

Lesson 4: The Great Compromises: Were They Necessary?

Lesson Overview and Student Learning Objectives

The purpose of this lesson is to look at and discuss some of the key compromises the Constitutional Convention made, in particular with regard to the problem of slavery. The Background Essay focuses on the way slavery was becoming a contended and divisive issue. The essay and the sources focus on the divisions over slavery within the Convention and the compromises it arrived at in the form of key provisions in the Constitution. The lesson then asks students to consider two contrasting assessments of what the Convention accomplished with regard to slavery.

When the lesson is completed:

- Students will be able to identify some of the sources of growing anti-slavery sentiment in colonial America in the 1700s.
- Students will be able to identify and explain three key compromises the Constitutional Convention made regarding slavery.
- Students will evaluate and debate two alternative opinions about the work the Convention did in confronting the problem of slavery in American life.

Teacher Directions

Before this class meets: Distribute the Background Essay “The Constitution, the Compromises, and the Problem of Slavery,” along with the seven sources for this lesson. As homework or during an earlier class period, have all students read the Background Essay and the sources. The Background Essay deals with the way the Constitutional Convention dealt with the problem of slavery in American life.

In class: Briefly discuss the Background Essay and address any questions the students have about it along with the seven brief sources for the lesson. Then give students the two-page Student Activity assignment. Ask students to read the two “Point of View” answers to the Essential Question. Using the second page of the Student Activity, have students take notes on their answers to the questions asked. Leave 15 minutes or so for students to share their answers in an all-class discussion.

Extension Activity: In the early 1800s, two key abolitionist leaders, William Lloyd Garrison and Frederick Douglass, argued about whether or not the Constitution was a pro-slavery or anti-slavery document. Students should write a brief essay explaining the different views of these two men. Have the students base their essay on the following two sources:

William Lloyd Garrison in his magazine *The Liberator*, December 29, 1832, available online from Teaching American History at: <https://teachingamericanhistory.org/document/on-the-constitution-and-the-union-2/>.

Frederick Douglass in an 1860 speech in Glasgow Scotland, available online from Teaching American History at: <https://teachingamericanhistory.org/document/the-constitution-of-the-united-states-is-it-pro-slavery-or-anti-slavery/#sthash.Skum6u9J.cQuSr5qX.dpuf>.

Suggested Grade Level:

12th grade

Time to Complete:

One class period plus prior reading as homework

Terms and Phrases to Understand

(In order of their appearance in the lesson material.)

- **compromise**—an agreement in a dispute reached by each side giving up some of what it wants.
- **bicameral**—referring to a legislative body having two branches or chambers.
- **denominational**—relating to denominations, groups within one religion that have slightly different beliefs.
- **unalienable**—or inalienable. Something that cannot be given away or taken away.
- **fugitive**—a person who has escaped and is in hiding.
- **apportion**—to divide up or allocate.
- **execration**—an extremely angry denouncement or curse.
- **amor patria**—In Latin, love of one’s country

Sources to Read

This lesson’s Background Essay: “The Constitution, the Compromises, and the Problem of Slavery”

The following are located in the “Sources for this Lesson” section and fully at the indicated link.

- **Source 1:** Three sections from the U.S. Constitution. Available from the National Archives at: [Archives at: https://www.archives.gov/founding-docs](https://www.archives.gov/founding-docs)
- **Source 2:** Passages from Thomas Jefferson’s *Notes on the State of Virginia*: Queries 18 and 19. Available online from Teaching American History at: <https://teachingamericanhistory.org/document/notes-on-the-state-of-virginia-2/>.
- **Source 3:** Remarks by Gouverneur Morris from *The Debates in the Federal Convention of 1787*, reported by James Madison, available online from The Avalon Project at: https://avalon.law.yale.edu/18th_century/debates_808.asp.

- **Source 4:** Remarks by Oliver Ellsworth from *The Debates in the Federal Convention of 1787*, reported by James Madison, available online from The Avalon Project website of Yale University's Lillian Goldman Law Library at: https://avalon.law.yale.edu/18th_century/debates_822.asp.
- **Source 5:** Remarks by General Charles Cotesworth Pinckney from *The Debates in the Federal Convention of 1787*, reported by James Madison, available online from The Avalon Project website of Yale University's Lillian Goldman Law Library at: https://avalon.law.yale.edu/18th_century/debates_822.asp.
- **Source 6:** Remarks by Rawlins Lowndes from *Debates which Arose in the House of Representatives of South-Carolina: On the Constitution of the United States*, published by A. E. Miller, 1831, p. 19, and available online at *Debates which Arose in the House of Representatives of South-Carolina*: https://www.google.com/books/edition/Debates_which_Arose_in_the_House_of_Repr/f06EhGPTz74C?q=&gbpv=1&bsq=jealousy%20of%20our%20importing%20negroes#f=false.
- **Source 7:** Passage by Luther Martin in "Genuine Information VIII," available online from Teaching American History at: <https://teachingamericanhistory.org/document/luther-martin-genuine-information-viii/>.

Standards Met by this Lesson.

American Birthright Learning Standards: Grade 12, No. 3; Grade 12, No. 13; Grade 12, No. 21; Grade 12; No. 22; Grade 12, No. 24.

Sources for Teacher Enrichment

- Robert J. Allison and Bernard Bailyn, editors, *The Essential Debates on the Constitution: Federalist and Antifederalist Speeches and Writings* (Library of America, 2018).
- Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Belknap Press of Harvard University Press, 1998).
- Hillsdale College Politics Faculty, editors, *The U.S. Constitution A Reader* (Hillsdale College Press, 2012)

- John P. Kaminski, *A Necessary Evil?: Slavery and the Debate Over the Constitution* (Madison House, 1995).
- Sean Wilentz, *No Property in Man: Slavery and Antislavery at the Nation's Founding* (Harvard University Press, 2018).

Also, the two articles suggested for the Extension Activity:

- William Lloyd Garrison in his magazine *The Liberator*, December 29, 1832, available online from Teaching American History at: <https://teachingamericanhistory.org/document/on-the-constitution-and-the-union-2/>.
- Frederick Douglass in an 1860 speech in Glasgow Scotland, available online from Teaching American History at: <https://teachingamericanhistory.org/document/the-constitution-of-the-united-states-is-it-pro-slavery-or-anti-slavery/#sthash.Skum6u9J.cQuSr5qX.dpuf>.

Background Essay

The Constitution, the Compromises, and the Problem of Slavery

The Constitution was not the creation of a fully united and single-minded group of delegates. Given the differences of viewpoint among them, it is amazing they produced such a carefully structured plan of government. However, to get to that agreement, they had to compromise over many things. Some of them were minor. A few of them were not minor.

Most important was “the Great Compromise.” It had to do with how each state would be represented in Congress. States with large populations wanted the number of each state’s representatives to be based on that state’s population. Smaller states feared that would allow more populous states to dominate in the government. They wanted each state to have the same number of representatives. The solution to the dispute was to create a bicameral legislature (one with two chambers or houses) and provide different ways of allotting members to each house. The upper house, the Senate, would have two Senators per state. In the lower house, the House of Representatives, each state would have a varying number of representatives in proportion to its population.

This satisfied the different views of the larger and the smaller states. However, the compromise also included a provision dealing with another, even more divisive issue—slavery.

Slavery had been a part of the British colonies from their start. In fact, slavery had existed in most societies throughout history. It is unlikely anyone wanted to be a slave, but for the most part slavery was seen as an ordinary and unavoidable feature of the economic and social order. Until the American Revolution, it existed in all thirteen colonies. It was especially crucial in the plantation cultivation of rice, tobacco, and other commercial crops in the South.

It is not surprising then that a number of Southern delegates in Philadelphia in 1787 wanted to be sure the Constitution would protect their slave systems. They had reason to worry. Attitudes about slavery had begun to shift. In America and Great Britain especially, small groups had begun to speak out against slavery as profoundly immoral. Two powerful forces help explain this turning point. One was the huge importance of the Bible and the Christian religion, especially as understood by the dissenting Protestant versions of Christianity. The other force was the new emphasis on reason, tolerance and science known as the “Enlightenment.”

Starting in the late 1600s with small groups of Quakers, various religious groups began speaking out against slavery. They based their views on the Bible’s strong emphasis on the equal sanctity of every individual soul. Many began to see that to choose to live according to God’s plan, each individual had to be free to make that choice. During the 1730s and ‘40s, a great religious revival known as the Great Awakening deepened this stress on the liberty of the individual. It also broke down denominational barriers and spread a sense of the common bonds uniting all people, including, some said, the slaves. Adding to this spirit was the Enlightenment’s stress on universal reason, natural law, and toleration of ideas and opinions.

This mix of new ideas produced real political change during the American Revolution. Nothing better illustrates this combination of religious awakening and a new stress on reason and natural law than the Declaration of Independence. First, there is its reference to “the laws of nature and of nature’s God.” Then the assertion that “all men are created equal, that they are endowed by their Creator with certain unalienable rights.” In other words, rights are natural, unalienable, and granted by God, not the government.

These ideas undermined the notion that some human beings could own others as slaves. Of course, not everyone saw this, but growing numbers did. In the years between the Declaration in 1776 and the Constitutional Convention in 1787, most of the northern states abolished slavery or passed gradual emancipation laws to end it in time. These states were among the first formal governments to do so by law anywhere on earth. Under the Articles of Confederation, the Northwest Ordinance banned slavery from any new states formed out of the territories west of the Appalachian Mountains and north of the Ohio River. Still, these were only the first steps on a long road ahead. Defenders of slavery were still a powerful force in American life.

The Constitutional Convention had its share of defenders of slavery. It also included many critics of slavery, including some who owned slaves but spoke openly of slavery’s evils. However, the delegates were there to create a framework for all thirteen states. Many of them feared that a strong stand against slavery might lead several Southern states to leave the union. Moreover, many delegates expected, or hoped, that slavery would fade away in time. And so, they compromised.

Most important was the “three-fifths compromise.” It was a part of the “Great Compromise” referred to earlier. Each state would get numbers in the House of Representatives proportional to its population. For this purpose, Southern delegates wanted each slave counted as a full person. This would increase the South’s numbers overall in the House. At the same time, they did not want slaves counted at all in deciding how much direct taxes a state owed. Many Northern delegates objected. After all, they asked, if slaves were property, not citizens, why should they be counted at all? The three-fifths rule was the compromise the delegates accepted. This rule required that for every five slaves, only three would be counted for purposes of representation and taxation.

Another key compromise had to do with the slave trade. Many Southern delegates wanted no limits placed on it. Other delegates wanted it banned immediately. The compromise was to give Congress the right to ban it, but not until 1808. This delay upset delegates opposed to the slave trade, but it did establish that Congress had the right to make laws about slavery. And Congress did ban the slave trade on the first day of 1808. A third compromise had to do with capturing fugitive slaves. It required that any escaping “person held to service . . . shall be delivered up on claim of the party to whom such service or labor may be due.”

It is true the Convention avoided fully confronting the challenge of slavery. However, its uneasiness about slavery was itself evidence of how attitudes were changing. For example, the Founders avoided using the word “slave” anywhere in the document. Instead, the words “persons held to service” were used. In the case of the fugitive slave provision, such persons

were not described as held to service under any federal law but under the laws of that person's state.

Was this care about language just due to embarrassment, or was it a way to keep the Constitution itself from fully supporting the slave system of any state? How to answer this question and how best to evaluate the Constitution and the problem of slavery will be the focus of the Student Activity for this lesson.

Sources for this Lesson

Source 1: Three slavery compromises in the U.S. Constitution.

Three sections from the U.S. Constitution. Available from the National Archives at: <https://www.archives.gov/founding-docs>.

Art. 1, sec. 2. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.

Art. 1, sec. 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Art. 4, sec. 2. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Source 2. Thomas Jefferson—From *Notes on the State of Virginia*

Jefferson was the main author of the Declaration of Independence and the third U.S. President. He owned a large plantation with many slaves, very few of whom he ever freed. And yet, along with the Declaration's ideals, he wrote some of the most powerful criticisms of the institution of slavery. These three passages are from his *Notes on the State of Virginia*, published in 1782. Available online from Teaching American History at: <https://teachingamericanhistory.org/document/notes-on-the-state-of-virginia-2/>.

The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave, he is learning to do what he sees others do. . . .

And with what execration should the statesman be loaded, who permitting one half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the amor patriae of the other. For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labor for another. . . .

And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed, I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever. . . . The Almighty has no attribute which can take side with us in such a contest.

Source 3. Gouverneur Morris of New York

Gouverneur Morris was one of the wealthiest men in America. In 1787, he represented New York in the Constitutional Convention, where he was one of the most forceful opponents of slavery. In this passage, he speaks against allowing the slave states to count slaves for purposes of representation in Congress. The passage is from *The Debates in the Federal Convention of 1787*, reported by James Madison, available online from The Avalon Project at: https://avalon.law.yale.edu/18th_century/debates_808.asp.

Mr. Govr. MORRIS. He never would concur in upholding domestic slavery. It was a nefarious institution. It was the curse of heaven on the states where it prevailed. Compare the free regions of the Middle States, where a rich and noble cultivation marks the prosperity and happiness of the people, with the misery and poverty which overspread the barren wastes of Virginia, Maryland and the other states having slaves. . . . Upon what principle is it that the slaves shall be computed in the representation? Are they men? Then make them citizens and let them vote. Are they property? Why then is no other property included? The houses in this city [Philadelphia] are worth more than all the wretched slaves which cover the rice swamps of South Carolina. The admission of slaves into the representation when fairly explained comes to this: that the inhabitant of Georgia and South Carolina who goes to the coast of Africa, and in defiance of the most sacred laws of humanity tears away his fellow creatures from their dearest

connections and damns them to the most cruel bondages, shall have more votes in a government instituted for protection of the rights of mankind, than the citizen of Pennsylvania or New Jersey who views with a laudable horror, so nefarious a practice.

Source 4. Oliver Ellsworth, a delegate from Connecticut, August 22, 1787

In the Convention, Oliver Ellsworth of Connecticut replied to Virginia delegate George Mason, who wanted a total ban on the slave trade. Both men opposed slavery, but Ellsworth wanted to compromise on it. He may have suspected that Mason, a Virginia slave owner, had selfish reasons for opposing the slave trade. He hints at those reasons in this passage—that Virginians and Marylanders would profit from a ban on importing foreign slaves, since they would be the suppliers in the domestic slave trade. From *The Debates in the Federal Convention of 1787*, reported by James Madison, available online from The Avalon Project website of Yale University's Lillian Goldman Law Library at: https://avalon.law.yale.edu/18th_century/debates_822.asp.

Mr. ELSWORTH. As he had never owned a slave could not judge of the effects of slavery on character. He said however that if it was to be considered in a moral light we ought to go farther and free those already in the country. As slaves also multiply so fast in Virginia and Maryland that it is cheaper to raise than import them, whilst in the sickly rice swamps foreign supplies are necessary, if we go no farther than is urged, we shall be unjust towards South Carolina and Georgia. Let us not intermeddle. As population increases poor laborers will be so plenty as to render slaves useless. Slavery in time will not be a speck in our Country. Provision is already made in Connecticut for abolishing it. And the abolition has already taken place in Massachusetts.

Source 5. General Charles Cotesworth Pinckney of South Carolina, August 22, 1787

Charles Pinckney and General Charles Cotesworth Pinckney both were delegates for South Carolina at the Constitutional Convention. They were part of a large family of wealthy slaveholders in that state. In this passage, General Pinckney spoke in favor of the slave trade. From *The Debates in the Federal Convention of 1787*, reported by James Madison, available online from The Avalon Project website of Yale University's Lillian Goldman Law Library at: https://avalon.law.yale.edu/18th_century/debates_822.asp.

General PINCKNEY declared it to be his firm opinion that if himself and all his colleagues were to sign the Constitution and use their personal influence, it would be of no avail towards obtaining the assent of their constituents. South Carolina and Georgia

cannot do without slaves. As to Virginia she will gain by stopping the importations. Her slaves will rise in value, and she has more than she wants. It would be unequal to require South Carolina and Georgia to confederate on such unequal terms. . . . He contended that the importation of slaves would be for the interest of the whole Union. The more slaves, the more produce to employ the carrying trade; the more consumption also, and the more of this, the more of revenue for the common treasury.

Source 6. Rawlins Lowndes defends slavery, January 16, 1788

Once the Constitutional Convention completed its work, each state legislature held a convention to debate the proposed Constitution. On January 16, 1788, Rawlins Lowndes criticized the document in a meeting of South Carolina's House of Representatives. This passage provides an account of Representative Lowndes' speech. The account can be found in *Debates which Arose in the House of Representatives of South-Carolina: On the Constitution of the United States*, published by A. E. Miller, 1831, p. 19, and available online at: https://www.google.com/books/edition/Debates_which_Arose_in_the_House_of_Repr/f06EhGPTz74C?q=&gbpv=1&bsq=jealousy%20of%20our%20importing%20negroes#f=false.

In the first place, what cause was there for jealousy of our importing negroes? Why confine us to twenty years, or rather why limit us at all? For his part, he thought this trade could be justified on the principles of religion, humanity, and justice; for certainly to translate a set of human beings from a bad country to a better, was fulfilling every part of these principles. But they don't like our slaves, because they have none themselves, and therefore want to exclude us from this great advantage. Why should the Southern States allow of this, without the consent of nine states?

Source 7. Luther Martin's "Genuine Information VIII, January 22, 1788."

Luther Martin was a delegate to the Convention from Maryland. He left half-way through. Later, he published several newspaper articles critical of the Constitution, which he printed as a pamphlet titled *The Genuine Information*. This passage is from "Genuine Information VIII." It is available online from Teaching American History at: <https://teachingamericanhistory.org/document/luther-martin-genuine-information-viii/>.

It was urged that by this system, we were giving the general government full and absolute power to regulate commerce, under which general power it would have a right to restrain, or totally prohibit the slave trade. It must appear to the world absurd and disgraceful to the last degree, that we should except from the exercise of that power,

the only branch of commerce, which is unjustifiable in its nature, and contrary to the rights of mankind. That on the contrary, we ought rather to prohibit expressly in our constitution, the further importation of slaves; and to authorize the general government from time to time, to make such regulations as should be thought most advantageous for the gradual abolition of slavery, and the emancipation of the slaves which are already in the States.

That slavery is inconsistent with the genius of republicanism, and has a tendency to destroy those principles on which it is supported, as it lessens the sense of the equal rights of mankind, and habituates us to tyranny and oppression.

Student Activity

Instructions to the Student: Briefly review the Background Essay and the seven sources for this lesson. Then read the Essential Question here and the two “Point of View” paragraphs that answer it. Use the second page of this Student Activity to record your own answers to this question and some additional questions. Use your answers to help you take part in a class discussion about slavery and the Founders.

Essential Question: Were the Constitution’s compromises over slavery a reasonable solution to the problem of slavery in American life at that time?

Point of View 1: “Yes.”

Many delegates to the Constitutional Convention spoke out forcefully against slavery. However, slavery was deeply embedded in the economy and society. The Founders were caught in a system they did not create. To keep the union together, they compromised. The three-fifths rule increased the South’s representation in Congress. The other compromises protected slavery as well. They were a necessary price to pay to keep the Southern states in the union. Had the South formed its own separate nation, its slave system might well have lasted longer and spread farther. Nevertheless, the Constitution never accepted slavery as legitimate. Keeping the word “slave” out served a purpose. Madison reported that he and others “thought it wrong to admit in the Constitution the idea that there could be property in men.” The right to ban the slave trade after 1808 established the federal government’s right to limit slavery or stop its expansion into new territories. The Founders created a new political order based on the principles of equality and liberty. These would increasingly put the nation at odds with slavery and in time put an end to it. It is too easy to judge the past from a comfortable distance. It is better to understand how people in the past understood their circumstances and what this enabled them to do.

Point of View 2: “No.”

Many Americans at that time knew slavery to be evil. Nothing makes that clearer than Jefferson’s forceful condemnation of slavery in his *Notes on the State of Virginia*. Yet unlike Washington, Jefferson could not even free his slaves in his will. Apparently, racial prejudice was still too strong. As for the Constitution, the compromises went too far. Many delegates spoke out against slavery, but most of them were too ready to give in to the Southern slaveholders. They believed it was more important to keep all the states united. Meanwhile, the compromises gave the South far too much power. The three-fifths clause made the South stronger by increasing its representation in Congress and the Electoral College. Allowing the slave trade to continue for 20 years only added more slaves to slave state populations. The fugitive slave clause made it too easy to keep slaves under control. In the end, these concessions

