

POLITICS OF ACCOMMODATION: THE ORIGIN OF THE SUPREMACY CLAUSE

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OBSERVERS are fond of asserting that American politics is pragmatic, non-ideological, based on compromise, and oriented toward obtaining consensus on both ends and means. Nowhere is this better illustrated than in the Constitutional Convention of 1787. The Convention's product, almost from the day of ratification, has been called "a bundle of compromises," but it has only been recently that any one has suggested that the "linch-pin," as the late Edward S. Corwin called Article VI, Section 2,¹ was itself a product of negotiation.² Yet it seems fairly clear that the Supremacy Clause was a middle ground between a veto by the national legislature over state statutes, on the one hand, and construction of the Constitution by state courts on the other.

One of the major reasons for calling the Philadelphia Convention was state refusal to comply with requisitions made by the central government and state frustration of national policy. "The fundamental defect," Alexander Hamilton had said, "is a want of power in Congress."³ Once Congress sent out the call for a general convention, James Madison started to lay the groundwork for the creation of a system that would cure these evils. "I think myself," he wrote Thomas Jefferson, "that it will be expedient . . . over and above the positive power of regulating trade and sundry other matters in which uniformity is proper, to arm the federal head with a negative in all cases whatsoever on the local Legislatures. Without this defensive power, experience and reflection have satisfied me that, however ample the federal powers may be made, or however clearly their boundaries may be delineated on paper, they will be easily and continually baffled by the Legislative sovereignties of the States."⁴ But Jefferson was in Paris; he would not be in Philadelphia and, given

¹ Edward S. Corwin, *The Constitution and What It Means Today* (New York: Atheneum Press, 1963), p. 178.

² Alpheus Thomas Mason, *The Supreme Court: Palladium of Freedom* (Ann Arbor: U. of Michigan Press, 1962), p. 19.

³ Hamilton to James Duane, September 3, 1780. H. C. Lodge (ed.), *The Works of Alexander Hamilton* (New York: Putnam, 1904), I, 213.

⁴ Madison to Thomas Jefferson, March 18, 1787. G. Hunt (ed.), *The Writings of James Madison* (New York: Putnam, 1904), II, 326. Cited hereafter as Hunt. Jefferson promptly replied:

"The negative proposed to be given them [Congress] on all the acts of the several legislatures is now for the first time suggested to my mind. Prime facie I do not like it. It fails in an essential character, that the hole and the patch should be commensurate. But this proposes to mend a small hole by covering the whole garment. Not more than 1 out of 100 state acts concern the confederacy. This proposition then, in order to give them 1 degree of power which they ought to have, gives them 99 more which they ought not to have, upon a presumption that they will not exercise the 99. . . . Would not an appeal from the state judicatures to a federal court, in all cases where the act of Confederation controlled the question, be as effectual a remedy, and exactly commensurate to the defect. . . . It will be said that this court will encroach on the jurisdiction of the state courts. It may. But there will be a power, to wit Congress, to watch and restrain them. But place the same authority in Congress itself, and there will be no power above them to perform the same office. They will restrain within due bounds a jurisdiction exercised by others

The Politics Of Accommodation

David Beaver, Jason Stanley



The Politics Of Accommodation:

The Politics of Accommodation Arend Lijphart, 1975 *The Politics of Accommodation* Arend Lijphart, 1975 The Politics of Accommodation, 1994 **The politics of accommodation. Pluralism and democracy in the netherlands. Second edition, revised** Arend Lijphart, 1975 **The Politics of Accommodation and Resistance in the Black Church** Rupe Simms, 2000 This study argues that the church has the capacity of fostering ideological resistance to the dominant order and therefore making a profound contribution to the sociopolitical liberation of black Americans By developing this position using quantitative research methods in three African American churches the work confirms the reality of this potential showing that a counter hegemonic approach to church in the black community is possible This is significant because many politically active scholars even African American radicals disparage the institution as a politically destructive hegemonic organisation that misuses social and economic resources The Politics of Dialogue Ranabir Samaddar, 2017-07-05 Offering a detailed analysis of post colonial South Asia The Politics of Dialogue discusses the creation and impact of borders and the pervasive tension between the new nations It critiques existing knowledges and techniques which guide our understanding of post colonial politics of war and peace and stresses the importance of dialogue in such situations as well as pointing out the reasons behind the failure to take up dialogue seriously **Politics in the Netherlands** Hans Daalder, Galen A. Irwin, 1989 First Published in 1989 Routledge is an imprint of Taylor Francis an informa company *Inside the Politics of Self-determination* Kathleen Gallagher Cunningham, 2014 There are currently over 100 stateless nations pressing for greater self determination around the globe The vast majority of these groups will never achieve independence Many groups will receive some accommodation over self determination many will engage in civil war over self determination and in many cases internecine violence will plague these groups This book examines the dynamic internal politics of states and self determination groups The internal structure and political dynamics of states and self determination groups significantly affect information and credibility problems faced by these actors as well as the incentives and opportunities for states to pursue partial accommodation of these groups Using new data on the internal structure of all self determination groups and their states and on all accommodation in self determination disputes this book shows that states with some but not too many internal divisions are best able to accommodate self determination groups and avoid civil war When groups are more internally divided they are both much more likely to be accommodated and to get into civil war with the state and also more likely to have fighting within the group Detailed comparison of three self determination disputes in the conflict torn region of northeast India reveals that internal divisions in states and groups affect when these groups get the accommodation they seek which groups violently rebel and whether actors target violence against their own co ethnics The argument and evidence in this book reveal the dynamic effect that internal divisions within SD groups and states have on their ability to bargain over self determination Kathleen Gallagher Cunningham demonstrates that understanding the relations between

states and SD groups requires looking at the politics inside these actors *The Referendum and Other Essays on Constitutional Politics* Matt Qvortrup, 2019-05-02 Until recently referendums were little used After the Scottish independence and Brexit referendums they have come to the fore as a mechanism with the potential to disrupt the status quo and radically change political direction This book looks at the historical development of the referendum its use in different jurisdictions and the types of constitutional questions it seeks to address Written in an engaging style the book offers a clear objective overview of this important political and constitutional tool **The Politics of Language** David Beaver, Jason Stanley, 2025-10-28 In much of the theory of meaning philosophers and linguists have focused on the use of language in conveying information in cooperative informational exchanges As a result political uses of speech of the sort that political propaganda exemplifies have not been taken to be a central case of language use In this book Jason Stanley and David Beaver focus on the political use of speech as a central case which leads to a foundational rethinking of the theory of meaning By focusing on the political uses of speech one arrives at better and more general tools to describe speech as well as a more accurate view of its central functions More dramatically it enables us to see the ways in which virtually all speech is political a fact that is masked by much of the theory of meaning Stanley and Beaver s topic is speech generally its function and how best to represent that function Political propaganda serves as a window into that topic since its function is not obviously to share information or even misinformation They emphasize the importance of understanding how political propaganda works via the topic of the justification of free speech and argue that political propaganda poses a problem for a broad range of justifications of free speech Stanley and Beaver argue that it is not possible to compartmentalize the political aspects of speech from the non political aspects of speech nor is it possible to carve out a neutral deliberative space of evaluating reasons qua reasons Speech is invariably political

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