



WHY THE 3/5THS COMPROMISE WAS ANTI-SLAVERY

CAROL SWAIN

One of the most misunderstood clauses in the United States Constitution is found in Article 1, Section 2:

“Representatives... shall be apportioned among the... States... by adding to the whole Number of free Persons... three fifths of all other Persons.”

Known as “the three-fifths compromise,” it raises an obvious question: How could the Founding Fathers who endorsed the idea that all men are created equal also endorse the idea that some men aren’t?

In 2013, James Wagner, President of Emory University, answered the question this way: the three-fifths compromise was an example of difficult, but necessary, political bargaining. Without it, Wagner argued, the northern and southern states would never have agreed to form a single union. No three-fifths compromise; no United States of America.

Many people, including 31 members of his own faculty, vehemently disagreed. Wagner, the faculty members suggested, was excusing the inexcusable. They signed an open letter stating that the three fifths compromise was “an insult to the descendants” of slaves, and an example of “racial denigration.”

So, who’s right?

Let’s look at the text again.

“Representatives... shall be apportioned among the... States... by adding to the whole Number of free Persons... three fifths of all other Persons.”

Note that the Constitution does *not* say that a slave is not a person; it explicitly says that they are “persons.” And it also does not say that a slave is three-fifths of a person, as many today mistakenly believe. The “three-fifths” description had nothing to do with the human worth of an individual slave, but everything to do with how many representatives each state would have in the U.S. Congress. For that purpose, states could only claim three-fifths of their slave population.

The three-fifths compromise was devised by those who *opposed* slavery, not by those who were for slavery. Or, to put it another way, it wasn’t the racists of the South who wanted to count slave populations less than white populations – it was the abolitionists of the North.

The framers of the Constitution were deeply divided on the issue of slavery. The free states of the North wanted to abolish it. The slave states of the South wanted to expand it. You might say that the southern slave states wanted to have it both ways: They wanted to count their slaves for the purpose of representation, but they didn't want to give any representation to their slaves.

Why did this matter?

Let's look at the numbers.

In the 1790 census, just three years after the Constitution was ratified, the free states of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania and Delaware had a population of about 1.8 million free whites. The slave states of Maryland, Virginia, North Carolina, South Carolina and Georgia, had about 1.1 million free whites, and 633,000 slaves. Add those two numbers and you get nearly equal populations between the North and the South.

By the time of the Civil War, the slave population had grown to 4 million. Imagine how much more powerful slave states would have been without the three fifths compromise: If one hundred percent of the slave population had been counted, slavery may very well have lasted into the 20th century.

Why, you might ask, didn't the North simply insist that the South not count slaves at all? Because the slave states would never have agreed to join the Union. They would have formed their own country, and we would have had two nations—one free and one slave—living side-by-side in conflict from the very start.

The three-fifths compromise was the solution to the most difficult challenge the Framers faced: how to create a single country out of people so divided on a fundamental issue. As discordant as the compromise sounds to modern ears, without it there would have been no United States.

Following his defense of the compromise, Emory president James Wagner issued an apology to his outraged critics, asking forgiveness for his "clumsiness and insensitivity." As it turns out, Wagner had nothing to apologize for. The three-fifths compromise didn't *deny* the humanity of blacks, it *affirmed* it.

I'm Carol Swain for Prager University.