <sup>150</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:336-337.
- <sup>151</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:337.
- <sup>152</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:343-344.
- <sup>153</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:344-345.
- <sup>154</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:346.
- <sup>155</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:347
- <sup>156</sup> Webster, "Second Reply to Hayne," *Speeches and Formal Writings* 1:347