

The Idea of Equality in America

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Abstract

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In American political thought, it is commonly supposed we make political communities more democratic by making them more equal. In this dissertation, I show that this common supposition is a mistake: efforts to enact equality in America in fact frequently undermine democratic inclusion. In three case studies, I show that some registers of equality produce and naturalize hierarchy, and have a sabotaging relationship to democratic participation and inclusion. Invocations and enactments of equality in the eras of the Founding, the antebellum early republic, and post-Reconstruction all reveal a surprising disjoint between equality and democratic inclusion. Using archival sources, published primary sources, and original datasets of text materials, I offer a complex and historically grounded new framework for understanding the tension between democratic inclusion and the American idea of equality. To understand this seeming paradox requires appreciating both the polyvocality of the concept and the relationship between the different forms of equality. While I show that some important conceptions of equality in American political thought are themselves inegalitarian at core, it is more

often the case that conceptions of equality compromise one another. As different valences of equality have gained prevalence at different moments in American history, seeking equality in one area – political, economic, or social equality, for instance – has not necessarily supported equality in other areas. My reading of the historical record shows, in fact, that expanded equality in one area often comes at the expense of equality in other areas. Read together, the three cases lay out an alternative history of the concept of equality spanning from the late colonial era to the early 20th century. They show how different types of equality discourse emerged and operated as anti-democratic forces. Perhaps most troublingly, when read together the cases show how later iterations of equality discourse are just as prone to instantiating hierarchy and producing new forms of anti-democratic exclusion as the earlier iterations they sought to correct.

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At UW, I was lucky enough to find a true intellectual home for the kind of interdisciplinary and critical work I wanted to do. This is reflected in the mix of socio-legal scholars, political theorists, and American politics scholars on my dissertation committee, all of whom have encouraged me to read these subfields together in fruitful ways. Chip Turner has been a source of unstinting support and good advice, and I feel deeply fortunate to have him as my chair. He believed in the project from the very beginning, and his enthusiasm gave me the confidence to tackle something as large as the idea of equality in America. Michael McCann, George Lovell, and Becca Thorpe all shaped the genesis and development of the project, both in the examples of their own exceptionally smart work and in their generous support and suggestions. I also want to thank the kind and brilliant Chandan Reddy, who served as my graduate school representative, but who has also been an insightful and supportive reader of the project. I am especially grateful to all these members of my committee for their support at the end of the writing process, when I was both trying to complete the dissertation and manage a breast

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My father, William Rodman, passed away long before the genesis of the project, but I feel certain he would have approved of both its stalwart commitment to meaningful democracy and its implicit anti-establishment tenor. A Vietnam draft-dodger, solitary wanderer, and self-taught polymath, I would have liked to be able to talk with him during this project about many things, but particularly about the relationship between isolation and democracy. Though his friends and neighbors have been spared his constant bragging about my doctorate, I have no doubt that my mother, Cathy Rodman, will step up to fill this gap. Ever my most biased cheerleader, I could not ask for a more unconditionally supportive and loving parent. Her long hours of physically demanding work as a grocery checker financially supported my development and education, while her unswerving and grandiose belief in my capabilities gave me all kinds of notions which the facts of the world alone would not have supported. She has read each chapter of my dissertation with care, and helped to assure me that this project would have a home in the wide world of intelligent people outside academia who want to understand the possibilities for equality in America. I owe her an unpayable debt, and I dedicate this dissertation to her.

INTRODUCTION

In 1955, twenty five philosophers, theologians, political scientists, and anthropologists, among others, met at Columbia University to begin a year long project. Their goal was “to define, and not just vaguely defend, our concept of equality” in America. From the outset, they thought that defining equality – figuring out what it really meant, what its underlying principles were – would be “descriptive of both the achievements and future goals of American democracy.” As the Columbia project developed, the scholars sought a practical formulation of equality which could both inspire faith in American democracy as an ideal and also be used to direct policy and political life in America toward more democratic forms. Motivated explicitly by the troubling ideological appeal of equality under communism, the scholars argued that defining what equality meant in America was linked to the survival and flourishing of American democracy, both at home and abroad.¹

In one sense, the Columbia project is merely an historical curiosity: a product of the strange mix of post-war optimism and Cold War ideological concern that animated the 1950s. Our time is different. It is hard to imagine, for instance, a similar intellectual project being covered today with regular and lengthy reports in the *New York Times*, as the Columbia meetings were.² Yet, the concern of the Columbia scholars about the meaning of equality in America is an abiding one. As Judith Shklar has put it, “to fret about equality is an enduring act of democratic American self-criticism.”³

1 Frankel, Max. 1955. “Scholars Shifting Equality Concept – Group of 25 Begins a Year's Study of Gain and Goals of American Democracy – HOPE TO FIND DEFINITION.” *New York Times*. August 30th.

2 Other reports of the meetings written by Max Frankel and carried in the *Times* included “Scholars Debate 5 Equality Points,” August 31st, 1955; “Equality Factor in the Law Cited – But Scholars in Colloquy Hold Moral Persuasion is Effective Preliminary,” September 1st, 1955; “25 Scholars Set Own Homework: Inclusive Definition of Equality,” September 2nd, 1955; no author, “Scholars Renew Equality Debate – 80 Savants Seek to Clarify Meaning of the Concept at Columbia Parley,” August 28th, 1956.

3 Shklar, Judith. 1990. “Emerson and the Inhibitions of Democracy”. *Political Theory*. 18 (4): 601-614. 602.

To say we fret about equality implies on some level that we worry excessively or perhaps needlessly. Americans may worry about the degree to which equality has been enacted in the present, or about the troubling inequities of the past. But at the same time, they also largely hold on to the notion that American ideals – what has been called “the American creed” – are grounded in a deep if unrealized commitment to equality.⁴ To fret about equality is to worry about the speed and scope of the enactment of that creed in American political life. But it is also to hold a foundational and intuitive faith that the American ideal of equality is one which, when enacted, will produce a more fully democratic polity.

Although the concept has proven curiously difficult to nail down in the details, this intuition about equality's democratizing nature appears straight-forward in a broad sense.⁵ The common sense is that enacting greater equality is tantamount to enacting a more democratic political life. Certainly, this link between equality and democracy in America dominates existing histories and analyses of the concept.⁶ Yet, upon closer inspection, the historical record of the concept is surprisingly mixed. As I show in the chapters that follow, invocations and enactments of equality in the eras of the Founding, the antebellum early republic, and post-Reconstruction all reveal a surprising disjoint between equality and democratic inclusion. If we expect equality to

4 Myrdal, Gunnar. 1944. *An American Dilemma: The Negro Problem and American Democracy*. New York: Harper & Row.

5 The Columbia scholars, as far as I have been able to ascertain, could not ultimately settle on a definition of American equality. Debate continues on how to define equality in a more abstract sense in the contemporary literature. A small sampling of a voluminous literature includes Anderson, Elizabeth. 1999. “What Is the Point of Equality?” *Ethics*. 109 (2): 287-337. Cohen, G.A. 1995. *Self-Ownership, Freedom, and Equality*. New York: Cambridge University Press. Dworkin, Ronald. 1981a. “What is Equality? Part I: Equality of Welfare.” *Philosophy and Public Affairs*. 10: 185-246. Rae, Douglas et al. 1981. *Equalities*. Cambridge: Harvard University Press. Walzer, Michael. 1983. *Spheres of Justice: A Defense of Pluralism and Equality*. New York: Basic Books.

6 Alexis de Tocqueville's *Democracy in America* takes equality as the central and defining concept of American democracy, and Tocqueville frequently uses the concepts nearly interchangeably. “Equality of conditions” is described, for instance, as “the democratic principle” (Project Gutenberg edition; volume 1, book 1, introduction). Tocqueville's perspective has been echoed in the major scholarly works on equality in America, including Pole, J. R. 1993. *The Pursuit of Equality in American History*. Berkeley: University of California Press. Verba, Sidney and Gary Orren. 1985. *Equality in America*. Cambridge: Harvard University Press. Redenius, Charles. 1981. *The American Ideal of Equality: From Jefferson's Declaration to the Burger Court*. New York: Kennikat Press.

lead, for instance, to a more racially inclusive polity, to an expansion of rights to previously excluded groups, or to more egalitarian class and gender politics, the historical record is unexpectedly disappointing. It is not merely that equality fails to be democratic because it fails to be fully enacted, but that enacting equality can actually actively erode democracy.

To understand this seeming paradox requires appreciating both the complexity – the polyvocality – of the concept and the relationship between the different forms of equality. American equality is not a monolithic concept. Different valences of equality have gained prevalence at different moments in American history. One reason that equality can erode democracy is that seeking equality in one area – political, economic, or social equality, for instance – does not necessarily support equality in other areas, as for instance the Radical Republicans hoped would be the case with social and economic equality during Reconstruction.⁷ My reading of the historical record shows, in fact, that expanded equality in one area often comes at the expense of equality in other areas.

To build out the argument that the idea of equality in America is both polyvocal and often paradoxically anti-democratic, I take up a critical framework that a number of political theorists and historians of ideas have applied to other political concepts. Scholars studying the idea of freedom in the American context, for example, have demonstrated the multifaceted, contested, flexible, and often paradoxical political understandings and outcomes an emphasis on freedom generates.⁸ Scholars taking an historical approach to the idea of equality in America,

7 As Mark Tushnet describes, lawmakers like Sen. William Pitt Fessenden and Rep. Henry Raymond “contended that political rights were necessary and sufficient to produce equality in other domains: without political rights, blacks would be unable to defend themselves against those who would use the political system to deprive blacks of property and liberty. With those rights, blacks could secure their property and [...] might then secure social rights.” Tushnet, Mark. 1987. “The Politics of Equality in Constitutional Law: The Equal Protection Clause, Dr. Du Bois, and Charles Hamilton Houston.” *The Journal of American History*. 74 (3): 884-903. 889.

8 See Rana, Aziz. 2010. *Two Faces of American Freedom*. Cambridge: Harvard University Press. Foner, Eric. 1998. *The Story of American Freedom*. New York: W. W. Norton & Co. Morgan, Edmund. 1975. *American Slavery, American Freedom*. New York: W. W. Norton & Co.

however, have tended to minimize its complexity. On the whole, they have conceptualized equality as fully synonymous with progressive aspirations.⁹ Philosophers and political theorists have similarly presumed equality to be an ideologically monolithic concept, instead focusing their analysis on why equality is normatively important or the details of how such equality ought to be formulated or structured.¹⁰ In this study, I offer a different approach. The chapters to follow serve as an immanent critique of American equality on its own terms, that is, as a vector of democracy.¹¹

For my critical account of the idea of equality in America, I employ a case study approach, detailing three historical moments in America when the ideas of equality prevalent during those times retrenched hierarchy, served anti-democratic functions, and stymied participation and inclusion. I build my cases using archival materials, secondary historical and philosophical literature, and published primary sources. In each case, I make two moves: first, I detail the historically underappreciated valence of equality that is present in the case. Second, I analyze the implications of that excavated idea of equality, highlighting the unexpectedly anti-

9 See Verba, Sidney and Gary Orren. 1985. *Equality in America*. Cambridge: Harvard University Press. Pole, J. R. 1993. *The Pursuit of Equality in American History*. Berkeley: University of California Press. Lakoff, Sanford. 1964. *Equality in Political Philosophy*. Boston: Beacon Press.

10 On the question of why equality is normatively important, see Anderson, Elizabeth. 1999. "What Is the Point of Equality?" *Ethics*. 109 (2): 287-337. Clayton, Matthew and Andrew Williams, eds. 2000. *The Ideal of Equality*. New York: St. Martin's Press. Allen, Danielle. 2014. *Our Declaration: A Reading of the Declaration of Independence in Defense of Equality*. New York: W.W. Norton and Company. For various perspectives on how the details of equality ought to be structured and theorized, see Walzer, Michael. 1984. *Spheres of Justice: A Defense of Pluralism and Equality*. New York: Basic Books. Rawls, John. 1999. *A Theory of Justice*. 2nd edition. Cambridge: Harvard University Press. Nussbaum, Martha. 2011. *Creating Capabilities*. Cambridge: Harvard University Press. Fourie, Carina, Fabian Schuppert, and Ivo Walliman-Helmer. 2015. *Social Equality: On What it Means to be Equals*. New York: Oxford University Press.

11 In other words, I presume that the normative value of equality rests on its effect on democratic inclusion, and I take the good of democratic inclusion as given. The project then seeks to understand how well American equality succeeds by its own standards. Immanent critique takes the values of a social or philosophical system as given and seeks to show where the worth or reasonability of concepts and understandings breaks down or fails on its own terms. For a defense of this type of critical theorizing, including its purported value relativism, see Sabia, Dan. 2010. "Defending Immanent Critique." *Political Theory*. 38 (5): 684-711. For a history of immanent critique as a practice, see Antonio, Robert. 1981. "Immanent Critique as the Core of Critical Theory: Its Origins and Developments in Hegel, Marx and Contemporary Thought." *The British Journal of Sociology*. 32 (3): 330-345.

democratic impacts of the concept in American political life. Read together, the three cases lay out an alternative history of the concept of equality spanning from the late colonial era to the early 20th century. They show how different types of equality discourse emerged and operated as anti-democratic forces. Perhaps most troublingly, when read together the cases show how later iterations of equality discourse are just as prone to instantiating hierarchy and producing new forms of anti-democratic exclusion as the earlier iterations they sought to correct.

In the first chapter, I offer a new reading of the meaning of equality in the Declaration of Independence. Even more than the Constitution and the Bill of Rights, the Declaration has come to symbolize the radical rupture as well as the enduring democratic promise of the American founding. Beginning with early abolitionist thinkers and continuing through contemporary theorists like Danielle Allen, democratic readers have emphasized the language of equality in the document. As a glorious equality document, to gloss Frederick Douglass, the Declaration has been figured as a repository of revolutionary egalitarian principles and commitments awaiting their fulfillment in the polity.

The problem with this reading is that it treats equality as a static concept, projecting a contemporary understanding of the meaning of the concept backward in time. In fact, however, the meaning of the concept of equality has shifted dramatically over time. When it was written, the meaning of equality in the Declaration was in fact radically inegalitarian. That is, the document did not offer a conception of egalitarian and universal moral equality. Drawing on a close reading of the document, the texts of over ninety state and local American declarations of independence which preceded the national document, and related archival materials, I argue that the Declaration offered a particular concept of 'English equality,' an inegalitarian form of equality fundamentally situated within imperial logics and defined by both internal and external

hierarchies. One way we can see this is that the performance of declaring American independence only works, so to speak, because those who do the declaring are invested with the privilege and authority to declare from within existing, inegalitarian colonial polities. The Declaration does not contest these hierarchies in favor of democracy: in fact, its principle of equality necessarily announces, relies on, and re-inscribes existing internal and external hierarchies, in the distinction between those who have the performative privilege to make the declaration and those who do not.

In the second chapter, I trace the origins of the idea of moral equality – not, as is often ascribed, to the Declaration of Independence, but instead to the political thought of the antebellum abolition movement. Abolitionists confronted a wide-spread American belief that the stability of the republic rested on a thick form of sympathy and social equality which was only possible between people of the same race. To emancipate Black slaves would, in this framework, destroy the republic, since social equality was necessary for the republic – and impossible between Black and white people. In response, abolitionists constructed a new theory of equality for a world of deep racial divisions, a theory which bifurcated stable republican politics – and the political and legal equality enjoyed by citizens – from a broader social equality. Abolitionists, I argue, split the social and the political, and bequeathed two new forms of equality to American political thought: the idea of social equality and the idea of moral equality. This bifurcation of equality was grounded in thin idea of citizenship as political and civil rights, justified by the liberal idea of moral equality, rather than citizenship as thicker forms of acknowledgement and membership. I draw out the insufficiency of this idea of moral equality as a basis for citizenship in a polity wracked by racism through an analysis of the antebellum political thought of abolitionist Martin Delany. Prescient given the expansion of “colorblind constitutionalism” and the rise of

Jim Crow and mass incarceration, Delany shows how moral equality merely allows racial antipathy to grow in the social and economic realms, from where it ultimately rebounds into political inequities.

In the final chapter, I turn to the afterlife of this idea of social equality in the post-Reconstruction theorizing of W. E. B. Du Bois. Du Bois has enjoyed a recent surge of scholarly attention and appreciation, particularly among democratic political theorists urging his utility to their work.¹² I argue, however, that Du Bois's utility as a democratic theorist is limited. Though he is attentive to the failings of a thin paradigm of moral equality, his central political project is to promote an ultimately anti-democratic struggle for social equality. For Du Bois, social equality is achieved through an individual form of self-development that he terms “self-conscious manhood.” Self-conscious manhood is the solution to racism for Du Bois because it engages with the primarily operating pathology of racial antipathy: an inability or refusal to “give due and just consideration to culture, ability, and moral worth, whether they be found under white or black skins.”¹³ Correspondingly, Du Bois's emphasis on self-conscious manhood seeks to empower individuals to build a world where “men will judge men by their souls and not by their skins.”¹⁴

For Du Bois, self-conscious manhood is both an individualist orientation toward the self and a recognition-grounded framework for engaging with the world. Yet despite its seeming resolution of the problem of social equality, self-conscious manhood remains haunted by its own

12 These theorists cite, among his other democratic bona fides, Du Bois's emphasis on the political contributions of the demos to public understanding, his importance as a theorist of democratic possibilities, and his espousal of democratic commitments including broad participation, criticism of leaders, and persuasion via democratizing rhetoric. See Balfour, Lawrie. 2011. *Democracy's Reconstruction: Thinking Politically with W. E. B. Du Bois*. New York: Oxford University Press. Bromell, Nick. 2018a. “'Honest and Earnest Criticism' as the 'Soul of Democracy': Du Bois's Style of Democratic Reasoning.” In *A Political Companion to W. E. B. Du Bois*. Ed. Nick Bromell. Lexington: The University Press of Kentucky. Rogers, Melvin. 2012. “The People, Rhetoric, and Affect: On the Political Force of Du Bois's *The Souls of Black Folk*.” *American Political Science Review*. 106 (1): 188-203.

13 Du Bois, W. E. B. (1897) 2008. “The Conservation of Races.” In *Souls of Black Folk*. New York: Oxford University Press. Appendix 1. 187.

14 Du Bois, W. E. B. (1903) 2008. *Souls of Black Folk*. New York: Oxford University Press. 175.

forms of alienation: its exceptionality and individualist isolation from others renders a politics of manhood atomized and hierarchical. At the same time, the concept of self-conscious manhood remains bound to patriarchal logics which further hamper the concept's democratic potential. Moreover, Du Bois's use of the language of universal opportunity for self-consciousness in fact masks the gendered skew of the concept, serving to naturalize its disparately gendered attainment and rendering manhood to men as their natural domain. In other words, while self-conscious manhood represents both a deep grappling with the operating pathologies of racism and a novel marriage of recognition and individualism, Du Bois's concept also has troubling anti-democratic impulses and inequalities at its heart.

Together, these three episodes reveal an alternative, critical history of the idea of equality in America. This account de-couples any easy relationship between equality and democracy in American political life. Valences of equality may not be mutually supportive; progress in one may generate setbacks in another. And in some registers, equality is an ideological concept that produces, sustains, and obfuscates hierarchy. While political theorists and historians of ideas have been attentive to the polyvocal, internally tensioned, and essentially contested nature of many other concepts like freedom or rights, this study demonstrates why American equality should be given similar treatment, and argues for a more cautious invocation of equality as rhetoric or ideal to promote democracy.¹⁵

15 While Michael Walzer's *Spheres of Justice* is not wholly inattentive to the normative tensions in the abstract idea of equality, my account of the trade-offs between forms of equality bears closest resemblance to the normative account Sharon Krause offers of the internal trade-offs of freedom, as when she writes: "A pluralist theory of freedom always holds in view the multiple forms that freedom can take, it makes visible the costs that pursuing freedom exclusively in any one form inevitably entails [... and] it forces us to acknowledge that the realization of freedom is always bound to be imperfect because of the tensions that exist among the different types of freedom. These tensions mean that freedom can never be achieved without loss, including losses to freedom itself in certain forms. In this way, the pluralist view protects against the easy complacency that so often accompanies life in ostensibly free societies, which tend to let the achievement of some kinds of freedom obscure from view the dearth of freedom in other forms" (19). Krause, Sharon. 2015. *Freedom Beyond Sovereignty: Reconstructing Liberal Individualism*. University of Chicago Press.

CHAPTER 1

Equality in the Declaration of Independence

Sections

1. Introduction
2. The English Constitution and Colonial Status
3. Equality in Context
4. State and Local Declarations
5. Thomas Jefferson: A Scribe of the American Mind
6. The Other Sources and Authors
7. Rewriting the Declaration
8. Conclusion

Introduction

Along with the Constitution and the Bill of Rights, the American Declaration of Independence has become a venerated and even sacred text, a contemporary symbol of the enduring wisdom of the American founding. The Declaration is currently housed in a shrine-like space behind bulletproof glass in the National Archives in Washington, D.C. The document has taken on an aura of prophecy, with its opening lines announcing the equality and rights of man long before the abolition of slavery, the extension of the franchise, and the social and political movements of the 20th century. A popular and scholarly narrative has emerged of American history “as an ongoing struggle to infuse the American experience with the ideals of the Declaration of Independence,” particularly the document's ideal of equality.¹ The Declaration, in this mythology, is figured as a repository of egalitarian principles and commitments awaiting their fulfillment in the polity.

Putatively, of course, the purpose of the document was simply to formally declare

¹ Redenius, Charles. 1981. *The American Ideal of Equality: From Jefferson's Declaration to the Burger Court*. New York: Kennikat Press. 4.

American independence from Great Britain in 1776. But the Declaration framed and justified that act in terms of certain general self-evident truths. “All men,” it declares, “are created equal” and “are endowed by their creator with certain unalienable rights,” among which are the rights to “life, liberty, and the pursuit of happiness.” The authors of the Declaration – Thomas Jefferson and the other members of the Second Continental Congress – constructed the document as both a factual statement of grievances and, seemingly, as a statement of normative political principles. Both facts and principles were necessary: that the facts “submitted to a candid world” should be understood as grievances worthy of revolt required embedding them in an intelligible normative framework.

The meaning of the Declaration's principles – including the assertion that all men are created equal – is presented as obvious, as “self-evident.” Yet, immediate difficulties emerge in understanding the nature of the document's idea of equality. It is, after all, an equality espoused by slaveholders living in a colonial society rife with hierarchical inequalities across class, race, and gender lines. Given this reality, commentators who have interpreted the Declaration's equality as a statement of universal moral equality have been forced to characterize the authors as either hypocrites or aspirants. Frederick Douglass, for instance, scathingly asserted in an 1852 speech that, given the facts of slavery and ascriptive hierarchy, the American advocacy of equality was “mere bombast, fraud, deception, impiety, and hypocrisy.”² Five years later, Abraham Lincoln would take a more charitable view, asserting that the authors of the Declaration “meant simply to declare the *right*, so that the *enforcement* of it might follow as fast as circumstances should permit.” The Founders, Lincoln asserted, did not mean to assert equality

2 Douglass, Frederick. 1852/2016. “What to the Slave is the Fourth of July?” Reprinted in *The Essential Douglass*. Ed. Nicholas Buccola. Indianapolis, IN: Hackett. 60.

as a fact but as a normative goal, “to set up a standard maxim for free society.”³

Neither Douglass's nor Lincoln's view questions whether the statement of equality in the Declaration represents a commitment to universal moral equality. In both cases – and in the work of contemporary commentators on the founding era – analysts focus on the tension between the principle and the practice, highlighting repressive and illiberal circumstances or principles that exist along side the liberal value of universal equality. There might be, as Philip Gleason has put it, latent tendencies in America toward “ethnically defined” concepts of citizenship and nationality which “run contrary to the logic of the defining principles” of the Declaration.⁴ While equality may be the defining principle, there may co-exist inegalitarian commitments as separate, distinct, and subsidiary strains of thought which are irrational, historically aberrant, or incidental.⁵ Or it may be, as Rogers Smith has argued, that American political life is defined by equivalently strong, clashing multiple traditions of liberalism, republicanism, and ascriptive hierarchy.⁶ In all of these cases, a commitment to universal equality and corresponding natural rights is understood to exist alongside other distinct and more or less central inegalitarian values and circumstances.

These accounts implicitly present equality as a timeless concept, something that means more or less the same thing to us as it did to the founders. What separates their time and ours is the more overt presence of ascriptive hierarchies: in their time, for instance, equality had to sit uneasily next to slavery. In this chapter, I trouble this universal, timeless view of the meaning of

3 Lincoln, Abraham. 1857/2013. “Speech on the *Dred Scott* decision”. Reprinted in *Lincoln: Political Writings and Speeches*. Ed. Terence Ball. Cambridge: Cambridge University Press. 41-52. 49.

4 Gleason, Philip. 1980. “American Identity and Americanization.” In *Concepts of Ethnicity*. Eds. William Petersen, Michael Novak, and Philip Gleason. Cambridge, MA: Harvard University Press. 62.

5 Myrdal, Gunnar. 1944/2017. *An American Dilemma: The Negro Problem and Modern Democracy* (Vol. 1). New York: Routledge. Hartz, Louis. 1955. *The Liberal Tradition in America*. New York: Harcourt, Brace & World.

6 Smith, Rogers. 1993. “Beyond Tocqueville, Myrdal, and Hartz: The Multiple Traditions in America.” *American Political Science Review*. 87 (3): 549-566.

the Declaration's principle of equality, rejecting the idea that the document, when written, contained a conception of universal, moral equality.

The perspective I take instead is suggested by the Declaration itself, when it declares that we should understand equality as self-evident. Self-evidence necessarily requires a set of shared background presuppositions within which a given truth that I state as obvious can appear as obvious to you. As Clifford Geertz has described, self-evident “common sense is not what the mind cleared of cant spontaneously apprehends”; rather, given truths appear self-evident only to a “mind filled with presuppositions.”⁷ That the colonists held certain truths to be self-evident is to say that such truths would have been obviously true to those living within the “imaginary common realm” operating in American colonial life at the founding.⁸ What was self-evident to them is hardly what would be, now, self-evident to us. The declarative nature of the text strengthens the view that this is a document that must be read in the context of its time: overall, the document asserts the truth of its facts and principles without inviting dialogue or questions, “impervious to demands for further justification,” and taking “a stance of insistence.”⁹ (Yaure 2018, 26, 31). Such declaratory statements of self-evident values necessarily rely upon a background cultural context in which to be legible or make sense; otherwise, the declaration is not a force but a farce.

Both the declarative nature of the text and the specific appeal to self-evident truths, I argue, indicates a methodological approach for understanding the meaning of the Declaration: to understand the meaning of the principles evoked requires grasping the circumstances, context, and intentions which produced them and give them meaning.¹⁰ The concept of self-evidence or

7 Geertz, Clifford. 1975. “Common Sense as a Cultural System.” *The Antioch Review*. 33 (1): 5-26. 15.

8 Rosenfeld, Sophia. 2011. *Common Sense: A Political History*. Cambridge, MA: Harvard University Press. 8.

9 Yaure, Philip. 2018. “Deliberation and Emancipation: Some Critical Remarks.” *Ethics*. 129 (1): 8-38.

10 In offering a contextualized account of equality in the Declaration, I join a tradition of rich contextualist histories of concepts ranging from freedom to common sense. See Rosenfeld, *Common Sense*. Foner, Eric. 1998. *The Story of*

common sense tells us that the principles of the Declaration are grounded concepts, concepts whose meanings cannot be deduced abstractly. To understand what equality meant in the Declaration, then, requires understanding the context and intent of the document's production. If we fail to contextualize our reading, we risk, as Quentin Skinner has memorably put it, writing histories of ideas that are merely “a pack of tricks we play on the dead.”¹¹ In this chapter, I look behind the current mythologization of the Declaration as a repository of moral equality; instead, I chart the context which grounds the concept and without which the meaning of the concept at its time of production is unintelligible or runs the risk of being misunderstood.

In an 1825 letter, primary author of the Declaration Thomas Jefferson observed that the document was “to be an expression of the American mind, and to give that expression the proper tone and spirit called for by the occasion.”¹² This colonial American mind, I argue, was dominated by two circumstances that drove both the act of declaring of independence and the broader meaning behind that declaration. First, colonists were engaged in a multi-decade legal dispute over 'English equality', a conflict over constitutional interpretation centered on the equal rights and privileges of metropole and colonial Englishmen. In other words, the declaration is a legal document embedded in a constitutional debate about whether a particular form of equality extended among geographically dispersed Englishmen. Second, the English equality under dispute was not a form of egalitarianism or moral equality, but the right to a certain hierarchical ordering of society defined by both exclusion and internal inequalities. The hierarchies of race, gender, class, and character which permeated both colonial and metropole society not only were uncontested during the dispute over English equality, these hierarchies in fact played a central

American Freedom. New York: W. W. Norton & Co. Rana, Aziz. 2010. *Two Faces of American Freedom*. Cambridge, MA: Harvard University Press. Skinner, Quentin. 2012. *Liberty Before Liberalism*. New York: Cambridge University Press.

11 Skinner, Quentin. 1969. “Meaning and Understanding in the History of Ideas.” *History and Theory*. 8 (1): 3-53. 14.

12 Letter from Thomas Jefferson to Henry Lee, May 8th, 1825.

role in generating revolution and were strengthened by independence.

These conclusions emerge from looking at the Declaration in a way that diverges from typical accounts in several regards. For one thing, I focus more heavily on the underemphasized colonial history leading up to the Declaration, rather than on developments that followed after it. In doing this, I presume that the document is a product of its history, rather than a radical break with it, a perspective which is particularly unorthodox within the scholarship on the Declaration. I also focus not merely on the citizen-subject dichotomy that scholars have shown defined colonial life but also at the character of hierarchy *internal* to colonial life, showing that egalitarianism defined neither the relations of citizens to outsiders nor the relations of citizens to one another. The colonial world was defined not by abstract principles of equality but by immemorial customs of exclusion, deference, and authority. Finally, following a recent and underappreciated thread of revisionist history, I center the story of independence in constitutional and social, rather than ideological or material, circumstances and disputes.¹³

In sum, the vision of equality in the Declaration is one that both aims at, and is grounded in, hierarchy. In rejecting the hierarchy of colonial and metropole subjects, the authors and signers of the Declaration drew on and reinforced other forms of hierarchical custom, and the inequalitarian nature of their revolution is exemplified in the rupture between those who have the performative privilege to declare independence and those who do not. To support these claims, I first describe the legal position of the colonies prior to the Revolution, offering an account of the

¹³ My focus on broad legal circumstances and related social and socio-legal customs means that I necessarily do not directly engage with a robust and long-running scholarly literature that seeks to source the “philosophy” of the Declaration in, for example, the Scottish enlightenment or Swiss political philosophy. Major works in these debates include Becker, Carl 1942. *The Declaration of Independence: A Study in the History of Political Ideas*; Boyd, Julian. 1999. *The Declaration of Independence: The Evolution of the Text*; White, Morton. 1978. *The Philosophy of the American Revolution*; Wills, Garry. 1978. *Inventing America: Jefferson’s Declaration of Independence*; Fliegelman, Jay. 1993. *Declaring Independence: Jefferson, Natural Language, and the Culture of Performance*; Jayne, Allen. 1998. *Jefferson’s Declaration of Independence: Origins, Philosophy and Theology*.

common understandings of colonial status and English constitutionalism, as embedded in the speeches and pamphlets of the day. I then more fully flesh out the idea of studying equality in context, before turning to an analysis of a large collection of state and local declarations of independence. The story of Jefferson and his drafting of the national declaration follows, with a particular emphasis on the revisions and changes made to his draft by others in Congress. Finally, I close by discussing the history of contestation around the meaning of the Declaration, and reflect on how the document itself encourages such democratic assertions and contestations of truths and principles – an assertion, as one Englishman put it, of “an unalienable right of talking nonsense.”¹⁴ Throughout, my central contention is that to understand the meaning of the idea of equality in the Declaration of Independence requires a contextualizing account of antecedent and hierarchical colonial society, law, politics, and relations to the metropole.

The English Constitution and Colonial Society

“America is a young country with an old mentality.”
– George Santayana, *The Genteel Tradition in American Philosophy*

Revolutions, Hannah Arendt wrote, are “inextricably bound up with the notion that the course of history suddenly begins anew, that an entirely new story, a story never known or told before, is about to unfold.”¹⁵ In simultaneously declaring a revolt and a new nation, the Declaration of Independence seems to announce a radical break in history. Yet, as I discuss in this section, scholarship on the history and law of the colonial and early revolutionary periods suggests that the Declaration was an act of conservation, not an act of rejection. Faced with a

14 As an anonymous Englishman put it: “how far they may be endowed with this unalienable right I do not yet say, but, sure I am, these gentry assume to themselves an unalienable right of talking nonsense.” Anonymous. 1776. “Thoughts on the late Declaration of the American Congress.” August. *The Gentleman's Magazine and Historical Chronicle*. Vol 46: 404.

15 Arendt, Hannah. 1990. *On Revolution*. Viking Press. 28.

changing British imperial and constitutional order, the colonists viewed independence as a way to maintain the status quo, which would be “preserved by [the] amputation” of the colonies from the metropole.¹⁶ This amputation was made to preserve the ancient English rights and freedoms enjoyed by the American colonists, including the hierarchical structures of citizenship, suffrage, and property rights which they had inherited and adapted from England.

Rather than a radical rejection of social hierarchy or a new affirmation of democracy and the rights of man, “the revolution that occurred in North America during the last quarter of the eighteenth century was the unintended consequence of a dispute about law.”¹⁷ In particular, it was a dispute between two camps about how to interpret the British constitution on the question of whether colonial legislatures – and thus, by extension, colonial citizens – possessed equal standing with the British Parliament. As James Madison emphatically put it in 1800:

“The fundamental principle of the Revolution was, that the Colonies were coordinate members with each other and with Great Britain, of an empire united by a common executive sovereign, but not united by any common legislative sovereign. The Legislative power was maintained to be as complete in each American Parliament, as in the British Parliament. [...] A denial of these principles by Great Britain, and the assertion of them by America, produced the Revolution.”¹⁸

On this dispute – about whether the English right to legislative sovereignty extended equally to the legislatures of English colonies – hinged a number of other issues of importance to the colonists, among them the maintenance of locally established social and political hierarchies, both internal and external to the polity. Given both the increasingly cosmopolitan British imperial project and the unique racial circumstances in British America, the right of the colonies to legislate without interference constituted a particularly English right to defend and retain a

16 Bradford, M.E. 1976. “The Heresy of Equality: Bradford Replies to Jaffa.” *Modern Age*. Winter: 62-77. 68.

17 Greene, Jack. 2011. *The Constitutional Origins of the American Revolution*. New York: Cambridge University Press. 1.

18 Madison, James. 1991. “The Report of 1800.” *The Papers of James Madison, Volume 17 (31 March 1797 - 3 March 1801)*. Eds. David Mattern, J. C. A. Stagg, Jeanne Crozz, and Susan Holbrook Perdue. Charlottesville: University Press of Virginia.

customary, existing way of life.

The legal conflict between the colonies and the metropole was grounded in a shared British constitutional tradition. “Unlike the American state and federal constitutions,” legal historian John Phillip Reid writes, “the British constitution was never written.” Instead, it was “an idea, a way of thinking and arguing about authority, an outline of governmental goals and principles derived from existing institutions, laws, and customs, and drawn by deduction from the patterns by which they functioned.” An instrument for structuring governmental power, “the unwritten British constitution was an apparatus of limitation, a restraint on command.”¹⁹ In defining the limits of government, the British constitution was grounded in a constellation of written documents like the Magna Carta (1215), the Petition of Right (1628), and the Bill of Right (1689), though it was also grounded in “commentary in treatises, essays, and judicial reports” that fleshed out the meaning and significance of those documents and their implication for what government could and could not do.²⁰

The single most important element of the unwritten British constitution, however, was the part which is most unfamiliar to the modern mind: the central role played by custom. The idea of custom was straightforward: whatever had been done in the community “from time immemorial” was considered legal and constitutional, and whatever had been abstained from was not constitutional.²¹ The established usages and norms of a community, if they endured over time, became part of constitutional limitations on government; custom was as central, if not more

19 Reid, John Phillip. 1995. *Constitutional History of the American Revolution*. Madison: University of Wisconsin Press. 3.

20 Hulsebosch, Daniel. 2005. *Constituting Empire: New York and the Transformation of Constitutionalism in the New World, 1664–1830*. Chapel Hill: University of North Carolina Press. 8.

21 Reid, *History*, 5. For more on ancient constitutionalism and English common law principles, see, among other works, Pocock, J. G. A. 1957. *The Ancient Constitution and the Feudal Law*. Cambridge, UK: Cambridge University Press; Pocock, J. G. A. 1960. “Burke and the Ancient Constitution: A Problem in the History of Ideas.” *Historical Journal*. 3 (2): 125-43; Strauss, David. 1996. “Common Law Constitutional Interpretation,” *University of Chicago Law Review*. 63: 877; Strauss, David. 2000. “Constitutions, Written and Unwritten.” *Law and Philosophy*. 21: 451; Sunstein, Cass. 2006. “Burkean Minimalism.” *Michigan Law Review*. 105: 353-408.

central, than the limits and rights articulated in written documents. In part, custom was more valued as constitutional principle because the survival of a custom proved, in an applied sense, its utility and even its popular consent. Custom is “the great support of all governments in the world”, Edmund Burke opined; it gives a “constitution made by what is ten thousand times better than choice, it is made by the peculiar circumstances, occasions, tempers, dispositions, and moral, civil, and social habitudes of the people, which disclose themselves only in a long space of time.”²²

The two most sacred rights of Englishmen under this custom-driven constitution – the two cornerstones of English liberty and corresponding limits on English government – were representation in Parliament of the nation's property holders and trial by jury.²³ The centrality of consent and representation were, in part, a product of the Glorious Revolution and the Whig thinkers opposed to the absolute monarchy of the Stuarts, like Algernon Sidney.²⁴ It was also, however, the product – as J. G. A. Pocock has detailed – of the creation among seventeenth century English legal and political thinkers of potent mythologies of the Anglo-Saxon past, notably the myth that perfect liberties were in existence under the ancient English constitution prior to the Norman Conquest in 1066.²⁵

22 Burke, Edmund. “Letter to the Sheriffs of Bristol (1777).” In *Edmund Burke: Selected Writings and Speeches*. 2017. Ed. Peter Stanlis. New York: Routledge. 246.; Burke, Edmund. “Speech on the Representation of the Commons in Parliament (1782).” In *Edmund Burke: Selected Writings and Speeches*. 2017. Ed. Peter Stanlis. New York: Routledge. 398.

23 See Care, Henry. 1721. *English Liberties; or The Free-Born Subject's Inheritance*. Boston, 5th edition. Accessed at <https://quod.lib.umich.edu/e/eebo/A33823.0001.001?view=toc>

24 Sidney deserves particular mention because his work was especially influential on the American founders. See Sidney, Algernon. 1698/2009. *Discourses Concerning Government*. Liberty Fund.

25 Pocock, J.G.A. 1975. *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*. Princeton: Princeton University Press. These liberties were grounded in both a general myth about the Anglo-Saxon freehold tradition and political culture, as well as specific historical moments and documents before and after the Norman Conquest, including the pledge of King Canute to govern by the Anglo-Saxon customs of Edgar, the promise of William the Conqueror to continue the laws of Edward the Confessor, and the coronation charter of Henry I (Reid, *History*, 17). On the general myth-making of Anglo-Saxon heritage, see Rude, George. 1964. *The Crowd in History*. New York: John Wiley and Sons. See also Horsman, Reginald. 1981. *Race and Manifest Destiny: Origins of American Racial Anglo-Saxonism*. Cambridge, MA: Harvard University Press..

These tenets of English constitutionalism were not secondary components in the political and legal self-conception of the colonists; they were central. For the English migrants settling in the new world, “the capacity to enjoy – to possess – the English system of law and liberty was [...] crucial to their ability to maintain their identity as English people and to continue to think of themselves and be thought of as English.”²⁶ Their charters and proprietary constitutions, as in Maryland for example, enshrined the idea that colonial law must be both “consonant to reason, and be not repugnant or contrary but (as near as conveniently may be) agreeable to the laws, customs, statutes, and rights of this our kingdom of England.”²⁷ Colonists thus traced their enjoyment of liberty back to their English legal traditions and English ancestry, venerating “a cultural tradition of self-rule that extended back to the ancient Saxons.”²⁸ American colonists saw themselves as inhabiting and enjoying a free English polity governed by an ancient constitution and grounded in time-honored customs.

The English constitution, however, was also defined by significant inequalities. The English freeholder tradition reserved citizenship only for those men who possessed substantial landed property, because “they alone were trusted to be independent and interested in the public good.”²⁹ English subject-hood was thus defined by “deeply ingrained, well-articulated, and legally sanctioned distinctions” and was understood to be “a selective entitlement.”³⁰ The majority of English, Scots, and Welsh were ineligible to vote; except in a few boroughs, both custom and statute limited voting to non-Catholic male real property holders, and even they

26 Greene, *Origins*, 8.

27 *Charters*, 1679-80, sec. VII; quoted in Hsueh, Vicki. 2010. *Hybrid Constitutions: Challenging Legacies of Law, Privilege, and Culture in Colonial America*. Duke University Press. 9.

28 Rana, *Two Faces*, 58.

29 Kann, Mark. 1998. *A Republic of Men: The American Founders, Gendered Language, and Patriarchal Politics*. New York University Press. 2.

30 Greene, Jack. 2016. “The Symbiotic Relationship between Liberty and Inequality in the Cultural Construction of Colonial British America and the United States: An Overview.” *American Political Thought*. Vol. 5. 549-566. 552.
Rozbicki, Michael Jan. 2011. *Culture and Liberty in the Age of the American Revolution*. Charlottesville: University of Virginia Press. 35.

were ineligible in some large boroughs – like Leeds, Manchester, Halifax, and Birmingham – that had not been given the franchise.³¹ Subject and conquered peoples, like the Irish, were merely given the options of submission or extermination.³² (Morgan 1975, 20). The English constitution was, consequently, defined as much by customary and statutory normative inequalities as by its emphasis on the ancient rights and liberties enjoyed by citizens. As a consequence, English subjects were “alike and equal,” as Judith Shklar put it, only in that “all are subjects to a sovereign” (1991, 32).

Both the liberty and hierarchy of the English constitution were imported to England's American colonies. The unique circumstances of colonization, however, led to the development of distinct customs and usages in the colonies. For one thing, land ownership was much more widespread in the colonies, leading to a wider dispersion of political and legal status and power. For another, American colonists had to adapt or even think beyond the English constitution to respond to the unique circumstances they faced: for instance, to facilitate territorial growth and continental mobility, naturalize new citizens, and structure slave codes.³³

Perhaps the most important constitutional custom which emerged in the particular context of the English colonies was the localization of power in colonial legislative institutions.³⁴

These legislatures varied markedly in their application of English law and their adaptation to

31 Reid, *History*, 46.

32 Morgan, Edmund. 1975. *American Slavery, American Freedom*. New York: W. W. Norton & Co. 20.

33 See Hulsebosch, *Constituting Empire*. Greene, “Symbiotic.” Kettner, James. 2005. *Development of American Citizenship, 1608-1870*. University of North Carolina Press. On the establishment of slave codes, for example, English colonists had to chart a new path forward, since English law gave them little guidance. As the preamble for the 1661 Barbados “Act for the Better Ordering and Governing of Negroes” put it, “there being in all the body of that [English] Law no track-to guide us where to walk nor any rule set us how to govern slaves, yet we well know by the right rule of reason and order, we are not to leave them to the Arbitrary, cruel, and outrageous wills of every evil disposed person.” I am indebted to Sean Butorac for directing my attention to this example.

34 “By the mid-eighteenth century,” writes Aziz Rana, “in the chartered colonies of New England the Crown possessed virtually no direct power, as the governor and the executive council were both elected.” Even in places like Virginia with Crown appointments of these positions, the colonies instituted representative bodies which had “plenary power to make colonial law so long as it coincided with imperial statutes and received metropolitan consent” (*Two Faces*, 48-49).

divergent local conditions.³⁵ Although proprietors and colonists were legally supposed to defer to the Crown, “in reality the monarchy had little oversight over the day-to-day activities in the colonies.”³⁶ Legal historian Mary Sarah Bilder describes colonial law and politics as an *imperium in imperio*, writing that the early colonial period was defined by “the centrality of the practice (and hence the problem) of the delegation of authority and the recurrence of developments that created dual authorities and then embraced their inherent tensions.”³⁷ Even following the Glorious Revolution of 1688 and the rise of Parliamentary supremacy in the metropole, “the metropolitan government never made a sustained effort to govern the colonies that was at serious variance with colonial opinion” until the middle of the 18th century.³⁸

By the 1760s, however, a new doctrine of Parliamentary sovereignty and a new understanding of empire was emerging in England. Attempts had been made by Crown ministers as early as the 1740s to tighten control over the colonies, but Parliament had not joined them, unwilling “to interfere with the jurisdictions of its sister parliaments, the colonial legislatures.”³⁹ After the conclusion of the Seven Year's War, however, “London's imperium had grown exponentially, extending from Indian Bengal to French Canada and transforming overnight into a global and culturally diverse effort in colonial administration.”⁴⁰ The new orientation toward empire was one of centralization, and Britain began instituting a clear two-

35 See Konig, David. 2008. “Regionalism in Early American Law.” In *The Cambridge History of Law in America*. New York: Cambridge University Press. 144-177.

36 Hsueh, *Hybrid*, 10.

37 Bilder, Mary Ann. 2008. *The Transatlantic Constitution: Colonial Legal Culture and the Empire*. Cambridge, MA: Harvard University Press. 64-65. Jurisdictional complexity, as Lauren Benton has argued, should in fact be seen as a defining characteristic of Western law after the twelfth century. “State sponsors of European overseas expansion,” she writes, “were far more accustomed to ruling over subjects with multiple political or corporate group loyalties than to asserting unqualified claims to sovereignty” (575). See Benton, Lauren. 1999. “Colonial Law and Cultural Difference: Jurisdictional Politics and the Formation of the Colonial State.” *Comparative Studies in Society and History*. 41: 563-88.

38 Greene, *Origins*, 21.

39 *Ibid.*, 62.

40 Rana, *Two Faces*, 14.

tiered hierarchy between “colonial” and “metropole” subjects. The “indeterminacy of the imperial constitution” left colonial subjects without a clearly defined civic position; only in two colonies – New York and Jamaica – had they been formally declared English citizens with English rights.⁴¹ Demoted from the status of Englishmen to the status of colonials, the equality of American colonists as English subjects was seriously threatened on a variety of fronts, including their rights to territorial expansion and property acquisition, as well as their rights to legislative representation and jury trial.⁴²

The first decisive indication that the colonists' equal status as Englishman was under attack came in 1765, with the passage of the Stamp Act by the British Parliament. The Act, which required a tax to be paid in the colonies on paper, dice, cards, licenses, and other printed materials, was the first internal tax imposed by Parliament on the colonies solely for the purpose of raising revenue. Even Lord Granville, the British Prime Minister, was uncertain if the tax was constitutional when he proposed it, while “opposition members [in Parliament] immediately protested that the proposed Stamp Bill would violate the customary constitutional right of the Americans to be taxed for revenue only by their own representative assemblies.”⁴³ Colonial legislatures had enjoyed uninterrupted sovereignty for long enough that serious legal claims could be made for their constitutional sovereignty on the basis of custom and precedential usage, to say nothing of their constituents' English rights to consent and representation as well as the explicit

41 Greene, *Origins*.

42 The British Proclamation of 1763, for instance, restricted colonial expansion and settlement, prohibiting the colonists from settling on land – or purchasing it from indigenous people – beyond a line drawn roughly down the Appalachian and Allegheny Mountains. This limited the scope of white colonial settlement to a compact territory along the Atlantic seaboard. See Frymer, Paul. 2014. “A Rush and A Push and The Land is Ours': Territorial Expansion, Land Policy, and U.S. State Formation.” *Perspectives on Politics*. 12(1). 121-124.

43 Greene, *Origins*. Reid, *History*, 32. Granville's efforts to deal with the constitutional challenge to the Act can be seen in the work of his deputy, Thomas Whately, to articulate and promote the idea of “virtual representation.” Whately argued that, just as many Britons who could not vote were not directly represented in Parliament but should still be considered virtually represented, so too were the American colonists virtually represented by a Parliament which would consider and represent their interests.

grants to such rights in some colonial charters and treaties.

Americans agreed with the opposition view, and vigorously rejected the constitutionality of the Stamp Act. The Virginia Resolves, passed by the House of Burgesses in 1765, were typical of the responses by colonial legislatures to the Act. The Resolves asserted that the settlers, their posterity, and all current inhabitants of Virginia possessed “all the Liberties, privileges, Franchises, and Immunities that have at any Time been held, enjoyed, and possessed, by the People of Great Britain [...] as if they had been abiding and born within the Realm of England.” Consequentially, Virginians had a right to be “governed by such Laws, respecting their internal Polity and Taxation, as are derived from their own Consent, with the Approbation of their Sovereign.” This included the right to “the Taxation of the People by themselves, or by Persons chosen by themselves to represent them,” since such a right was a “distinguishing characteristick of British Freedom, without which the ancient Constitution cannot exist.” In sum, the tax was held to be an unconstitutional assault on customary and chartered privileges. American colonists rejected it vociferously, for fear that any capitulation or even merely tepid rejection would be interpreted as allowing the establishment of a new custom and thus a new constitutional right of absolute Parliamentary sovereignty.

The organization and vigor of the American protest led to the repeal of the Stamp Act a year after its passage, but the repeal was a political rather than constitutional capitulation. To make the constitutional position of the colonists clear, the British repeal of the Stamp Act was accompanied by the passage of the Declaratory Act, which asserted that Parliament “had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America [...] in all cases whatsoever.”⁴⁴ Although

⁴⁴ The Declaratory Act was modeled on a similar act passed in 1720 which had declared Parliament's similarly absolute authority to legislate for Ireland in all cases whatsoever.

the conflict between Parliament, on the one side, and the colonial legislatures and citizens, on the other, took a variety of forms in the interval between the Stamp Act in 1765 and the Declaration of Independence in 1776, the central conflict, as Madison wrote, was a legal debate over the English constitution. Did the constitution prohibit Parliament from interfering with the customary and chartered English rights of colonists and colonial legislatures?⁴⁵ Or, as the British were coming to feel, did Parliamentary sovereignty reign supreme, with the constitution warranting that *any* act of Parliament was intrinsically constitutional?

In the debate over the meaning of the British constitution, the American colonists took the conservative side, defending the “ancient constitution” against what they viewed as the corruption and degradation of English liberties in Britain.⁴⁶ While under a shared sovereign monarch, the Americans viewed their legislatures as equal in stature and sovereignty to Parliament; after the Glorious Revolution, however, British Whigs were loathe to concede any understanding of the constitution which exalted the power of the Crown and diminished Parliament to a secondary and limited role. From a legal perspective, at least as reconstructed by contemporary legal historians, a case can be made for either the British or the American constitutional perspective.⁴⁷ What is certain, however, is that the debate over whether English

45 Influential tracts by James Wilson (*Considerations on the Nature and Extent of the Legislative Authority of the British Parliament*) and Thomas Jefferson (*Summary View of the Rights of British America*), both published in 1774, took the view that Parliament had no authority over either the external or internal affairs of the colonies.

46 On the conservative, even feudal, character of the American Revolution, see Wolin, Sheldon. 1990. *The Presence of the Past: Essays on the State and the Constitution*. Baltimore, MD: Johns Hopkins University Press. 128-129. On the obsession in the colonies with English corruption and decay, Bernard Bailyn recounts settler fears “that corruption was ripening in the home country, sapping the foundations of that most famous citadel of liberty,” which he argues motivated the drive for independence and the turn to republicanism. See Bailyn, Bernard. 1967. *The Ideological Origins of the American Revolution*. Cambridge, MA: Harvard University Press. 87; see also Pocock, *Machiavellian Moment*, 506–552. Ann Withington contributes to this point as well in her history of how the First Continental Congress drew up a code of moral conduct that banned English-identified vices. See Withington, Ann Fairfax. 1991. *Toward a More Perfect Union: Virtue and the Formation of American Republics*. New York: Oxford University Press.

47 See Reid, John Phillip. 1977. *In a Defiant Stance: The Conditions of Law in Massachusetts Bay, the Irish Comparison, and the Coming of the American Revolution*. University Park: Pennsylvania State University Press. See also Grey, Thomas. 1978. “Origin of the Unwritten Constitution: Fundamental Law in American Revolutionary Thought.” *Stanford Law Review*. 30. And Black, Barbara. 1976. “Constitution of Empire: the Case for the Colonists.” *University of*

colonists were equal to metropole Englishmen was intractable: as Lord Granville put it to Benjamin Franklin in 1757, “you Americans have wrong Ideas of the Nature of your Constitution,” to which Franklin rejoined that a “Subjection to Acts of Parliament” was “no part” of the colonies’ “original Constitution[s].”⁴⁸ Despite the active efforts of pamphleteers on both sides of the Atlantic, such views could not be reconciled.

What stands out in the debate over the English constitution is that, for the Americans, it was a case of identity: their identity as Englishmen, equal to Englishmen in England, was under attack. For them, it was a question of equality that struck at their very sense of themselves. The American “attempt to establish English law and the ‘rights and liberties of Englishmen’ was constant from the first settlement to the Revolution.”⁴⁹ As James Otis wrote in 1764, the settlement of America took place “not as the common people of England foolishly imagine, with a compound mongrel mixture of English, Indian and Negro, but with freeborn British white subjects.”⁵⁰ The emphasis on their status as equal Englishmen is omnipresent in colonial writings in the lead up to the revolution: the “liberties and privileges of English subjects” and an “Englishman’s inherent birthrights” demand “an exact equality of constitutional rights, among all His Majesty’s subjects, in the several parts of the empire.”⁵¹ “Are you not of the same [English] stock?” asked another pamphleteer in Pennsylvania. “Was the blood of your ancestors polluted by a change of soil? Were they freemen in England and did they become slaves by a six-

Pennsylvania Law Review. 124 (1157).

48 Granville to Franklin, quoted in Greene, *Origins*, 32; Letter of Benjamin Franklin to William Strahan, November 29th, 1769.

49 Dargo, George. 1974. *Roots of the Republic: A New Perspective on Early American Constitutionalism*. New York: Praeger. 58.

50 James Otis, *The Rights of the British Colonies Asserted and Proved*. Quoted in Rana, *Two Faces*, 70.

51 Richard Bland, *Colonel Dismounted*. In Bailyn, Bernard. 1965. *Pamphlets of the American Revolution*. Vol. 1. Cambridge, MA: Harvard University Press. 320; Carter, Landon. “Not to be Governed or Taxed But By ... Our Representatives: Four Essays in Opposition to the Stamp Act by Landon Carter,” 1969. *Virginia Magazine of History and Biography*. Ed. Jack Greene. 76: 259-300; Alexander Hamilton, *Farmer Refuted*, in Syrett and Cooke eds. *Hamilton Papers* I: 163.

weeks voyage to America?”⁵²

The emphasis on equality as Englishmen was contrasted to what colonial citizens perceived as the alternative: either they were English, with an English right to limits on the governmental power exercised over them, or they were slaves, subject to the arbitrary will of Parliament “in all cases whatsoever.”⁵³ As Samuel Adams put it in his response to the Stamp Act, the Act “strikes our British Privileges, which [...] we hold in common with our Fellow Subjects who are Natives of Britain [...] are we not reduced from the Character of free subjects to the miserable State of tributary Slaves?”⁵⁴ Slavery, for Adams and others, was synonymous with being subject to an absolute, arbitrary power; they understood it, and talked about it, in the same language as the seventeenth century Whigs had discussed the despotism of the Stuart monarchy. In point of fact, “the Americans of the 1770s and the English of the 1640s used similar modes of expression because they were appealing to the same seventeenth century [English] constitution of customary, prescriptive rights.”⁵⁵ From this perspective, it was the mere existence of unchecked power that made slavery, rather than any despotic exercise, for as Algernon Sidney put it, “he is a slave who serves the best and gentlest man in the world as well as he who serves the worst.”⁵⁶ It was not the experience of tyranny and abuse which colonists feared; it was the simple fact of

52 Anonymous. 1760. “A Letter to the People of Pennsylvania; Occasioned by the Assembly’s Passing that Important Act for Constituting the Judges of the Supreme Court and Common-Pleas During Good Behavior.” In Bailyn, *Pamphlets*, 270–71.

53 The threat of slavery was a central animating theme of the revolutionary era writings (Bailyn, *Ideological Origins*).

54 Adams, Samuel. “Instructions to Boston’s Representatives.” May 16th, 1764. Accessed at <http://www.samuel-adams-heritage.com/documents/samuel-adams-instructions-to-bostons-representatives.html>

55 Reid, *History*, xiii. Jacob Levy makes a similar point when he writes that “the American intellectual climate [of the founding] owed more to the Whiggish ancient constitutionalism of the seventeenth century” than to the “eighteenth-century turn in British constitutional thought” (203). Levy, Jacob. 2009. “Not So *Novus an Ordo*: Constitutions Without Social Contracts.” *Political Theory*. 37 (2): 191-217.

56 Sidney, Algernon. *Discourses Concerning Government*. For an excellent discussion of this perspective from within the broader English tradition, see Skinner, Quentin. 1998. *Liberty before Liberalism*. New York: Cambridge University Press. Skinner writes: “the essence of what it means to be a slave, and hence to lack personal liberty, is thus to be *in potestate*, within the power of someone else” (41). For a discussion of the long republican tradition, as characterized by a conception of freedom as non-domination, and modern applications of this idea to normative theorizing, see Pettit, Philip. 1999. *Republicanism: A Theory of Freedom and Government*. New York: Oxford University Press.

living under a power which had no limits, to which colonists could not say “thus far shalt thou go, and no farther.”⁵⁷

As Edmund Burke observed, however, the attentiveness, even paranoia, of the colonists to enslavement was not merely a Whig inheritance: it was also the product of living in a slave society, where freedom was seen “not only [as] an enjoyment, but a kind of rank and privilege.”⁵⁸ Contrasting freedom as English citizens to the experience of their slaves – and of colonial women – made colonial claims to equal standing as Englishmen feel particularly urgent.⁵⁹ There was a strong duality in colonial life between insiders and outsiders, and equally strong “interconnection between internal freedom and external subordination.”⁶⁰

Yet, it is important not to mischaracterize the English liberty sought by colonial citizens as a state of relative egalitarianism “nestled amid steep mountains of hierarchy.”⁶¹ Even among the relatively small group of propertied white men, colonials did not and “could not imagine a ‘rankless republic.’”⁶² English rights and liberties were not a state of license, but were part of a political and cultural system that included an emphasis on virtuous restraint in the exercise of freedom, hierarchies of class, as well as a complex balance between respect for law and legislative sovereignty, on the one hand, and “compliance with the great authority and extralegal prerogative of a few heroic men,” on the other.⁶³ This emphasis on virtue, restraint, and hierarchy was imported to the American colonies more or less intact from England. Gordon

57 Paine, Thomas. *Four Letters on Interesting Subjects*. Philadelphia: 1776. In *The Founders' Constitution*. Vol. 1, Ch. 17, Document 19. Chicago: University of Chicago Press.

58 Burke, Edmund. “Speech on Conciliation with the Colonies (March 22, 1775).”

59 Shklar, Judith. 1991. *American Citizenship: the Quest for Inclusion*. Cambridge, MA: Harvard University Press. For further discussion on this point, see Gundersen, Joan. 1987. “Independence, Citizenship, and the American Revolution.” *Signs: Journal of Women in Culture and Society*; see also Appleby, Joyce. 1992. *Liberalism and Republicanism in the Historical Imagination*. Cambridge: Harvard University Press.

60 Rana, *Two Faces*, 5.

61 Smith, “Beyond,” 550.

62 Kann, *Republic*, 2.

63 *Ibid.*, 129.

Wood, for instance, describes colonial society as defined by two ranks of propertied men, gentlemen and commoners, who were seen as having “different psyches, different emotional makeups, different natures” and “represent[ing] two orders of being.”⁶⁴ As freeholders with the rights of Englishmen, both classes were bound together in both equality and inequality “within traditional, complex hierarchies.”⁶⁵ Most founders – John Adams, Thomas Jefferson, Melancton Smith, among many others – believed that “the author of nature has bestowed on some greater capacities than on others – birth, education, talents, and wealth” and that the better endowed constituted a “natural aristocracy” who command “a superior degree of respect.”⁶⁶ This elitism was seen as both congruent with the rights of Englishmen and as essential to the operation of government.⁶⁷

In fact, a central preoccupation of the founders was how to assert equality with metropole Englishmen while simultaneously retaining both the hierarchies within the citizenry, and those between citizens and outsiders. While vigorous responses to the Stamp Act were necessary, they had too often descended to “rapacious violences with the pretext of zeal for liberty,” bewailed Jonathan Mayhew, who worried that citizens were losing “all sense of religion, virtue, and good order.”⁶⁸ John Adams similarly worried that the emphasis on equality between colonial and metropole Englishmen was being taken as a model, threatening all natural and desirable hierarchies between children and adults, masters and apprentices, white people and American Indians, and masters and slaves.⁶⁹ In response to this “democratic distemper,” the founders

64 Wood, Gordon. 1991. *The Radicalism of the American Revolution*. New York: Knopf. 27.

65 Kann, *Republic*, 23-24.

66 Smith, Melancton. 1788. “Address to the New York Convention.”

67 On the perceived necessity of elites in republican government, see Robbins, Caroline. 1961. *The Eighteenth-Century Commonwealthman: Studies in the Transmission, Development and Circumstances of English Liberal Thought from the Restoration of Charles II until the War with the Thirteen Colonies*. Cambridge, MA: Harvard University Press.

68 Mayhew, Jonathan. 1766. “The Snare Broken.” In Sandoz, Ellis. 1998. *Political Sermons of the American Founding Era*. Vol. 1. Indianapolis: Liberty Fund. 241.

69 Letter of John Adams to Abigail Adams, April 14th, 1776.

emphasized a manly hierarchy of virtue and talent, and “stigmatize[d] disorderly males and democrats as effeminate and childish.”⁷⁰

In short, the equality demanded in the American Revolution was not egalitarian: it was a demand by colonial citizens to be treated as Englishmen equal to those in England. Such English equality was not intended to touch either the hierarchies within the citizen body or the exercise of tyrannical power over slaves, indigenous populations, women, and disenfranchised men whose every day lives were “riddled with compulsion.”⁷¹ It was a limited claim, made in the context of a legal dispute over the meaning of the English constitution, a context which was self-evident to the men who made it.

Equality in Context

“Few discoveries are more irritating than those which expose the pedigree of ideas.”
-Lord John Acton, *The History of Freedom*

Drawing on this historical context, I want to advance three interrelated claims about the meaning of equality in the Declaration of Independence. First, the importance of custom and the common law tradition in the colonies provides strong empirical support for taking a contextualist methodological approach to studying the document. Given the way that unwritten law, social norms, and local customs took on the weight of statutory, constitutional law, no piece of legal writing from the era can be understood and interpreted without considering the broader context of its production and uptake. Second, the Declaration should be understood as a *legal* document: the final salvo in a long legal dispute over whether the British constitution understood colonial Englishmen to be equal in rights to metropolitan Englishmen. While developments in American

⁷⁰ Kann, *Republic*, 3.

⁷¹ Rana, *Two Faces*, 40.

constitutional form and citizenship came rapidly in the decades *after* the Declaration, I argue that, to understand the document, our interpretive focus should be on what came *before* the Declaration. From that vantage point, the Declaration is part of a long legal tradition of petition and contestation for 'English equality', an inegalitarian form of equality fundamentally defined by both internal and external hierarchies. Reading the document as both a product and continuation of this tradition contests canonical readings of the Declaration as a radical break with its circumstances or as an *ex nihilo* moment of democratic revolution. Third, any egalitarian interpretation of the Declaration must contend with the problem of authority. The performance of declaring American independence only works, so to speak, because those who do the declaring are invested with the privilege and authority to declare from within existing, inegalitarian colonial polities. The Declaration does not contest these hierarchies; in fact, it announces, relies on, and re-inscribes existing internal and external hierarchies, in the rupture between those who have the performative privilege to make the declaration and those who do not.

In this section, I build out the theoretical frame for these claims, while in the sections that follow I provide evidence for them by looking at the textual backdrop and editorial history of the Declaration, the other writings of its primary draftsman Thomas Jefferson, and the ninety-odd state and local declarations that preceded it. In focusing my analysis on what precedes the Declaration, I do not mean to contest the dynamic nature of the document in later American political culture, and I turn to this latter-day existence in the last two sections of this chapter. My central claim, however, is that it is inaccurate to read egalitarian meanings of equality back in to the document that emerged out of the Assembly Room at the Pennsylvania State House in July of 1776. At that moment, the meaning of equality in the document should be understood as distinctly inegalitarian. That such a conclusion might strike us as surprising or unconvincing is a

consequence of the tendency among political theorists to treat equality as an ahistorical concept with a timeless egalitarian meaning. As Teresa Bejan has observed in her study of English early modern conceptions of equality, it is “a modernist conceit that treats equality and hierarchy as antonyms while assuming the former must be prior, normative, and presumptively hostile to the latter.”⁷²

The concept of equality in the Declaration of Independence, then, is in need of a contextual and historicized treatment which focuses on “what its author[s], in writing at the time [they] did write for the audience [they] intended to address, could in practice have been intending to communicate by the utterance of this given utterance.”⁷³ As Skinner, J. G. A. Pocock, and other historians of ideas writing in the contextualist and *Begriffsgeschichte* traditions have long emphasized, the meanings of concepts change co-constitutively with shifts in their cultural, political, legal, and social contexts.⁷⁴ This is no less true of equality than other concepts like liberty or democracy. A specific meaning of equality was present in the late colonial period, a meaning which has been eclipsed by those which came after it. As scholars of the post-revolutionary period have shown, many concepts including equality underwent serious contestation and revision toward more democratic meanings in the early period of the American republic.⁷⁵ The Declaration preceded these shifts toward more egalitarian meanings of equality.

72 Bejan, Teresa. 2019. “Since All the World is mad, why should not I be so?” Mary Astell on Equality, Hierarchy, and Ambition.” *Political Theory*. 47 (6): 781-808. 783-784.

73 Skinner, “Meaning,” 49.

74 See Skinner, “Meaning”; Pocock, *Machiavellian Moment*; Skinner, Quentin. 1988. “Motives, Intentions, and the Interpretation of Texts.” In *Meaning and Context: Quentin Skinner and his Critics*. Ed. J. Tully. Cambridge: Polity Press. See also Richter, Melvin. 1995. *The History of Political and Social Concepts: A Critical Introduction*. New York: Oxford University Press, 1995.; Richter, Melvin. 1986. “Conceptual History (*Begriffsgeschichte*) and Political Theory.” *Political Theory*. 14(4): 604-637.

75 See Ball, Terence and J. G. A. Pocock. 1988. “Introduction.” In *Conceptual Change and the Constitution*. Eds. Terence Ball and J. G. A. Pocock. Lawrence: University of Kansas Press. See also Appleby, Joyce. 1984. *Capitalism and a New Social Order: the Republican Vision of the 1790s*. New York: New York University Press. A similar point about the emergence of new concepts of freedom in this era is made by Eric Foner in *The Story of American Freedom* who describes describes a transition in the early republic from freedom as a combination of Christian moral freedom and the rights inherent in freeborn Englishmen, to freedom as an abstract concept inhering in all people

Correspondingly, “the nature and range of things that could recognizably have been done by using [equality], in the treatment of that [document's] particular theme, at that particular time” is more limited than modern readers might expect.⁷⁶

The emphasis on contextualizing equality represents a paradigm shift in interpreting the Declaration; in particular, a paradigm shift for how to deal with the obvious interpretive difficulty of squaring the Declaration's pronouncement that “all men are created equal” with a society defined by inequality and dependent on chattel slavery. Previous attempts to deal with this problem centered on the word “men,” and presumed that the founders were operating with a circumscribed meaning of the word: that the word was not a stand-in for all people, not universal, but literal in referring only to men and, in point of fact, only to some men. Louis Hartz and Bernard Bailyn, among others, have assumed as much, and variations on this view have appeared even in more recent critical and revisionist accounts of the founding.⁷⁷ In such a reading, “equal” retains its intrinsic egalitarian meaning, and the historical contradictions are explained by its unfortunate pairing with an ascriptively hierarchical modifier, “man,” that bifurcates the polity into citizens, who are equal, and subjects, who are not. This reading, intentionally or not, retains the credal mythology of a liberal tradition of universal moral equality that is fully present, if not fully actualized, at the founding.

Focusing instead on a contextual reading of the meaning of equality in the Declaration is more appropriate. In fact, such a focus is methodologically necessary for two related reasons: first, because of both the common and customary law tradition in which the document is

independent of context or circumstances, a new “universal, open-ended entitlement” of all people equally (15). Foner quotes Edmund Burke, who in the early Revolutionary period assured Parliament that Americans “are therefore not only devoted to liberty, but to liberty according to English ideas, and on English principles. Abstract liberty, like other mere abstractions, is not to be found” (13).

⁷⁶ Skinner, “Motives,” 77.

⁷⁷ Hartz, *Liberal Tradition*; Bailyn, *Ideological Origins*; Rana, *Two Faces*; Smith, “Beyond”; Greene, “Symbiotic”; Nelson, Eric. 2014. *The Royalist Revolution*. Cambridge, MA: Harvard University Press.

centrally embedded, and second, because of its own related reference to the authority of self-evidence or common sense. I have already described the centrality of custom to the English ancient constitution – the “immemorial usage[s]” which “demonstrated the 'consent' of generations” – and how such unwritten norms and customs had the force of constitutional law in limiting government power and delimiting the rights of Englishmen.⁷⁸ The Declaration's reference to common sense, in the form of self-evident truths, is an appeal to precisely this important shared and “relatively organized body of considered thought” – in other words, to the precepts of custom.⁷⁹ Custom and self-evident truths – what Sophia Rosenfeld calls *les usages commun* – occupy a realm of unwritten but shared understandings: things which are tacitly understood by all those within a given cultural system, and which shape their understanding of written documents and codified law.⁸⁰

Two elements of colonial custom are worth explicitly gesturing to at this point. The first is the universally shared and understood colonial conception of English constitutional law, as it related to the rights and standing of Englishmen and the colonial claims to such standing. John Phillip Reid describes how colonial authors “as far apart as New Hampshire and Georgia, and not in contact with one another, used similar language to enunciate similar principles and responded uniformly to perceived political dangers,” and I find similar uniformity in the state and local declarations of independence.⁸¹ It is clear that, after 1765, the colonists were engaged in an ideological battle over their shared vision of constitutional law, including the right to local legislative sovereignty, corresponding equal standing as a people under the crown, and their sense that local customary and statutory norms had been in place long enough to take on the

78 Reid, *History*, 53.

79 Geertz, “Common Sense,” 7.

80 Rosenfeld, *Common Sense*, 8.

81 Reid, *History*, xi.

force of constitutional law for the empire. The second important element of colonial custom was the centrality and acceptance of social and political hierarchy: both those hierarchies of race, gender, and class which bifurcated the polity into citizens and subjects and, importantly, those hierarchies accepted and even celebrated *within* the citizen body along lines of property, family, religion, and virtue. Although these customs were often codified in statutes – like those regulating naturalization, setting criteria for suffrage or officeholding, or establishing slave codes – they were no less influential in areas where they remained informal and unwritten.

These two elements of colonial custom both produced, and endured beyond, independence. As Hannah Arendt has observed, the Declaration “dissolved nothing more than the charters granted the colonists and those privileges they enjoyed by virtue of being Englishmen” and did not touch the colonial legislatures or the “numerous compacts, agreements, mutual promises, and ‘cosociations’” that defined colonial political life.⁸² This reality of enduring social customs can be hard to see behind the mythology of the revolution as a moment where the world is entirely remade, the myth (enshrined on the Great Seal of the United States) that the new nation represents a *novus ordo seclorum*, a new order of the ages. In his important essay on constitutionalism, “Not so *Novus an Ordo*,” Jacob Levy describes how moments of founding, set in a social contract discourse that characterizes them as radically new, often elide the reality that they are in fact “enacted in ongoing societies (whether newly politically sovereign or otherwise) with preexisting laws and legal systems, political organizations, cultural and linguistic and religious divisions, and norms and mores” which shape, and survive into, the so-called new world.⁸³

A broad failure to recognize this fact – that revolutions are the children, not the

⁸² Arendt, *On Revolution*, 180-181.

⁸³ Levy, “*Novus*”, 192.

murderers, of the world that generated them – is reflected in one of the central preoccupations of theorizing about the Declaration of Independence: the problem of authority. This problem, which has also been termed a problem of constituent moments, has roots in Rousseau and Kant, among others, but is first clearly articulated in relation to the Declaration by Hannah Arendt in *On Revolution*.⁸⁴ For Arendt, the American founding represents a moment of natality, a completely new political beginning “not bound into a reliable chain of cause and effect,” a moment that is “thrown out of the temporal order and its continuity.”⁸⁵ Given the radical contingency and instability of this political moment, the revolutionaries, on Arendt's account, sought fearfully to ground their actions and new nation in reference absolute authorities, like “the Laws of Nature and of Nature's God” and “the Supreme Judge of the world,” which would both authorize and stabilize the new world. In Arendt's view, however, the glory of the American founding is that the authority for the Declaration of Independence actually comes from the document itself, which is performative: when the authors come together politically, make promises to one another, and freely declare independence, they constitute the authority for the act *through* the act itself.⁸⁶ For Arendt, as Bonnie Honig (1991) rightly observes, only performative actions are truly political and thus a source of durable authority; moreover, it is the performative nature of the founding, for

84 This problem of authority has generated a sizable body of literature in political theory devoted to unraveling (or leaning into) its paradoxes and considering its consequences for democratic theory. Much of this literature expands the field of view beyond putatively “foundational” or revolutionary moments to consider the implications of, for instance, invoking or speaking for the people in an ongoing sense. For a sampling of this literature beyond Arendt, Derrida, Honig, and Frank, see Bernal, A. M. 2017. *Beyond Origins: Rethinking Founding in a Time of Constitutional Democracy*. Oxford: Oxford University Press.; Colón-Ríos, J. 2014. “Five Conceptions of Constituent Power.” *Law Quarterly Review*. 130: 306–336.; Kalyvas, A. 2005. “Popular Sovereignty, Democracy, and the Constituent Power.” *Constellations*. 12: 223–244.; Loughlin, M. 2014. “The Concept of Constituent Power.” *European Journal of Political Theory*. 13: 218–237.

85 Arendt, *On Revolution*, 206.

86 As will be implied in the criticisms of Arendt's view below, such a performance only works, so to speak, if those who are speaking have the right and privilege to make the utterances. Like the chair of a meeting who says “I call this meeting to order,” only certain people have the right and power to make such statements which are binding on all participants, an example Austin uses. If others make the utterance, nothing happens; no meeting comes to order, no new nation is founded. This is the essence of how a problem of authority inheres in a performative speech act.

Arendt, that has “assured stability for the new republic.”⁸⁷

Honig suggests, however, that what appears to be a performative speech act is at least partially just a statement of how things already are; that is, that the Declaration is at least partially a constative rather than performative utterance.⁸⁸ For Honig, Arendt's performative politics begs the question of authority because it inadequately accounts for the shared practices of political action – specifically, the prior existence of a “community of promisers” with shared practices of promise-making – that ground it. “The stability,” as Honig puts it, “is coming from somewhere else, possibly from something external to action's purely performative speech act.”⁸⁹ Jacques Derrida sounds a related chord of skepticism when he observes that while “the 'we' of the declaration speaks 'in the name of the people,'” this presents a paradox because, before the Declaration is signed and pronounced, “this people does not yet exist.”⁹⁰ To Derrida's mind, the “we” is brought into being *by* the performance, and so cannot serve as a prior point of authority *for* the performance.⁹¹ Characterizing the Declaration as a performative utterance cannot, to

87 Honig, Bonnie. 1991. “Declarations of Independence: Arendt and Derrida on the Problem of Founding a Republic.” *American Political Science Review*. 87 (1): 97-113. 99.

88 I follow J. L. Austin in using these terms to distinguish these types of speech. See Austin, John Langshaw. 1975. *How to Do Things with Words*. Cambridge: Harvard University Press.

89 Honig, “Declarations,” 103, 104. While Arendt reads the “We hold” as a performative utterance, it seems clear to me that this statement is necessarily constative. “We hold” is a statement that describes and announces in the present moment the sum of things which the past has *already* made true; it performs only in the sense that it publicizes an existing fact. “We hold the titles to several properties” is an expression of a state of things in the current moment which is a product of past purchases and investments; the important actions are past actions, completed actions. Similarly, to say that “we hold strong beliefs in a benevolent god” is to refer to an existing state of affairs in one's religious life, not to make a previous non-existent belief suddenly true through a statement of piety. The statement “we hold,” as opposed to “I hold,” makes the past even more central, for it implies a previous moment of agreement – previous actions – now being announced. If I announce that I hold a certain belief, it could be unknown to the listener when I arrived that conviction – in the present, in stating it, or in the past – but to speak on behalf of a “we hold” is to have already ascertained the views or position of others at some point prior. Publicizing an action might or might not cause a reaction in someone outside the “we” – and in this sense is a perlocutionary speech act, a point made by Homninh – but does not, in Arendt's sense, bring a fact into existence simply by stating it. This point has not been made, to my knowledge, in the literature on the Declaration, but seems germane to the broader point under consideration: the characterization of the revolution as a performative moment where something *new* is made which then faces an intrinsic problem of authority or authorization. See Homninh, Yarran. 2016. “Re-Reading the Declaration of Independence as Perlocutionary Performative.” *Res Publica*. 22 (4): 423–44.

90 Derrida, Jacques. 1986. “Declarations of Independence.” *New Political Science*. 7 (1).

91 In an interesting sense, Derrida is echoing a point made two centuries earlier by Jeremy Bentham, who pondered

borrow Jason Frank's words, resolve “the logically prior and more painfully ambiguous question of *who* constitutes the authorizing and consenting people in the first place” – in other words, on what basis the particular subset of the people who are the authors claim the authority to declare independence for all.⁹²

Yet it strikes me that, at least in the context of the Declaration of Independence, the problem of authority is a product of a mistaken characterization: the characterization of the revolution as the birth of a *novus ordo seclorum*. Far from a people who “does not exist yet” or a non-existent “community of promisers,” the Declaration is enacted from within a well-understood and existing community who share a deep well of customs and norms and who have several generations of experience in shared self-governance – in promise-making – through township meetings and colonial legislatures. If the declaration needs a *prior* point of authorization, a community and set of political practices which is outside the revolutionary moment, colonial America is not lacking for one. It is precisely this authority as a people which the colonists have already forged and asserted, if in vain, under a federative British empire: the right to a legislative *imperium in imperio*. In the same sense that, as Arendt acknowledges, the colonists “thought they were merely revolving back to an ‘early period’ in order to retrieve ancient rights and liberties,” they already existed as a people legitimated by their own immemorial customs and practices.⁹³ If we understand the revolution as an act of conservation and preservation, the problem of authority ceases, at least, to be a paradox; the authority for the act is, in the Burkean sense, not

this question of authorization for nationhood: “When is it, in short, that a revolt shall be deemed to have taken place, and when [...] is it that that revolt shall be deemed to such a degree successful, as to have settled into independence?” (*Fragment on Government*, April 1776; quoted in Armitage, David. 2008. *The Declaration of Independence: A Global History*. Cambridge, MA: Harvard University Press. 81.)

92 Frank, Jason. 2010. *Constituent Moments: Enacting the People in Postrevolutionary America*. Durham, NC: Duke University Press. 2.

93 Arendt, *On Revolution*, 198.

constructed after any theory, but rather unmade and immanent.⁹⁴

Such a naturalization of authority, while resolving one problem, clearly carries its own risks and dangers. It presents those who have the authority to speak as a 'natural aristocracy': they possess an authority justified not by hereditary descent but by immemorial norms of gender, race, property, virtue, and education, standards which are themselves an uncriticized and arbitrary inheritance. Deference to existing hierarchies was not, to be fair, absolute during the revolutionary period, but it would be wrong to underestimate the degree to which the symbiosis of custom and representation powerfully naturalized and justified the exclusion of large number of people from the innermost circle of civic participation.⁹⁵ The very emphasis on customary and common law which was powerful enough to eventually demand a revolution in its defense was also at play in the selective authorization of those who would have the performative privilege to declare that revolution. The success of the revolution and the mythologization of the founding has served as a post hoc justification for that authority, implicitly strengthening the hierarchical ordering on which it rested. All the veneration of the Declaration and the founders is necessarily, even if only implicitly, a veneration of the inegalitarian world that authorized and made that moment possible. This, again, is a powerful and important piece of the much wider context against we have to read the Declaration's invocation of equality.

94 See Burke, Edmund. *Reflections on the Revolution in France*.

95 One interesting example of contestation – and of the powerful forces of conformity, shaming, and ostracization it faced – comes from Barnstable, Massachusetts, which voted by a narrow margin as a town not to support independence; it is the only town for which a record of dissent remains. The people of Barnstable did not publish their loyalist views, however, and we only know of their dissent because twenty three members of the pro-Independence faction published a scathing rebuke of their fellow citizens. Such loyalist views were fundamentally outside the vocalized public discourse or norms of civility. That those who rejected orthodox views on constitutional and political questions were viewed as fundamentally outside the polity is also confirmed in accounts like that of Withington's (1991), when she writes that “a profligate patriot or duplicitous Tory might be degraded and marginalized by being handcuffed to a black man for a period of time or by being publicly whipped by a black man before being banished from the vicinity. (Withington, Ann Fairfax. 1991. *Toward a More Perfect Union: Virtue and the Formation of American Republics*. New York: Oxford University Press.)

State and Local Declarations

In the months leading up to the Declaration of Independence issued by the Second Continental Congress, nearly one hundred prior declarations were made by colonial legislatures, counties, grand juries, townships, cities, army battalions, and unions proclaiming, urging, instructing, arguing for, or promising to support American independence.⁹⁶ The colonial legislatures included such declarations as part of their instructions to their delegates, while the counties and cities included them as part of their instructions to their representatives in the legislatures. In Massachusetts, the state legislature solicited the opinions of the towns on independence, which prompted some towns to issue fully reasoned declarations. In other cases, the declarations appear to be unsolicited shows of enthusiasm for a new American republic, as in the Philadelphia battalion of militia who concluded its declaration by recording that “all present showed their hearty approbation of the whole transaction by three huzzas.”⁹⁷

Despite the disparate contexts of their authorship, these declarations show a remarkable consistency in emphasis. While a number merely state the wisdom of independence and the willingness of the authors to support such independence with their lives and fortunes, nearly all the declarations of any length share some basic similarities: for instance, they prioritize offering both a factual justification for independence and an abdication of colonial agency or responsibility. The facts and grievances offered closely mirror those that would come to be offered in the national declaration, including the passage of the Declaratory act, the presence of a standing British army, the dissolving of colonial legislatures, the levying of taxes without consent,

96 Pauline Maier introduced the existence of these declarations in her history of the Declaration, *American Scripture*, and printed several as an appendix to that book. I and a research assistant have manually compiled the remainder – ninety in total – from the records of Maier's archival work and our own research. Maier, Pauline. 1998. *American Scripture: Making the Declaration of Independence*. Vintage Books.

97 Associators, 4th Battalion, City and Liberties of Philadelphia. Untitled. Force, ed. *American Archives*. VI: 785-86 as printed in *Pennsylvania Gazette*, June 12th, 1776.

“prompting our Negroes to rise in Arms among us,” and inciting “the savages of this country to carry on a war against us.”⁹⁸ At the same time, the declarations take great pains to assert that the colonies, after repeated and patient petition, have been forced into independence by the commencement and continuation of violent hostilities by the King and Parliament. Independence has been thrust upon them, they write, though it is also justified by the grievous actions of Britain.

In justifying independence, these local and state declarations united in using the language of arbitrary power and slavery to describe the position of the colonists and the intentions of the metropole. Britain, Connecticut's legislature wrote, was endeavoring to “subject our property to the most precarious dependence on their arbitrary will and pleasure, and our persons to slavery” while Maryland accused the British of having a “determined and inexorable resolution of reducing these Colonies to abject slavery.”⁹⁹ Many of the legislatures complained of British support for the “arbitrary Government in the Province of *Quebeck*” and intimated that it sought to extend such arbitrary rule to the American colonies.¹⁰⁰ Similar sentiments prevailed in the townships and counties, who decried the “the despotick plan adopted by the King, Ministry, and Parliament of Great Britain [...] to enslave America” and argued that Britain herself, by accepting the actions of her government, had become a “kingdom of slaves” who wished to spread their “contagion of venality and dissipation” and “lawless domination.”¹⁰¹ Most of the declarations explicitly mentioned the Declaratory Act's assertion of Parliament's right to legislate

98 Virginia. “Preamble and Constitution.” Ed. Julian Boyd. 1950. *The Papers of Thomas Jefferson*, I. Princeton, NJ. 377-79. 378; Pennsylvania. “Instructions to the Provincial Conference.” June 24th, 1776. Force, ed. *American Archives*. VI: 962-63. 963.

99 Connecticut, “Instructions.” June 14th, 1776. Force, ed. *American Archives*. VI: 867-68. 868; Maryland, “A Declaration.” July 6th, 1776. Force, ed. *American Archives*. VI: 1506-1507. 1506.

100 Maryland, “A Declaration.” July 6th, 1776. Force, ed. *American Archives*. VI: 1506-1507. 1506.

101 Charlotte County, Virginia. “Instructions to Provincial Conventions or Assemblies.” April 23rd, 1776. Force, ed. *American Archives*. V: 1034-35. 1034; Malden, Massachusetts. “Untitled.” May 27th, 1776. Force, ed. *American Archives*. VI: 602-603.

for the colonies in all cases whatsoever. This British attempt to exercise “arbitrary Sway” over the colonies, wrote the committee members of Cumberland County, Virginia, was “unknown to the Constitution.”¹⁰²

The link between slavery and the unconstitutionality of British action was also common across the declarations. Most asserted that Britain had “endeavoured to subvert the Constitution of this country,” or had been “wholly subversive” of it; a very full meeting of the inhabitants of Palmer, Massachusetts at the local public house produced an announcement that Britain had entirely “overthrown the constitution.”¹⁰³ Declarations from state legislatures were no less direct, unflinchingly asserting that British actions in America had violated their shared English constitution. Pennsylvania's legislature declared that Britain was in “violation of the principles of the *British* constitution,” while Connecticut asserted that “the King and Parliament of *Great Britain*, by many Acts of said Parliament, have claimed and attempted to exercise powers incompatible with and subversive of the ancient, just, and constitutional rights of this and the rest of the *English Colonies in America*.”¹⁰⁴ In South Carolina, Judge William Henry Drayton offered a detailed analysis of the congruence between the constitutional violations of King James that led to England's Glorious Revolution, and the constitutional wrongs suffered by American colonists which should lead to their analogous revolution; Drayton argued that “the same principle of law, touching the premises, equally applies to the People of *England* in the one case, and to the People of *America* in the other.”¹⁰⁵ The attention to constitutional rights, include the right of legislative

102 Cumberland County, Virginia. “Instructions to Provincial Conventions or Assemblies.” April 22nd, 1776. *Virginia Magazine of History and Biography*. XXXIV (1926), 184-86. 184.

103 “Judge Drayton's Charge to the Grand Jury of Charlestown, South Carolina.” April 23rd, 1776. Force, ed. *American Archives*. V: 1025-32. 1028; Scituate, Massachusetts. Untitled. June 4th, 1776. Force, ed. *American Archives*. VI: 699-700. 700; Palmer, Massachusetts. Untitled. June 7th, 1776. Force, ed. *American Archives*. VI: 701-02. 701.

104 Pennsylvania. “Instructions to the Provincial Conference.” June 24th, 1776. Force, ed. *American Archives*. VI: 962-63. 962; Connecticut, “Instructions.” June 14th, 1776. Force, ed. *American Archives*. VI: 867-68. 867. Emphasis in originals.

105 “Judge Drayton's Charge to the Grand Jury of Charlestown, South Carolina.” April 23rd, 1776. Force, ed. *American Archives*. V: 1025-32. 1029.

sovereignty, turned to positive prescription in the state legislative declarations, which all reminded Congress that they would support independence only so long as “the regulation of our internal police [and affairs] be under the direction of our own Assembly.”¹⁰⁶

While most declarations confined themselves to a recounting of grievances and some constitutional analysis, a small minority peppered their declarations with philosophical pronouncements. One grand jury wrote about how laws ought to protect “sacred and unalienable rights,” while another opined that, generally speaking, “when a people, born and bred in a land of freedom and virtue” become “convinced of the wicked schemes of their treacherous rulers,” it was clear that “justice, humanity, and the immutable laws of *God*, justify and support them in revoking those sacred trusts.”¹⁰⁷ These references to general principles of natural rights or natural law, however, were by far the exception rather than the rule; when they appear, they primarily refer back to the “eternal laws of self-preservation” which were evoked to justify the actions of any people, under attack, to defend themselves.¹⁰⁸

What is strikingly absent from all ninety declarations is any reference to a general equality of man.¹⁰⁹ This sentiment does not make an appearance in any of the declarations. In one instance, South Carolinians describe how, in the relations between Britain and her colonies, “tyranny, violence, and injustice, took the place of equity, mildness, and affection,” but this reference is clearly to corporate equality between England and her English colonies.¹¹⁰ In part,

106 New Hampshire. “Instructions.” June 15th, 1776. Force, ed. *American Archives*. VI: 1030. 1030.

107 Georgetown, South Carolina. Untitled. May 6th, 1776. Force, ed. *American Archives*. V: 1205-06. 1205; Cheraws District, South Carolina. Untitled. May 20th, 1776. Force VI: 514-15. 514.

108 Virginia. “Instructions.” May 15th, 1776. Force, ed. *American Archives*. VI: 461-62. 461.

109 Also notable in the state and local declarations is the general absence of the explicit influence of ideas like those of Thomas Paine found in his widely read pro-revolutionary pamphlet, *Common Sense*, published in the same year. Neither Paine's emphasis on equality and democracy, his criticism of the British Constitution as a form of government, nor his belief that the colonial revolt was the “birthday of a new world” are echoed in any of these declarations. Paine, Thomas. 1776. *Common Sense*. In *The Writings of Thomas Paine, Collected and Edited by Moncure Daniel Conway* (New York: G.P. Putnam's Sons, 1894). Vol. 1. <https://oll.libertyfund.org/pages/1776-paine-common-sense-pamphlet>

110 Cheraw's District, South Carolina. Untitled. May 20th, 1776. Force, ed. *American Archives*. VI: 514-15; 514.

the absence of equality talk could be read as a consequence of the character of both the authors and the recipients of these declarations: largely, they were instructions from one set of elites to another on how to act on the subject of independence. Yet, nearly all of these declarations were also published in newspapers of wide circulation, like the *Pennsylvania Gazette* and the *Virginia Gazette*, where they appeared alongside advertisements for artesian wells and offers of rewards for the recovery of runaway slaves, servants, and horses. In other words, the declarations were also written as pieces of persuasion for general public consumption. That none should reference the idea that, as the Virginia Declaration of Rights put it, “all men are by nature equally free and independent” is especially notable given that the Declaration of Rights was circulating in these newspapers at around the same time as the state and local declarations of independence.¹¹¹

What seems clear is that abstract or philosophical statements about the equality of man were not animating the broader collection of American declarations of independence. Given how similar these documents are in other respects to the national declaration, the omission is notable. In other words, in the lead up to July 1776, these documents offer strong proofs that the American mind was not moved to independence by ideas of moral or natural equality; other considerations about constitutional rights and arbitrary power, however, were central.

The other thing which this collection of documents reveals is that the citizen body engaged in considering the question of independence was highly circumscribed. The declarations of the state legislatures were, of course, produced by the representatives in those bodies: an elite group that was entirely white and male, and who were qualitatively distinct from their constituents.¹¹² In the counties, the declarations were made by committees or other local elites

111 The first publication of the draft of the Virginia Declaration of Rights that I have been able to find was published in the *Virginia Gazette* on June 1st, 1776.

112 On the relationship between constituents and colonial state legislators, see Olson, Alison. 1992. “Eighteenth-Century Colonial Legislatures and Their Constituents.” *The Journal of American History*. 79 (2): 543-567.

with the approbation and support of local freeholders, including the “freeman of *Charles County*,” “part of the freemen of the said [Talbot] County,” and “the freeholders of *James City*,” who were “desirous of expressing their sentiments.”¹¹³ The cities and towns also typically describe the signatories of their declarations as the local freeholders, sometimes also including, as in Boston and Watertown, other inhabitants “Qualified to vote in the Choice of Representatives” for the state legislature in Massachusetts.¹¹⁴ In Lynn, Massachusetts, the freehold qualifications for signing were spelled out in their declaration as “an Estate of Freehold in Land Within this Province or Territory of Forty Shillings Per Annum at the Least or other Estate to the Value of Forty Pounds Sterling.”¹¹⁵

There were, however, a number of small towns and at least one county whose declarations made a point of claiming to speak for a broader slice of the population. On June 7th, 1776, the colonial legislature in Massachusetts passed a resolution seeking the opinion of the towns and cities of the colony on the question of independence. In response to this request, nearly three dozen towns in Massachusetts issued public declarations in favor of independence. Nearly all used roughly the same boilerplate language to announce their support: “the town unanimously voted that if the honorable congress shall declare the colonies independent of Great Britain, the inhabitants will solemnly engage to support it in that measure with their lives and fortunes.”¹¹⁶ Two points stand out in these declarations: the reference to inhabitants rather than freeholders, and the assertion of unanimity.

113 Charles County, Maryland. “Instructions to Provincial Legislatures or Assemblies.” No date. Force, ed. *American Archives*. VI: 1018-19. 1018; Talbot County, Maryland. “Instructions to Provincial Legislatures or Assemblies.”

No date. Force, ed. *American Archives*. VI: 1019-21. 1019; James City County, Virginia. “Instructions to Provincial Legislatures or Assemblies.” April 24th, 1776. Force, ed. *American Archives*. V: 1046-47. 1046.

114 Watertown, Massachusetts. *Watertown Records*. May 20th, 1776. VI (Newton 1928). 139.

115 Lynn, Massachusetts. *Records of ye Town Meetings of Lyn*. May 21st, 1776. Lynn, MA. 1971: 38-39. 38.

116 Dedham, Massachusetts. Untitled. May 27th, 1776. In Erastus Worthington, *The History of Dedham*. Boston, 1827. 67.

Inhabitants was not merely a synonym for freeholders in these declarations, as some towns explicitly asserted that their declarations reflected the will, for instance, of both the “freeholders *and* inhabitants of Tyringham” or the “freeholders and other inhabitants of the Town of *Alford*.”¹¹⁷ The use of the language of inhabitant is clearly intended to capture the whole of the populace in a given area, not merely freeholders or others who are enfranchised. The pairing of the language of inhabitation with the assertion of unanimous support for the declaration gives the sense, however, that these statements are not accurate tallies of public opinion so much as politically motivated generalities. When, as in Charlotte County, Virginia, the declarations announced “the unanimous approbation and direction of the whole freeholders, and all the other inhabitants of this County,” it is clear that this was rhetorical and cannot plausibly be taken as a careful tally of all opinions in the county.¹¹⁸ Thus, while these declarations appear to be cognizant of the political power of such democratic claims, they cannot be taken as evidence that the local declarations actually reflected widespread consultation with the opinions of the populace.

Indeed, in one particularly telling case, it is clear that the opinion of the broad populace on the question of independence is not even considered particularly desirable. On May 29th, the General Committee of Mechanics in Union in New York City issued a declaration addressed to the New York legislature in which they claimed, “as a part of your constituents,” the right to make a “humble address” on the subject of independence. The members of the union did not want to become the “slaves” of Britain “and be taxed by them without our consent” and, urging independence to be declared, they “sincerely promise[d] to endeavour to support the same with

117 Tyringham, Massachusetts. Untitled. June 7th, 1776. Force, ed. *American Archives*. VI: 700. 700; Alford, Massachusetts. Untitled. June 7th, 1776. Force, ed. *American Archives*. VI: 701. 701.

118 Charlotte County, Virginia. “Instructions to Provincial Conventions or Assemblies.” April 23rd, 1776. Force V: 1034-35. 1035.

our lives and fortunes.”¹¹⁹ Six days later, New York's Provincial Congress published a reply to the union, which while acknowledging the members to be “warmly attached to the cause of liberty,” continued:

We flatter ourselves, however, that neither that association, nor their Committee, claim any authority whatsoever in the publick transactions of the present times; but that, on the contrary, they will ever be ready to submit to that constitutional authority which, by a free election, has been vested in Congress and Committees. [...] We are of opinion that the Continental Congress alone have that enlarged view of our political circumstances, which will enable them to decide upon those measures which are necessary for the general welfare.¹²⁰

To the assembly, their rejection of democratic voice and their support of the hierarchical structure of authority and power was both constitutionally justified and normatively desirable to best secure public welfare. The mechanic's union was one of only a small number of private organizations to offer their declaration in favor of independence, suggesting that the legislature's negative view of their interference was widely shared in the colonies.

Indeed, another noteworthy unifying feature of these local and state declarations is the respect for, and deference continually shown toward, the Continental Congress. In the townships of Massachusetts, for instance, all of the declarations emphasized that the inhabitants would support whatever the Congress should decide to do. The closest any of them came to imposing their own judgment was the town of Natick, which after voting that “should the honourable Continental Congress declare these *American* Colonies independent” the residents would offer their lives and fortunes in support, then ventured to add that they viewed independence as so “important and necessary” that “if we may be permitted to suggest our opinion, the sooner it is come into the fewer difficulties we shall have to contend with.”¹²¹ In every other declaration, the

119 New York Mechanics in Union, New York. “The humble address of the general committee.” May 29th, 1776. Force, ed. *American Archives*. VI: 614-15.

120 “Answer of the Provincial Congress.” New York. June 4, 1776. Force, ed. *American Archives*. VI: 615.

121 Natick, Massachusetts. Untitled. June 20th, 1776. Force, ed. *American Archives*. VI: 703.

tone is one of complete deference and respect for the authority, judgment, and capacity of the Congress.

Taken together, these state and local declarations provide evidence that independence was a product of elite decision-making in which non-freeholders, at least, had little role. The declarations also demonstrate that the justification of independence proceeded largely upon constitutional and legal lines, rather than along lines of natural law or reference to the equality of man. Given that the national declaration mirrors many of the sentiments in these documents, and was described by its authors as derivative of the general “American mind,” its meaning should be interpreted in light of what we find in this broader collection.

Thomas Jefferson: A Scribe of the American Mind

In the explicit instructions he left for his gravestone at Monticello, Thomas Jefferson asked to be remembered by posterity for three things: his work founding the University of Virginia and his authorship of both the Virginia statute for religious freedom and the Declaration of American Independence. Among many notable omissions, neither his presidency nor his time as governor of Virginia made it into the short epitaph Jefferson composed for himself. Jefferson, it seems, wished to be remembered as a founder of democratic principles, as an educator in the democratic, civic sense. In the decade after his death, Alexis de Tocqueville would cement this portrait of Jefferson, writing in *Democracy in America* that Jefferson was “the most powerful apostle that democracy has ever had.”¹²² Like his view of so many other things, Tocqueville's account of Jefferson as a highly influential apostle of democracy has become common sense, even as many subsequent studies have appended asterisks to Jefferson's democratic bona fides on issues of

¹²² Tocqueville, Alexis de. 2002 [1835]. *Democracy in America*. Trans. Harvey Mansfield and Delba Winthrop. University of Chicago Press. 249.

executive power, race, and gender.¹²³ These important critical accounts do not, however, challenge Jefferson's central claim about his own legacy: that he was the author, the generative father, of enduring democratic documents and institutions.

As the record of antecedent state and local declarations makes clear, however, Jefferson's declaration was not something new; rather, it “restated what virtually all Americans – patriot and Loyalist alike – thought and said in other words in other places.”¹²⁴ As Jefferson himself wrote to Henry Lee in 1825, the object of the Declaration was “not to find out new principles, or new arguments, never before thought of,” since “all American whigs thought alike on these subjects.” The document's aim was to express “the common sense of the subject” in language sufficiently clear and lofty, “to give to that expression the proper tone and spirit called for by the occasion.” The principles espoused in the Declaration, Jefferson continued, drew their authority from their grounding in the shared and “harmonising [sic] sentiments of the day, whether expressed in conversations, in letters, printed essays or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, etc.”¹²⁵ Contra Tocqueville and the later view of Jefferson himself, Jefferson was simply a draftsman – finding the rights words to express principles broadly shared and commonsensical – rather than a philosophic visionary or pathbreaking apostle of democracy.¹²⁶

123 Horsman, *Race*. See also Levy, Leonard. 1989. *Jefferson and Civil Liberties: The Darker Side*. Ivan R. Dee. Gordon-Reed, Annette. 2008. *The Hemingses of Monticello: An American Family*. W. W. Norton & Co. Miller, John Chester. 1991. *The Wolf by the Ears: Thomas Jefferson and Slavery*. University of Virginia Press.

124 Maier, *Scripture*, xvii.

125 Letter from Jefferson to Henry Lee, May 8th, 1825. <https://founders.archives.gov/documents/Jefferson/98-01-02-5212>

126 Jacques Derrida, in his essay on the Declaration, offers another way of making this distinction. “Jefferson,” Derrida writes, “represents the representatives who have delegated to him the task of drawing up [*rediger*] what they knew *they* wanted to say. He was not responsible for *writing* in the productive or initiating sense of the term, only for *drawing up*, as one says of a secretary that he or she draws up a *letter* of which the spirit has been breathed into him or her, or even the content dictated. Moreover, after having thus drawn up a project or a draft, a sketch, Jefferson had to submit it to those whom, for a time, he *represented* [...] these 'representatives,' of whom Jefferson represents a sort of advance-pen, will have the right to revise, to correct and to ratify the project or draft of the Declaration” – as, of course, it turns out that they did (“Declarations,” 8-9).

In penning the draft of the Declaration submitted to the Second Continental Congress for revision, Jefferson was thus emblematic rather than exceptional. We have no reason to believe that what Jefferson meant by equality in the document, therefore, was radical or distinct from the common sense of his time. To borrow the words of Susan Burgess, the point here is “neither to idealize nor to malign the founding fathers, but rather to decentralize them.”¹²⁷ Jefferson and the other authors of the Declaration were representatives of their time, and to understand what equality meant in that document is to seek to understand their time. As Jefferson's views on colonial-metropole relations, law, race, gender, English liberties, and executive prerogative make clear, his vision of equality was typical: an English equality set amidst a hierarchical landscape, both demonstrated and reinforced by the performative privilege at the heart of the Declaration itself. This perspective on Jefferson rejects the idea that there is an ambivalence or tension in his character between his role as author of the Declaration and his ownership of over 600 slaves, including some who were his own children.¹²⁸ Instead, it suggests that we reassess the meaning of equality in the Declaration that Jefferson penned in light of what we know about him and his time.

Though considerable evidence can be mustered to show that Jefferson saw slavery as an evil in the abstract and as a strategically unsound social and economic practice, an equally compelling body of evidence shows that Jefferson strongly believed in the racial inferiority of black people and their exclusion from the citizen body.¹²⁹ Monticello, Jefferson's Virginia

127 Burgess, Susan. 2008. *The Founding Fathers, Pop Culture, and Constitutional Law: Who's Your Daddy?* New York: Routledge. 9.

128 What Alexander Boulton calls “the Jefferson paradox” – the ostensible conflict in Jefferson's biography between his racism and his commitment to natural rights, Enlightenment views of man, political liberalism, and republicanism – is an omnipresent theme in Jefferson scholarship. Boulton, Alexander. 1995. “The Jefferson Paradox: Jeffersonian Equality and Racial Science.” *American Quarterly*. 47 (3): 467-492. Jefferson is characterized, as Charles Redenius puts it, as a figure who “embodied American ambivalences” about democratic egalitarianism and racial hierarchy (*Equality*, 22).

129 A brief resume of his anti-slavery activities would include, among other things, his defense of slave efforts to gain freedom as a young lawyer, his co-sponsorship in the Virginia House of Burgesses of a resolution to make

plantation, relied on slave labor during his lifetime, and at his death, Jefferson did not engage in large-scale manumission of the slaves who lived there. In his 1785 book, *Notes on the State of Virginia*, Jefferson detailed the physical, moral, and intellectual deficits he perceived in black Americans, noting that they were “in reason much inferior,” that “their griefs are transient,” “in imagination they are dull, tasteless, and anomalous,” and that “in general, their existence appears to participate more of sensation than reflection.” Roman slaves, he observed, did not demonstrate such inferiority, proving the existence of innate racial differences: “it is not their condition then, but nature, which has produced the distinction.”¹³⁰

While Jefferson did support a general end to slavery in the abstract, his arguments for such emancipation dwelt particularly on the problematic effects that slavery had on the moral development of white citizens.¹³¹ “There must doubtless be,” he lamented, “an unhappy influence on the manners of our people produced by the existence of slavery among us.” The exercise of unchecked power over slaves trained white citizens in unhealthy “boisterous passions” and “unremitting despotism” and forced them to witness the “degrading submissions” of slaves. If moved by neither “his philanthropy or his self-love,” Jefferson urged parents of white children to remember that their child would observe and imitate their treatment of slaves, with profound implication for the child's development into a good republican citizen. For these reasons, a government that permitted slavery should be loaded with “execration”; by permitting unchecked and intemperate despotism, it “destroys the morals” of the white citizenry.¹³²

manumission easier, his proposals for gradual schemes of emancipation in the revised laws and constitution of Virginia, and his push as President for Congress to end the slave trade in 1808.

130 Jefferson, *Notes*, 152.

131 Jefferson is not exceptional in advancing white-focused arguments for the reduction or elimination of slavery; while Jefferson was a member of the Virginia House of Burgesses, that body attempted to place a prohibitive tax on slave imports in order to decrease the size of the slave population. Such a large subordinated population was seen as a threat to both healthy white economies as well as white existential survival. See Rana, *Two Faces*, ch. 1; see also Holton, Woody. 1999. *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia*. Chapel Hill: University of North Carolina Press.

132 Jefferson, *Notes*, 172.

If slavery threatened the civic virtues of white people, it also destroyed the capacity for civic membership among black people, eliminating what Jefferson termed “the *amor patriae*” of black Americans, 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 and labour for another.”¹³³ Even setting aside “the real distinctions which nature has made” between the races, the wrongs suffered and prejudices nurtured under slavery would make the political incorporation of black people into the polity politically dangerous, likely producing “convulsions which will probably never end but in the extermination of the one or the other race.”¹³⁴ As Jefferson put it in his autobiography, “the two races, equally free, cannot live in the same government. Nature, habit, opinion have drawn indelible lines of distinction between them.”¹³⁵ Black people, in Jefferson's view, were innately disloyal, dangerous catalysts of violence, and naturally unequal to white people, rendering their incorporation into the polity an impossibility.

Thus, Jefferson's views on the physical differences and aesthetic inferiorities of black bodies, coupled with their moral, intellectual, and political deficiencies, led him to advocate for “a general emancipation and expatriation” – the colonization of freed slaves in Africa.¹³⁶ The solution to the problem of slavery – what Jefferson described as the problem of “holding the wolf by the ears” – was to simultaneously emancipate and colonize, purging the country of the negative effect of both slavery and black people.¹³⁷ In his view that black people, slave or free, could not be politically incorporated, Jefferson was typical of his time; he was joined by contemporaries like J. Hector St. John de Crèvecoeur, who abhorred slavery but whose *Letters*

133 Ibid., 173.

134 Ibid., 186.

135 Ibid., 182.

136 Letter of Thomas Jefferson to John Holmes, April 22nd, 1820.

137 Letter of Thomas Jefferson to John Holmes, April 22nd, 1820. On Jefferson's advocacy of colonization, see Kazanjian, David. 2003. *The Colonizing Trick: National Culture and Imperial Citizenship in Early America*. Minneapolis: University of Minnesota Press. Ch. 2.

from an American Farmer did not include black people in the mix of those coming together to form the new “American” race.¹³⁸

Jefferson's vision of the American polity was necessarily a circumscribed one. He shared the “common desire to exclude and reject large groups of human beings from citizenship.”¹³⁹ Jefferson conceived of American citizenship and civic liberty in racialized terms, seeing it as a racial inheritance from “heroic, freedom-loving” Anglo-Saxons.¹⁴⁰ His rejection of the possibility of free black citizens was one manifestation of this view, though he was also concerned about the threat to English principles of liberty from white immigrants coming from Catholic countries or those raised on “the maxims of absolute monarchies.” Such immigrants, he worried, would “bring with them the principles of the governments they leave,” and even if they throw off their despotic notions, “it will be in exchange for an unbounded licentiousness,” not the “temperate liberty” of American republicanism.¹⁴¹ Jefferson expressed similar concerns about the effect of women and effeminacy on the polity, decrying a lack of manliness among American Tories and filling his youthful commonplace book with fantasies of a polity that did not require women for biological reproduction.¹⁴²

Jefferson's concerns about the civic threat posed by immigrants, women, and both free and enslaved blacks *within* the polity was mirrored in his concern about similar threats existing *outside* the polity: in particular, French Catholics in Quebec to the north and American Indians along the western frontier. While Jefferson acknowledged the bravery, emotional sensitivity, and

138 Crèvecoeur, J. Hector St. John de. 1782. *Letters from an American Farmer*. Yale Avalon Project.

https://avalon.law.yale.edu/subject_menus/letters.asp

139 Shklar, *Citizenship*, 28.

140 Horsman, *Race*, 18.

141 Jefferson, *Notes*, 93.

142 For Jefferson's imbrication in the ethos of masculinity and manliness that defined the founding era, see Kann, *Republic*. For a discussion of Jefferson's meditation on a world without women, see Lockridge, Kenneth. 1992. *On the Sources of Patriarchal Rage: The Commonplace Books of William Byrd and Thomas Jefferson and the Gendering of Power in the Eighteenth Century*. New York: New York University Press.

intelligence of American Indians, he was typical of his time in perceiving them as both perpetual outsiders and as a standing threat to American liberty.¹⁴³ As Aziz Rana observes, “colonists believed that they were surrounded by servile enemies—natives, slaves, and Catholics—who were united to destroy their freedom.”¹⁴⁴ The Declaration gestures to both the indigenous and Catholic threat in its list of grievances, seeing in Catholic Quebec “at once an example and fit instrument for introducing the same absolute rule into these Colonies” and evoking “the merciless Indian Savages” as an existential threat unconstrained by known rules of warfare and who aim at “an undistinguished destruction” of all American life.¹⁴⁵

In sum, Jefferson envisioned a highly circumscribed polity defined by hierarchical relations with outsiders; the equality internal to American society was similarly tiered, the upper levels limited to those who would display the correct forms of manly and temperate liberty inherited from the Anglo-Saxon English tradition.¹⁴⁶ This latter position explains Jefferson's emphasis on both formal and participatory forms of civic education. His curriculum for the

143 In *Notes on the State of Virginia*, Jefferson contests derogatory accounts of the character of American Indians, writing that “I am able to say, in contradiction to this representation, that he is neither more defective in ardor, nor more impotent with his female, than the white reduced to the same diet and exercise: that he is brave, when an enterprise depends on bravery; education with him making the point of honor consist in the destruction of an enemy by stratagem, and in the preservation of his own person free from injury” and that “his vivacity and activity of mind is equal to ours in the same situation” (62, 64). Jefferson notes that American Indians have produced “sublime oratory, such as prove their reason and sentiment strong, their imagination glowing and elevated” and that their art is “not destitute of design and merit” (149), though he does note a deficit in building, observing that aside from burial barrows “I know of no such thing existing as an Indian monument: for I would not honour with that name arrow points, stone hatchets, stone pipes, and half-shapen images” (103).

144 Rana, *Two Faces*, 96.

145 This view of American Indians as an existential threat was a widely shared preoccupation, and was a central force shaping constitutional debates among the founders. See Ablavsky, Gregory. 2014. “The Savage Constitution.” *Duke Law Journal*. 63 (5): 999-1089.

146 The hierarchical tiering in the English freehold tradition was grounded in property, not education and civic virtue; Jefferson rejected such qualifications for voting, writing in 1776 to Edmund Pendleton, “I cannot doubt any attachment to his country in any man who has his family and peculium in it. [...] I [am] for extending the right of suffrage (or in other words the rights of a citizen) to all who [have] a permanent intention of living in the country. Take what circumstances you please as evidence of this, either the having resided a certain time, or having a family, or having property, any or all of them” (Letter of Thomas Jefferson to Edmund Pendleton, August 26th, 1776.) Similarly, Jefferson believed that virtue and intellect – the basis of leadership – were to be found in the natural aristocracy of men of talent drawn from all walks of life, rather than in the hereditary “tinsel-aristocracy” (Letter from Thomas Jefferson to John Adams, October 28th, 1813).

University of Virginia emphasized the study of the Anglo-Saxon language and legal tradition.¹⁴⁷ His plans for primary education were explicitly hierarchal, intended to give enough education to the mass of men to render them “guardians of their own liberty,” but to find and train more fully a small number of men of ability, “raked from the rubbish” of the masses.¹⁴⁸ Relatedly, while Jefferson prioritized the democratic participation of men at the level of local politics – his emphasis on the importance of ward-level governance is well-known¹⁴⁹ – he was also highly attentive to the importance of what he termed the natural aristocracy of talent whose judgment, he wrote to John Adams, was “the most precious gift of nature” for “the instruction, the trusts, and government of society.” The best form of government, correspondingly, was that “which provides the most effectually for a pure selection of these natural *aristoi* into the offices of government.”¹⁵⁰

The men possessing the performative privilege that enabled them to declare independence – to speak for others – were members of this natural *aristoi*. As James Madison put it in *Federalist #40*, the success of the American experiment in republican government depended upon some “patriotic and respectable citizen or number of citizens” enacting dramatic changes, “by some informal and unauthorized propositions,” with “no ill-timed scruples, no zeal for adhering to ordinary forms.” As Mark Kann observes, the American founders were generally “whigs [who] promoted liberal and republican theories that criticized abuses of royal prerogative but also retained benign versions of leadership prerogative,” especially those associated with

147 Horsman, *Race*.

148 Jefferson, *Notes*, 158, 156.

149 As Jefferson noted in a letter to Joseph Cabell (February 2nd, 1816), Jefferson held the ward system to be so important that he wished to end “every opinion with the injunction ‘divide the counties into wards,’” echoing Cato's famous pronouncement, tacked at the end of every one of his speeches in the Roman Senate, that ‘Carthage must be destroyed.’”

150 Letter from Thomas Jefferson to John Adams, October 28th, 1813.

heroic and virtuous public men.¹⁵¹ Jefferson's views of executive prerogative and powers certainly aligned with this view; his presidency was defined by the exercise of extra-constitutional prerogative in actions like the acquisition of the Louisiana territory.¹⁵² Jefferson acknowledged that he had “done an act beyond the constitution” in “seizing the fugitive occurrence” to purchase Louisiana, and described himself as a guardian “investing the money of his ward in purchasing an important adjacent territory and saying to him when of age, I did this for your good; I pretend to no right to bind you [...] I thought it my duty to risk myself for you.”¹⁵³ This duty of the guardian to risk themselves, Jefferson sensed, was the highest duty of a public man; as he wrote, though “a strict observance of the written laws is doubtless one of the high duties of a good citizen [...] it is not the highest.”¹⁵⁴

Yet the civic heroism in Jefferson's character is coupled with a comprehensive historical and legal knowledge and an acutely conservative attachment to the principles of the past.¹⁵⁵ In his 1774 tract, *A Summary View of the Rights of British America*, Jefferson grounds his assertion of the rights of the colonies not in natural rights and natural law but in the historic principles of the English constitution, the limitations on the Crown established by the Glorious Revolution in 1688, and the Anglo-Saxon freehold principles of property ownership antedating the Norman Conquest in 1066. Despite its insistence on radical freedom from British Parliamentary authority, there is precious little evocation in *Summary View* of the radical democratic natality or

Enlightenment rights of man attributed to Jefferson by Tocqueville, Arendt, Wood, Shklar, and a

151 Kann, *Republic*, 145.

152 See Schmitt, Gary. 1992. “Jefferson and Executive Power: Revisionism and the ‘Revolution of 1800.’” In *American Models of Revolutionary Leadership: George Washington and Other Founders*. Eds. Daniel J. Elazar and Ellis Katz. Lanham, MD: University Press of America. See also Ketcham, Ralph. 1994. *Presidents Above Party: the First American Presidency, 1789-1829*. University of North Carolina Press.

153 Letter from Thomas Jefferson to John Breckinridge, August 12th, 1803.

154 Letter from Thomas Jefferson to John Colvin, September 10th, 1810.

155 For an insightful reading of *Notes on the State of Virginia* that highlights the importance of the historical past to Jefferson's vision of American democracy, see Holland, Catherine. 2001. “Notes on the State of America: Jeffersonian Democracy and the Production of a National Past.” *Political Theory*. 29 (2): 190–216.

late-in-life Jefferson himself. Instead, *Summary View* sees Jefferson justifying colonial freedoms via a lengthy discussing of the 1651 treaty between the English Commonwealth's ministers and the Virginia House of Burgesses, which legally secured the colony's right to free trade, legislative autonomy, and, to the colonists, the “freedomes and priviledges as belong to the free borne people of England.” So central to Jefferson's mind was this 1651 treaty that he returned to it again eleven years later in his *Notes on the State of Virginia*, reproducing the full text of the treaty and urging its importance in his section on Virginia's constitution.

The Declaration of Independence contains clear rhetorical echoes of *Summary View*. John Phillip Reid argues that this same fixation on historically grounded constitutional and legal principles that structures *Summary View* structures the Declaration as well:

Anyone giving a reasonable reading to the entire Declaration of Independence, not just to the rhetorical preamble where 'nature and nature's God' are mentioned, will readily see that that document accused the king of Great Britain of violating only the legal and constitutional rights of American colonists. It did not, in a single instance, accuse George III of violating a natural right [...] natural law was never cited by an official colonial governmental body to identify a right claimed, except rights that were also claimed as constitutional rights.¹⁵⁶

Jefferson's attention in both documents is on the legal and constitutional basis for colonial rights, grounded in a long tradition of English constitutional liberties. The heritage of those liberties is the basis of the equality that Jefferson evokes in *Summary View* when, for instance, he pleads with the King to “no longer persevere in sacrificing the rights of one part of the empire to the inordinate desires of another; but deal out to all equal and impartial right. Let no act be passed by any one legislature which may infringe on the rights and liberties of another.” It is to the laws, traditions, and institutions of an idealized English past that Jefferson turns to justify and structure his demands for equality with England in the colonial present. And it is to this English equality,

156 Reid, *History*, 14.

rather than to a universal equality so clearly at odds with his hierarchical views on citizenship, participation, and inclusion, that Jefferson gestures in the Declaration.

The Other Authors and Sources

The Declaration, as have seen, was less a moment out of time than an episode in a colonial history that preceded and defined it. One important element of this history is the fact that the document that the Second Continental Congress signed and published both drew significantly on three nationally significant declarations that preceded it, and represented a substantial revision by Congress of the document that Jefferson submitted to the drafting committee and the Committee of the Whole. As a text, then, the Declaration needs to be destabilized and broadened, the black letter language blurred to incorporate the sources and iterations that form a thicker account of the document. In particular, three prior Congressional declarations form an important backdrop to the kind of document that Congress expected to be produced when, on June 11th, 1776, they asked Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert Livingston to form a Committee of Five and draft a declaration of American independence.

The earliest document that formed the national precedent was the *Declaration of Rights and Grievances*, which had been passed by the Stamp Act Congress in 1765. This declaration, signed by six colonies in the wake of the Stamp Act, declares both the rights of the colonists and the corresponding grievances they have against Britain; it is a document of constitutional understanding and the first American instance of acting within a British tradition dating far earlier. This was the tradition of producing documents – like the 1689 English Bill of Rights – which announced and codified constitutional limitations on governmental power. By calling it a

declaration, the colonists also announced, implicitly, that their Congress was a legitimate representative body, since a “Declaration” was typically a public document issued only by Parliament.¹⁵⁷

In announcing and codifying their constitutional rights and legislative standing in their 1765 declaration, the colonists understood themselves to be harkening to existing traditions “respecting the most essential rights and liberties of the colonists,” not inventing new limits to government or claiming new rights. Dating to the settlement of the colonies, the document asserted “that His Majesty's liege subjects in these colonies are entitled to all the inherent rights and privileges of his natural born subjects within the kingdom of Great Britain.” These “undoubted rights of Englishmen” included the “inherent and invaluable right” to a jury trial as well as the right to be subject only to taxes “constitutionally imposed” by the colonial legislatures. Concluding by placing their declaration squarely in the tradition of the English right “to petition the king or either house of Parliament,” the *Declaration of Rights and Grievances* asked the British government to recognize that it had violated “the principles and spirit of the British constitution.” It declared this deviance from existing principle and sought redress within existing English norms and structures, rather announcing any new principles or structures of government.

In 1774, the assembled delegates issued the *Declaration and Resolves of the First Continental Congress*, which was a response to the British passage of what the colonists termed the Intolerable Acts. All the colonies were represented except for Georgia, so the document represents an even broader segment of the colonial political world. Like the declaration of 1765, the 1774 declaration lists a bill of colonial rights as well as corresponding grievances; many ring similar to the previous declaration. The colonists begin by harkening explicitly to the ancient tradition of

¹⁵⁷ Maier, *Scripture*, 51-56; Armitage, *Declaration*, 30-31.

declaration, describing themselves “in the first place, as Englishmen” who are acting precisely as “their ancestors in like cases have usually done.” Following the customary constitutional form “for asserting and vindicating their rights and liberties,” the colonists “DECLARE, That the inhabitants of the English colonies in North-America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following RIGHTS.” The central rights are, again, the right “of being tried by their peers” and that “foundation of English liberty,” the “right in the people to participate in their legislative council.” To make clear the stakes of these continued violations, the declaration concludes with stronger language than previously, describing the “acts and measures as have been adopted since the last war” as “a system formed to enslave America.” The assertion of “arbitrary proceedings” and the corresponding threat of enslavement is in part derived from the non-responsiveness of the British government to the prior constitutionally justified colonial petitions; it is not merely the unconstitutional legislation which raises the concerns of colonists but now, also, the unconstitutional refusal to respond with meaningful shifts in policy to legitimate grievance.

These concerns were brought to a fever pitch the following year in the Second Continental Congress's *Declaration of the Causes and Necessities of Taking Up Arms* (1775). Drafted initially by Thomas Jefferson, the final document mostly reflected the pen of John Dickinson, then “the best known and most celebrated political writer” in the colonies.¹⁵⁸ While it still references “the freedom that is our birthright, and which we ever enjoyed till the late violation of it,” the declaration has begun to shift to another register than that of petitioning for redress of constitutional violations. Harkening to another tradition of British constitutionalism embodied in

158 Maier, *Scripture*, 18. On the details of the historical dispute over the authorship of this declaration, see Boyd, Julian P. 1950. “The Disputed Authorship of the *Declaration on the Causes and Necessity for Taking Up Arms*, 1775.” *Pennsylvania Magazine of History and Biography*. 74: 51–73.

Whig intellectuals like Algernon Sidney and John Locke, the 1775 declaration begins with a rather rhetorically tortured assertion that Great Britain has shown herself to be “stimulated by an inordinate passion for a power not only unjustifiable” and “without regard for truth, law, or right,” but in fact “peculiarly reprobated by the very constitution of that kingdom.”

In such a case, petition is clearly no longer a sufficient defense or means of redress because constitutional forms have been disregarded by the metropole. The colonists have been, consequently, “compelled” to take up arms because they have been offered “no milder conditions than servitude or death”; they have taken up arms under the banner of self-preservation enshrined at the deeper level of constitutional law. Given the break down of norms of petition, an enumeration of all the wrongs suffered by the colonists is no longer necessary, Dickinson writes: “why should we enumerate our injuries in detail? By one statute it is declared, that parliament can 'of right make laws to bind us in all cases whatsoever.' What is to defend us against so enormous, so unlimited a power?” Law is at an end; because violence alone can defend against such a power, violence is justifiable. Yet even here, the declaration wavers, continuing to harken to the shared English tradition and to evoke familial relations, describing the conflict as a “civil war,” or as what Congress called elsewhere in the same year “a family quarrel.”¹⁵⁹ Congress took pains to have the declaration sent rapidly to London, to widely publish the colonial justifications for taking up arms in English newspapers.¹⁶⁰

Jefferson's draft of the *Declaration of Independence* (1776) would build on these three documents and this broad tradition of English grievance-making, demands for redress, and careful public justification of extraordinary violence or separation, announcing independence in

159 Speech of Continental Commissioners to the Iroquois Nation, Albany, NY. August 1775. In *Documents of Indian Diplomacy*. 1999. Eds. Vine Deloria and Raymond DeMallie. Norman: University of Oklahoma Press. 38.

160 Armitage, *Declaration*, 32.

language that remained intelligible from within a shared English constitutional tradition. As historian Pauline Maier notes, Jefferson's extensive legal training and historical study meant that he was “no doubt fully conscious of the link between English precedent and American practice” in such a document, and that he would have understood it “first and foremost not as a philosophical but, in the language of the day, as a constitutional document.”¹⁶¹ The form and language of the document follows the preceding declaration in articulating grievances and, bypassing a petition for redress, justifying the exceptional move of independence. As Jefferson puts it, at every stage in the “history of unremitting injuries and usurpations,” the colonists “have petitioned for redress in the most humble terms”; contrary to the norms and usages of British constitutionalism, however, their “repeated petitions have been answered by repeated injury.”

To justify the legal step of independence from within the Whig tradition, Jefferson is at great pains to begin the document by asserting that – whatever their shared heritage and history – the Americans are “a people” who are assuming “among the powers of the earth the equal & independant [sic] station” that enables them, legally from within the constitutional tradition, to invoke a right to revolution.¹⁶² The declaration asserts the equality of the American people to the British people in order to allow the Americans to assume the corporate English right of revolution. The long sentence in the preamble which announces that “all men are created equal & independent” culminates one hundred and one words later with an assertion of the right of “the people” to revolution, which is the ultimate and essential legal point of the sentence for the

161 Maier, *Scripture*, 57, 126.

162 On this point, Stephen Lucas writes (quoting Algernon Sidney and invoking the British Whig tradition that informed Jefferson): “If America and Great Britain were seen as one people, Congress could not justify revolution against the British government for the simple reason that the body of the people (of which the Americans would be only one part) did not support the American cause. For America to move against the government in such circumstances would not be a justifiable act of resistance but ‘a sort of Sedition, Tumult, and War [...] aiming only at the satisfaction of private Lust, without regard to the public Good.’ By defining the Americans as a separate people, Congress could more readily satisfy the requirement for invoking the right of revolution that ‘the whole Body of Subjects’ rise up against the government.” See 1990. “The Stylistic Artistry of the Declaration of Independence.” *Prologue: Quarterly of the National Archives*. 22: 25-43.

overall document.¹⁶³ This point is reinforced if we recall the solicitation and existence of the state and local declarations whose purpose is at least partially to organically show a “people” who exist and who, as a “Body of Subjects” (to quote Sidney), support revolution.

While Jefferson's draft clearly follows forms and protocols, as well as language, inherited from both the Whig constitutional tradition as well as the preceding three colonial declarations and the English Bill of Rights, the changes made to the document during the various stages of editing – as it moved from Jefferson's pen to the Committee of Five and then to the Committee of the Whole – brought it even more closely in line with traditional British constitutional forms and language. Jefferson, in other words, is not a mere puppet of existing social and linguistic forces, and his draft contains the agential idiosyncrasies of his personality. The document, however, was subject to considerable editorial scrutiny after he submitted it, and these idiosyncrasies were carefully removed. In the first committee, Franklin made two changes to the preamble: removing the language of “sacred and undeniable truths” that Jefferson had used and instead describing those truths that grounded the right to revolution in the Whig tradition as “self-evident” truths, grounding them in the secular, shared wisdom of the community. Later in the same paragraph, Franklin replaced “arbitrary power” with the phrase “absolute Despotism,” more clearly articulating the exceptional nature of the grievances which justified not continued petition but separation.

When the draft was referred to the Committee of the Whole, Congress as a body took the better part of three days to edit the document line-by-line. No official records of their proceedings were kept, so all we have is Jefferson's draft, on the one side, and the final document,

¹⁶³ This sentence is written in what was known in the eighteenth century as the 'Style Periodique.' As Hugh Blair explained in 1783, in this style “the sentences are composed of several members linked together, and hanging upon one another, so that the sense of the whole is not brought out till the close.” It “is the most pompous, musical, and oratorical manner of composing” and “gives an air of gravity and dignity to composition.” See Hugh Blair, *Lectures on Rhetoric and Belles Lettres* (1783), vol. 1, pp. 206-207, 259. Quoted in Lucas, “Artistry.”

on the other. All told, the Committee of the Whole eliminated a quarter of his text; though they left the beginning paragraphs almost untouched, they modified his list of grievances and his discussion of the relationship between American and English people considerably. (Whether this reflects the priorities of Congress or the perfection of Jefferson's preamble is unknown.)

To give them clearer legal weight, Congress moderated or made more specific many of the grievances against the King, including removing Jefferson's long and questionable discussion of the King's sole responsibility for the “execrable commerce” of slavery; instead, they opted to accuse the King of having “excited domestic insurrections among us,” which covered both Tories and slaves.¹⁶⁴ Congress also removed two discussions which tended to diminish the claim of Americans as a separate and equal people. First, they reduced Jefferson's lengthy discussion of the English emigration and settlement to the euphemistic “the circumstances of our emigration and settlement here.” Second, they deleted Jefferson's unhelpful suggestion that any “political connection [...] may have heretofore subsisted between us & the people or parliament of Great Britain.” Instead, they changed the preamble's discussion of the wrongs suffered under Parliament – “when it becomes necessary for a people to advance from that subordination in which they have hitherto remained” – into an invocation of a voluntary and equal political relationship, under a shared Crown, which was now voluntary dissolved – “when it becomes necessary for one people to dissolve the political bands which have connected them with another.”

In sum, the Declaration's antecedent influences and editorial influences suggest that the document should be understood as a legal pronouncement intended to be intelligible to, and

¹⁶⁴ Jefferson's discussion of the King's responsibility for slavery – which also comes up in his *Notes on the State of Virginia* – is notable, as Pauline Maier observes, for its exceptionality in colonial discourse; it is “an accusation that one seeks in vain elsewhere in the literature on behalf of independence” (*Scripture*, 121).

written within the tradition of, British Whig constitutionalism. Whatever would come to be made of the document by subsequent readers and thinkers – a question I take up in the next section – the purpose of the document in its time was to communicate within a tradition of ancient British corporate rights, not a tradition which would critique the hierarchies of American society using the language of individual equality and the rights of man. That the document has come to be so closely associated with the latter tradition is largely the responsibility of two remarkable rhetoricians and political tacticians, Frederick Douglass and Abraham Lincoln. That it *could* be so appropriated inheres in the necessity of declaring and therefore constituting a separate people in the document who would have the legal right to revolt.

Rewriting the Declaration

The Declaration announces that Americans are (already) a unified people who (already) hold certain truths to be self-evident. Such self-evident truths were not arbitrary, but were grounded in the shared customs and beliefs held by the people; in turn, the very ability of the people to assert such shared and self-evident customary truths proved their existence *as* a people. The invocation of self-evident truths held by the community was meant to establish the colonists as a separate people with a legal right to revolt, but it has had, as I explore in this section, far reaching effects on the American polity.

As I have argued from a contextual reading of the document, the Declaration's invocation of equality in 1776 was not egalitarian or concerned with moral, universal judgments about the equal rights and status of all individuals. The progressive heart of the Declaration, therefore, is not in the announcement of ostensibly universal egalitarian truths which, as contemporary

commentators have argued, constitute “a promise and a prophecy.”¹⁶⁵ Instead, the progressive nature of the document – and it is, at least in one important sense, a progressive document – is to be found in the openness of its methodology for finding truth. The Declaration is progressive not because it declares a prophetic law or black-letter promise – ‘all men are created equal’ – but because it declares a basis on which the legitimate truths of the community are asserted – that ‘the people’ will ‘hold’ them to be ‘self-evident’. This method of finding truth is democratic in two ways: it refers to the people as its basis, and it enshrines the method of self-evidence. Self-evidence invites appeals to a broad collection of democratic authorities: to intuition, history, popular culture, political and legal texts, common sense, custom, blood, heroic leadership, moral suasion, science, and religion. In this sense, the Declaration’s famous second paragraph is not a moral law but an invitation; the idea of self-evidence invites assertions that the people hold other self-evident truths or understand the document’s stated truths in various ways.

It is this invitation which has made the Declaration’s post-1776 history so rich and varied, as thinkers from across the political spectrum have asserted their particular perspectives on the self-evident truths that the people hold. The Declaration invites not normative pronouncements about what truths Americans *ought* to hold, but revisionist accounts of the truths which we *do* hold. In this sense, the Declaration calls for a citizen who can, to use Sheldon Wolin’s words, “become an interpreting being, one who can interpret the present experience of the collectivity, reconnect it to past symbols, and carry it forward.”¹⁶⁶ The history of the Declaration from 1776 up to the present day is a history of interpretive reading, in Wolin’s sense: connecting the present experiences of the polity to the past symbol of the Declaration by asserting a remarkably wide

¹⁶⁵See Balkin, Jack. 2011. *Constitutional Redemption: Political Faith in an Unjust World*. Cambridge: Harvard University Press. 20. This narrative is common among contemporary commentators on the document. To cite one example, President Ford’s speech at Independence Hall in Philadelphia in honor of the bicentennial of the Declaration asserted that “the Constitution was created to make the promise of the Declaration come true.”

¹⁶⁶ Wolin, *Presence*, 141.

range of interpretations about the self-evident truths in that document.

It was not immediately clear that the Declaration would become such a locus of democratic contestation. For the first forty years after its signing, in fact, the document which announced independence went into a desk drawer and played little role in America's national life.¹⁶⁷ The Declaration, like the word equality itself, went unmentioned in the Constitution; also like equality, it was referenced only once in the *Federalist Papers*. Tocqueville's voluminous study of *Democracy in America* never once references the Declaration. To the extent that it was quoted at all, citations were usually drawn from its final paragraph rather than from paragraphs describing equality and rights. By the second decade of the nineteenth century, however, the Revolutionary War generation began to disappear and the various relics of the revolution, including the Declaration, began to take on new significance. In 1817, the first engravings and reprintings of the document were produced, and by 1826, fifty years after its signing, Jefferson was being invited to large public commemorations of the document (he declined, a consequence of ill health, but offered his view that “all eyes are opened, or opening” to the fact that the Declaration was “an instrument pregnant with our own, and the fate of the world”).¹⁶⁸

The first interpretive readings of the Declaration began to appear around this time, most notably in response to the pressures put on such founding documents by the realities of American slavery. In an early instance in Massachusetts, the constitution of that state – written in 1780 chiefly by John Adams and closely mirroring the Declaration in its announcement that “all men are born free and equal” – was referenced in the case of *Commonwealth v. Nathaniel Jennison* (1783), which argued that such language functionally abolished slavery. The Supreme Judicial Court of

¹⁶⁷ Maier, *Scripture*; Armitage, *Declaration*.

¹⁶⁸ Letter of Thomas Jefferson to Roger Weightman, June 24th, 1826. On the printing of the Declaration, see Armitage, *Declaration*.

Massachusetts agreed, holding that because of such language, slavery was no longer constitutionally allowed in the state. Other commentators at the time made similar assertions about the incompatibility slavery with the Declaration, including a number of free black people like Benjamin Bannecker, an almanac maker, who wrote to Thomas Jefferson on the point. As Bannecker put it to Jefferson in his interpretive revision of the history of the Declaration, the British attempt to “reduce you to a state of servitude” produced “a time when you clearly saw into the injustice of a state of Slavery, and in which you had just apprehension of the horrors of its condition.” The “abhorrence thereof was so excited, that you publicly held forth this true and invaluable doctrine” against slavery, at which point Bannecker quoted the Declaration's sentence on self-evident truths and equality.¹⁶⁹ In a similar vein, the free black abolitionist David Walker concluded his *Appeal to the Colored Citizens of the World* (1829) with an assertion that the Declaration was manifestly opposed to slavery, quoting the same lines as Bannecker and then writing: “see your Declaration Americans!!! Do you understand your own language? Hear your language, proclaimed to the world.”¹⁷⁰

The most famous articulation of Walker and Bannecker's view was given by Frederick Douglass in his July 5th, 1852 speech, “The Meaning of July Fourth for the Negro.” In this speech, Douglass asserts that the Declaration contained “great,” “saving,” and “eternal principles” of equality and liberty which were obviously at odds with slavery. Americans “declare before the world,” Douglass wrote, “and are understood by the world to declare that you 'hold these truths to be self-evident, that all men are created equal.’” At the same time, America enslaves “a seventh part of the inhabitants of your country,” embroiling the country in a

169 Letter of Benjamin Bannecker to Thomas Jefferson, August 19th, 1791. Bannecker's letter to Jefferson is quoted by W. E. B. Du Bois in his essay “The Talented Tenth,” which first drew my attention to it.

170 Walker, David. 1830. *Walker's Appeal, in Four Articles; Together with a Preamble, to the Coloured Citizens of the World, but in Particular, and Very Expressly, to Those of the United States of America*. Electronic edition accessed at <https://docsouth.unc.edu/nc/walker/walker.html>. 85.

“shameless hypocrisy” and “national inconsistency.” Douglass makes his claims about both the meaning of the Declaration and its contradiction with slavery not “by the rules of logic and argumentation, as a matter beset with great difficulty, involving a doubtful application of the principle,” but rather as self-evidently obvious. As he puts it, “where all is plain there is nothing to be argued.” Instead of argument or appeals to reason, then, Douglass appeals to “the feeling of the nation” and “the conscience of the nation” by way of intuition, emotion, history, irony, common sense, sarcasm, and religion (religion, in fact, occupies nearly one third of his speech). In sum, Douglass asserts that his interpretation of the Declaration and corresponding American hypocrisy is in fact self-evident to Americans, if brought to see clearly the views they already hold; his language of “commonsense moral truth” works “by bringing one to see things as they already are.”¹⁷¹

Douglass's reading is in line with that of most modern readers, but his position was far from uncontested in the 1850s. Writing in 1857, the proslavery writer George Fitzhugh asserted – similarly appealing to the 'obviousness' of his position – that the Declaration “had nothing more to do with philosophy than the weaning of a calf. It was the act of a people seeking national independence, not the Utopian scheme of speculative philosophers, seeking to establish human equality and social perfection.”¹⁷² A rhetorically more measured but substantively similar position was articulated by Senator Stephen Douglas in the same year. For Douglas, the Declaration was

171 Yaure, “Deliberation,” 32, 30. As Yaure describes, this is a strategy which Douglass will turn to again and again. For instance, in discussing the decision in *Dred Scott v. Sanford*, Douglass remarks: “we can appeal from this hell-black judgment of the Supreme Court, to the court of common sense and common humanity.” (“The Dred Scott Decision,” in *The Life and Writings of Frederick Douglass*, ed. Philip S. Foner and Taylor, vol. 2 (New York: International Publishers, 1950), 411-12.) Douglass makes a similar appeal to common sense and straightforward moral truths in his interpretation of the Constitution as an anti-slavery document, writing that “the constitutionality of slavery can be made out only by disregarding the plain and common-sense reading of the Constitution.” (“The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?,” in *The Life and Writings of Frederick Douglass*, ed. Philip S. Foner and Yuval Taylor, vol. 2 (New York: International Publishers, 1950), 477.)

172 Fitzhugh, George. 1857. *Cannibals All!* Project Gutenberg edition.
<https://www.gutenberg.org/files/35481/35481-h/35481-h.htm>

a political document, specific to its time and circumstances, and the idea of equality it espoused was of a very particular character. As he described:

“No man can vindicate the character, motives, and conduct of the signers of the Declaration of Independence, except upon the hypothesis that they referred to the white race alone, and not to the African, when they declared all men to have been created equal—that *they were speaking of British subjects on this continent being equal to British subjects born and residing in Great Britain*—that they were entitled to the same inalienable rights, and among them were enumerated life, liberty and the pursuit of happiness.”¹⁷³

For Douglas, the document's references should be understood in the context of their time: the equality asserted in the Declaration is at the heart of a conflict over rights and privileges between metropole and colonial Englishmen. For Douglas, to attempt to understand the Declaration's equality in any other way was to open the founders up to just aspersions on their characters, motives, and conduct. The equality of the Declaration was specific to its circumstances, and was not of a universal type – it was something distinct from an universal moral equality.

That this view did not become the prevailing nineteenth century orthodoxy is largely to the credit of one figure: Douglas's 1858 Senate challenger, Abraham Lincoln.¹⁷⁴ Against Douglas's 'English' reading of the Declaration, Lincoln advanced an egalitarian reading of the document, though his reading differed in some particulars from those which had come before. Most notably, he offered what can only be described as a Straussian interpretation of the intentions of the authors, particularly Jefferson's intentions, which – though unable to be plainly stated or achieved in his day – could be clearly read by intelligent and perceptive readers like

173 Douglas, Stephen. 1857. “Remarks of the Hon. Stephen A. Douglas, on Kansas, Utah, and the *Dred Scott* decision. Delivered at Springfield, Illinois, June 12th.” Accessed at <https://www.gilderlehrman.org/collection/glc00358>.

174 The idea that Lincoln was the first to read the Declaration as a statement of abstract moral equality is, as I have already described, inaccurate. That Lincoln popularized this perspective is a more plausible reading of the historical record. In that sense, I draw from but to some degree contest the school of 20th century historians who set out this argument about the “Lincolnian reading” of the Declaration (Kendall and Carey 1970; Bradford 1976; Wills 1992), as well as important recent legal histories that draw similar conclusions about how Lincoln catalyzed the final break with a culture of English colonialism. See Tomlins, Christopher. 2010. *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580-1865*. New York: Cambridge University Press.

Lincoln. As Lincoln said in a speech responding to Douglas:

“[The Founders] did not mean to assert the obvious untruth, that all were then actually enjoying that equality, or yet, that they were about to confer it immediately upon them. In fact they had no power to confer such a boon. They meant simply to declare the right, so that the enforcement of it might follow as fast as circumstances should permit. They meant to set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated [...] and augmenting the happiness and value of life to all people of all colors everywhere.”¹⁷⁵

One way we can arrive at this reading, Lincoln suggested, is to use our common sense to recognize that “the assertion that 'all men are created equal' was of no practical use in effecting our separation from Great Britain; and it was placed in the Declaration, nor for that, but for future use.”¹⁷⁶ “All honor to Jefferson,” Lincoln would write two years later, “who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times.”¹⁷⁷

Lincoln then turned to Douglas's reading. Douglas, he suggested, was an innovator – not a reader of the self-evident and obvious truths of the Declaration or of the contemporary moment, but a person foisting their own agenda onto a document which clearly meant something else to those who wrote it (and whose authority was hallowed). The idea that the document contained a principle of universal equality, Lincoln asserted, was the time-honored, “old fashioned” reading of it; he went so far as to assert that in the founding era, “our Declaration of Independence was held sacred by all, and thought to include all.”¹⁷⁸

Douglas's reading was also at odds with the common sense of his time. “Suppose after you

175 Lincoln, Abraham. 1857. “Speech on the *Dred Scott* decision.” *Collected Works of Abraham Lincoln*. Vol. II. 398-410. 406.

176 Ibid.

177 Letter from Abraham Lincoln to Henry L. Pierce and Others, April 6, 1859. In *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler, 9 vols.

178 Ibid.

read [the Declaration] in the old fashioned way,” Lincoln then asked, “you read it once more with Judge Douglas’ version.” Under Douglas’s translation of the founders intent, the document would now read: “We hold these truths to be self-evident that all British subjects who were on this continent eighty-one years ago, were created equal to all British subjects born and then residing in Great Britain.”¹⁷⁹ Such a reading, Lincoln suggests, feels instinctively incorrect to his listeners. Armed with the authority of both history and instinct for his universal equality interpretation of the Declaration, Lincoln would go on to describe the document as an “apple of gold” and to say that he “never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence.”¹⁸⁰

Yet Lincoln’s interpretation did not settle the issue for good. Again and again, commentators have returned to the Declaration with assertions that the people hold other self-evident truths or to reinterpret the document’s stated truths in various ways. After the failure of Reconstruction, a new generation returned to a reading more in line with Fitzhugh than with Lincoln. In 1908, Charles Francis Adams, the great-grandson of John Adams, gave a speech describing how the abstract way of reading the Declaration now seemed “strangely remote, archaic even.”¹⁸¹ Senator Albert Beveridge, speaking in 1900 on the American imperial project in the Philippines, argued for a racialized reading of the document. Echoing Jefferson’s own concerns about non-Anglo Saxon immigrants, Beveridge argued that the scope of Declaration was limited to “civilization” and “has no application to the present situation” in the Philippines. The document, he continued, “was written by self-governing men for self-governing men. It was written by men who, for a

179 Lincoln, “Speech on *Dred Scott*,” 407.

180 Abraham Lincoln, “Fragment on the Constitution and Union (Jan. 1861),” in *The Collected Works of Abraham Lincoln*. 168, 169 (Roy P. Basler et al. eds., 1953). Quoted in Rana, *Two Faces*, 270.; Lincoln, Abraham. Speech at Independence Hall in Philadelphia on February 22, 1861. Lincoln, *Speeches and Writings: 1859-1865*, 213.

181 Quoted in Rana, *Two Faces*, 561.

century and a half, had been experimenting in self-government on this continent, and whose ancestors for hundreds of years before had been gradually developing toward that high and holy estate [...] the Declaration applies only to people capable of self-government.” Consequently – and referencing the founders' own practices towards American Indians – Beveridge argued that when we read the language of the Declaration, we have to read “the *civilized* meaning of those terms.”¹⁸²

Now again, with the social and political movements of the twentieth century, the interpretive focus has shifted. A little more than one hundred years after Lincoln's speech on *Dred Scott*, Martin Luther King described his similar prophetic dream that “one day this nation will rise up and live out the true meaning of its creed: 'we hold these truths to be self-evident: that all men are created equal’”. For King and many others – like Philippine author and activist Carlos Bulosan – the Declaration asked Americans not just to abolish slavery but to broadly take an “uncompromising stand to defend human right and liberties in time of war or peace;” anything else, Bulosan wrote, would “undermine the American people's greatest and most sacred gift from the revolutionary fathers: that this nation was found on the proposition that all men are created equal.”¹⁸³ Such an interpretive view continues to be the orthodoxy of the present day.

Parts of the story I have recounted in this section have already been told in historical accounts which paint a picture of a regressive founding era Declaration followed by a subsequent egalitarian recuperation or reinvention of the Declaration by Lincoln.¹⁸⁴ That account is, as I

182 Senator Albert J. Beveridge Speaks On The Philippine Question, U.S. Senate, Washington, D.C., January 9, 1900. <https://china.usc.edu/us-senator-albert-j-beveridge-speaks-philippine-question-us-senate-washington-dc-january-9-1900>

183 Bulosan, Carlos. 1952. “Editorial.” *1952 ILWU Local 37 Yearbook*. http://depts.washington.edu/civilr3/pdf/local37_yearbook-op.pdf

184 See Kendall, Willmoore and George Carey. 1970. *The Basic Symbols of the American Political Tradition*. Catholic University of America Press. Bradford, M.E. 1976. “The Heresy of Equality: Bradford Replies to Jaffa.” *Modern Age*. Winter: 62-77. Wills, Garry. 1992. *Lincoln at Gettysburg: Words That Re-Made America*. New York: Touchstone.

have tried to suggest throughout this chapter, an important historical intervention, given the tendency to mythologize the founding era as a repository of liberal values. My point in offering a history of declaration interpretation in this section is, however, somewhat different. The intervention I want to make paints the founders in a better light, perhaps; I agree that the Declaration was not written to promulgate universal moral equality, but I offer the suggestion that it *was* written to announce a new, more democratic way of thinking about truth. The colonists needed such a view on truth in order to legally justify their revolution; political thinkers since then have used it in order to reinterpret the meaning of the document itself and engage in broad contestation around the truths which we, as a polity, hold as self-evident. In our time, this heritage – a way of thinking about truth which is grounded in intuition and custom rather than reason, formal law, or higher authority – is perhaps playing out in troubling ways.

Conclusion

Offering a reading in the vein of Frederick Douglass and Abraham Lincoln, contemporary political theorist Danielle Allen has recently interpreted the Declaration as a treatise on equality and democratic commitments.¹⁸⁵ In the beginning of her book, she offers a chronology of events relevant to her account; the earliest event she includes is Thomas Jefferson's 1774 publication of *A Summary View of the Rights of British America*. The Declaration is, I have

185 Allen, Danielle. 2014. *Our Declaration: A Reading of the Declaration of Independence in Defense of Equality*. New York: W.W. Norton and Company. For Allen, “equality has precedence over freedom” in the Declaration (2014, 275). This equality manifests in five forms in the document. First, the document asserts equal status for the states, including freedom from domination by other states, and equal status of individuals as rights-bearing creatures. Second, it asserts that all humans are created equal as the best judges of their own happiness, and therefore all must be given access to processes of political judgment through which that happiness might be secured. Third, the document asserts an epistemic egalitarianism, where all have something to contribute to the community's store of knowledge and experience. Fourth, Allen argues that equal power – freedom from domination – requires an equality of agency that is achieved by individuals through conversation and “reciprocal responsiveness” (269). Finally, in the conclusion of the document, Allen sees the signers pledging their lives and fortunes to each other in pursuit of independence. In this, she sees a fifth form of equality: equality as co-creation, where each have an equal stake and share in making a world together.

argued in this chapter, too often divorced in this way from the long colonial history that preceded and produced it. As a consequence, we misunderstand what the founders meant by equality in the document, and superimpose a moral, universal equality onto what is, properly, a concept grounded in a legal and inegalitarian context.

The consequences of misreading the original meaning of the Declaration are three-fold. In the first place, inappropriately reading originally liberal and egalitarian meanings into the founding contributes to the mythology of American exceptionalism and moral superiority. It is hard to be a truly critical and self-reflective citizen of a nation which was ostensibly born with a wonderful, radical prophecy of equality for all. The myth encourages exactly the kind of limited commitment to the actualization of justice, grounded in a comfortable feeling of fundamental moral sturdiness, which has defined American political life in the last sixty years. This idea that the arc of American history is long but bends toward a prophesied and enshrined equality induces a kind of moral, if not political, quietism.

Second, enshrining the Declaration as – to gloss Douglass – a glorious equality document misses what is truly politically empowering and progressive about the document: its creation of a new democratic standard of truth. This standard has allowed thinkers and activists of every era to reinterpret the Declaration and make it reflect of the truths of their time, enshrining the idea of self-evidence as the means by which a community can make pronouncements about the values they hold. It frees our truths from dusty and despotic authorities, instead offering communities the opportunity to decide, on their own authority, which truths they will hold.

Finally, the history of the Declaration that I have laid out in this chapter serves as a clear illustration, to my mind, of the real need for a critical history of the concept of equality. The career of the Declaration – its original inegalitarianism, its oscillating reinterpretation throughout

American history, and its current hegemonic position as democratic scripture – has had the same trajectory as the idea of equality in America itself: an idea with complex and contradictory meanings, a dynamic idea, and one whose current reputation as progressive obscures much about both the past and the present.

CHAPTER 2

The Abolitionist Origins of Social and Moral Equality

Sections

1. Introduction
2. Republicanism, Sympathy, and Thick Equality
3. The Amalgamation Waltz
4. Abolitionists Respond
5. Abolitionists Try a Different Approach
6. Moral Equality and a “Sovereign Remedy”
7. Conclusion

Introduction

On Valentine's Day in 1854, the abolitionist William Lloyd Garrison gave an address on slavery to a New York crowd assembled at the Broadway Tabernacle. The issue of slavery, he told the crowd, was becoming one that deeply divided Americans, not just politically but also socially and religiously. Those on either side of the issue, he asserted, had become totally dissimilar “in manners, in morals, in philosophy, in religion, in ideas of justice, in notions of law, in theories of government.” Such pro- and anti-slavery Americans, he intoned, “can never be reconciled – never walk together – never consent to a truce – never deal in honeyed phrases – never worship at the same altar.” Those who oppose slavery and those who support it, he concluded, now “understand each other and are drawn in battle array” and “between them there is an impassable gulf” as impossible to bridge as the physical repulsions between fire and gunpowder or oil and water.¹

Garrison was not the only antebellum thinker to assert that slavery had generated a deep and intractable social divide between Americans. Other abolitionists like Henry C. Wright and

¹ Garrison, William Lloyd. 1854. “No Compromise with Slavery.” In *Antislavery Political Writings, 1833-1860*. Ed. C. Bradley Thompson. 2004. Armonk, NY: M. E. Sharpe. 242-243.

Joshua Giddings similarly described the irreconcilability of institutions and social mores devoted to slavery with those devoted to freedom, while Abraham Lincoln famously asserted that a society deeply divided by such issues was not stable but rather “will become all one thing, or all the other.”² Slavery generated social divisions – differences in manners, morals, and theories of government – which were understood as instabilities in the republic, instabilities which would weaken republican political institutions and ultimately render them untenable.

Such prognostications were grounded in a central, if often-overlooked, tenet of early nineteenth century American political thought: the idea that a common sympathy and basic social equality between citizens was necessary to sustain republican government and stable republican institutions. Both American commentators and foreign observers alike observed that the relative social equality of citizens and their sympathy with one another was crucial to the flourishing of the American republic. European travelers in the 1830s and 1840s like Alexander Mackay and Alexis de Tocqueville described how in America “social inequality has never been a recognized principle” and correspondingly “all men have more or less the same way of thinking and feeling [and] each of them can judge in a moment the sensations of all the others.”³ Such sympathy and social equality, according to Tocqueville, made republican political equality both possible and inevitable.

Recent scholarship has shown that such views about the importance of republican sympathy to republican institutions were commonly held by antebellum Americans of all political

2 Wright, Henry. 1860. “No Rights, No Duties: Or, Slaveholders, as Such, Have No Rights; Slaves, as Such, Owe No Duties.” Giddings, Joshua. 1854. “The Moral Responsibility of Statesmen.” Lincoln, Abraham. 1858. “House Divided: Speech at Springfield, Illinois.” In *Antislavery Political Writings, 1833-1860*. Ed. C. Bradley Thompson. 2004. Armonk, NY: M. E. Sharpe. 212-219. 213.

3 Mackay, Alexander. 1849. *The Western World; or, Travels in the United States in 1846-47*. Philadelphia: Lea & Blanchard. 125. Tocqueville, Alexis de. *Democracy in America*. Volume 2, Book 3, Chapter 1. Project Gutenberg edition.

persuasions.⁴ Brother to the abolitionists Sarah and Angelina Grimké – but no friend to their views on slavery – Frederick Grimké wrote in his *Considerations upon the Nature and Tendency of Free Institutions* that “if there is a total defect of sympathy [between members of the polity] arising from causes which it is impossible to remove, all efforts to melt them into one people must fail.”⁵ Congressman Lemuel Evans of Texas, in a speech on the stability of American institutions in 1857, similarly asserted that “unity in fundamental opinions constitutes the spiritual essence, the very life and soul of nationality.”⁶ Another Senator would comment that while “the extent of territory is no serious obstacle to a free and representative Government [...] it is indispensable to the maintenance of a representative Government that its population should be a homogenous people.”⁷

For Americans like Evans and Grimké, the main impediment to republican sympathy was not, however, divergent citizen views on slavery. The division “impossible to remove,” the heterogeneity which made sympathy impossible and threatened republican institutions, was the presence of black Americans in a majority white polity. As Evans asserted later in the same speech, a “difference in race inevitably develops a corresponding difference in primary belief [...] and] must tend naturally to social and political anarchy, inasmuch as it leads to fundamental

4 Bateman, David. 2019. “Transatlantic Anxieties: Democracy and Diversity in Nineteenth-Century Discourse.” *Studies in American Political Development*. 1-39. Bateman's article is a rich repository of historical sources for early nineteenth century public discourse on social equality and amalgamation. Although I depart from his reading of abolitionist responses, particularly black abolitionist responses, to the problem of social equality, I largely concur with his account of the antebellum popular views on social equality, sympathy, and amalgamation that served as the backdrop to that response. Moreover, I am indebted to his careful historical work for directing me to many of the sources I consult in this draft of this chapter; this has been especially important in light of the lack of access to a number of library and archival materials in the spring of 2020.

5 Grimké, Frederick. 1848. *Considerations upon the Nature and Tendency of Free Institutions*. Cincinnati, OH: H. W. Derby.

6 Evans, Lemuel D. 1857. *Speech of Hon. Lemuel D. Evans, of Texas, on the stability of American institutions; delivered in the House of representatives, February 4*. Washington, Printed at the Congressional Globe Office. Retrieved from the Library of Congress. <https://lccn.loc.gov/10031647>. Quoted in Bateman 2019.

7 Phelps, Samuel S. 1848. *Speech of Mr. Phelps, of Vermont, on the War and the Public Finances*. Washington, DC: J. & G.S. Gideon. 11. Quoted in Bateman 2019, 10.

antagonisms in opinion, feeling, and habit.” Without a way to engender sympathy and social equality with black Americans, these white thinkers believed that republican institutions would founder on the problem of diversity.

Agitation for the abolition of slavery emerged in the early 1830s against the backdrop of this broadly shared belief that the stability of the republic was linked to sympathy between citizens. As David Bateman has shown, to gain support for abolition, activists had to grapple with this widespread belief in the necessity of republican sympathy.⁸ The problem of republican sympathy across racial difference was the main driver of abolitionist political theory. Early attempts to grapple with this differed widely. A minority of abolitionists, for instance, argued that sympathy *was* possible between black and white citizens, particularly if shared education, social mixing, and intermarriage were promoted. This view conceded the centrality of republican sympathy and sought to promote the close connections and social equality necessary to ensure cross-racial sympathy. The antithesis of this view also had supporters among abolitionists: granting the importance of republican sympathy, some activists sought to link abolition and manumission to the removal of black Americans from America, and the creation of colonies abroad. These abolitionists argued that the social equality necessary to a functioning republic would never be possible between groups racially linked to former enslavement and former slaveholding. To preserve the republic, abolition must be linked to colonization schemes abroad.

In the main, however, and especially as it gained in popularity, abolition linked itself with none of these views. Instead, abolitionist thought made a radical move: it rejected the very premise of the republican sympathy dilemma. These thinkers rejected the idea that, in fact, republican institutions relied on the sympathy made possible by a thick form of conjoined social

⁸ Bateman, “Anxieties.”

and political equality. Relations between citizens in a republic, they claimed, need not be so thick. We might stand far apart from one another, even reject the company of one another, and yet preserve a formal political and civil equality that was sufficient for the functioning of the republic. Abolition could be compatible with republicanism, they argued, because republican equality need only involve what they termed moral equality – formal political and civil equality fiated by an intrinsic but thin human sameness – not social equality. It would be possible to abolish slavery and admit black citizens while denying the necessity of social equality between black and white citizens.

In this chapter, I argue that abolitionist theorizing about equality led to the emergence and ascendance of two new conceptions of equality in American life: the idea of social equality, an equality between friends and associates relegated to the private realm of preferences, and the idea of moral equality, premised solely on a thin, intrinsic equality of all. Rather than a thick, unified conception of republican citizenship which integrated the social and political in order to prevent faction, abolitionists generated new theories of moral and social equality as separate and unrelated forms of equality in order to end slavery.⁹ Though these new theories of equality did effectively enable the end of chattel slavery in America, I argue that they were ultimately unresponsive to the deeper racial pathologies driving black exclusion from republican citizenship. Split from the social world, the idea of moral equality has proven incapable of addressing how racial prejudice metastasizes into inequalities of political power and participation by way of *de facto* segregation, dramatic income and wealth gaps, private discrimination and violence, racial

9 While scholars have been particularly attentive to the split between political and social equality in the Reconstruction era, this chapter argues for a new origin story for this split, one grounded in the dilemmas facing those who sought to abolish slavery in the early republic. On the dominance of this view in Reconstruction and post-Reconstruction era politics and jurisprudence, see Brandwein, Pamela. 2011. *Rethinking the Judicial Settlement of Reconstruction*. Cambridge: Cambridge University Press. See also Tushnet, Mark. 1987. “The Politics of Equality in Constitutional Law: The Equal Protection Clause, Dr. Du Bois, and Charles Hamilton Houston.” *The Journal of American History*. 74 (3): 884–903.

profiling, education and health disparities, and policing and carceral inequities.¹⁰ The idea of moral equality, in fact, papers over such inequities at the same time that it institutionally supports them as it becomes “colorblind” constitutionalism in the law.¹¹

In this chapter, I develop these arguments by first describing how a thicker conception of equality – one that combined and interwove the social and the political – dominated in the revolutionary era and early republic. As abolitionist opposition to African American enslavement emerged in the northern U.S. in the 1830s, the most effective criticism levied by pro-slavery forces was the idea that black political and civil freedom would require social equality with whites, including intermarriage between blacks and whites. The cry of “Amalgamation!” was an effective tool against abolitionists because it was plausible, given that the sympathy generated by social equality was seen as essential to a stable republic.

I then trace how the abolitionists attempted to respond to this critique, including early utopian projects and government schemes that emphasized shared education and intermarriage, or colonization projects like those championed by the American Colonization Society. Eventually, however, the abolitionists introduced a bold and fateful new theory of republican equality: the idea that social equality was actually something separable from moral equality. This vision, while ultimately triumphant, was not without its detractors; as one representative critic, I look particularly at the thought of black abolitionist Martin Delany. While the abolition of

10 As examples of recent literature documenting these connections, see Vesla Weaver and Amy Lerman. 2010. “The Political Consequences of the Carceral State.” *American Political Science Review*. 104: 4. Alexander, Michelle. 2010. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press. Barry C. Burden, Jason M. Fletcher, Pamela Herd, Bradley M. Jones, and Donald P. Moynihan. 2017. “How Different Forms of Health Matter to Political Participation.” *The Journal of Politics*. 79 (1): 166-178. Leighley, Jan E., and Jonathan Nagler. 2013. *Who Votes Now?: Demographics, Issues, Inequality, and Turnout in the United States*. Princeton, NJ: Princeton University Press. Solt, Frederick. 2008. “Economic Inequality and Democratic Political Engagement.” *American Journal of Political Science*. 52 (1): 48-60. Gorup, Michael. 2020. “The Strange Fruit of the Tree of Liberty: Lynch Law and Popular Sovereignty in the United States.” *Perspectives on Politics*. Pre-print.

11 On this link between emerging ideas of moral equality and the emergence of colorblind constitutionalism in the Reconstruction and Civil Rights eras in particular, see Kull, Andrew. 1998. *The Colorblind Constitution*. Cambridge, MA: Harvard University Press.

slavery was entirely dependent on successfully theorizing a thinner form of republican equality that bifurcated the social and the political, Delany and others were prescient in showing how this new thinner equality would prevent substantive integration and bolster many forms of racial oppression. Those views, however, were eclipsed in the Reconstruction era by the now-ascendant – and politically fateful – theory that moral equality could be divorced from social equality, a theory which has deeply impacted political equality and stymied efforts to combat intransigent racism in America.

Republicanism, Sympathy, and Thick Equality

Although ideas of social equality and sympathy defined abolitionist political thought, they had their origins in the republican theorizing of the revolutionary era and the constitutional debates of the early republic. Often framed in the language of faction and civic virtue, sympathy and social equality animated the early considerations about the durability of republican political institutions, culminating in the lengthy treatment of social equality and sympathy in Alexis de Tocqueville's *Democracy in America*. In this section, I trace theorizing about the social basis of stable republicanism through these early canonical texts. In the section that follows, I highlight how these themes were taken up by a diversity of lesser known thinkers and in the popular press.

In very abstract terms, engaging in practices of social equality was understood to produce the affective experience of sympathy. In turn, sympathy smooths self-interest and promotes an orientation toward the public good among an otherwise diverse citizenry, diminishing the dangers of factional conflict in the republic. Social equality, by generating sympathy, was seen as a crucial buttress to republican forms of government in America.¹²

¹² In this theoretical framework, social equality and sympathy are raised to the level of a constitutional question, since Article IV of the Constitution “guarantee[s] to every State in this Union a Republican form of Government.”

Social equality meant relatively free and regular social intercourse between people from a range of backgrounds. At minimum, social equality implied the absence of hard barriers like hereditary aristocracy that prevented social intercourse between different classes of citizens. But social equality was not merely the absence of restrictions; it was a lived experience of quotidian equality. Rather than an abstract status one possesses, social equality is something which one experiences and does every day with others. Interactions that signify social equality include mutually respectful greetings, eating meals together, drinking coffee or tea, sharing public spaces, engaging in forms of polite social interaction in the home, working in the same trades, being members in shared fraternal organizations, building business partnerships or intimate friendships together, and intermarrying. These are all ways of living together that demonstrate social equality.

As one engages in practices of social equality, sympathy emerges. The act of doing these things together changes the way people relate to one another. It makes one – often unconsciously – more aware of what is shared with another person. Sharing intimate spaces (like the home or the body) and practices (like eating, conversing, or child-rearing) overlaps our lives in a palpable sense. By bringing you into the daily activities and rituals that make up my life, you become more real to me. As a consequence, a sentiment of sympathy and faint warmth comes to shape how I respond to you. At the same time, our shared activities and habits bring our opinions and mores closer together, making sympathy with one another more straightforward. In both of these ways, the practices which constitute social equality generate a circle of sympathy which, in a small but important sense, bonds citizens and smooths over differences between them.

In the late eighteenth and early nineteenth century, there was a broad consensus in American political thought that social equality and sympathy were necessary components of a

functioning republic.¹³ The view was, simply put, that social equality generates sympathy, which in turn makes the republic possible. As David Bateman has shown, Americans of the time were broadly convinced that the republic “rested not only on popular consent, but on the ability of the public to sympathize with each other.” This was seen as politically essential in order to “mitigate the conflicts over factional interests and social and material status” differences in the growing republic. Without such sympathy, “encompassing the entire community and constantly renewed through intercourse among social equals,” republican institutions could not be sustained.¹⁴

In particular, social equality and sympathy were seen, if implicitly, as solutions to the problem of factional conflict. The problem of faction was a central animating concern of thinkers in the revolutionary period and early republic. The classical republican worry, as elaborated by theorists like Montesquieu and taken up by Americans on both side of the constitutional debate, was that large republics could not flourish because they could not sustain the requisite civic virtue of citizens to act for the common good, and would thus dissolve under the turbulence of violent factionalism. “To maintain or sustain itself,” a republic required more than merely the force of the laws, according to Montesquieu: “there must be an additional spring, which is virtue.”¹⁵ As John Adams wrote in 1776, “there must be a positive Passion for the public good, the public

13 In general, eighteenth century political thought was centrally preoccupied, as Ruth Scurr has put it, with questions around sympathy and sympathetic social bonds like “are there any spontaneous social bonds between individuals that exist independently of the formal powers of government? And if so, how strong is the social cohesion, or sociability, to which these bonds give rise?” (444) See Scurr, Ruth. 2009. “Inequality and political stability from Ancien Régime to revolution: the reception of Adam Smith's Theory of Moral Sentiments in France.” *History of European Ideas*. 35 (4): 441-449. Adam Smith and David Hume are the central figures in the eighteenth century's turn to sympathy, and influenced the American founders. For general discussions of the work of Smith and Hume on sympathy, see Sayre-McCord, Geoffrey. 2015. “Hume and Smith on Sympathy, Approbation, and Moral Judgment.” In *Sympathy: A History*. Ed. Eric Schliesser. New York: Oxford University Press. 208-246. See also Forman-Barzilai, Fonna. 2010. *Adam Smith and the Circles of Sympathy: Cosmopolitanism and Moral Theory*. Cambridge, UK: Cambridge University Press. Frazer, Michael. 2010. *The Enlightenment of Sympathy: Justice and the Moral Sentiments in the Eighteenth Century and Today*. New York: Oxford University Press. For Jefferson's indebtedness to the Scottish Enlightenment, see Wills, Garry. 1978. *Inventing America: Jefferson's Declaration of Independence*. New York: Vintage Books.

14 Bateman, “Anxieties,” 3.

15 Montesquieu, *The Spirit of the Laws*. Book 3, Chapter 3.

Interest, Honour, Power and Glory, established in the Minds of the People, or there can be no Republican Government.”¹⁶ This passion for the public good, the worry went, would be attenuated in larger republics. As republics grew in size, greater economic inequality would emerge and interests would diversify, and as a result self-interest would outstrip the virtuous devotion to the common good.¹⁷ A larger republic also faced epistemic challenges, as it became harder for both citizens and representatives to perceive the public good.¹⁸

Writing against the proposed constitution, and armed with Montesquieu, anti-federalist Brutus urged that “in a republic, the manners, sentiments, and interests of the people should be similar.” Without such similarity, the “constant clashing of opinions” will “retard the operations of government, and prevent such conclusions as will promote the public good.”¹⁹ In a large republic, like the proposed United States, the populace would be too large and dispersed for sympathetic similarity between citizens. Elsewhere, Brutus worried that elected representatives in such a large republic would be “ignorant of the sentiments” of their constituents, “strangers to their ability, wants, and difficulties, and void of sympathy and fellow feeling.”²⁰

But while the anti-federalists worried about the unsympathetic factionalism that a larger republic would suffer, federalists worried that it was in fact small scale republics which were

16 Letter from John Adams to Mercy Warren. April 16th, 1776. <http://press-pubs.uchicago.edu/founders/documents/v1ch18s9.html>

17 As Montesquieu writes in Book 8, Chapter 16 of *The Spirit of the Laws*: “It is natural to a republic to have only a small territory, otherwise it cannot long subsist. In a large republic there are men of large fortunes, and consequently of less moderation; there are trusts too great to be placed in any single subject; he has interest of his own; he soon begins to think that he may be happy, great and glorious, by oppressing his fellow citizens; and that he may raise himself to grandeur on the ruins of his country. In a large republic, the public good is sacrificed to a thousand views; it is subordinate to exceptions, and depends on accidents. In a small one, the interest of the public is easier perceived, better understood, and more within the reach of every citizen; abuses are of less extent, and of course are less protected.” This selection from Montesquieu is quoted at length in the *Anti-Federalist Papers*, Brutus #1.

18 Jacob Levy argues that Montesquieu presents three arguments in favor of the small republic thesis: the virtue argument, the epistemic argument, and problem of constraining executive and military power. Levy, Jacob. 2006. “Beyond Publius: Montesquieu, Liberal Republicanism and the Small-Republic Thesis.” *History of Political Thought*. 27 (1): 50–90.

19 *Anti-Federalist Papers*, Brutus #1

20 *Anti-Federalist Papers*, Brutus #3

prone to factionalism and deficits of sympathy.²¹ Those individuals and groups “adversed to the rights of other citizens, or to the permanent and aggregate interests of the community,” argued Publius, would be best controlled in an extended, confederated republic where “the excellences of republican government may be retained and its imperfections lessened or avoided.”²² History, as well as experiences in the smaller American states, had shown that in small republics “the public good is disregarded in the conflicts of rival parties.”²³ A larger federal republic, on the other hand, would be “more favorable to the election of proper guardians of the public weal.” The greater diversity of interests and challenges of coordination in a large republic would prevent both the formation “of an unjust and interested majority” as well as hamper such factions in their schemes to “outnumber and oppress the rest.”²⁴ Through both the election of more sympathetic politicians and the checks and balances implicit in confederated institutions, federalists believed that larger scale republics would be more protected from faction.²⁵

As Jacob Levy has shown, however, the arguments of Publius in favor of institutional solutions – or the related attacks on Montesquieu's small republic thesis by David Hume – did

21 Federalists were more sanguine about the existence of national bonds of sympathy and interest which held across the whole nation. In *Federalist #35*, for instance, Publius responds to Brutus's worry about the lack of sympathy between representatives and their constituents by asserting the relative homogeneity of interests across seemingly divergent classes. He writes, for instance, that landed interests from the wealthy down to the small farmer “have a common interest to keep the taxes on land as low as possible; and common interest may always be reckoned upon as the surest bond of sympathy.” He also writes that there are “strong chords of sympathy” between candidates and electors, and that the candidate will “take care to inform himself of their dispositions and inclinations, and should be willing to allow them their proper degree of influence upon his conduct.” Similar sentiments are voiced in *Federalist #52* and *#57*. See also Wood, Gordon. *The Creation of the American Republic, 1776-1787*. Ch. 12.

22 *Federalist Papers*, Publius #10; *Federalist Papers*, Publius #9

23 *Federalist Papers*, Publius #10. As Publius goes on to argue in #10, “the smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression [...] a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual.”

24 *Federalist Papers*, Publius #10.

25 It is important to note that federalists did not believe in sympathetic perfectibility – in the idea that people could be *made* more attentive to the common good and less myopically self-interested. Despite their gestures to more virtuous representatives in larger republics, it is clear that the heart of their scheme was, as James Madison famously put it in *Federalist #51*, that “ambition must be made to counteract ambition.”

not persuade everyone, and the problem of sympathy remained a live consideration in the early republic.²⁶ One reason that the problem of sympathy remained a live one for many thinkers was the problem of race. Contemplating the danger of racial factions made the polite institutional checks and balances of the federalists seem like a deeply inadequate response. Such schemes would only work in relatively homogenous societies *already* defined by social equality and glued together by sympathy, and nothing made this clearer than contemplating the factions which would emerge in a racially diverse republic. As John Taylor observed in 1818, “the history of parties in its utmost malignancy is but a feint mirror for reflecting the consequences of a white and a black party” contending against one another for power. “No doubt can exist,” he continued, “of the consequences of placing two nations of distinct colors and features on the same theatre to contend [...] for wealth and power”: “the collision would be immediate, and the catastrophe speedy.”²⁷ Racial factions, if allowed to emerge from the restraint of slavery and disenfranchisement, would rock republican institutions; as Thomas Jefferson gloomily opined, racial factions would “produce convulsions which will probably never end but in the extermination of the one or the other race.”²⁸ If factions endangered the stability of republican institutions, racial factions animated by a complete lack of sympathy between black and white Americans were seen as an even greater threat to the republic.

Taylor and Jefferson's pessimism about a diverse republic was given its fullest and most popular treatment by Alexis de Tocqueville, in his seminal account of the link between social equality and democracy in America – and the related problem of racial diversity. Tocqueville begins by discussing the general equality of conditions in white America, by which he means

26 Levy 2006. *See also* Hume, David. 1987 [1777]. “The Idea of a Perfect Commonwealth.” In *Essays Moral, Political, and Literary*. Ed. Eugene Miller. Indianapolis, Indiana: Liberty Fund.

27 Taylor, John. 1818 [1977]. *Arator: Being a Series of Agricultural Essays, Practical and Political in Sixty-Four Numbers*. Indianapolis: Liberty Fund.

28 Jefferson, Thomas. *Notes on the State of Virginia*. 186.

social equality unhampered by either aristocracy or by vast and entrenched material inequalities. Writing in 1835, he observes that “the social state of the Americans is eminently democratic.”²⁹ This social equality, he writes, is the “generative fact” in the American republic, the “primary fact,” which “modifies everything it does not produce.”³⁰ For Tocqueville, this equality of conditions “facilitates and increases” a general “regularity of morals” and produces citizens who “have more or less the same way of thinking and feeling.”³¹ Correspondingly, it also gives rise to a “real sympathy” between citizens.³² Tocqueville devotes considerable attention to the social spaces, like civic and social associations and marriage, where “Americans of all ages, all conditions, all dispositions constantly unite” and where individuals living and working together “are, in a manner, forced to be acquainted, and to adapt themselves to one another.”³³ In general, Tocqueville argues, social equality changes how citizens think and relate to one another, diminishing their self-interest and the formation of factional disagreements.³⁴ The quotidian experience of “equality,” he writes, “creates opinions, engenders sentiments, suggests the ordinary practices of life, and modifies whatever it does not produce.”³⁵ This fact of social equality and the corresponding feelings of republican sympathy to which it gives rise are essential to the success of the American republic and the durability of its political institutions.³⁶

29 Tocqueville, *Democracy*, volume 1, book 1, chapter 3.

30 Tocqueville, *Democracy*, volume 1, book 1, introduction.

31 Tocqueville, *Democracy*, volume 2, book 3, chapter 11; volume 2, book 3, chapter 1.

32 Tocqueville, *Democracy*, volume 2, book 3, chapter 1.

33 Tocqueville, *Democracy*, volume 2, book 2, section 2, chapter 5; volume 2, book 2, section 2, chapter 4.

34 Another way in which social equality generates changes in how individuals relate to one another is contained in Tocqueville's important idea of “self-interest rightly understood.” Understood by Tocqueville as an important check on the individualism too characteristic of democratic society, the doctrine of self-interest rightly understood teaches that “the duty as well as the interest of men is to render themselves useful to those like them.” In other words, as the sphere of sympathy is expanded, self-interest is checked by the understanding that it is ultimately in our self-interest – understood over the longer term and considered from a broader point of view – to consider the common good of people like ourselves. See Tocqueville, *Democracy*, volume 2, book 2, section 2, chapter 4; volume 1, book 1, chapter 18.

35 Tocqueville, *Democracy*, volume 1, book 1, introduction.

36 Tocqueville argues that the social mores and habits of American society are integral to the success of the American republic. For instance, he describes how the transfer of American law without American social mores led to the failure of the constitutional experiment in Mexico. The social structures, not the political or legal,

As Tocqueville himself recognized, however, “the absolute supremacy of democracy is not all that we meet with in America; the inhabitants of the New World may be considered from more than one point of view.”³⁷ These lines open Tocqueville's chapter on “the three races in the United States,” where he considers the position of black and indigenous Americans within and alongside the Anglo-American republic. As Alvin Tillery and others have observed, in this chapter and elsewhere Tocqueville is profoundly pessimistic about the possibility of a racially diverse republic.³⁸ “I do not think,” Tocqueville writes, “that the white race and the black race will come to live on a footing of equality anywhere.”³⁹ His pessimism is grounded in his belief in the importance of social equality and sympathy. “More than once, in the course of this work,” he reminds us in the “Three Races” chapter, “I have endeavored to explain the prodigious influence which the social condition appears to exercise upon the laws and the manners of man.” The greatest difficulty in abolishing slavery and enfranchising black Americans is not in changing the law; it is in “altering the manners” of citizens. “The moderns, then,” he continues dejectedly, “after they have abolished slavery, have three prejudices to contend against, which are less easy to attack and far less easy to conquer than the mere fact of servitude: the prejudice of the master, the prejudice of the race, and the prejudice of color.” White Americans might abolish slavery or introduce political equality, but their social prejudices would prove fatal to the true social integration and social equality which would be necessary to preserve a diverse republic.

Tocqueville argues clearly and forcefully that the only way to prevent violent and

accounted for the success of the American republic.

37 Tocqueville, *Democracy*, volume 1, book 1, chapter 18.

38 See Tillery, Jr., Alvin. 2009. “Tocqueville as Critical Race Theorist: Whiteness as Property, Interest Convergence, and the Limits of Jacksonian Democracy.” *Political Research Quarterly*. 62 (4): 639–52. See also Turner, Jack. 2008. “American Individualism and Structural Injustice: Tocqueville, Gender, and Race.” *Polity*. 40 (2): 197-215. Janara, Laura. 2004. “Brothers and Others: Tocqueville and Beaumont, U.S. Genealogy, Democracy, and Racism.” *Political Theory*. 32 (6): 773-800.

39 Tocqueville displays similar pessimism about the fate of indigenous Americans, writing that once Anglo-Americans reach the Pacific Ocean with their settlements, American Indians are “doomed to perish.”

intractable racial factions would be to introduce black Americans into practices of social equality with whites, generating the sympathy which would make a diverse republic possible.

Contemplating the condition of the American south, Tocqueville argues that there are only two alternatives open to the white inhabitants: “viz., either to emancipate the negroes, and to intermingle with them; or, remaining isolated from them, to keep them in a state of slavery as long as possible.” Blacks and whites “must either wholly part or wholly mingle.” Anything intermediate – emancipation and enfranchisement, for instance, without social equality – would destroy the republic, terminating, “and that shortly, in the most horrible of civil wars, and perhaps in the extirpation of one or other of the two races.”⁴⁰ Tocqueville reminds his readers repeatedly in the “Three Races” chapter that government requires “that instinctive, and to a certain extent involuntary agreement, which results from similarity of feelings and resemblances of opinion” among the citizens.⁴¹ This sympathetic amalgamation of black and white Americans, Tocqueville believed, would never happen freely in the republic.⁴² The racial prejudices which make social equality between black and white Americans so difficult to imagine deeply threaten the stability of the republic; they are, to Tocqueville's mind, “the most formidable of all the ills which threaten the future existence of the Union.”⁴³

40 Elsewhere in the chapter he writes, “I am obliged to confess that I do not regard the abolition of slavery as a means of warding off the struggle of the two races in the United States. The negroes may long remain slaves without complaining; but if they are once raised to the level of free men, they will soon revolt at being deprived of all their civil rights; and as they cannot become the equals of the whites, they will speedily declare themselves as enemies.”

41 “I will never admit,” Tocqueville continues, “that men constitute a social body, simply because they obey the same head and the same laws. Society can only exist when a great number of men consider a great number of things in the same point of view; when they hold the same opinions upon many subjects, and when the same occurrences suggest the same thoughts and impressions to their minds.”

42 Tocqueville mused that this might happen successfully, however, under despotic or absolute forms of government. “An isolated individual may surmount the prejudices of religion, of his country, or of his race, and if this individual is a king he may effect surprising changes in society; but a whole people cannot rise, as it were, above itself. A despot who should subject the Americans and their former slaves to the same yoke, might perhaps succeed in commingling their races.”

43 On the importance of shared mores to the stability of republics in Tocqueville's analysis, see Maletz, Donald. 2005. “Tocqueville on Mores and the Preservation of Republics.” *American Journal of Political Science*. 49 (1): 1-15.

The Amalgamation Waltz

Americans in the early part of the nineteenth century understood Tocqueville's point implicitly: to preserve the stability of the republic from tumultuous racial factions, there could be no half measures of black emancipation without social equality and sympathy. To emancipate would necessarily mean, to borrow the language of commentators at the time, to amalgamate. Or, to put it another way, to advocate emancipation without amalgamation would be tantamount to destroying the republic. If America emancipated and enfranchised black citizens, argued one Pennsylvania state senator, it must “place them on an equality with all other citizens, in social as well as political relations.” Otherwise, the action would “bring an irritated and bitter enemy into the body politic, who could never be reconciled by a vote for the insult to his feelings and pride, in his exclusion from your society.”⁴⁴ As one American diplomat put it, Americans “could not fail to see” that allowing political equality for black people would also require social equality with white people:

“[The] appropriateness of [this] any smart Philadelphia schoolboy could, after five minutes reflection, have justified [...] if the black race were raised to a political equality with the white, they would naturally and inevitably aspire to be received into white society, and to be accepted and sought by white maidens and youths, as husbands and wives,—that if these claims should be denied, a worse state of feeling would arise than that which belonged to the relation of master and slave,—and that [...] as it could not be supposed to be the design of the Abolitionist to substitute this worse state of feeling for the other, he must contemplate [...] that which could alone prevent it,—the amalgamation of the two races.”⁴⁵

Political equality without social equality, wrote another commentator in 1836, “without kindred connections, without social or sexual intercourse,” would only lead to racialized party warfare

44 Konigsmacher, Joseph. Agg, *Proceedings and Debates Pennsylvania*, vol. 10, 132–33, 95. Quoted in Bateman, “Anxieties,” 21.

45 Trist, Nicholas. 1840. Correspondence with British Coms. at Sierra Leone, Havana, &c., 1839-40 (Class A), 1840, sessional papers, vol. 46, Command Papers [265], 212 (194). Quoted in Bateman, “Anxieties,” 30.

and an eventual “war of extermination.”⁴⁶

Such commentary, however, was not intended to advocate for the thick social equality between white and black citizens which would enable black emancipation and enfranchisement; it was intended to logically refute emancipation and enfranchisement. As Tocqueville had pessimistically observed, the clear undesirability and even absurdity of social equality and amalgamation between black and white Americans was baked into the racist social mores of the early republic. The straightforward incompatibility of such social equality with American mores can be seen in popular depictions of racial social mixing, like the “Amalgamation” series of cartoons by Edward Williams Clay drawn in the 1830s and 1840s.⁴⁷ Taken at the time as a depiction of the patent absurdity of cross-racial social equality, Clay's cartoons depict straightforward scenes of wealthy, well-dressed interracial couples eating dinner together, dancing the polka and the waltz, marrying, and relaxing in their home with their children. Though the features of the black characters are drawn in an exaggerated style, the cartoons are otherwise notable for their lack of parody. It appears that the mere depiction of such interracial social and domestic scenes, to Clay's viewers, was sufficient to trigger their prejudice and revulsion.

Clay's cartoons were part of a body of popular work that depicted the ostensible horrors and unnaturalness of black and white social equality and, especially, sex and marriage. The earliest of these works include engravings and poems written by Federalist opponents of Thomas Jefferson, who satirized his sexual relationship with Sally Hemings and linked it to his “embrace of liberal democracy.”⁴⁸ In other words, Jefferson's political views were discredited by showing

46 Drayton, William. 1836. *The South Vindicated from the Treason and Fanaticism of the Northern Abolitionists*. Philadelphia: H. Manly. 227–28. Quoted in Bateman, “Anxieties,” 20-21.

47 The American Antiquarian Society has preserved a number of Clay's cartoons. This including “An Amalgamation Polka” in The News Media and the Making of America, 1730-1865 online archive at <https://americanantiquarian.org/earlyamericannewsmedia/items/show/54>.

48 Lemire, Elise. 2002. *Miscegenation: Making Race in America*. Philadelphia: University of Pennsylvania Press. 1.

that they led to unnatural consequences like interracial liaisons. After Nat Turner's 1831 slave revolt, William Lloyd Garrison's publication of the first issue of *The Liberator* in the same year, and the emancipation of British slaves in 1833, many more popular depictions of the horrors of amalgamation were penned. One widely noted example was Jerome Holgate's 1835 dystopian novel *A Sojourn in the City of Amalgamation, in the Year of Our Lord, 19--*. Written in the style of *Gulliver's Travels*, the novel depicts the protagonist arriving in a strange new city, Amalgamation, in which white and black people marry and raise children together.⁴⁹ The first chapter, however, is a metaphysical meditation upon how good events may emerge from bad causes, and visa versa. This presents “a problem for abolitionists” because, as the novel undertakes to illustrate, abolition will necessarily be linked to a range of deeply undesirable outcomes for both the formerly enslaved and the former slaveholders.⁵⁰ Because emancipation and enfranchisement are linked to social equality, Holgate's novel asserts that abolition must be assessed with reference to consequences: to, in his view, the ostensibly biologically unnatural relationships and corresponding moral retrogression and deep personal unhappiness that will result.

Americans with a range of political views on abolition united in their feelings of instinctual aversion to such social mixing, and the press and popular literature of the time was full of treatments like Holgate's. White Americans described black Americans as “separated from us by the *insurmountable* barrier of color,” a group which “must remain *for ever* a distinct and inferior race, repugnant to our republican feelings, and dangerous to our republican institutions.”⁵¹ This aversion held even when considering black and white people otherwise equal in economic status

49 The novel begins by quoting a passage from Jonathan Swift, so the similarity between the styles of the works appears self-conscious.

50 Holgate, Jerome [published under the pseudonym Oliver Bolokitten]. 1835. *A Sojourn in the City of Amalgamation, in the Year of Our Lord, 19--*. New York: self-published. Accessed at <https://archive.org/details/sojournincityofa00bolo/page/n3/mode/2up>. 8.

51 *African Repository*. Vol. II. 188-189.

and educational attainment. As a periodical of the time put it, “if we were constrained to admire so uncommon a being (a pious, highly cultivated, scientific negro) our very admiration would be mingled with disgust, because in the physical organization of his frame we meet with an insurmountable barrier even to approach to social intercourse [...] a principle of repulsion so strong as to forbid the idea of a communion either of interest or of feeling as utterly abhorrent.”⁵² During the New York City race riots of 1834, the anti-abolitionist *Courier and Enquirer* went even further, extending some of the feelings of instinctual aversion to include even those white abolitionists who ostensibly countenanced social equality and amalgamation.⁵³ The editor, James Watson Webb, angrily wrote that “the avowal of such feelings is disgusting in our society and he, who does avow them, should be spurned from it.” As for the riot which destroyed at least one abolitionist's home, Webb opined that those who “openly and publicly promulgate doctrines which outrage public feeling [...] and] violate every law divine and human [...] have no right to demand protection from the people they thus insult.”⁵⁴ To Webb and many others, it was intuitively clear that “an IMPASSIBLE BARRIER existed in the state of society in this country, between these classes” of black and white Americans.⁵⁵ “Amalgamator” thus joined the lexicon of epithets thrown at abolitionists.

The revulsion expressed in the popular press for social equality between black and white Americans was grounded in a variety of sources. Early forms of proto-scientific racism, as embodied in ideas of human and primate racial hierarchy like the Great Chain of Being, were

52 *African Repository*. Vol. VII. 331. Quoted in Jay, William. 1838. *Inquiry into the Character and Tendency of the American Colonization Society and American Anti-Slavery Societies*. New York: R.G. Williams.

53 Hans Trefousse quotes a similar sentiment in a later newspaper which writes “the radicals [...] are the savage and desperate enemies of the government, the country, the Union and order” (xii). 1968. *The Radical Republicans: Lincoln's Vanguard for Racial Justice*. New York: Alfred Knopf.

54 *Courier and Enquirer*. July 11th, 1834. Quoted in Kerber, Linda. 1967. “Abolitionists and Amalgamators: The New York City Race Riots of 1834.” *New York History*. 48 (1): 28–39.

55 Second Annual Report of New-York State Colonization Society. Quoted in Garrison, William Lloyd. 1832. *Thoughts on African Colonization*. 139.

perhaps more post hoc rationalizations than primary causes.⁵⁶ Tocqueville and others would argue for a more straightforward sociological story: that the institution of chattel slavery had come to inflect racial phenotypic differences with different experiences of human freedom and dignity.⁵⁷ The legacy of slavery – the degradation of bondage – came to be epidermalized, and whiteness came to be understood as a form of property in rights and status in a way that would prove durable.⁵⁸ This durability was more important than the source or rationality of white racial antipathy. As one periodical from the time acknowledged:

“Whether these feelings are founded in reason or not, we will not now inquire—perhaps they are not. But education and habit, and prejudice have so firmly riveted them upon us, that they have become as strong as nature itself—and to expect their removal, or even their slightest modification, would be as idle and preposterous as to expect that we could reach forth our hands, and remove the mountains from their foundations into the vallies [sic], which are beneath them.”⁵⁹

Whatever its origins, the aversions of white Americans to social equality with black Americans were palpable and omnipresent in the early republic.

It is important to recognize that while scholars have frequently characterized white fears of amalgamation as overblown and hysterical reactions to pushes for black rights and power, such white fears were in fact rationally grounded in the commonly accepted link between social

56 Thomas Jefferson's *Notes on the State of Virginia* is one popular example of this racial ideology. For an insightful discussion, see Kazanjian, David. 2003. *The Colonizing Trick: National Culture and Imperial Citizenship in Early America*. Minneapolis: University of Minnesota Press. Ch. 2. See also Horsman, Reginald. 1981. *Race and Manifest Destiny: Origins of American Racial Anglo-Saxonism*. Cambridge, MA: Harvard University Press.

57 Tocqueville, *Democracy*, volume 1, book 1, chapter 18. As the First Annual Report of the American Colonization Society put it: “The mark and the recollection of his origin and former state [of enslavement] still adhere to him; the feelings produced by that condition, in his own mind and in the minds of the whites, still exist; he is associated by his color, and by these recollections and feelings, with the class of slaves; and a barrier is thus raised between him and the whites, that is between him and the free class, which he can never hope to transcend.” Quoted in Garrison, *Colonization*, 140.

58 On the idea of whiteness as a form of property, see Harris, Cheryl. 1993. “Whiteness as Property.” *Harvard Law Review*. 106 (8): 1707-1791. On the risks that white men ran of “divesting” themselves of this property by marrying women of color, see Barbeau, Lauren. 2015. *The Heart of Whiteness: Interracial Marriage and White Masculinity in American Fiction, 1830-1905*. Unpublished Ph.D. Dissertation, Washington University in St. Louis. Accessed at https://openscholarship.wustl.edu/art_sci_etds/634/

59 *African Repository*, vol. vii. pp. 230, 331. Quoted in Garrison, *Colonization*, 126.

equality, sympathy, and republican institutions.⁶⁰ Social equality – which included marriages between black and white Americans – was linked to the stable republican government of a diverse citizenry in the political thought of the time. If republican political life required social equality to function, black emancipation and enfranchisement necessarily implied social equality, including intermarriage and procreation. If white American mores could not countenance such thick social equality, then within the political thought of the time, commentators reasonably concluded that black Americans must necessarily be excluded from the body politic. As one periodical of the time put it, social equality between black and white Americans “is most decisively reprobated by universal public sentiment [...] Does any man in his senses desire this population to remain among us? If the whole community could reply, **IT WOULD RESPOND IN ONE UNIVERSAL NEGATIVE.**”⁶¹ If social equality was impossible to imagine, if it was met with a universal negative from white inhabitants, then to preserve republican political institutions only “two [other] alternatives seem to present themselves: to transport the African race bodily to some other country, or to retain them in their present condition” of enslavement and disenfranchisement.⁶²

While schemes of colonization did emerge in the early republic – as I discuss in the next section – the far more typical response, especially in the American South, was to argue in favor of retaining enslavement. In his inaugural address in 1834, the governor of South Carolina argued that “the institution of domestic slavery, paradoxical as it may seem, is an indispensable element in an unmixed representative republic.”⁶³ “Slavery is the corner-stone of our republican edifice,”

60 See Novkov, Julie. 2008. *Racial Union: Law, Intimacy, and the White State in Alabama, 1865–1954*. Ann Arbor: University of Michigan Press. See also Painter, Nell Irvin. 1988. “‘Social Equality,’ Miscegenation, Labor, and Power.” In *The Evolution of Southern Culture*. Ed. Numan V. Bartley. Athens: University of Georgia Press.

61 *African Repository*, vol. vii. pp. 230, 231. Emphasis in the original. Quoted in Garrison, *Colonization*, 131.

62 Grimké, Frederick. 1848. *Considerations upon the Nature and Tendency of Free Institutions*. Cincinnati, OH: H. W. Derby. 338-9.

63 Quoted in Jay, *Inquiry*, 81.

he opined, “so necessary to the true and genuine feeling of republicanism.”⁶⁴ Four years later, John C. Calhoun would assert that while “many in the South *once* believed that slavery was a moral and political evil,” that “*folly and delusion are gone*. We now see it in its true light, and regard it as the most *safe and stable basis for free institutions*.”⁶⁵ According to the logic of these thinkers, if social equality was an impossibility, and colonization of the full black population impractical, slavery must be retained in order to preserve republican free institutions.

Abolitionists Respond

While early abolitionists refused to countenance slavery as an acceptable outcome, they were nevertheless forced to grapple with the republican necessity for social equality as well as white revulsion at the prospect. They responded to this dilemma in a wide variety of ways. Some rejected a consequentialist view of slavery, arguing that it was morally necessary to work for abolition regardless of potential downstream consequences to the republic or its white citizenry. Others conceived ambitious state and philanthropic solutions to – depending on their priorities – either the problem of white prejudice or the problem of black citizens. In various ways, however, they all agreed that a republic required social equality and sympathy between citizens, regardless of race. As I describe in the next section, their efforts to square this with the project of abolition failed, largely because they failed to appreciate both the difficulties of large-scale social engineering and the intractability of white racial prejudice.

Some of the earliest abolitionist thinkers were the least responsive to the question of social

64 Quoted in Child, Lydia Marie. 1860. “The Patriarchal Institution, as Described by Members of Its Own Family.” In *Antislavery Political Writings, 1833-1860*. Ed. C. Bradley Thompson. 2004. Armonk, NY: M. E. Sharpe. 3-23.

65 Italics in original. Quoted in Thompson, C. Bradley. 2004. “Introduction.” In *Antislavery Political Writings, 1833-1860*. Ed. C. Bradley Thompson. 2004. Armonk, NY: M. E. Sharpe. xiii. On this point, *see also* Tillery, Jr., Alvin. 2009. “Tocqueville as Critical Race Theorist: Whiteness as Property, Interest Convergence, and the Limits of Jacksonian Democracy.” *Political Research Quarterly*. 62 (4): 639–52. 647.

equality. They approached the problem of social equality by simply asserting that it was the duty of white Americans to abolish slavery, regardless of the consequences. Feminist and abolitionist Angelina Grimké was typical in this regard. In 1836, Grimké would center duty in her discussion of emancipation, arguing in her appeal to the Christian women of the South that fears of amalgamation or even concern for the stability of the republic were outweighed by the profound sinfulness of slavery. She acknowledged that everyone, even Americans in “the North, [are] most dreadfully afraid of Amalgamation,” “and lest this consequence *might* flow from emancipation,” they are “determined to resist all efforts at emancipation without expatriation” of free blacks. Grimké's response to this view, however, was to acerbically deny that such consequences ought to be considered. “I will leave you to judge,” she wrote with disdain, “whether the fear of amalgamation ought to induce men to oppose anti-slavery efforts, when *they* believe *slavery* to be *sinful*.” By centering sinfulness and Christian duty in her analysis, both practical social integration and the stability of political institutions fell out of view for Grimké. Her parting injunction was a rather vague plea for Americans to “cut through the *CORDS OF CASTE*” and prejudice which prevented them from taking up what she saw as their overriding Christian responsibility to work for emancipation.⁶⁶

At the heart of the efforts of Grimké and many others to center duty, especially Christian duty, was an emphasis on what they would term moral suasion. The goal was to persuade Americans that slavery was immoral and wrong, in the hope that such a belief would trump other concerns about emancipation. Abolitionists, as David Ruggles wrote of his comrades, “do not pretend to fathom the consequences of things, or penetrate into futurity – it is enough for them to

66 Grimké, Angelina. 1836. “Appeal to the Christian Women of the South.” *Philadelphia National Enquirer*. October 29. 30. Emphasis in the original.

do their duty.”⁶⁷ An emphasis on moral suasion, then, involved converting Americans to the view they should not consider the consequences which might follow from ending slavery. The slogan was, as William Lloyd Garrison would put it, “duty, not consequences!”⁶⁸ Such a slogan contained an overriding and potentially even tragic commitment to the end of slavery over all other things. As the theologian Jonathan Edwards had regretfully recognized as early as 1791, consequences like racial war or amalgamation through marriage were likely to be part of the “natural and necessary course of events” that followed emancipation. For Edwards, this was sad but inevitable. Former slaveholders, he wrote, “will be necessitated by Providence to make in one way or another compensation to the Negroes for the injury which they have done them.” Edwards saw only two options: “in the first case, by taking them into affinity with themselves, giving them their own sons and daughters in marriage and making them and their posterity the heirs of all their property [...] in the other case, by leaving to them all their real estates [...] houses, lands, and improvements.”⁶⁹ Edwards advocated the latter to white southerners, as leaving the south would be – while onerous – the least costly of the two options. Yet Americans must learn resignation, as these costly probable consequences to the white community could not and should not outweigh the duty and moral obligation to abolish slavery. As Amos Phelps would write in 1834, moral suasion about the wrongness of slavery came “to the conscience of the community as a community, and of the individual as an individual, with the pressure of immediate duty – duty now – duty on the spot.”⁷⁰ Such a responsibility to do one's duty transcended the consideration of any possible personal repercussions.

67 Ruggles, David. 1834. *The 'Extinguisher' Extinguished, or, David M. Reese, M.D., 'Used Up'*. New York: D. Ruggles. 15.

68 Garrison, *Colonization*, 147.

69 Edwards, Jonathan. 1791. *The Injustice and Impolicy of the Slave-Trade and of the Slavery of the Africans*. New Haven, CT: Thomas and Samuel Green. 37. Quoted in Bateman, “Anxieties,” 18.

70 Phelps, Amos. 1834. “Lectures on Slavery and its Remedy.” In *Antislavery Political Writings, 1833-1860*. Ed. C. Bradley Thompson. 2004. Armonk, NY: M. E. Sharpe. 46-60. 52.

Many abolitionists, however, did not adopt Edward's tragic air. They viewed moral suasion as a means of supplanting and uprooting prejudice: in other words, to accomplish social equality by way of moral and religious conviction. Moral suasion would not lead to merely a resignation toward the great social evils flowing from emancipation; instead, moral suasion would change hearts and minds on racial issues so that whites would not see social equality as such a great evil. The goal, as Lydia Marie Child would put it, was "to purify the *fountain* of public opinion," shifting human nature by changing "the social conditions under which it is developed."⁷¹ The same shift that would persuade white Americans that slavery was wrong would, abolitionists believed, renew the bonds of sympathy and social equality which support for slavery rendered impossible. In forming the American Anti-Slavery Society in 1833, Garrison and sixty-odd other abolitionists had explicitly declared that one of the ills of slavery was that it extinguished "all the relations, endearments, and obligations of mankind," overthrowing "the very foundations of the social compact."⁷² The core of both slavery and aversion to social equality was the same: "a corrupt public sentiment" of prejudice which could be unmade by moral suasion.⁷³ In 1831, Garrison wrote that, under the influence of moral suasion, he placed the "the utmost reliance" on the "intelligence, magnanimity and humanity" of white Americans to overcome prejudice, that he believed that "a change in their feelings and sentiments is already visible," and that he had faith that "the most stubborn prejudices" and "highest walls of partition" would eventually be melted down.⁷⁴ With prejudice overcome, abolitionist policy and

71 Child, Lydia Marie. 1842. "Talk About Political Party." In *Antislavery Political Writings, 1833-1860*. Ed. C. Bradley Thompson. 2004. Armonk, NY: M. E. Sharpe. 98-103. 101. Child, "Patriarchal Institution," 20.

72 Garrison, William Lloyd. 1833. "Declaration of Sentiments of the National Anti-Slavery Convention." In *Antislavery Political Writings, 1833-1860*. Ed. C. Bradley Thompson. 2004. Armonk, NY: M. E. Sharpe. 41-45. 43.

73 Jackson, Francis and Amos Phelps. 1838. "An Address to the Abolitionists of Massachusetts, on the Subject of Political Action." In *Antislavery Political Writings, 1833-1860*. Ed. C. Bradley Thompson. 2004. Armonk, NY: M. E. Sharpe. 63-74. 65.

74 Garrison, *Colonization*, XIX, 143.

social equality would become both desirable and possible.

This optimism that moral suasion would eventually lead to abolition and, then, to social equality was coupled with a pragmatic understanding that such shifts in white racial attitudes had not *yet* occurred. As a consequence, early abolitionists were often rather circumspect about their views on racial integration. Thinkers like Garrison and Child were often a great deal more willing to countenance full social equality than it was politically expedient to trumpet. Though he worked, for instance, in the 1830s for the repeal of laws banning interracial marriages in Massachusetts, Garrison attempted to soothe feelings in his lectures on the “marriage question” by noting that he had “never advocated nor recommended any such practice” and was “acquainted with no abolitionist who has done so.” While he acknowledged that “if two persons love each other enough to be united in wedlock, it is none of my business, and I presume they would tell you it is none of yours,” he was quick to add that “there will be no compulsion.” In short, Garrison tried to maintain that while such marriage laws represented racial prejudice and so ought to be done away with, he did not have anything to say “pro or con, on the subject of intermarriage” between specific individuals.⁷⁵

This circumspection was shared by other thinkers of the time. While denying, for instance, that “that 'inter-marriages' between the 'whites and the blacks are unnatural,’” David Ruggles was careful to assert that he did “not wish it, nor does any colored man or woman of my acquaintance, nor can instances be adduced where a desire was manifested by any colored person.”⁷⁶ In fact, Ruggles would go even further, attempting to delicately disentangle social

75 Garrison, William Lloyd. 1832. “The Marriage Question.” *The Liberator*. November 17th. 3. After the 1834 New York city race riots, the American Anti-Slavery Society would be even more circumspect, distributing a handbill in the city, the first clause of which was to disavow “any desire to promote or encourage intermarriage between white and colored persons.” The letter they sent to the mayor a few days later began “We disclaim [...] any desire to promote or encourage intermarriages.” Quoted in Kerber, “Abolitionists,” 35.

76 Ruggles, *Extinguished*. 12.

equality from the idea of marriage entirely. He argued that while he did seek the destruction of the white racial prejudice which barred black social equality, this did not necessarily imply intermarriages. With an air of disbelief, he asked “does the destruction of prejudice mean amalgamation by marriage? Who will believe it? No such thing as intermarriages can be deduced or distorted from the premises.”⁷⁷ The question of social equality, Ruggles argued, was entirely separable from the question of marriage:

“What is the reason that a white man cannot marry a female of a different hue without expecting the execration of the majority of the whites? Prejudice is against it; we are human. Why is it argued that our elevation 'to an equality' with other 'Americans is incongruous and unnatural'? Simply because public opinion is against it. Now we don't wish to alter public opinion respecting intermarriages, but *we do* respecting our 'equality.’”⁷⁸

Prejudice, in both cases, influenced the possibility of social equality within the community, but Ruggles was careful to clarify that he did *not* seek to undo the prejudice which prevented marriages between black and white Americans. In fact, he paired his recognition that such prejudices against amalgamation were socially constructed with his hope that they would not vanish: “let it become fashionable (God grant it never may) for white and colored persons to intermarry and the 'repugnance' will vanish like dew before the rising sun.”⁷⁹ While arguing against prejudice in some forums, then, Ruggles found himself in the expedient but tangled position of hoping for its continuance in others.

Other early abolitionists were less circumspect and tangled in their efforts to attack white racial antipathy. They took a more direct approach to the problem of prejudice and social equality, arguing directly in favor of complete social equality. Wendell Phillips, for instance, who served as the lawyer for the efforts to overturn the Massachusetts marriage law, was a stalwart

77 Ruggles, *Extinguished*. 10.

78 Ruggles, *Extinguished*. 13.

79 Ruggles, *Extinguished*. 14.

and blunt advocate for full social equality, including actively promoting marriage between black and white Americans.⁸⁰ Others, like David Walker, appealed bluntly to whites to reflect on their own self-interest and remember the connection between social equality and republican stability. “Throw away your fears and prejudices,” Walker urged white Americans, and “treat us like men, and there is no danger but we will all live in peace and happiness together” and “will become a united and happy people.”⁸¹ Others like Louisa May Alcott would turn the power of fiction toward the promotion of social equality and intermarriage; in short stories like “M.L.” and “An Hour,” she would attempt to use the sympathetic power of prose to depict social equality and marriage between black and white Americans in a positive light.

One particularly practical-minded group of abolitionists who supported full social equality went beyond these direct appeals and ideas of moral suasion. White prejudice against social equality, they argued, was deep-rooted. It would need to be attacked by schemes of proactive social integration, economic incentives, and co-education – in other words, mere moral suasion and even potentially the successful abolition of slavery were not enough. Samuel Stanhope Smith, during his tenure as president of Princeton University, lectured on the wisdom of government intervention to promote social equality, arguing that governments should work to overcome the “prejudices which exist against a union of the whites with the blacks” which in the current society “would render it impossible to amalgamate the two races.” To overcome this

80 As late as 1863, Phillips would lecture on marriage and amalgamation, saying “remember this, the youngest of you: that on the 4th day of July, 1863, you heard a man say, that in the light of all history, in virtue of every page he ever read, he was an amalgamationist to the utmost extent. I have no hope for the future, as this country has no past, and Europe has no past, but in that sublime mingling of races which is God’s own method of civilizing and elevating the world. Not the amalgamation of licentiousness, born of slavery—and the ruin of both races—but that gradual and harmonizing union, in honorable marriage, which has mingled all other races, and from which springs the present phase of European and Northern civilization.” Phillips, Wendell. 1863. “Speech of Wendell Phillips, Esq. at Framingham, July 4, 1863.” *Liberator*. July 10th. See also Carter, Greg. 2013. *The United States of the United Races: A Utopian History of Racial Mixing*. New York: New York University Press. Ch. 2.

81 Walker, David. *Appeal*. On the force of Walker's politically constitutive “appeal,” see Rogers, Melvin. 2015. “David Walker and the Political Power of the Appeal.” *Political Theory*. 43 (2): 208-233.

prejudice, Smith wrote,

“One provision alone occurs to me to prevent this evil; and that is, assigning a large district out of the unappropriated lands of the United States. [...] In order to bring the two races nearer together, and, in a course of time, to obliterate those wide distinctions which are now created by diversity of complexion, and which might be improved by prejudice, or intrigue, to nourish sentiments of mutual hostility, every white man who should marry a black woman, and every white woman who should marry a black man, and reside within the territory, might be entitled to a double portion of land.”⁸²

Smith could not conceive of a successful end to slavery that did not directly address the problem of prejudice with proactive schemes for social equality, including marriage. He was not sanguine, however, that either “the general government, nor the governments of the individual states, will feel themselves under any obligation” to undertake such utopian schemes of social integration between white and black Americans.⁸³

This widely shared pessimism about the likelihood of government action to promote social equality led others to foment private philanthropic schemes for proactive racial mixing, like shared schools and economic cooperatives. Frances Wright's utopian commune in Nashoba, Tennessee was one such project. Wright, a British subject who espoused a kind of utopian republicanism, began Nashoba in 1825 as an experiment to see whether more efficient forms of collective labor could generate sufficient profit to purchase the liberty and fund the colonization of slaves.⁸⁴ By the time it dissolved three years later, Nashoba was focused on schemes for social equality. In a pamphlet articulating the principles of Nashoba, Wright reflected that there was

82 Stanhope Smith, Samuel. 1812. “Lecture XXI: Of the Relation of Master and Servant.” *The Lectures, Corrected and Improved*. Vol. 2. Trenton: D. Fenton. 176-177. Accessed at <https://catalog.hathitrust.org/Record/008621858>.

83 Smith, “Lecture XXI,” 177. As David Bateman has described, such government-sponsored amalgamation was not novel in America. Various members of the revolutionary generation had supported proposals to amalgamate white and indigenous Americans. Financial incentives for taking Indian women as wives were proposed while a law was nearly passed in Virginia by Patrick Henry offering financial “bounties” for white-Indian marriages, a goal supported by Thomas Jefferson as well as Secretary of War William Crawford. As Bateman describes, however, such policies fell out of favor by the 1820s, with congressional bills to provide state support for amalgamation dying in committee (“Anxieties,” 17, 19).

84 Bederman, Gail. 2005. “Revisiting Nashoba: Slavery, Utopia, and Frances Wright in America, 1818-1826.” *American Literary History*. 17 (3): 438-459. 439.

“an equality more precious than what is termed *political*.”⁸⁵ This thicker form of equality, she believed, “cannot be *progressive through the laws*. It must, and can only be *progressive through the feelings*; and, through that medium, be finally complete and entire, involving at once political equality and the amalgamation of the races.”⁸⁶ Wright sought to actively promote such a union of feelings, a union of social equality and sympathy that transcended the barriers of race, as a means to republican government. The principles of Nashoba, through free sexual unions and co-education, sought to combat prejudice and promote full social equality “as a good equally desirable for both” black and white Americans in a republican polity.⁸⁷

Yet historians have often overlooked the fact that Wright's utopian community began as a project in support of the colonization of black Americans to Liberia or Haiti, and that it ended by Wright personally overseeing the migration of Nashoba's enslaved population to Haiti. Nashoba's mixed history reflects a broader trend in early abolitionist thought. If moral suasion was insufficient to overcome white racism, and utopian schemes to eliminate racism by governments or philanthropists lacked sufficient support and breadth in the community, did that mean giving up on abolishing slavery? In the face of persistent white racism, advocates for slavery might argue that there was no alternative. In response to this dilemma, some abolitionists reasoned that emancipation might still be compatible with republicanism if one could remove all freed slaves from the republic. If the possibility of abolition introduced a problem – large numbers of newly freed black Americans whom the racist polity would not integrate – then the solution might lie in

85 Wright, Frances. 1830. *Fanny Wright Unmasked by Her Own Pen: Explanatory Notes, Respecting the Nature and Objects of the Institution of Nashoba, and of the Principles Upon Which It Is Founded*. New York. Accessed at <https://catalog.hathitrust.org/Record/002918618/Home>. 3.

86 Wright, *Explanatory Notes*. 10.

87 Wright, *Explanatory Notes*. 11. The degree to which this was practically implemented at Nashoba is somewhat unclear. What is quite clear, however, is that Wright advocated straight-forwardly for such practices in her public writing on Nashoba and its principles. As she wrote in *Explanatory Notes*, it was her hope that “the principles avowed in this paper may attract the national attention, and the olive of peace and brotherhood be embraced by the white man and the black; and their children, approached in feeling and education, gradually blend into one their blood and their hue” (10).

colonizing those freed people out of the polity. Colonization responded both to the idea that social equality was essential to stable republican institutions, and to the idea that such equality was impossible between black and white Americans. In this way, pro-colonization abolitionists sought to maintain their moral commitment to emancipation while acquiescing to the intransigence of white racism.

The idea of removal, especially to the free black African colony in Liberia, was supported by a wide mix of Americans who otherwise agreed on very little. Colonization was popularized by the American Colonization Society (ACS), an organization founded in 1816 by students of Samuel Stanhope Smith and which had the early support of many abolitionists including Garrison, as well as many slaveholders and those opposed to abolition like Henry Clay. As William Jay described in his 1838 study of the ACS, three distinct classes supported the organization. First, there were those animated by interest who sought to “enhance the value and security of slave property, by removing the free blacks.” Second, there were those animated by racial antipathy who sought to eliminate what they considered “a bad population, without the trouble and expense of improving it.” And finally, there were abolitionists who “desire to afford the free blacks an asylum from the oppression they suffer here, and [...] who at the same time flatter themselves that colonization will have a salutary influence in accelerating the abolition of slavery” by removing the objection that emancipation would lead to social equality.⁸⁸

Colonization was seen by some abolitionists as an unfortunate necessity given white racial antipathy, and they hoped by linking colonization to abolition to make the latter more palatable. This inclination was particularly pronounced in the 1820s, though it continued to be visible in later abolitionist thought and popular works like Harriett Beecher Stowe's 1852 novel *Uncle Tom's*

⁸⁸ Jay, *Inquiry*, 10.

Cabin, which concludes with the departure of some of Stowe's black characters to Liberia.

Advocates of colonization, whatever their stance on abolition, were in agreement that social equality and sympathy were necessary for republican stability – and that social equality between white and black people was not likely to be forthcoming in America. As the *African Repository*, the official digest of the ACS put it, “prejudices mutual, deep, *incurable*” and “an irreconcilable diversity of interests” marked out a “broad and *impassable* line of demarcation” between the races. This chasm could not be bridged by “refinement, nor argument, nor education, nor religion.”⁸⁹ Phenotypic differences would always mark out the two groups, the *Repository* argued later, and this fact extinguishes “*all hope* of either social or political elevation, by means of individual merit, however great, or individual exertions, however un-remitted.”⁹⁰ “Neither education, nor wealth,” the *American Spectator* would agree, could produce social equality between black and white Americans.⁹¹ As Henry Clay would argue, the nation required “one homogenous people” in order avoid faction and violence; correspondingly, “separation [or] amalgamation is the only peaceful alternative” to slavery.⁹²

In other words, colonizationists shared the view of other abolitionists that social equality was necessary for a republic – they only disagreed on whether it was possible in a multi-racial republic. The early disputes over colonization, then, would assume the importance of social equality and merely debate whether it was achievable. Garrison, who became a staunch opponent of colonization, would argue in his *Thoughts on African Colonization* that the problem was not some everlasting barrier to social equality between racial groups that required the forcible removal of millions of black Americans. Rather, Garrison believed that the “pertinacity of

89 *African Repository*. Vol. IV. 117-118.

90 *African Repository*. Vol. V. 51.

91 *American Spectator*. Quoted in Garrison, *Colonization*, 140.

92 Quoted in Bateman, “Anxieties,” 21-22.

prejudice” became a self-fulfilling prophecy. The colonizationists, he argued, used language which did nothing to “allay animosity, or beget confidence, or suppress contempt, or heal division, or excite sympathy.”⁹³ As he put it, “the wickedness which produced and perpetuates the assertion, is the only ground of the difficulty [...] all that is requisite to remove the whole evil, is the relenting in love of the proud and cruel spirit which produced it.”⁹⁴ Thus, Garrison granted the colonizationist view that racial antipathy was incompatible with a stable polity, but he vehemently disputed the idea that such antipathy was natural, inevitable, or unremovable.

The dispute between abolitionists trumpeting duty and moral suasion, like Garrison, and those promoting more aggressive schemes of social engineering or removal, like Wright, was a dispute over the nature of prejudice. Could whites be moralized out of their racism? If not, white re-education or black colonization would be necessary. Differing views on the nature of prejudice generated an extremely wide and diverse set of abolitionist programs to combat it. Yet, at core, all of these diverse early efforts were grounded in a shared framework. Whether working to promote integration through moral suasion, enforce amalgamation through government schemes, re-educate citizens in racially egalitarian utopian communities, or couple abolition to colonization, all early abolitionists agreed that republican political institutions required a thick form of social equality and mutual sympathy between citizens, regardless of race, in order to function.

Abolitionists Try a Different Approach

In 1831, Garrison's newspaper *The Liberator* published two short fictional sketches by anonymous author “T. T.”⁹⁵ The first, entitled “A Dream,” imagined a rosy and prosperous

93 Garrison, *Colonization*, 132.

94 Garrison, *Colonization*, 152.

95 T.T., “A Dream,” *The Liberator*, April 2, 1831. T.T., “Another Dream,” *Liberator*, April 30, 1831.

future where social equality prevailed between black and white Americans and they were “completely united into one people” without “separate interests and feelings.” The second sketch, called “Another Dream,” painted a different American future: a grim one in which widespread slave rebellion had turned into a bitter and protracted war between white and black populations, with the eventual creation of a separate, antagonistic black republic. T.T.'s dreams represented the full range of options imaginable to early abolitionists: either a good world defined by full social equality or a grim world of intractable violence, faction, and conflict. Through moral suasion and more proactive schemes, then, abolitionists worked to advance a world without slavery while also assuming that social equality would be necessary between citizens. Thus, once emancipated, black Americans would need either to be fully socially integrated or colonized abroad.

In the later half of the 1830s, however, both of these options came to seem increasingly improbable. On the one hand, colonization came to be seen both as a scheme of slave holders and as largely impractical.⁹⁶ In the first two decades of its existence, the ACS only colonized about 3,000 black people to Liberia, a number far dwarfed by the increase in the black population in America in the same period. By 1830, the enslaved population in America had reached two million people, and would double again by 1860. Transportation and re-settlement of people on such a scale was beyond the resources and capacities of either the ACS or the colonial sites.

⁹⁶ Thus, those like Garrison who had initially supported colonization turned against it as its true nature as a bulwark of slavery against the threat of free black citizens was revealed. As Martin Delany would describe the shift, “in expressing our honest conviction of the designedly injurious character of the Colonization Society, we should do violence to our own sense of individual justice, if we did not express the belief, that there are some honest hearted men, who not having seen things in the proper light, favor that scheme, simply as a means of elevating the colored people. Such persons, so soon as they become convinced of their error, immediately change their policy, and advocate the elevation of the colored people, anywhere and everywhere, in common with other men” (15). Delany, Martin. 1852. *The Condition, Elevation, Emigration, and Destiny of the Colored People of the United States*. Project Gutenberg .txt file.

In the same period, abolitionists grew increasingly pessimistic about the possibility of dismantling white prejudice in order to facilitate social equality. One catalyst for this growing pessimism was the increasingly violent opposition to abolitionist efforts. The murder of the abolitionist newspaper editor Rev. Elijah Lovejoy in late 1837 in Illinois and the arson attack and complete destruction of the newly completed meeting hall of the Pennsylvania Anti-Slavery Society in May 1838 were two widely publicized examples of increasingly violent opposition to the idea of abolition. In both cases, the police, local elected officials, and firefighters refused to aid or support the abolitionists against mob violence. In Philadelphia, firefighters who attempted to douse the flaming meeting hall were themselves doused by the hoses of their fellow firefighters, and the building was left to burn unchecked. In the Lovejoy case, members of the jury and the judge were supporters of the mob, and the accused murderers were acquitted. The public, as well as apparatuses of the state, appeared increasingly willing to countenance extra-legal violence in order to suppress abolitionist activities.⁹⁷

The problem, as abolitionists came to recognize, was that the abolition of slavery was inextricably linked in the minds of Americans with full social equality and amalgamation between black and white people. Whatever the feelings of the public on the question of slavery alone, they could not imagine a stable republic where emancipation did not lead to social integration. These imagined social effects of legal and political emancipation led to a wholesale rejection of abolitionism. The violent rejection of abolition, therefore, was in large measure a violent rejection of Holgate's dystopian *City of Amalgamation*. Abolition and amalgamation could be uncoupled only with a political theory which could conceive of a stable republic not dependent

97 On the political power and effects of such revanchist public spectacles in antebellum American politics, see Greiman, Jennifer. 2010. *Democracy's Spectacle: Sovereignty and Public Life in Antebellum American Writing*. New York: Fordham University Press.

on full integration, social equality, and sympathy.

The groundbreaking innovation of mainstream American abolitionism was to offer just such a theory: a new theory of republican stability and equality. They argued that the stability of the republic did not rely on thick reciprocal forms of social equality and sympathy between citizens. Instead, relations between citizens were thinner, requiring only a mutual respect for one another's political and civil rights. I might think very badly of your character, dislike your company, and avoid you whenever possible, but I could co-exist with you in a republican polity as long as I did not think that such aversions justified depriving you of your rights.

Correspondingly, a polity might emancipate and enfranchise an enslaved population without integrating that population socially. So long as respect for political and civil rights was maintained, the polity need have nothing to say on the social question. In other words, abolitionists began arguing for a separation between the social and the political.

The plausibility of this theory of thin equality was grounded in the growing social and economic inequalities among whites themselves. If theorists of the past had worried that a lack of social equality and sympathy would lead to violent factions which would destroy the republic, abolitionists could point to the lack of such conflict among increasingly unequal and fragmented whites as evidence in support of their new thinner theory of republican equality. Abolitionists like Cassius Clay explicitly asked their audiences to reflect on stratification among white Americans. “Suppose [one] were to meet in the street,” Clay mused, “a live Yankee, a sucker from Indiana, a corn-cracker from Kentucky, or even a poor miserable drunken vagabond.” One very reasonably “might not prefer such men for associates” and friends, but one would not “deprive them of all political rights” on the basis of social aversion alone. There was an important distinction which Clay asked his audience to recognize “between equality of social condition and equality of

political rights.”⁹⁸ In the rapidly expanding republic, equality of social condition and the maintenance of sympathy between white citizens was no longer possible, yet factions were not undoing republican government. As long as citizens respected the basic political and civil rights of one another, deeper regard and sympathy were not necessary: it was possible to separate the social question from the question of republican stability.

If it was possible for social inequality among whites to coexist with republican stability, then it was also possible to imagine a scheme of abolition and enfranchisement which did not require social equality between black and white Americans. From the end of the 1830s through the Civil War, this was exactly the scheme which abolitionists advanced. They no longer argued that social equality and political stability were intrinsically linked, and so they were able to freely avow political and civil equality for black Americans without promoting amalgamation. Social equality and sympathy between white and black Americans was no longer seen as a condition of republican government but instead as a politically irrelevant free choice individuals made in their private lives.

Abolitionist William Jay made one of the earliest articulation of this new thinner theory of republican equality in his book on abolition organizations in 1838. He began by reminding his white readers that “we all know white men whose characters and habits render them repulsive to us, and whom no consideration would induce us to admit into our social circles.” We are allowed to choose in all cases, Jay argued, who we will admit “to a reception in our families, and a place at our tables.” Abolitionists respect this right and would not seek to undo it in favor of black Americans; abolitionists do not believe that “*because* a man has a dark skin, he is, *therefore*, entitled” to social privileges. That individuals might “withhold and properly withhold” social “courtesies

⁹⁸ Quoted in Bateman, “Anxieties,” 33.

and indulgences” from others, however, did not correspondingly justify depriving them of their political rights and standing. “Who pretends,” asserted Jay, “that because a [white] man is so disagreeable in his manners and person that we refuse to associate with him, that *therefore* he ought to be denied the right of suffrage, the privilege of choosing his trade and profession, the opportunities of acquiring knowledge, and the liberty of pursuing his own happiness?”⁹⁹ Social equality could not and should not be made a right, but neither should social inequalities condition the political and legal rights of others.

As Jay argued, if social equality was not integral to republican stability, difficulties of sympathy and social intercourse could not be used to justify political exclusion and the deprivation of rights. And if social equality was no longer seen as having political consequences, it could be presented as a mere point of idiosyncrasy and taste. White Americans might express their racial aversions through social exclusion without impacting the political and civil freedoms of black Americans. Thus, abolitionists narrowed the scope of their ambitions to focus on political and civil liberty, and left the social question untouched. When white racial prejudice deprived black Americans of political rights, such “prejudices [were] so far sinful” – but “so far only does the Anti-Slavery Society aim at removing them.”¹⁰⁰ To aim further and seek to erode prejudice in the social realm would be a project not only politically irrelevant, but also one “deeply imbued with fanaticism, or rather with insanity.”¹⁰¹ Common sense, as Horace Greeley insisted, in fact makes it clear that “there is no such thing as 'social equality' on earth, and never can be while some are good, others bad; some intelligent, others ignorant; some coarse and repulsive, others refined and agreeable.”¹⁰² Social equality, then, became not only irrelevant to

99 Jay, *Inquiry*, 143.

100 Jay, *Inquiry*, 144.

101 Jay, *Inquiry*, 143.

102 Greeley, Horace. 1865. “About Negro Equality, Amalgamation. &c., &c.” *American Citizen* (PA). August 9th. 1. Quoted in Bateman, “Anxieties.”

republican politics but also a utopian scheme, something impossible to achieve under any conditions.

As a consequence, the mantra for abolitionists became “social relations are entirely matters of choice.”¹⁰³ The racism of society simply did not rise to the level of a political question. While Tocqueville would write in the early 1830s that “what is understood by a republican government in the United States is the slow and quiet action of society upon itself,” this view was increasingly supplanted by an abolitionist vision of republican government that was much thinner. Such a republic enfranchised and then aggregated voter preferences, guaranteed a minimum of civil rights, and did not rely upon deeper sympathy and social bonds among citizens. Abolitionist theorizing on the question of social equality was, therefore, in the vanguard of an emergent thinner liberal state. Ignoring the question of society, abolitionists focused their efforts explicitly on seeking civil and political rights for black Americans, including legal emancipation, suffrage, and the right to seek education and religious instruction, work at a trade, and acquire property.

By de-coupling social and political equality, abolitionists were also forced to articulate a new basis for political equality that did not rely on thicker communal bonds and sympathy forged through daily interaction. Instead, the basis for political rights was increasingly characterized as something universal and intrinsic to all, something separate from any particular facts about a given person's circumstances or character. William Channing would describe this as the “Essential Equality” of individual people. He wrote that such essential or moral equality resulted from the bare minimum fact that “all men have the same rational nature and the same power of conscience, and all are equally made for the infinite improvement of these divine faculties.”

103 Greeley, Horace. 1864. “Miscegenation.” *New York Tribune*. March 16. Quoted in Bateman, “Anxieties.”

“Thus equal are men,” continued Channing, and as a consequence of this thin moral equality certain minimum rights inhered in individuals.¹⁰⁴ These rights existed in all regardless of whatever “adventitious, accidental circumstances” individuals “have been thrown,” including their racial designation.

For Channing, for instance, our intrinsic basic equality generated a fundamental right to property in our own persons that precluded racialized slavery. “Our common nature,” he wrote, “excludes and forbids the conversion of him who possesses it into an article of property,” regardless of the other “innumerable diversities among men.”¹⁰⁵ In this view, individuals were asked to acknowledge a certain thin moral equivalence between themselves and others, and to respect others as holders of certain civil and political rights like a right to liberty and to hold property in their own bodies. As Channing would continue, this recognition did not erase all difference between people. While he would assert that “the highest intelligences recognize[d] their own nature, their own rights, in the humblest human being,” he also recognized that the hierarchy between the high and the humble was only leveled in the narrow political realm.¹⁰⁶

In this sense, the demise of social equality as the thick basis for republican stability was accompanied by the simultaneous emergence of a thinner form of republican equality: a moral equality which constrained its efforts and effects to the political sphere. The differences between people were not chasms to be bridged through daily intercourse and the development of sympathy. Instead, they were politically irrelevant, because in the basic essentials, as Garrison would write in 1854, “every man is equivalent to every other man.” When I make a demand for rights and freedoms, Garrison continued, “who am I but a man? What right have I to be free,

104 Channing, William E. 1836. *Slavery*. In *Antislavery Political Writings, 1833-1860*. Ed. C. Bradley Thompson. 2004. Armonk, NY: M. E. Sharpe. 33-34.

105 Channing, *Slavery*, 32, 33.

106 Channing, *Slavery*, 38.

that another man cannot prove himself to possess by nature?” The differences of skin color, like the differences of character, had no bearing on political and civil rights, which were instead grounded in our colorblind moral equivalence. “If I am white and another is black, complexionally, what follows? [...] What if I am rich and another is poor – strong, and he is weak – intelligent, and he is benighted – elevated, and he is depraved?” The only basis for claiming rights and freedoms – suffrage, freedom, the right to labor and make contracts, to speak and print – was the essential equality of men.¹⁰⁷

This new moral equality was on display throughout abolitionist writings and speeches from the late 1830s onward. In 1847, for instance, a faction of the abolitionist Liberty Party gathered in a convention at Macedon Lock, New York and adopted a platform of principles authored by William Goodell.¹⁰⁸ The attendees of the Macedon Convention opposed slavery, but were perhaps even more anxious to promote the idea of moral equality and the importance of political and civil liberties for all. They emphasized the importance of equal civil and political rights for both white and black men, rejecting what they described as “cutaneous democracy.”¹⁰⁹ Their idea of good government was one which “imposes equal restraints upon all, and affords equal and impartial protection for all. It recognizes no caste. It knows no distinction of birth, property, nativity, avocation, condition, or color.”¹¹⁰ They sought, in fact, what Wendell Phillips would come to call “a government color-blind” in its protections of rights and liberties.

They also sought a government which interfered only in the political and civil issues which were properly its scope. The Macedon attendees emphasized that they sought “only that

107 Garrison, “No Compromise,” 235-236.

108 See Wiecek, William. 1977 [2018]. *The Sources of Anti-Slavery Constitutionalism in America, 1760-1848*. Ithaca, NY: Cornell University Press. Ch. 11.

109 Goodell, William. 1847. “Address of the Macedon Convention.” In *Antislavery Political Writings, 1833-1860*. Ed. C. Bradley Thompson. 2004. Armonk, NY: M. E. Sharpe. 128.

110 Goodell, “Macedon,” 115.

the rights of all shall be equally and impartially protected – that the fundamental and acknowledged principles of civil government shall be [...] applied and carried out into consistent and undeviating practice.”¹¹¹ Their demands were political, in a narrow sense of the word, and only went “so far as civil government can apply the remedy, in the appropriate exercise of its characteristic powers.”¹¹² They were explicit in their exclusion of issues in the social realm:

“This is only saying that all our political duties must be discharged – we do not look to a political party, nor to political action, nor to civil government, to remove all moral and social evils. Far from it. We only look to them to do their proper work, along with other appropriate moral influences, for securing to all men, their original and essential rights.”¹¹³

A government which would secure political and civil rights without respect to race ought also be a government which did not expand beyond its proper scope to address moral and social evils. The Macedon attendees offered an implicit bargain: social equality would be left to the discretion of individuals so long as political and civil equality were protected. As they promised near the end of the address, “we seek no other political object than the equal protection of the equal rights of all.”¹¹⁴

This promise to ignore social inequalities and prejudice so long as political and civil rights were protected would be a central feature of antebellum abolitionism as well as Reconstruction. As Charles Sumner would put it while promoting a civil rights bill prohibiting state discrimination, “there is no question of society here. The Senator may choose his associates as he pleases. They may be white or black, or between the two. That is simply a social question, and nobody would interfere with it. How often shall I say that this [bill] is no question of taste,—it is no question of society.”¹¹⁵ Indeed, consideration of the social question came to be roundly

111 Goodell, “Macedon,” 114-115.

112 Goodell, “Macedon,” 115.

113 Goodell, “Macedon,” 124.

114 Goodell, “Macedon,” 127.

115 Congressional Globe, 42nd Congress, 2nd Sess., 242. Quoted in Bateman, “Anxieties,” 34.

rejected by abolitionists, including many black abolitionists, who would condemn the Tocquevillean idea that social equality and amalgamation were necessary for republican stability.¹¹⁶ “We wish our rights as colored men,” abolitionist John Gaines wrote, “not as white, and I would not part with my identity, or the identity of my race, for all the wealth of India.”¹¹⁷ The social dimension of racial identity, it seemed, could now be separated and maintained as an essentially private question, while a new theory of thinner moral equality justified political and civil rights for all.

Moral Equality and a “Sovereign Remedy”

Gaines was not the only black thinker to agree that social equality was, and by rights ought to be, an essentially private matter that was separable from political and civil equality. Most black abolitionist thinkers were willing to agree, at least publicly, that social equality was something essentially private. As William Wells Brown would put it, they agreed that with regard to the social realm “every man must make equality for himself. No society, no government, can make this equality.”¹¹⁸ Despite this agreement, however, black thinkers were in general more aware of the potential complexities of pursuing social equality privately within a society defined by prejudice. It was not, as Frederick Douglass would write, that he wished “that every colored man, without regard to his character and attainments, shall be recognized as socially equal to white people who are in these respects superior to him.” Douglass agreed that individuals differed, and that everyone ought to be allowed to exercise their own private judgments about

116 On this point, Alvin Tillery has done an exhaustive reading of the reception of *Democracy in America* in the African American press, and he argues that until about 1870, the reception was largely negative – that is, African American writers rejected Tocqueville’s gloomy pessimism about race relations as well as his emphasis on social equality and amalgamation. See Tillery, Alvin B. 2018. “Reading Tocqueville behind the Veil: African American Receptions of *Democracy in America*, 1835–1900.” *American Political Thought*. 7, no. 1 (Winter): 1-25. 14.

117 Gaines, John I. 1854. *Frederick Douglass’s Paper*. October 13th. Quoted in Tillery, “Tocqueville,” 14.

118 Wells Brown, William. 1863. *The Black Man, His Antecedents, His Genius, and His Achievements*. New York: Thomas Hamilton. 47. Quoted in Bateman, “Anxieties,” 34.

the social merits and equality of others. But Douglass raised a concern that troubled few white thinkers: on what basis could and should individuals make such judgments about one another? Douglass believed, for instance, that “the simple fact of *color* should not be the criterion by which to ascertain or to fix the social station of any.” Instead, he argued that “every man, without regard to color” ought to be able to “go wherever his character and abilities naturally carry him” in the social realm.¹¹⁹

Douglass's worry about the criteria by which individuals would make private judgments – and his advocacy of a colorblind meritocracy – did not lead him to seriously critique the idea that social equality was a politically inconsequential matter.¹²⁰ Others, however, would make such a critique. Beginning with his editorships in the 1840s of the abolitionist newspapers the *Mystery* and, with Frederick Douglass, the *North Star*, abolitionist Martin Delany would share Douglass's concern about how individuals made judgments of one another's social equality. But his concerns about the possibility of social equality – encompassed in his idea of “elevation” – would lead him to also make powerful and trenchant critiques of the idea that social equality could or should be separated from political and civil equality. Though Delany's career was, as Paul Gilroy has put it,

119 Douglass, Frederick. 1855. Letter to Charles Sumner. April 24th. In *Frederick Douglass: Selected Speeches and Writings*. Ed. Philip Foner. Chicago: Lawrence Hill Books. 332. Douglass would not remain concerned about the criterion for social equality in his later career, however. As opposition to civil and political rights became increasingly bold in the 1880s, Douglass would argue in favor of civil rights and seek to clarify that he had nothing to say about the basis for social equality. For example, he would write that “we leave social equality where it should be left, with each individual man and woman. No law can regulate or control it. It is a matter with which governments have nothing whatever to do. Each may choose his own friends and associates without interference or dictation of any” (692). Douglass, Frederick. 1883. “Address to the People of the United States, delivered at a Convention of Colored Men, Louisville, Kentucky.” September 25th. In *Frederick Douglass: Selected Speeches and Writings*. Ed. Philip Foner. Chicago: Lawrence Hill Books.

120 In one notable exception, Douglass wrote in an open letter to slaves that black voters should not vote for candidates who supported erecting laws barring the social equality of black people. “Vote for no man for civil office,” he urged, “who makes your complexion a bar to political, ecclesiastic, or social equality. Better die than insult yourself and insult our social equality.” (161). But Douglass did not generally contest the bifurcation of the political and the social, nor did he argue that social equality is politically consequential. Social equality remained for him a question of racial pride and “insult” (161). 1850. “A Letter to the American Slaves From Those Who Have Fled From American Slavery.” *The North Star*. September 5th. In *Frederick Douglass: Selected Speeches and Writings*. Ed. Philip Foner. Chicago: Lawrence Hill Books.

one of “extraordinary complexity,” his thinking on the question of republican equality and citizenship is both remarkably consistent and admirably clear-sighted.¹²¹ Fully grasping the stakes of the question, Delany theorizes an alternative to the mainstream abolitionist theory of thin republican equality, and offers a corresponding critique of the idea of bifurcating the social and political. For Delany, not only are the judgments we make about one another's social equality a fundamentally political matter, but in his view a republic is, by definition, a polity in which social equality is not divorced from political and civil equality.¹²² Perhaps most centrally, Delany's republican theorizing offers a deep critique of the idea that moral equality – simply asserting a thin equivalence between people – can stably ground a republic in conditions of existing racism.

Delany's thicker theory of republican equality begins where Douglass leaves off: with the insight that there is something at stake in the ways that people make private decisions about their social associates. Delany does not wholly contest the private right of individuals to make such decisions, but he argues forcefully that citizens in a republic, by their very nature as republican citizens, will only use certain criteria to make such judgments. In other words, republican citizenship entails and is even constituted by a certain social orientation toward other citizens. In judging the social equality of others – in “the business and social, or voluntary and mutual policies” – Delany argues that “we must agree to all *just* measures” of judgment, where the same attainments “necessary for the elevation of the white man” are equally “necessary for the

121 Gilroy, Paul. 1993. *The Black Atlantic: Modernity and Double Consciousness*. Verso Books.

122 Delany's use of the language of “republic” and “republicanism” is far less consistent than I impute to him in this section. Here I use the term republic as a shorthand, consistent with my usage earlier in this chapter, for what Delany viewed as a good form of government and polity (the details of which I describe in this section). When Delany himself uses the language of republicanism, however, he does also use it to gesture to an ideal political form, as when he criticizes America for being a “mock Republic” which is only “professedly” but not actually living up to republicanism, which he describes as “simply the claims to equal rights established by our fathers.” Letter to Frederick Douglass, *North Star*, Nov. 17th, 1848, 122. Letter to Frederick Douglass, *North Star*, Dec 8th, 1848, 140. Letter to Frederick Douglass, August 14th, 1871. 438. In *Martin R. Delany: A Documentary Reader*. 2003. Ed. Robert S. Levine. Chapel Hill: University of North Carolina Press.

elevation of the colored man.”¹²³ Something about being a citizen in a republic constrains us to use what we might term republican modes of judgment, in particular an impartiality in assessing the attainments of others.

In a sense, Delany agrees with Douglass that individuals ought to be impartially assessed on their attainments rather than the color of their skin. Delany, however, does not present this idea of the impartial judgment of attainments as a simple or straightforward task.¹²⁴ For one thing, if the task of the republican citizen is to impartially assess the attainments of others, then this in turn requires getting to know others first. As Delany observes, “except [as] the character of an individual is known, there can be no just appreciation of his worth.” Before we can judge each other, we must, as Delany puts it, be “acquainted” with one another.¹²⁵ Before we can decide on each other's merits, we have an obligation to get to know each other first. The implication is that a republican society is one in which we do not have the right to refuse to get to know one another. Once we are acquainted, I might refuse further social intimacy and equality to you on the basis of what I have learned about you, but I cannot refuse *a priori* to make, as it were, an informed and impartial judgment.

But *why* are republican citizens constrained to make informed judgments about the attainments of others? In Delany's view, citizens are constrained to assess the attainments of

123 Delany, *Condition*, 18. Emphasis in original.

124 Another complication of impartial assessment, for Delany, is that we must contextualize the attainments of others. To do justice to their attainments we must be cognizant of the unique limitations and difficulties they face in order to adequately understand what they have achieved. As Delany writes, “the question is often asked, why it is that the colored people claim an equality with the whites, and so few of them have manifested even a propensity for that equality [...] we answer, that more is asked of us, than ever was asked of any other people, and if it is expected that with all the disadvantages with which we are surrounded, that we should still equal the other citizens, it is giving is more than we claim; it is a tacit acknowledgement, that we are naturally superior to the rest of mankind” (32-33). Delany, Martin. 1846. “Not Fair.” *Mystery*. Dec. 16th. In *Martin R. Delany: A Documentary Reader*. 2003. Ed. Robert S. Levine. Chapel Hill: University of North Carolina Press.

125 Delany, *Condition*, 4. Delany makes this observation at the outset of *Condition*, and extends the principle from individuals to races: hence, he writes, “one part of the American people, though living in near proximity and together, are quite unacquainted with the other; and one of the great objects of the author is, to make each acquainted” (4).

others impartially because the question of what people have attained – and contributed to the republic – is intrinsically and importantly political. Delany describes how “the legitimate requirement, politically considered” for claiming the “protection and full enjoyment of all the rights and privileges” of citizenship is that each citizen must have made “contributions and investments in the country.”¹²⁶ In view of this understanding, Delany devotes the lion's share of his first major work, *The Condition, Elevation, Emigration, and Destiny of the Colored People of the United States* (1852), to detailing the attainments of black Americans and their contributions to the American polity.¹²⁷ For Delany, republican citizens will, by their very nature as citizens of a republic, seek the tangible achievements and attainments which demonstrate their equal citizenship to others. They will offer to their fellow-citizens the “actual proof” of their citizenship by “acting, doing, and carrying out practically, the measures of equality.”¹²⁸ Citizens contribute, and other citizens acknowledge their contributions, as the mark of their citizenship and standing. In this sense, then, judging the attainments of our fellow-citizens is involved both in assessing their fitness as social equals and in assessing their standing as republican citizens who contribute to the polity. In Delany's view, then, a republic is an aggregation of citizens who contribute to the polity, who are acquainted with one another, and who assess the contributions and attainments of others impartially – acknowledging one another as equal and worthy citizens.

Delany theorizes a republic as a polity constituted by a certain type of citizen: those who judge one another's attainments on an informed and impartial basis, and who also contribute to the polity through our “*self-efforts*, and the work of our *own hands*,” which are “the proper and only

126 Delany, *Condition*, 21.

127 After his enumeration of black Americans' attainments, Delany concludes by saying that “if such evidence of industry and interest, as has been exhibited in the various chapters on the different pursuits and engagements of colored Americans, do not entitle them to equal rights and privileges in our common country, then indeed, there is nothing to justify the claims of any portion of the American people to the common inheritance of Liberty” (65).

128 Delany, *Condition*, 20.

means of elevating ourselves and attaining equality.”¹²⁹ By sharing these commitments to both contribute and to acknowledge the contributions of others, citizens bond themselves together into a cohesive republican polity whose “feelings, tastes, predilections, wants, demands, and sympathies are identical.”¹³⁰ A polity where citizens all share these two core republican commitments, Delany continues, is one where “whatever is essentially necessary for the promotion and elevation of one class of society to a respectable and honorable standing, is necessary for the promotion and elevation of all classes.” As a result, members of the polity have “interests [that] are and should be, one and inseparable.”¹³¹ In other words, Delany's two republican principles will lead to a group of citizens who share interests, sympathies, and national identity. Thus, for Delany, the “great elementary principle of original identity,” the “basis for a union of the parts” of a republican polity, is that all citizens by nature hold to the principles of republican judgment and contribution. Echoing earlier arguments about sympathy and faction, if citizens should begin to lose “interest in maintaining their fundamental principles of nationality,” Delany argues, the republic will lose its stability and “that nation or people become extinct.”¹³²

Delany uses his two normative principles of republicanism – judgment and contribution – as the basis for diagnosing the ills in American society. As he sees it, there are two related problems, either of which are fatal to the stability and longevity of the republic as a republic. First, despite their many individual and aggregate contributions, black Americans on the whole are still insufficiently attentive to making the right kinds of contributions to the polity. Second, and more intractable, is that white Americans on the whole refuse to be governed by republican

129 Delany, *Condition*, 20.

130 Delany, *Condition*, 3.

131 Delany, Martin. “The Prospectus of the *Mystery*.” In *Martin R. Delany: A Documentary Reader*. 2003. Ed. Robert S. Levine. Chapel Hill: University of North Carolina Press. 30.

132 Delany, Martin. 1854. *Political Destiny of the Colored Race on the American Continent*. In *Martin R. Delany: A Documentary Reader*. 2003. Ed. Robert S. Levine. Chapel Hill: University of North Carolina Press. 250.

modes of judgment when assessing the attainments and equality of black citizens. In his two main works, *Condition* (1852) and *Political Destiny of the Colored Race on the American Continent* (1854), Delany's primary analytic project is to articulate these problems facing the American republic, and then to suggest practical responses to his readers.

The first problem is one of practical contribution to the polity. Free black Americans, Delany writes, do not yet occupy an equal standing as citizens in the republic. To achieve this, they must work to elevate themselves economically in order to contribute to the polity in the right ways and correspondingly take positions of greater prestige within society. In an evocative passage in *Condition*, Delany asks his readers to “pass along the avenues of any city or town” in America and “behold the trading shops – the manufacturies,” “see the stage-coaches coming,” “the mighty trains, flying with the velocity of the swallow” and “the great and massive buildings” with “ten thousand cupolas, with their spires all reared up toward heaven.” The built world, the elements of the tangible physical world of the polity, Delany observes, are “all standing as mighty living monuments, of the industry, enterprise, and intelligence of the white man.” These tangible contributions constitute a “living truth” of the worth and attainments of their creators, a truth which is palpable to all those who live in the community.¹³³

It is time, Delany believes, for black Americans to take a more active contributing role in the republic along these lines. Free blacks “are no longer slaves, as were our fathers, but freemen; fully qualified” to contribute to “the establishment, sustenance and perpetuity of a nation.”¹³⁴ “We *must*,” he urges, “become mechanics – we must become tradesmen – we must become farmers – we must be educated if we ever expect to become elevated.”¹³⁵ These are the forms of

¹³³ Delany, *Condition*, 18-19.

¹³⁴ Delany, *Destiny*, 266.

¹³⁵ Delany, Martin. 1848. Letter to Frederick Douglass. *North Star*. April 28th. In *Martin R. Delany: A Documentary Reader*. 2003. Ed. Robert S. Levine. Chapel Hill: University of North Carolina Press. 88.

contribution which are intelligible within a framework of republican citizenship. Writing on a trip through the midwest, Delany describes how “the farmers and mechanics among our colored brethren command the same civil respect of their neighbors that others do.” It is, for instance, “no infrequent occurrence for the colored residents to receive the civilities of their white neighbors to attend parties and weddings” or other gestures of respect and social equality. When working as servants or in other “inferior domestic offices,” however, he observes that black neighbors are not included in such social gestures.¹³⁶

For Delany, then, there is a link between these exclusions from gestures of social equality and the failure of black Americans to contribute meaningfully as citizens of the republic. He writes repeatedly of his concern about the large numbers of black servants and other workers doing “drudgery and menial offices.” Such work “is not necessarily degrading; it would not be, to one or a few people of a kind; but a *whole race of servants* are a degradation to that people.”¹³⁷ Delany's concern here is complex. In a straightforward sense, white citizens will not recognize black citizens as their social equals without greater and meaningful black contributions to the polity. It also seems that too great a percentage of black workers in domestic roles threatens to sink all black citizens into a homogenous, degraded, second-class social status, potentially in both their own eyes and the eyes of others. And, finally, Delany worries that if all the situations of “respectability, honor, profit or trust, either as mechanics, clerks, teachers, jurors, councilmen, or legislators” are filled by white people, the energy of black people “must become paralyzed or enervated for the want of proper encouragement.”¹³⁸ In such a situation, black Americans will slip from republican citizenship because they will no longer even aspire to demonstrate their

136 Ibid.

137 Delany, *Condition*, 18-19, 91-92.

138 Delany, *Destiny*, 251.

standing through contributions to the polity.¹³⁹ Menial labor, then, degrades one below the standing of full republican citizen. The degradation of menial labor, then, is complex – but is, in all forms, importantly political. Delany believes that one's capacity to be a republican citizen depends upon one's freedom from such degradation, a freedom that is signified by the experience of social equality with others. One can degrade one's self or one's group by being the kind of person who only does menial labor and is thus excluded from social equality and meaningful republican citizenship.

One can also be degraded below the standing of a full republican citizen by others. This is the crux of the second central political problem – the refusal of whites to impartially judge black attainments – that Delany diagnoses in American society. A truly patriotic republican citizen, Delany argues, will be guided by “an impartial love and desire for the promotion and elevation of every member of the body politic, their eligibility to all the rights and privileges of society.”¹⁴⁰ Instead of the impartial love and shared interests of fellow-citizens, however, white Americans flatly refuse to recognize black attainments, including black standing as full republican citizens.¹⁴¹ To white Americans, “the color of the blacks is a badge of degradation” and the merit of any

139 As Delany writes in *Condition*, existing in conditions of degradation changes the way people see themselves, giving further fuel to the idea that black Americans must become farmer, mechanics, and the like: “Certainly the necessity of such a course as we have pointed out, must be cordially acknowledged; appreciated by every brother and sister of oppression; and not rejected as heretofore, as though they preferred inferiority to equality. These minds must become 'unfettered,' and have 'space to rise.' This cannot be in their present positions. A continuance in any position, becomes what is termed 'Second Nature'; it begets an adaptation, and *reconciliation of mind* to such condition. It changes the whole physiological condition of the system, and adapts man and woman to a higher or lower sphere in the pursuits of life” (94).

140 Delany, Martin. 1848. “True Patriotism.” *North Star*. Dec. 8th. In *Martin R. Delany: A Documentary Reader*. 2003. Ed. Robert S. Levine. Chapel Hill: University of North Carolina Press. 134.

141 Robert Gooding-Williams describes this second point as the “sovereign principle” in Delany's thought, arguing that “Delany is an externalist with regard to political liberty, for he holds that one cannot count as politically free—that is, as a free, sovereign citizen—absent the acknowledgement of one's right to govern oneself.” While I agree that acknowledgment by others has “a *constitutive* force” in Delany's thought, I emphasize here what I think is the crux of this acknowledgment: the impartial judgment and acknowledgment of one's attainments as the substantive basis for republican citizenship (6-7, fn. 12). Gooding-Williams, Robert. 2020. “Delany's Two Principles, the Argument for Emigration, and Revolutionary Black Nationalism.” Unpublished manuscript on file with the author.

given individual is trumped by their skin color.¹⁴² This white bias, Delany writes, is part of a long history of white racial antipathy.¹⁴³ The refusal to impartially judge the attainments of black citizens, in Delany's view, constitutes a breakdown of the core principles of the republic. As such, black Americans can no longer be said to possess “the exercise and enjoyment of these [republican] rights” or the “equal possession and enjoyment of privileges” that constitute republican citizenship.¹⁴⁴ Refused recognition of their attainments, black Americans are unjustly refused acknowledgement of both social equality and their contributions and standing as republican citizens.

Another essential element of Delany's argument here, as Robert Gooding-Williams has observed, is that Delany sees the “right to govern himself, and thus to govern (to participate in any government that governs him)” as a crucial component of citizenship.¹⁴⁵ The possibility, legally and socially, of elevating oneself to positions of rule and leadership and contributing to the polity through governance is an essential component of citizenship. To be either *de facto* or *de jure* excluded from that possibility because of the refusal of white citizens to impartially judge your qualifications imperils your ability to enact your citizenship through contribution. Without the right to run for office or the ability to bring together an electoral majority in conditions of extreme private prejudice, the right to vote means relatively little; as Delany drily puts, “we by no means care to cherish the privilege of voting somebody into office, to help to make laws to degrade us.”¹⁴⁶

While “the majority of white men cannot see why colored men cannot be satisfied with

142 Delany, *Destiny*, 248.

143 “We regret the necessity of stating the fact,” Delany writes in *Political Destiny*, “— but duty compels us to the task — that, for more than two thousand years, the determined aim of the whites has been to crush the colored races wherever found” (253).

144 Delany, Martin. 1852. Letter to William Lloyd Garrison. *The Liberator*. May 21st.

145 Gooding-Williams, “Two Principles,” 5.

146 Delany, *Condition*, 87-88.

their condition [...] — what they desire more than the granted [formal] right of citizenship,” Delany recognizes that republican citizenship is meaningfully constituted by both one's contributions to the polity and the impartial acknowledgement of those contributions by others.¹⁴⁷ Denied the privilege of having one's attainments judged impartially or contributing to the polity as rulers, Delany writes to his fellow black Americans that he has “not addressed you as citizens,—a term desired and ever cherished by us—because such you have never been [...] such privileges have never been enjoyed by any colored man in the United States.”¹⁴⁸ It is a false impression, Delany writes, “that the privilege of *voting* constitutes, or necessarily embodies, the *rights of citizenship*.”¹⁴⁹ Citizenship in a republic, in Delany's view, is constituted by a rich reciprocal relationship with others grounded in contribution and acknowledgement, a relationship from which black people in America are uniformly excluded. Instead, as Delany describes to William Lloyd Garrison, black Americans “live among [whites], subservient to their will — existing by mere *sufferance*” — not as republican citizens, nor in a republic.¹⁵⁰

As Delany described with increasing vehemence in the 1850s, black Americans are neither citizens in a republican sense nor living in an actual republic. As a consequence, Delany argued that they ought to emigrate to another country where they could achieve meaningful republican citizenship.¹⁵¹ In his view, “there is no part of the wide-spread universe, where our

147 Delany, Martin. 1852. Letter to William Lloyd Garrison. *The Liberator*. May 21st.

148 Delany, *Destiny*, 246.

149 Delany, *Destiny*, 246.

150 Delany, Martin. 1852. Letter to William Lloyd Garrison. *The Liberator*. May 21st.

151 As Robert Levine observes, Delany's call for emigration was part of a broader shift in black thought in the 1850s. Prior to that point, “most free blacks resisted calls for emigration, convinced that they, and the slaves, deserved the same legal rights to citizenship as whites” (182). With the passage of the Compromise of 1850 — including the Fugitive Slave Law — some black thinkers like Henry Bibb and Mary Ann Shadd Cary, argued for black emigration to Canada. After the Kansas-Nebraska Act and the *Dred Scott* decision, other black thinkers like James Holly and William Wells Brown argued for black emigration to Haiti. Delany himself, along with Henry Highland Garnet, would also seriously consider black emigration to Africa in the late 1850s and early 1860s. See *Martin R. Delany: A Documentary Reader*. 2003. Ed. Robert S. Levine. Chapel Hill: University of North Carolina Press. 182.

social and political condition are not better than here in our native country, and nowhere in the world as here, proscribed on account of color.”¹⁵² Facing their “true position in this county,” black Americans could either emigrate or “remain here in North America, and be crushed to the earth in vassalage and degradation.”¹⁵³ Constrained by white refusals to act as principled republican citizens, migration constituted, in Delany's view, the only remaining “sovereign remedy” open to blacks Americans.¹⁵⁴

As migrants, Delany urged individuals to make the same republican contributions to the polity he urged before: “in going, let us have but one object—to become elevated men and women, worthy of freedom—the worthy citizens of an adopted country.”¹⁵⁵ In deciding where to emigrate, he also returns to his two principles of republicanism, arguing in favor of emigrating to countries where those principles exist or can be instituted, and where a corresponding unity of interests, sympathies, and identity can be established around them. In the new country – he initially favors various locations in Central and South America – the migrants “must occupy a position of entire *equality* of *unrestricted* rights” and be “an acknowledged *necessary* part of the *ruling element* of society in which we live.”¹⁵⁶ The existing inhabitants, unlike white Americans, ought to be “generous, sociable, and tractable [...] susceptible of progress, improvement, and reform of every kind.”¹⁵⁷ Paths of attainment and political “offices of honor, trust and rank” should be open to all without restriction and regardless of skin color.¹⁵⁸ With these conditions met, Delany

152 Delany, Martin. 1853. “Call for a National Emigration Convention of Colored Men to Be Held in Cleveland, Ohio, on the 24th, 25th and 26th of August, 1854.” *Frederick Douglass’ Paper*. August 26th. In *Martin R. Delany: A Documentary Reader*. 2003. Ed. Robert S. Levine. Chapel Hill: University of North Carolina Press. 242.

153 Delany, *Destiny*, 245. Delany, *Condition*, 82-83.

154 Delany, *Destiny*, 249.

155 Delany, *Condition*, 85.

156 Delany, Martin. 1853. “Call for a National Emigration Convention of Colored Men to Be Held in Cleveland, Ohio, on the 24th, 25th and 26th of August, 1854.” *Frederick Douglass’ Paper*. August 26th. In *Martin R. Delany: A Documentary Reader*. 2003. Ed. Robert S. Levine. Chapel Hill: University of North Carolina Press. 241. Emphasis in original.

157 Delany, *Destiny*, 268.

158 Delany, *Destiny*, 257.

believed that a true republic would be possible. As Tommie Shelby has argued, this was not a black nationalist project: Delany's envisioned "multiracial 'nation' would be committed to social equality, democratic citizenship for all, self-government, and the cultivation of a vigorous citizenry" in a nation with a "racially heterogenous and hybrid population."¹⁵⁹

In his antebellum works, Delany does two seemingly contradictory things at once: he documents and encourages black attainments *in* America at the same time that he argues for black emigration *from* America. In reviewing *Condition* for the *Liberator*, Garrison argued that it should be read because of its emphasis on black attainments, but he panned its call for emigration as "inimical" "despondency."¹⁶⁰ Yet what Garrison failed to recognize is that Delany's republican theorizing – his principles of attainment and impartial judgment – underlie both his account of black success and his ultimate advocacy of black migration. Delany's call for emigration was consistent with his earlier theorizing about the principles which made a republic. Finding it increasingly improbable that such principles would be enacted by white Americans, Delany set out to find a integrated polity in which republican citizenship would be meaningfully open to black Americans.¹⁶¹ Such a polity would recognize the political stakes of how we judge one another's character and attainments, and would not countenance a split between the social equality of our quotidian interactions and the political and civil equality of the law.

Ultimately, Delany's thick account of republican citizenship was a direct critique of the abolitionist idea of moral equality. Simply asserting our basic moral equivalence was wretchedly

159 Shelby, Tommie. 2003. "Two Conceptions of Black Nationalism: Martin Delany on the Meaning of Black Political Solidarity." *Political Theory*. 31 (5): 664-692. 681.

160 Garrison, William Lloyd. 1852. *Liberator*. Quoted in *Martin R. Delany: A Documentary Reader*. 2003. Ed. Robert S. Levine. Chapel Hill: University of North Carolina Press. 219.

161 As others have observed, Delany's integrationist focus was underplayed in early scholarship on his thought. In fact, integrationist theorizing shapes his call for emigration, as I argue here, and it also shaped his returning optimism about America during the Civil War and early Reconstruction (he was involved in both). For more on Delany as an integrationist, see Adeleke, Tunde. 2003. *Without Regard to Race: The Other Martin Delany*. Jackson: University Press of Mississippi.

inadequate to guarantee political equality. Political citizenship, rights, and standing were, to Delany's mind, grounded in the real world: in the world of tangible contributions to the polity, of attainments and elevation, and in the acknowledgement of others. How we judge one another was not, then, a mere question of personal taste or private idiosyncrasy. By definition, what it meant to live in a republic was that one lived among people who all agreed to judge one another using certain republican criteria. Without such republican judgment, republican citizenship was impossible. By analyzing the racialized conditions of the American polity, Delany diagnosed the two principles of republicanism which were necessary for black Americans to be included as political equals. As he puts it, “these are truths—fixed facts, that quaint theory and exhausted moralising [sic], are impregnable to, and fall harmlessly before.”¹⁶² Just as earlier thinkers had worried about how the problem of faction required thicker forms of social equality, Delany argues that the mere fiat of political equality would do nothing to combat the problem of entrenched racism.

Conclusion

In the 1857 decision in *Dred Scott v. Sandford*, the U.S. Supreme Court held that black Americans were not and could not be citizens, and correspondingly could not claim the civil and political rights of citizens.¹⁶³ Soon after, Senator Stephen Douglas of Illinois gave a speech supporting the *Dred Scott* decision. The decision was correct, Douglas argued, because citizenship was something thicker than merely a grant of political rights. Once you granted citizenship, he asserted, it logically implied equality throughout society. “When you confer upon the African race the privileges of citizenship, and put them on an equality with white men at the polls,”

¹⁶² Delany, *Condition*, 72.

¹⁶³ *Dred Scott v. John F. A. Sandford*, 60 U.S. 393 (1857)

Douglas railed, “upon what principle will you deny their equality at the festive board and in the domestic circle?” Political citizenship, for Douglas and many of his contemporaries, necessarily implied social equality and amalgamation between black and white Americans. The consequence of granting citizenship, therefore, would be amalgamation and corresponding “degrad[ation], demoraliz[ation], disease, and death.”¹⁶⁴

Against Douglas's view, abolitionists and their political allies had been working for two decades to popularize an alternative theory: a thinner theory of citizenship and political rights which did not imply or demand social equality and amalgamation. This theory was expressed by Douglas's political rival, Abraham Lincoln, who gave his own speech on *Dred Scott* a few weeks after Douglas's. “I protest,” rejoined Lincoln, “against that counterfeit logic which concludes that, because I do not want a black woman for a slave I must necessarily want her for a wife. I need not have her for either, I can just leave her alone.” Political and civil rights need not imply social intercourse and amalgamation. One could respect the political rights of another while socially refusing them – that is, leaving them alone. Thus, while Lincoln would agree that “in some respects” black Americans were not the social equals of white Americans, he could still coherently defend their moral equality and thus their political and civil rights to life, liberty, the pursuit of happiness, and the “right to eat the bread [they] earn with [their] own hands without asking leave of anyone else.”¹⁶⁵ His support of such rights, he would argue a year later during a debate with Douglas in Ottawa, Illinois, did not imply a support for amalgamation. “Anything that argues me into his idea of perfect social and political equality with the negro,” Lincoln mockingly replied to Douglas, “is but a specious and fantastic arrangement of words, by which a

164 Douglas, Stephen. 1857. “Remarks of the Hon. Stephen A. Douglas, on Kansas, Utah, and the Dred Scott decision.” Delivered at Springfield, Illinois, June 12th. Accessed at <https://www.gilderlehrman.org/collection/glc00358>

165 Lincoln, Abraham. 1857. “Speech on the Dred Scott decision.” June 26th. Accessed at <https://teachingamericanhistory.org/library/document/speech-on-the-dred-scott-decision/>

man can prove a horse-chestnut to be a chestnut horse.”¹⁶⁶

The idea that one might promote the political and civil rights of black citizens without interacting with them in daily life or forging bonds of sympathy came to define American race relations after the Civil War. With the emancipation of black Americans came the ascendancy of the abolitionist theory of equality: a political and civil equality justified with reference to the thinner moral equivalence of all citizens. Historians agree that Reconstruction “represented a triumph for the abolitionist vision of civic equality regardless of race that had spawned an alternative but unimplemented constitutionalism before the Civil War.”¹⁶⁷ With the passage of the 13th, 14th, and 15th amendments to the Constitution, America enshrined a vision of moral equality and corresponding political and civil rights regardless of race. Yet even as Congress and the Courts were establishing political and civil rights, they were carefully clarifying that social equality was not included in their efforts. While the Civil Rights Bill of 1875, for instance, gave expansive protections to black Americans to enable their access to public transportation and accommodations, the Supreme Court declared such legislation unconstitutional to the extent that it sought to regulate acts of social discrimination by individuals.¹⁶⁸ In effect, the Court codified the abolitionist bargain marked out fifty years earlier: that judgments about social equality, widely construed, would be left to the discretion and tastes of private individuals.

Even efforts to narrow the domain of social equality – in other words, to make more things count as “political” – would not fundamentally contest the disjoint between the social and the political. In his lone dissent to the pro-segregation decision in *Plessy v. Ferguson* (1896), for instance, Justice John Marshall Harlan famously opposed the segregation of public

166 Lincoln, Abraham. 1858. “Mr. Lincoln's Speech at the First Debate: Ottawa, Illinois.” August 21st. Accessed at <https://www.nps.gov/liho/learn/historyculture/debate1.htm>

167 Foner, Eric. 2012. “The Supreme Court and the History of Reconstruction—and Vice-Versa.” *Columbia Law Review*. 112 (7): 1585-606. 1587.

168 *Civil Rights Cases*, 109 U.S. 3 (1883)

transportation, arguing that the Reconstruction amendments “removed the race line from our governmental systems” and produced a new “colorblind” Constitution where “all citizens are equal before the law” with respect to their civil rights, widely construed.¹⁶⁹ Yet Harlan's ringing and expansive invocation of the moral equality of persons – one which inspired future generations of civil rights litigation – did not fundamentally contest the right to private racial discrimination.¹⁷⁰ As Laurence Tribe notes, in the lines before his invocation of political and civil colorblindness, Harlan's dissent explicitly acknowledges and even appears to venerate the white supremacy that structures all other areas of American life.¹⁷¹ “Every true man,” writes Harlan elsewhere in the dissent, “has his pride of race, and, under appropriate circumstances, when the rights of others, his equals before the law, are not to be affected, it is his privilege to express such pride and to take such action based upon it as to him seems proper.”¹⁷² At core, Harlan does not contest *Plessy's* fundamental framing that the Constitution did not intend “to enforce social, as distinguished from political, equality.”¹⁷³ He merely contested the details of what counted as social.

The abolitionist theory of moral equality, ascendant since Reconstruction, relied on a

169 *Plessy v. Ferguson*, 163 U.S. 537, 555, 559 (1896) (J. Harlan, Dissent)

170 Preparing civil rights cases to challenge *de jure* segregation, NAACP lawyer Thurgood Marshall constantly harkened to the Harlan dissent and “repeatedly encouraged his colleagues to cite Harlan's famous injunction.” (Haney López, Ian. 2007. “A Nation of Minorities’: Race, Ethnicity, and Reactionary Colorblindness.” *Stanford Law Review*. 59 (985): 1035–45. 988.) Six years before the desegregation ruling in *Brown v. Board of Education*, in an echo of Harlan, Marshall argued before the Supreme Court that “classifications and distinctions based on race or color have no moral or legal validity in our society. They are contrary to our constitution and laws.” (*Sipuel v. Board of Regents of University of Oklahoma*, 332 U.S. 631 (1948) (per curiam))

171 Tribe, Laurence. 1987. “In What Vision of the Constitution Must the Law Be Color-Blind.” *John Marshall Law Review*. 20: 201-207. For additional discussion of the way in which Harlan is indifferent to the social realm, or to the plight of non-citizens, see Aleinikoff, T. Alexander. 1992. “Re-Reading Justice Harlan's Dissent in *Plessy v. Ferguson*: Freedom, Antiracism, and Citizenship.” *University of Illinois Law Review*. 1992 (4): 961-978. See also Chin, Gabriel. 1996. “The *Plessy* Myth: Justice Harlan and the Chinese Cases.” *Iowa Law Review*. 82 (1): 151-182.

172 *Plessy v. Ferguson*, 163 U.S. 537, 554 (1896) (J. Harlan, Dissent). Later in the dissent, Harlan will assert that the white race is the dominant race “in prestige, in achievements, in education, in wealth and in power” and that he does not doubt that “it will continue to be for all time if it remains true to its great heritage” (559).

173 *Plessy v. Ferguson*, 163 U.S. 537, 544 (1896). As the majority writes elsewhere in the decision, “if one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane” (552).

rejection of the idea that the judgments made in the social world were politically consequential. Prejudice and aversion were characterized as private matters, personal idiosyncrasies, which did not impact the equality of people in the public sphere. While some thinkers in the Reconstruction period recognized that social inequality was a problem, most would dismiss those concerns by optimistically asserting that political and civil equality would slowly work to organically unmake social prejudices and lead to greater social equality.¹⁷⁴

We now know that Delany's pessimism about moral and social equality was more accurate. The acceptance and even veneration of prejudice in private judgment would prove durable, and would come to undermine the substantive equality at the heart of meaningful republican citizenship. The durability of white American racism in the social realm is easy to read in the continued *de facto* segregation of American cities, neighborhoods, schools, workplaces, churches, families, and social organizations. Nor was Delany wrong to theorize that such social inequality would have political and civil consequences. Recent studies have shown that white Americans who display racial prejudice and animus in the social realm also show less support for the political equality of members of other racial groups and even for democratic forms of governance more generally.¹⁷⁵ Moreover, as *Brown v. Board of Education* famously argued, the

174 Tushnet, "Equality." Tushnet describes a diversity of opinions on how this might take place, viz. "for example, Rep. Glenn Scofield of Pennsylvania argued that equality in civil rights would allow blacks to engage in the ordinary productive activities of a market economy; by developing secure economic positions, blacks would demonstrate to whites that political and social equality were appropriate and would be able to back their demands for further equality with the money they had earned. Others, such as Senator William Pitt Fessenden of Maine and Rep. Henry Raymond of New York, contended that political rights were necessary and sufficient to produce equality in the other domains: without political rights, blacks would be unable to defend themselves against those who would use the political system to deprive blacks of property and liberty. With those rights, blacks could secure their property and, as the argument about the consequences of civil rights suggested, might then secure social rights" (889).

175 Examples of recent work along these lines includes Kivisto, Peter, and Andrey Rezaev. 2018. "Racial Democracy, Multiculturalism, and Inequality." In *Handbook of the Sociology of Racial and Ethnic Relations*. Eds. Pinar Batur and Joe R. Feagin. New York, NY: Springer. 171–92. *See also* Miller, Steven and Nicholas Davis. 2020. "The Effect of White Social Prejudice on Support for American Democracy." *The Journal of Race, Ethnicity, and Politics*. 1-18.

experience of inequality in the social realm shapes the self of those subjected to it in ways that can have profoundly political consequences.¹⁷⁶ The idea that political life and social life are entwined presents a deep critique to the idea that thin moral equality is sufficient to build a robust multi-racial republic. In this, Delany was a prescient critic of the “tragically narrow and conservative” efforts, of the abolitionists and their posterity, for equality for black Americans.¹⁷⁷

176 *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954)

177 “Introduction.” In *Critical Race Theory: The Key Writings that Formed the Movement*. xiv, xvi.

CHAPTER 3

“Not Equals But Men”¹: Social Equality and Manhood in the Thought of W. E. B. Du Bois

Sections

1. Introduction
2. Manhood
3. Double-consciousness and Self Consciousness
4. Self-Conscious Manhood
5. Great and Representative Men
6. *Homonoia* and the *Demos*
7. Manhood as Masculinity
8. Isolation

Introduction

In 1944, Eleanor Roosevelt replied to a letter from a white Alabama woman who was seeking reassurance on the question of equality. While Roosevelt wrote that equal citizenship rights – political, legal, even economic – must be granted to all people regardless of race, she was equally adamant in her opposition to mandating what she termed “social equality.” In her view, social equality could not and should not be made a matter of legislation. Social equality, as she put it later to a *New York Times* reporter, “is what you have among friends.” In the home, in questions of friendship or intimacy, one could not be forced to regard another as an equal. Thus, Roosevelt asserted that “no one can tell me I've got to ask someone to dinner if I don't want to and neither can they tell me not to ask people I want to ask.” Social equality was a private matter and “it was foolish of people to talk in general terms of social equality because that was a thing to be dealt with on a personal basis.”²

1 Du Bois, W. E. B. 1920/1999. *Darkwater: Voices from Within the Veil*. Mineola, NY: Dover. 122.

2 “First Lady Defines Social Equality.” *The New York Times*. September 7th, 1944.

In the last half of the nineteenth century and the first half of the twentieth, the spectre of social equality was haunting America. White Americans took the threat of “social equality” as the nebulous embodiment of all their fears and racial antipathies, while conciliatory black Americans took pains to assure everyone that they were not seeking it. Roosevelt promised her Alabama correspondent that she would have no uninvited dinner guests. Two young black students assured Cornell University that they were “not seeking social equality” by petitioning to live in the dorms – they just needed to be closer to their classes.³ While supporting black political and civil rights in an otherwise pathbreaking speech in Alabama in 1921, President Harding carefully clarified that he remained “uncompromisingly against every suggestion of Social Equality.”⁴ Social equality was the asterisk on every racially progressive law or policy, signifying the ineffable retention of white supremacy.

In December of 1921, W. E. B. Du Bois responded to Harding's speech in *The Crisis*, the magazine he edited for the National Association for the Advancement of Colored People. The concept of social equality, he wrote, “demands examination and honest facing” because for too long people on both sides of the racial divide have treated it like mere rhetoric or like “it was no problem at all.”⁵ Against such willful complacency, Du Bois argued that we should understand that the horror at social equality was a cunning tool of racial oppression. The idea of social equality was such an effective entrenchment of racial oppression, he wrote, because it carried a double meaning:

For fifty years the Southern white man has said to the Negro: Do you mean to say that you consider yourself fit to associate with white people? And the Negro has answered; but the question which he answered was not the one asked, but rather the other totally different question: Do you mean to say that you want to force

3 “Colored Co-Eds Explain: Not Seeking Social Equality at Cornell but Convenience.” *The New York Times*. April 3rd, 1911.

4 “Harding Says Negro Must Have Equality in Public Life.” *The New York Times*. October 27th, 1921.

5 Du Bois, W. E. B. 1921. “President Harding and Social Equality.” *The Crisis*. 23 (2).

your friendship and company on persons who do not want them? The answer to this is obviously an emphatic and indignant *No*. But when the Negro said *No*, he knew that he was not answering the question of the white man intended to ask and the white man knew that the Negro knew this, and that he himself had purposely asked a question of double and irreconcilable meaning, when he said, “Do you want Social Equality?”⁶

There was, Du Bois recognized, a facile question about forcing one's friendship onto someone, of demanding intimacy and respect, to which no reasonable person would claim a right. But there was also a deeper question, about being “fit” to associate with people, of claiming merit and the right to recognition as an equal. As Du Bois put it, social equality was about the right to say *homo sum* – 'I am man.'

Du Bois then delivered the killing blow. If social equality is about recognizing merit in another human being, the blanket refusal of that possibility for a whole race is actually the bedrock of all other forms of racial oppression. He writes, with emphasis: “let us henceforward frankly admit that which we hitherto have always known; that *no system of social uplift which begins by denying the manhood of a man can end by giving him a free ballot, a real education and a just wage.*”⁷ A 'Whites Only' sign on social equality erected a barricade against all other forms of meaningful racial justice.

The problem of social equality was a problem that had occupied Du Bois long before Harding's Birmingham speech. More than fifteen years earlier, Du Bois wrote in *The Souls of Black Folk* that:

In a world where it means so much to take a man by the hand and sit beside him, to look frankly into his eyes and feel his heart beating with red blood; in a world where a social cigar or a cup of tea together means more than legislative halls and magazine articles and speeches – one can imagine the consequences of the almost utter absence of such social amenities between estranged races.⁸

6 Du Bois, “President Harding.”

7 Du Bois, “President Harding.” Emphasis in the original.

8 Du Bois, W. E. B. 1903/2008. *Souls of Black Folk*. New York: Oxford University Press. 125.

Social equality requires one to “look frankly” into another person's eyes. It requires us to know one another, to get close to one another. If we perceive merit in another, it requires us to recognize that merit, regardless of race, and to treat them as our full, soul-deep, social equal. The refusal to do this is the original sin of racial oppression. In a 1910 pamphlet, he would describe the consequences of social inequality as institutionalized personal insult, persecution, and repression.⁹ Over the course of a long and productive career as a sociologist, historian, essayist, political theorist, novelist, and activist, Du Bois canvassed the full suite of racial injustices he and other black people faced in politics, economics, gender, mob violence, colonialism, militarism, and the law, influentially shaping both black and white public opinion. Across his career, the overriding emphasis – *the* basis of the problem of the color-line – is the stubborn refusal of white Americans to see merit in black Americans, and their correspondingly unjust refusal to grant recognition of a soul-deep social equality. Correspondingly, Du Bois's central political project is to build a world where “men will judge men by their souls and not by their skins.”¹⁰

If social equality recognizes and respects the merit in another person, racism represents the impossibility of such recognition: an inability or refusal to “give due and just consideration to culture, ability, and moral worth, whether they be found under white or black skins.”¹¹ It is an

9 Du Bois writes: “Most people when asked about their prejudices as to race say simply: it is a matter of personal like or dislike; some people like one kind of people and some another, similar to a preference for one sort of food over another. The difficulty is, however, that human antipathies between men and men seldom remain at this comparatively harmless stage. The preferences take on a vitality and warmth, a value and importance that makes us not satisfied to indulge our likes and dislikes, but to wish to force them on our neighbors [...] to use three weapons of offence [sic], which are in the world history of tremendous import. These are: personal insult, persecution, and repression.” Du Bois, W. E. B. 1910/1986. “Race Prejudice.” In *Pamphlets and Leaflets*. Ed. Herbert Aptheker. White Plains, NY: Kraus-Thomson. 88-91. 90.

10 Du Bois, *Souls*. 175. Du Bois's emphatic use of “souls” is most well known in the title and content of *The Souls of Black Folk* (1903), but this concept is by no means confined to that work. In *John Brown* (1909), he describes Brown's soul, whose merit consisted in understanding, working for, and touching “the real souls of black folk;” in his historical work *The Negro* (1915) his central theme is how black folks “within their own souls [...] have arisen from apathy and timid complaint to open protest and more and more manly self-assertion”; in his gripping reimagining of Plato's cave in *Darkwater* (1920), he describes “entombed souls” struggling to communicate with the white world outside or escape their bonds.

11 Du Bois, W. E. B. 1897/2008. “The Conservation of Races.” In *Souls of Black Folk*. New York: Oxford University

example of the condition Stanley Cavell calls “soul-blindness.”¹² Blindly, one sinks all individuals into a racialized mass, judging their merit uniformly and peremptorily. Refused both individuality and the possibility of social equality, victims of racism suffer a psychological pathology that Du Bois will term double-consciousness. In this way, the color-line represents a particularly modern form of estrangement: in the impossibility of recognition and social equality, we are alienated from one another as individuals and in important ways from ourselves. The color-line may – and typically does – manifest in deeply unjust political, social, and economic arrangements, but the real tragedy lies in the shallowness of what Melvin Rogers calls “the *ethical life* of the community,” where “men know so little of men.”¹³

For Du Bois, then, the most pressing and vexing aspect of the color-line is the problem of social equality. This is not say that Du Bois does not understand the importance of state-based liberal rights (like suffrage and legal standing) or economics (both domestic and international organization of capital and labor); with varying degrees of emphasis throughout his career, he is alive to the importance of both.¹⁴ But as Michael Hanchard has argued, theorizing and

Press. Appendix 1. 187.

12 See Cavell, Stanley. 1999. *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy*. New York: Oxford University Press.

13 Rogers, Melvin. 2012. “The People, Rhetoric, and Affect: On the Political Force of Du Bois's *The Souls of Black Folk*.” *American Political Science Review*. 106 (1): 188-203. 192, emphasis in original. Du Bois, *Souls*. 152.

14 Du Bois has been claimed by nearly every camp in political theory. Democratic theorists have urged his utility to their work, citing his emphasis on the political contributions of the *demoi* to public understanding (Bromell, Nick. 2018. “Honest and Earnest Criticism' as the 'Soul of Democracy': Du Bois's Style of Democratic Reasoning.” In *A Political Companion to W. E. B. Du Bois*. Ed. Nick Bromell. Lexington: The University Press of Kentucky), his broad importance as a theorist of democratic possibilities (Balfour, Lawrie. 2011. *Democracy's Reconstruction: Thinking Politically with W. E. B. Du Bois*. New York: Oxford University Press), and his espousal of democratic commitments including broad participation, criticism of leaders, and persuasion via democratizing rhetoric (Rogers, “The People, Rhetoric, and Affect.”) Others view Du Bois as a theorist of Weberian “rule” and the politics of a vanguard elite (Gooding-Williams, Robert. 2009. *In the Shadow of Du Bois: Afro-Modern Political Thought in America*. Cambridge, MA: Harvard University Press). Charles Mills claims him as a “black radical liberal” (Mills, Charles. 2018. “W. E. B. Du Bois: Black Radical Liberal.” In *A Political Companion to W. E. B. Du Bois*. Ed. Nick Bromell. Lexington: The University Press of Kentucky. 57-84.), while Michael Dawson bifurcated Du Bois into a pre-1930s proponent of a “radical egalitarian ideology” and a post-1930s Black Marxist (Dawson, Michael. 2001. *Black Visions: The Roots of Contemporary African American Political Ideologies*. Chicago, IL: University of Chicago Press. See 15; 18). This view of Du Bois as a Black Marxist – one of few Americans to contribute meaningfully to the development of Marxist thought – is also shared by others (see Robinson, Cedric. 1983/2000. *Black Marxism: The Making of the Black Radical Tradition*. Durham: University of North Carolina Press. Ch. 9).

addressing “black subordination in Western societies and politics require[s] the reconfiguration of the actual boundaries between the public and private, the political and the social.”¹⁵ By centering social equality, Du Bois's gaze moves beyond the state and economy and into the psychological and the social, situating him in a tradition of political theorizing that takes, as Robert Gooding-Williams argues, a less nation-centered view of politics since it tends to be concerned with analyzing the broader “regimes of white supremacy that have operated apart from or in close alliance with the nation-state.”¹⁶ In this way, when Nick Bromell writes that Du Bois “was not in any obvious sense a political theorist,” he captures what I take to be a defining component of Du Bois's political theory: the problems of political life are not finally political, in that they originate and are best addressed elsewhere.¹⁷

Here, the “elsewhere” is the complex dilemma of social equality that frames Eleanor Roosevelt's letter. The eradication of racial oppression requires social equality; social equality is a condition of respect freely and privately bestowed, yet its consequences are manifestly political. The crux of the problem of the color-line then becomes: can you get a person to really see you, to change her mind about you? And if you cannot, what kind of life is possible without social equality? This question – the question of social equality – is a defining theme of Du Bois's life and works. In this chapter, I argue that, more consistently than perhaps any other question, he repeatedly grapples with and theorizes the problem of social equality, formulating a solution to it which he calls “self-conscious manhood.”¹⁸ An orientation toward the self and the world, Du Bois's concept of self-conscious manhood is a response to the racialized refusal to recognize

15 Hanchard, Michael. 2010. “Contours of Black Political Thought: An Introduction and Perspective.” *Political Theory*. 38 (4): 510–536. 511.

16 Gooding-Williams, *In the Shadow of Du Bois*. 3.

17 Bromell, Nick. 2018. “Introduction.” In *A Political Companion to W. E. B. Du Bois*. Lexington: The University Press of Kentucky. 1.

18 Du Bois, *Souls*. 5.

individuals *as* individuals and as social equals. Responding to the imperative of “a society organized around individuality,” self-conscious manhood demonstrates one's status as an individual in the full sense.¹⁹ Recalling Frederick Douglass's famous fight with the slave-breaker Covey, the self-conscious and manly individual is aggressively self-assertive, declaring their merit as individuals in such a way that demands the recognition of others.²⁰

In his focus on social equality and self-conscious manhood, Du Bois reveals himself to be a typical well-educated late Victorian American. Emerging from Transcendental origins and armed with the ascendant ideas of Social Darwinism, Du Bois's America was one that celebrated the great individual and recognized the glories of merit. The manly individual would be the salvation of the nation, and was prized as such. As Charles Eliot, the former president of Du Bois's alma mater Harvard, put it in a much-applauded speech that typified the spirit of the age, “the essence of democracy is freedom of the development of the individual [... and] the result is the greatest inequality” in individual development and merit, with all the corresponding positive implications for national development and resulting social inequalities.²¹ Social equality was the reward given to the true *aristoi* of talent; social inequality was the inevitable consequence of the fact that some people were “fitter” than others.

Though Du Bois grounds his analysis of social equality and self-conscious manhood in the context of racial oppression, his thought still typifies the long American celebration of the exemplary individual as both glorious in herself and as the solution to the nation's ills. One of

19 Reed, Anthony. 2018. “Alightings of Poetry: The Dialectics of Voice and Silence in W. E. B. Du Bois's Narrative of Double-Consciousness.” In *A Political Companion to W. E. B. Du Bois*. Lexington: The University Press of Kentucky. 87.

20 In *Narrative of the Life of Frederick Douglass*, Douglass's successful fight with Covey is described as “the turning point in my career as a slave,” having rekindled in Douglass “the few expiring embers of freedom, and revived within me a sense of my own manhood” as well as prevented any further attack upon him by Covey for the rest of the time he remained with him (43). 1845/1995, New York: Dover Press.

21 *The New York Times*. 1911. “No Equality in Our Institutions – Eliot.” March 21st.

America's most moving paeans to individualism comes at the end of the chapter in *Souls* attacking Booker T. Washington's policy of submissive materialism, where Du Bois writes:

Above our modern socialism, and out of the worship of the mass, must persist and evolve that higher individualism which the centers of culture protect; there must come a loftier respect for the sovereign human soul that seeks to know itself and the world about it; that seeks a freedom for expansion and self-development that will love and hate and labor in its own way, untrammelled alike by old and new.²²

In his vision, self-conscious manhood is a “higher individualism,” a manifestation of “the sovereign human soul” that demands a “loftier respect” from others. This sovereign and respected individualism, Du Bois believed, was the answer to the vexing problem of social inequality. Individuals must take up this orientation towards themselves and the world. But what, exactly, would this entail? As Thomas Holt puts it, the “question of how one achieves mature self-consciousness and an integrity or wholeness of self in an alienating environment [...] would become the dominant focus – political and cultural – of Du Bois's life and work.”²³ As I develop in the sections that follow, Du Bois's concept of self-conscious manhood is defined by radical truth-telling, a free and anarchic spirit that goes “its own way,” and the manifestation of will through action. This form of American manhood solves the problem of social equality by standing as an almost irresistible demand to be seen and, if judged meritorious, given respect and recognition; we might go so far as to say it attempts to enact social equality through sheer force of will. At the same time, however, self-conscious manhood constructs its own ethics of isolation, undercutting the centrality of social equality in an attempt to preserve itself from suffering in the event that recognition and respect are not forthcoming.

Yet despite its seeming resolution of the problem of social equality, self-conscious

²² Du Bois, *Souls*. 76.

²³ Holt, Thomas C. 1990. “The Political Uses of Alienation: W. E. B. Du Bois on Politics, Race, and Culture, 1903-1940.” *American Quarterly*. 42 (2): 301-323. 304.

manhood remains haunted by its own form of alienation: its profound isolation from others, which when coupled with the material conditions needed to sustain it and its historical tie to patriarchal logics, renders a politics of manhood atomized and only questionably democratic. Striving toward social equality may institute new forms of exclusion, as a hierarchical meritocracy emerges. Although Du Bois writes in his “Credo” that he believes all people are “alike in soul and the possibility of infinite development,” these egalitarian democratic commitments are threatened by his focus on social equality and his corresponding commitment to the radical individualism of self-conscious manhood.²⁴

Manhood

Social equality is largely overlooked by scholars studying equality, though it is centrally relevant to American political culture and thought, defining how individuals have related to their selves, circumstances, and neighbors. The American philosopher Ronald Dworkin, without calling it social equality, begins his famous essay on equality with the observation that there is a difference “between treating people equally, with respect to one or another commodity or opportunity, and treating them *as equals*.”²⁵ To distribute something – rights, power, goods, opportunities – more equally among people is a fundamentally different act from acknowledging a deep co-equivalence between myself and another. Plato's horror of democracy in *The Republic* can be traced to this source: democracy, he observes with a shudder, distributes “a sort of equality to both equals and unequals alike.”²⁶ Whether one is comfortable or not with this kind of unequal equality, according to Aristotle, is the basis of all political factions: one camp will argue

24 Du Bois, W. E. B. 1904/1970. “Credo.” In *W. E. B. Du Bois Speaks: Speeches and Addresses 1890-1919*. Ed. Philip Foner. New York: Pathfinder Press. 142-143. 142.

25 Dworkin, Ronald. 1981. “What is Equality? Part I: Equality of Welfare.” *Philosophy and Public Affairs*. 10: 185-246. 185.

26 Plato. 380 BC/1992. *Republic*. Trans. G. M. A. Grube. Indianapolis, IN: Hackett. 228.

for raw numerical equality, while another camp will assert that 'true' equality requires distributing things proportional to merit.

The point raised by Dworkin generates important reflections on the nature of equal personhood. What criterion might make someone equal to me in a soul-deep sense? For the ancients, the criterion was equality in what Cicero calls moral excellence and Aristotle calls virtue.²⁷ Such equality in virtue generates a reciprocal relationship of equals. The equality of such a relationship is grounded in the fact that “the same things come from both people involved, and they wish for the same things for each other.”²⁸ In such a case, I perceive a deep sameness – a profound equality in moral excellence – between myself and another. This equality is grounded in both our equal acquisition of virtue and our equal regard for said virtue, which together generates in me a regard for the other equal to the regard I have for myself. This *homonoia*, or “oneness of mind” in virtue, is the basis of the most perfect friendship.²⁹

If the ancients thought of the basis of this sameness as *virtue*, American contemporaries to W. E. B. Du Bois thought of it as *manhood*. As Kim Townsend observes, the pursuit of manhood defined the American ethos of the second half of the 19th century, honed in institutions like Du Bois's alma mater Harvard College.³⁰ American manhood valued the possession of an internal, individual power that would be able to thrive within the demanding and alienating forces of modernity. To acquire manhood was to “prepare for the strenuous competitions of the world,

27 Cicero, *De Legibus*. In *The Republic and the Laws*. Trans. Niall Rudd. New York: Oxford University Press. See especially 108-109; Aristotle, *Nicomachean Ethics*. In *Aristotle's Nicomachean Ethics*. Trans. Robert Bartlett and Susan Collins. Chicago, IL: University of Chicago Press. 163.

28 Aristotle, *Nicomachean Ethics*. 173.

29 *Homonoia* is the basis of both friendship grounded in virtue as well as political friendship. In Book 8 of the *Nicomachean Ethics*, Aristotle observes that “friendship is equality” and that such “friendship holds cities together and that lawgivers are more serious about it than about justice. For like-mindedness [*homonoia*] seems to resemble friendship, and lawgivers aim at this especially” (172; 164). The equal reciprocity that forms the backbone of individual friendship, then, is also importantly political in its implications; sameness and oneness of mind, for Aristotle, is the basis of stable politics as well as – when concerned with goodness – the best kind of friendship.

30 Townsend, Kim. 1996. *Manhood at Harvard: William James and Others*. New York: W. W. Norton & Co.

and win the mental power, the nervous power to succeed in them [...] to endure fatigue and have a steady nerve under intellectual and moral stress.”³¹ Manhood would fearlessly strive to act on its ideals no matter the cost; embattled and alone, it would seek truth. Never mindlessly bowing to convention or authority, manhood represented an anarchic spirit of freedom and self-actualization, hemmed in only by a higher law of honor. The manly individual sought to live a meaningful life in the face of an alien modern world, demanded others recognize their efforts, and as a consequence often affected the broader political, economic, and social world. In Du Bois's day, such manhood represented to the American mind the highest pinnacle of merit.

The manly individual requires two things in order to pursue her quest: a self-disciplined will and external conditions of adversity against which to strive.³² Historian Kristin Hoganson has described how the American wars in this era – those in Cuba and the Philippines – were celebrated as sites of adversity in which “manly character” could be attained through courageous martial exploits.³³ The ostensible link between war and manhood was so widely accepted that manly pacifist William James felt compelled to give a speech called “The Moral Equivalent of War,” where he asserted that war was not the only field of adversity available for “awakening the higher ranges of men’s spiritual energy.”³⁴ Life *in extremis* could be found elsewhere. American polar explorers enlisted in the war against nature; President Roosevelt battled the trusts; philosophers like James sought to cultivate tough-minded pragmatism, fighting the weaknesses of mind that craved idealism, religion, and eternal rational order.

31 Charles Eliot, quoted in Townsend, *Manhood at Harvard*. 22.

32 I purposefully employ the feminine pronoun here to highlight at the outset that manliness is not necessarily coterminous with gender. The extent to which it is or can be de-gendered is considered in later sections of this chapter.

33 Hoganson, Kristin. 1998. *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine-American Wars*. New Haven, CT: Yale University Press. 10.

34 James, William. 1906. “The Moral Equivalent of War.” Speech delivered at Stanford University. Accessed at <https://www.constitution.org/wj/meow.htm>. James first develops the idea of a moral equivalent to war – he suggests it might be poverty – in *The Varieties of Religious Experience* (1902).

In all cases, the individual seeks a field of adversity where, by exercise of self-disciplined will, they demonstrate their possession of the virtues of manhood. The highest virtue a manly soul can display is what the Greeks called *thumos*: a quality of spiritedness where one risks one's life in order to save it, but where one seeks to preserve not one's bare existence but rather to preserve a life defined by honor, a life worth living. Manly individuals recognize a higher pursuit than mere bare life, and are willing to risk bare life to achieve meaningful life. They strive towards meaning. As Harvey Mansfield has put it, "what manly men contribute to the meaning of human life is its actualization in society."³⁵ As America's foremost expert on manliness, Theodore Roosevelt, described, the manly individual is one:

Who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; *who spends himself in a worthy cause*; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly.³⁶

Manhood strives towards meaning, spending itself in a worthy cause. In postbellum America, "what separated the manly from mere men was their willingness to fight and, if necessary, to die for the "Truth" – in themselves, in their communities, in society, or on the imperial battlefields of the emerging American empire.³⁷

Some of the other virtues associated with the idea of manhood in Du Bois's day recall the concept's debt to two other distinct strands of American thought: the antebellum Transcendentalists and the postbellum debate over Social Darwinism. From the prophets of what George Kateb calls democratic individuality – like Ralph Waldo Emerson, Walt Whitman, and Henry David Thoreau – manhood inherited the idea that the terrain of the self was a scene of struggle, that "one's self must become a project, one must become the architect of one's soul."³⁸

35 Mansfield, Harvey. 2007. *Manliness*. New Haven, CT: Yale University Press. 61.

36 Roosevelt, Theodore. 1910. "Citizenship in a Republic." Speech at the Sorbonne in Paris, France. April 23rd.

37 Townsend, *Manhood at Harvard*. 17-18.

38 Kateb, George. 1984. "Democratic Individuality and the Claims of Politics." *Political Theory*. 12 (3): 331-360. 343.

Against conventional society, one struggled to maintain individual integrity and develop manly self-reliance. As Emerson put it in his essay on self-reliance, society “everywhere is in conspiracy against the manhood of every one of its members.”³⁹ Society, with its emphasis on breadwinning and conformity, attempts to drown the inner voice that calls manly individuals to exercise their full powers and engage in loftier pursuits. Manhood's mantra, therefore, was a rejection of both social aid and social interference: in “The American Scholar,” Emerson asserts that the manly “will walk on our own feet; we will work with our own hands; we will speak our own minds.”⁴⁰ Remaining aloof from both the aid and the impositions of society, manhood was exemplified in Thoreau's exit to Walden Pond. But Thoreau's solitary sojourn also highlighted the fact that manhood was a lonely pursuit; as Judith Shklar observes, “there is a space between all self-reliant men. Their awareness of that uncrossable division is what renders them self-relying persons in the first place.”⁴¹ Isolation is an unavoidable consequences of democratic individualism, with its fear of social corruption that would undermine “the autonomy of the individual will.”⁴² At the same time, democratic individualism's goal is to call this autonomous individual to self-consciousness, to what Jack Turner calls “moral and intellectual awakening, honest confrontation with reality.”⁴³ Transcendentalism thus bequeaths both isolation and a tradition of honest self-consciousness to the American idea of manhood.

From the American debate over Social Darwinism, manhood received a newly justified emphasis on striving and a healthy dose of anarchism. In a certain sense, the Transcendentalists

39 Emerson, Ralph Waldo. 1841/2008. “Self-Reliance.” In *Emerson: Political Writings*. New York: Cambridge University Press. 53-74. 55.

40 Emerson, Ralph Waldo. 1837/2008. “The American Scholar.” In *Emerson: Political Writings*. New York: Cambridge University Press. 11-28. 27.

41 Shklar, Judith. 1990. “Emerson and the Inhibitions of Democracy.” *Political Theory*. 18 (4): 601-614. 604.

42 McWilliams, Wilson Carey. 2011. “Emerson: the All and the One.” In *A Political Companion to Ralph Waldo Emerson*. Ed. Alan Levine and Daniel Malachuk. Lexington: The University Press of Kentucky. 43-52. 49.

43 Turner, Jack. 2008. “Awakening to Race: Ralph Ellison and Democratic Individuality.” *Political Theory*. 36 (5): 655-682.

prefigured this development with their emphasis on the mutability and contingency of all conventions and institutions and with their fixation on the fact that “the soul *becomes*” and therefore “ever degrades the past.”⁴⁴ But it was Darwin's shattering proofs of evolution that democratized the sense that life is defined by struggle, flux, and development, leading either to survival or extinction. With the publication of *On the Origin of the Species* (1859) and *The Descent of Man* (1871), Walt Whitman wrote that “this old theory, evolution, as broach'd anew, trebled, with indeed all devouring claims by Darwin.”⁴⁵ Taken up by popular conservative thinkers like Herbert Spencer and William Graham Sumner, Darwin's struggle for existence produced, supplemented by Malthus's pessimism and Weber's protestant ethic, some extremely unflinching statements in favor of laissez-faire individualism.⁴⁶ It was the striving of the individual that proved merit; those who had merit succeeded, and were recognized by their fellows and justly rewarded by society. Richard Hofstadter describes this view as “evolutionary individualism,” where individual self-assertion is justified as an expression of the law of nature and where successful striving alone demonstrates individual merit.⁴⁷

Because this self-assertive striving is an expression of 'nature,' interference with it by government or society is imprudent. Thus, Social Darwinism typified in someone like Sumner is “almost anarchical,” entirely “devoid of that center of reverence and authority” that defines most conservative worldviews.⁴⁸ This anarchic spirit was amplified in the responses to Social Darwinism that were offered around the turn of the century by sociologists like Lewis Ward and

44 Emerson, “Self-Reliance.” 64.

45 Whitman, Walt. 1874/1891. “Darwinism - Then Furthermore.” *Prose Works*. D. McKay Publishing. 326. On Whitman's thought and the pre-shadowing of evolutionary theory, see also Kaplan, Justin. 1980. *Walt Whitman: A Life*. New York: Simon & Schuster, as well as Wong, Hertha D. 1988. “This Old Theory Broach'd Anew': Darwinism and Whitman's Poetic Program.” *Walt Whitman Quarterly Review*. 5 (Spring): 27-39.

46 In *Social Statics*, for instance, Herbert Spencer railed against government programs for the poor, writing that “if [the poor] are sufficiently complete to live, they do live, and it is well they should live. If they are not sufficiently complete to live, they die, and it is best they should die.” (1851. London: George Woodfall and Son. 380.)

47 Hofstadter, Richard. 1944/1992. *Social Darwinism in American Thought*. Boston, MA: Beacon Press. 49.

48 Hofstadter, *Social Darwinism*. 7.

W. E. B. Du Bois, and by Pragmatist philosophers like William James. These thinkers emphasized the boundless change and possibility that characterized evolutionary processes – its emphasis on chance, its unbounded anarchic dynamism – as a way of critiquing more deterministic glosses on Darwin.⁴⁹ A defining debate in American thought from the Civil War to World War I, Social Darwinism and its critics imbued American manhood with an odd mix of both anarchic liberation and a stern imperative to strive.

With its Greek heroic striving and its Stoic isolation, its free anarchic spirit and its analogy to biological struggles for existence, its desire for recognition and its self-reliant rejection of social convention, American manhood at the dawn of the 20th century was a strange mix of parts. In government, war, philosophy, commerce, and private life, it found many fields of adversity in which to exercise its powers and show its merit. But one particularly rich field of adversity has been overlooked in studies on manhood: the struggle against racial caste and oppression.

Double-Consciousness and Self-Consciousness

If social equality is an equality of friendship – a privately recognized soul-equality that cannot not be legislated – the goal of the individual man is to hone within himself the merit to deserve it. This merit of manhood comes from striving, from cultivating virtue and vigor in the face of adversity and trial. Understood in this way, the pursuit of manhood is an individual and solitary endeavor, requiring only will and something to struggle against. And Du Bois's era had no trouble providing, as Theodore Roosevelt demanded, that “each man shall have an equal opportunity to show the stuff that is in him.”⁵⁰

49 For a classic pragmatic assault on deterministic Darwinism, see James, William. 1897. “Great Men and their Environment.” In *The Will to Believe and Other Essays in Popular Philosophy*. New York: Dover. 216-253. For a succinct articulation of Du Bois's non-deterministic framework of sociology, see W. E. B. Du Bois. 2000. “Sociology Hesitant.” *Boundary 2*. 27 (3): 37-44. For a discussion of Lewis Ward's contribution to a new sociological view against Spencer, see Hofstadter, *Social Darwinism*. Ch. 4.

50 Roosevelt, “Citizenship in a Republic.”

African Americans were provided an especial abundance of adversity – economic, political, and social – against which to demonstrate their manhood. The failures of Reconstruction, the restrictions of Jim Crow, the ascendancy of the lynch mob, and the economic exploitation of labor and tenancy provided sharp external challenges against which to strive. In addition, as Du Bois observed, these externalities of racism also generated complex internal, psychological challenges for those living within racialized social structures. Du Bois describes in *Souls* how the African American experience of living in a racialized society generates an internalized conflict that he terms double-consciousness:

After the Egyptian and Indian, the Greek and Roman, the Teuton and Mongolian, the Negro is a sort of seventh son, born with a veil, and gifted with second-sight in this American world,—a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world. It is a peculiar sensation, this double-consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity. One ever feels his twoness,—an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideas in one dark body, whose dogged strength alone keeps it from being torn asunder.⁵¹

As this passage vividly describes, one particularly pressing scene of racialized adversity – and corresponding site in which to demonstrate manhood – is the stage within the self where this conflict plays out. The “twoness” of double-consciousness is of warring identities: one's identity as an American and one's identity as a black person, two warring ideals within the individual. It is a battle between two social identities which are incompatible because of the racist conditions of American society: because of what each identity means in America, one cannot be both an American and a black person, nor collapse one identity into the other. As Lawrie Balfour puts it, for ordinary people such crippling “inner turmoil can destroy their motivation to seek better

51 Du Bois, *Souls*. 8.

lives, and it can lead to a variety of social ills.”⁵² The conflict represents, in fact, a profound alienation from a stable and unitary self.

In the face of the existential adversity of double-consciousness, there are several possible ways of acting in response. As Du Bois puts it in an earlier description of double-consciousness, the question at first appears to boil down to a duality: “am I an American or am I a Negro? Can I be both? Or is it my duty to cease to be a Negro as soon as possible and be an American? If I strive as a Negro, am I not perpetuating the very cleft that threatens and separates black and white America? Is not my only possible practical aim the subduction of all that is Negro in me to the American?”⁵³ Reclaiming one's blackness, one can engage in “a feeling of revolt and revenge” against America; or, one can make “an attempt to adjust all thought and action to the will of the greater group.”⁵⁴ A feeling of revolt or revenge would constitute a retreat into blackness and a rejection of Americanness – perhaps even through physical removal like the Garveyites, or as Du Bois himself undertook in his eventual emigration to Ghana. Yet, as Lewis Gordon describes, the blackness found in double-consciousness is at least initially the awareness “of oneself as negative [...] seeing the self through the perspective of those who despise what one is.”⁵⁵ It remains an open question – one later explored with chilling thoroughness by thinkers like Frantz Fanon – to what degree blackness is a problematic white artifact, a white construction.⁵⁶

The second option of adjustment or assimilation to Americanness is not a practical solution. One can never successfully jettison one's blackness, either physically or socially, in a race conscious society defined by what Marc Black calls “imposed contempt.”⁵⁷ Du Bois's rejected

52 Balfour, *Democracy's Reconstruction*. 34.

53 Du Bois, “Conservation.” 184.

54 Du Bois, *Souls*. 40.

55 Gordon, Lewis. 2018. “An Africana Philosophical Reading of Du Bois's Political Thought.” In *A Political Companion to W. E. B. Du Bois*. Ed. Nick Bromell. Lexington: The University Press of Kentucky. 57-84. 63.

56 See Fanon, Frantz. 1967. *Black Skin, White Masks*. New York: Grove Press.

57 Black, Marc. 2007. “Fanon and Du Boisian Double-consciousness.” *Human Architecture: Journal of the Sociology of*

attempt to claim membership in the Massachusetts Society of the Sons of the American Revolution – hamstrung because he could not produce the birth records of his ancestor who was captured in Africa – is a literalization of this impossibility. Assimilation as the solution to double-consciousness, then, would only paradoxically increase the disjoint between the self and the world. It seems clear that Du Bois problematizes both of these possible responses when he writes that double-consciousness's “double life [...] must give rise to double words and double ideals, and tempt the mind to pretense or to revolt, to hypocrisy or to radicalism.”⁵⁸

As a partisan for manhood, however, Du Bois sees this internal conflict as not merely something unresolvable that exists to be endured – it is actually an opportunity. There are, he asserts, “sources of strength in common memories of suffering in the past; in present threats of degradation and extinction; in common ambitions and ideals; in emulation and the determination to prove ability and desert.”⁵⁹ In this spirit, Du Bois offers a third way – neither revolt nor capitulation – to respond to double-consciousness, which he describes as “a determined effort at self-realization and self-development despite environing opinion.”⁶⁰ This is a kind of sovereign individual freedom from “environing opinion,” from social forces. I read this as a broader longing for self-mastery and self-making, a “longing to achieve self-conscious manhood, to merge his double self into a better and truer self” which exceeds – rather than chooses from among – the given and warring identities present in double-consciousness.⁶¹ The conflict between Americanness and blackness at the heart of Du Bois's double-consciousness ultimately leads, in this third way, to the refusal to choose any pre-existing identity group. It leads

Self-Knowledge. 5: 3. 393-404. 394.

58 Du Bois, *Souls*. 165.

59 Du Bois, W. E. B. 1940/1971. *Dusk of Dawn: An Essay Toward an Autobiography of a Race Concept*. New York: Schocken Books. 219.

60 Du Bois, *Souls*. 40.

61 Du Bois, *Souls*. 9.

to a retreat into the incommensurable self, a third self that is neither monolithically black nor American. Choosing this third way is an act of bravery, a possible answer to Du Bois's despairing question in *Darkwater*: “Whither? North is greed and South is blood; within, the coward, and without, the liar. Whither? To death?”⁶² Du Bois proposes a way out by tackling the inner “coward.”

Thus, while Du Bois describes double-consciousness as, originally, a conflict between social identities, his search for a resolution ultimately leads him to implicitly reformulate double-consciousness as a conflict between the self and social perceptions of the self. The coward capitulates or retreats; the man asserts his sovereign self against daunting odds. In this third way, the individual retreats from the world of appearances, of social groups, and withdraws into that “transfigured spark of divinity which we call Myself,” as Du Bois put it.⁶³ Kathleen Marie Higgins suggests this is Du Bois's Nietzschean moment, in which self-transformation is centered. In the retreat toward the self, one becomes “a pioneer, an adventurer, or a legislator of new values.”⁶⁴ The pursuit of self-conscious manhood is the pursuit of “single-minded consciousness” whose essential quest is truth, action, and freedom.⁶⁵ Du Bois evokes this link between self-consciousness and manhood when he writes in *Souls* that “with dawning self-consciousness, self-realization, self-respect [...] he began to have a dim feeling that, to attain his place in the world, he must be himself, and not another.”⁶⁶

To be one's self is, of course, no easy task. Scrawled on a sheet of paper among other

62 Du Bois, *Darkwater*. 16.

63 Du Bois, *Souls*. 178.

64 Higgins, Kathleen Marie. 2006. “Double-consciousness and Second Sight.” In *Critical Affinities: Nietzsche and African American Thought*. Ed. Jacqueline Scott, A. Todd Franklin, Robert Gooding-Williams. Albany: State University of New York Press. 51-73. 67.

65 Moore, T. Owens. 2005. “A Fanonian Perspective on Double-consciousness.” *Journal of Black Studies*. 35 (6): 751-762. 759.

66 Du Bois, *Souls*. 11.

reflections about fear and manhood, Du Bois in his later life penned these words: “We have no originality – We are afraid of ourselves.”⁶⁷ Yet our fear is not entirely the baseless and cringing fear of the coward. Despite the Nietzschean valorization of self-conscious manhood, the achievement of such manhood is also deeply inflected with loss. Inhabitation of the sovereign self alienates the individual from others and from the settled regularities of normal social intercourse. As Gooding-Williams describes, Du Bois's conception of race “leaves open the possibility that a human being could [...] discard her socio-historical racial identity by turning her back on the traditions or impulses or strivings without which one cannot be a socio-historical Negro.”⁶⁸ Yet the wrenching difficulty of this act, as well as the isolation it would entail, is clear. Manhood, it would seem, is not costless.

Self-Conscious Manhood

Bid the black Christ be born!
Then shall our burden be manhood,
Be it yellow or black or white.

-W. E. B. Du Bois, “The Riddle of the Sphinx”⁶⁹

Through the whole of his oeuvre, Du Bois develops and articulates his vision of self-conscious manhood. Indeed, it is not too much to say that Du Bois is unflinchingly preoccupied with theorizing manhood throughout the length of an otherwise dynamic and even contradictory career. He chose great men – Otto von Bismarck and Jefferson Davis – as the subjects of his commencement speeches at Fisk and Harvard. In his early essay on the elite “Talented Tenth,”

67 Du Bois, W. E. B. “Notes, 1950?.” W. E. B. Du Bois Papers (MS 312). Special Collections and University Archives, University of Massachusetts Amherst Libraries.

68 Gooding-Williams, *In the Shadow*. 52. There is intense scholarly debate on whether Du Bois views race as biological as opposed to historical or cultural. I take up Gooding-Williams's view here, and refer readers to his excellent discussion of the debate on this point between, among others, Kwame Anthony Appiah and Lucius Outlaw. See Gooding-Williams. *In the Shadow of Du Bois*. 37-54.

69 Du Bois, *Darkwater*. 31.

he wrote that “the Negro race, like all races, is going to be saved by its exceptional men.”⁷⁰ *Souls* seeks to pull back the racial veil to allow white Americans to assess the manhood and merit of black Americans. *The Gift of Black Folk* presented a catalogue of unsung heroic achievement by exemplary Black people. His biography of John Brown is a paean to virtuous manhood. His novels – *The Quest of the Silver Fleece*, *Dark Princess*, and the *Black Flame* trilogy – prominently feature characters who are explicitly grappling with the difficulties of achieving or retaining their manhood. The main character in the *Flame* trilogy is even named Manuel Mansart (Man's art or, perhaps, Man's heart). Such stalwart fixation on the theme of manhood – what it means and what it demands – makes sense if we understand that, for Du Bois, self-conscious manhood was *the* solution to *the* problem of the twentieth century: the problem of the color-line. In his writings, therefore, he sought to theorize manhood, and to lay bare to his readers how to live a self-consciously free and manly life. He also sought to flesh out why manhood mattered: what the stakes were for both the individual soul and for the soul of the nation.

Self-conscious manhood, as it emerges in Du Bois's works, is defined by four elements: radical truth-telling, a free anarchy of the spirit, a will to strive and act, and the purity of isolation. Together, these elements coalesce into manhood, an orientation toward the self and the world that positions the individual to overcome internalized racial pathologies and aid in the restructuring of the world. Such manliness enables a fully human life defined by a rich interiority and useful service to others.

It is hard to overstate the primacy of truth in Du Bois's vision of manliness. Raised on a New England diet of truth-telling, truth in all things is the hard demand of manhood for Du Bois; we must have the skill to discern it, the courage to pronounce it, and the willingness to revise it in

70 Du Bois, W. E. B. 1903/2008. “The Talented Tenth.” In *The Souls of Black Folk*. New York: Oxford University Press. Appendix II. 189.

light of new evidence. As he pronounced in an 1897 speech, “there is but one coward on earth, and that is the coward that dare not know.”⁷¹ The demand is both that we tell the truth of ourselves as well as the truth about others and about society – indeed, we cannot do the later without the former. The foundational imperative is to follow “those great watchwords of human energy – know thyself!”⁷² Self-conscious manhood is grounded in a deep knowledge of the self, an honest inhabitation of what one is, no longer obscured behind a veil of group membership. We will receive scant and “meager encouragement to honest self-expression,” but it is imperative that we express the truth of ourselves.⁷³ Grounding what we might call our being-in-the-world in honesty rather than mere sycophancy or mimicry is the basis upon which we have a self at all to assert. And by expressing the truth of ourselves, we give others the chance to know us and we gain training in the courage needed for candor.

While knowing ourselves is a question of courage, not skill, knowing others is more complex. This is because, Du Bois puts it in *Darkwater*, “in fact no one knows himself but that self’s own soul.” As many scholars have shown, Du Bois sees the other as largely unknowable, as an alterity; each individual feels his own sorrows and passions, and knows his own mind, in ways that no one else can.⁷⁴ Yet while Du Bois recognizes the existential isolation of the individual, he is also sanguine that this gap can be reduced, that we can discern the truth of the other. If the great tragedy of our age is “that men know so little of men,” we are not perpetually fated to live in such ignorance.⁷⁵ In America, we meet people as part of the mass, as members of groups; we

71 Du Bois, W. E. B. 1897. “The Study of the Negro Problems.” Speech to American Academy of Political and Social Sciences, Philadelphia, PA. Nov. 19th. Quoted in *Dusk of Dawn*, 63.

72 Du Bois, W. E. B. 1903. “The Training of Negroes for Social Power” *The Outlook*. November. 414.

73 Du Bois, *Dusk of Dawn*. 203.

74 See Williams, Robert. 2018. “A Democracy of Differences: Knowledge and the Unknowable in Du Bois’s Theory of Democratic Governance.” In *A Political Companion to W. E. B. Du Bois*. Ed. Nick Bromell. Lexington: The University Press of Kentucky. See also Bromell, “Honest and Earnest Criticism.”

75 Du Bois, *Souls*. 152.

see only their surfaces and their inner life is veiled. “We do not really associate with each other, we associate with our ideas of each other,” and therefore we are always startled “to find folks thinking like ourselves.”⁷⁶ Writing of his visit to Africa in *Dusk of Dawn*, Du Bois bemoans that Americans “meet human beings in such throngs that we cannot know or even understand them – they become to us inhuman, mechanical, hateful.” But “African life with its isolation has deeper knowledge of human souls. The village life, the forest ways, the teeming markets, bring in intimate human knowledge that the West misses, sinking the individual in the social.” Africans know fewer folks, Du Bois observes, but they know them “infinitely” better.⁷⁷ To tell the truth about each other, we must first discover one another. This will never be a final or complete knowledge, but we can do better if we look carefully at individual *as* individuals. By courageously stating how our own individuality transcends the mere labels and groups we might be assigned, we will be better prepared to see such individuality and complexity in others: to constantly pull our souls back from the general to the specific.

Manly truth-telling, trained on the self and individual others, can then take up the challenging pursuit of discerning and pronouncing wider truths in the world. This task is urgent. Du Bois writes that the deepest pathology of the white world, “the greatest and most immediate danger of white culture, perhaps least sensed, is its fear of the truth.”⁷⁸ White supremacy is sustained by its destruction of deviant truths; for Du Bois, this dishonesty is not only morally appalling, it is also deeply dangerous because it blinds us in our ability to navigate the world and live well and meaningfully. The scholar's task – a task Du Bois takes up again and again – is to study the world animated “an earnest desire for the truth despite its possible unpleasantness.”⁷⁹

76 Du Bois, *Darkwater*. 86.

77 Du Bois, *Dusk of Dawn*. 128-129.

78 Du Bois, *Dusk of Dawn*. 151.

79 Du Bois, W. E. B. 1899/1996. *The Philadelphia Negro: A Social Study*. Philadelphia: University of Pennsylvania Press. 3.

Awake to the difficulty of maintaining this position, Du Bois writes in *Black Reconstruction* that he wants “to be fair, objective, and judicial,” exercising great care “to let no searing of the memory by intolerable insult and cruelty make me fail to sympathize with human frailties and contradiction, in the eternal paradox of good and evil.”⁸⁰ This detached pursuit of the truth is not an innate human capacity, but must be hard won against our more parochial instincts. Formal education and scientific training will do much, but as Du Bois writes in a letter in 1896, “of the greatest importance was the opportunity which my wander years in Europe gave of looking at the world as a man and not simply from a narrow racial and provincial outlook.”⁸¹ Similarly, Du Bois describes his study of philosophy as a means of “open[ing] vistas,” of widening his view.⁸² The pursuit of truth about the world requires one to abstract from oneself, to view broadly and dispassionately.

Truth-telling, then, is courageous because it is a difficult and paradoxical practice: a deep inhabitation of self knowledge coupled with an abdication of the self in pursuit of the general. From the strength of self knowledge and the respect of specific others comes the hardihood to suspend the self in pursuit of broader truths. Armed with self-knowledge and the knowledge of other souls, Du Bois issues a clarion call to “all persons who love the truth and dare to hear it” to unflinchingly investigate the real conditions of the world.⁸³ Resisting the urge to be the “final arbiter” of “desired and desirable truth,” those who would aspire to self-conscious manhood must constantly and untiringly revise their truths in light of what they find, supplicant to no

80 Du Bois, W. E. B. 1935/ 2007. *Black Reconstruction in America, 1860-1880*. New York: Oxford University Press. 725.

81 Quoted in Gates, Henry Louis. 2007. “The Black Letters on the Sign: W. E. B. Du Bois and the Canon.” Preface to the *Oxford W. E. B. Du Bois Series*. New York: Oxford University Press. XIV.

82 Du Bois, *Dusk of Dawn*. 33.

83 This quote is from an advertisement for a public meeting Du Bois held with others, after non-white delegates were excluded from the National Conference of Charities and Correction in Memphis, TN in May 1914. Quoted in *Dusk of Dawn*, 283.

dogma.⁸⁴

The refusal to bow before dogma or prescribed truths defines the second element of Du Bois's conception of manhood: an anarchic spirit that celebrates radical freedom. It is one thing to tell the truth about oneself; it is another to fully celebrate that truth, to deify it, and yet to insist that its foundational nature was not immutable Truth but unceasing Change. True manhood is defined by a rejection of stasis and an embrace of dynamism and possibility. As Du Bois puts it, “the desire of all consciousness,” of all creatures who will, is “to enjoy that anarchy of the spirit” which recognizes the contingency and arbitrary nature of all human arrangements and the unpredictable pre-eminence of human will.⁸⁵ Individual wills who act unpredictably, freely, and outside the bounds of control represent the fullest flower of manhood. Manhood celebrates the fact that humans possess “human forces which no human hand can hold.”⁸⁶ In “Sociology Hesitant,” Du Bois describes this view fully, with an eye to demanding the sociologists of his day recognize its truth. He writes that “among physical forces stalk self-directing Wills, which modify, restrain, and re-direct the ordinary laws of nature [...] out from some unknown Nowhere bursts miraculously now and then controlling Energy.”⁸⁷ The world we inhabit is a world, he continues, “peopled by beings capable in some degree of actions inexplicable and uncalculable.”⁸⁸ As Aldon Morris describes, as a sociologist Du Bois saw more clearly than many of his contemporaries that “there were no universal laws mechanistically governing human behaviors.”⁸⁹ (2017, 27).

Manhood not only acknowledges but glories in and celebrates this truth. The natural

84 Quoting Du Bois letter in Bromell, Nick. 2013. *The Time is Always Now: Black Thought and the Transformation of U.S. Democracy*. New York: Oxford University Press. 120.

85 Du Bois, *Dusk of Dawn*. 134.

86 Du Bois, W. E. B. 1909/1996. *John Brown*. New York: International Publishers. 290.

87 Du Bois, “Sociology Hesitant.” 41.

88 Du Bois, “Sociology Hesitant.” 42.

89 Morris, Aldon. 2017. *The Scholar Denied: W. E. B. Du Bois and the Birth of Modern Sociology*. Oakland: University of California Press. 27.

anarchy of the spirit is not a lamentable truth of the world but the glory of self-assertive manhood. Thus, for Du Bois it is a high compliment to call someone a “natural anarchist of the spirit,” as Du Bois describes his closest white friend Joel Spingarn.⁹⁰ The liberty and freedom of an anarchic spirit is the fullest expression of human nature. As Du Bois writes in a note to himself in the 1920s, all who see the full sweep of the human soul, “all men of vision, are anarchists.”⁹¹ As he imagines a future toward which civilization should strive, Du Bois describes the pinnacle as “that great and final Freedom which you so well call Divine Anarchy.”⁹²

But while the highest expression of self-consciousness is this anarchic assertion of will, anarchy of the spirit is not an innate state but a cultivated capacity. It is precisely this capacity of the spirit, for instance, that slavery destroys when it puts men “with no sparing of brutality into one rigid mold: humble, servile, dog-like devotion, surrender of body, mind and soul, and unaspiring animal content.”⁹³ As Anthony Reed puts it, Du Bois understood race more broadly “as a process of creating de-individualized subjects.”⁹⁴ Like Tocqueville and Mill before him, Du Bois also sees a threat to an anarchy of the spirit in the softer tyranny of democratic majorities, who seek to curb individual capacity and impulse. As he writes in *Darkwater*, “the doctrine of the divine right of majorities leads to almost humorous insistence on the dead level of mediocrity. It demands that all people be alike or that they be ostracized [...] that any one of these should simply want to be himself is to the average worshipper of the majority inconceivable.”⁹⁵ Against the constraints of a heritage of slavery, racial conformity, and tyranny of the majority, Du Bois

90 Du Bois, *Dusk of Dawn*. 290.

91 Du Bois, W. E. B. “All men of - are anarchists.” W. E. B. Du Bois Papers (MS 312). Special Collections and University Archives, University of Massachusetts Amherst Libraries.

92 Du Bois, W. E. B. 1928/1993. *Dark Princess: A Romance*. New York: Harcourt Brace. 285.

93 Du Bois, *John Brown*. 60.

94 Reed, Anthony. 2018. “Alightings of Poetry: the Dialectics of Voice and Silence in W. E. B. Du Bois's Narrative of Double-Consciousness.” In *A Political Companion to W. E. B. Du Bois*. Ed. Nick Bromell. Lexington: The University Press of Kentucky. 87.

95 Du Bois, *Darkwater*. 89.

voices unqualified support for the full expression of the spirit, even as it extends to the freedom and “human right to swagger and swear and waste.”⁹⁶ He advocates the ultimate virtue of “an independent manhood which cannot and will not rest in bonds,” even if its anarchic expressions create chaos in the short or medium term.⁹⁷ What is essential is that men should act to “stretch their arms and souls.”⁹⁸

“Just as though God really were dead,” it is only the possibility for unpredictable human action which gives meaning to human life and generates change in the world.⁹⁹ Manhood celebrates this capacity for action and asks only, as Hannah Arendt would put it, for a space in which to appear. On the one hand, Du Bois understands manliness to be a quality of the soul which demonstrates its presence by appearing as the worldly phenomenon of striving. On the other hand, acts of striving are also necessary to *produce* manliness. The circularity of striving and manhood is roughly that of the old adage that a preacher should preach faith until he has it, and from then on preach faith because he has it. Manhood demonstrates itself in “ceaseless agitation and insistent demand” for what it believes to be right.¹⁰⁰ Striving and action work to both build up manhood and demonstrate it to others; in this way, action is always relational, always a demand for recognition. As Du Bois writes, in his youth he had “the vision of a glorious crusade where I and my fellows were to match our mettle against white folk and show them what black folk could do.”¹⁰¹ Striving to match his mettle against white folk would, through the greatness of his deeds, force them to recognize his manhood. Action 'hails' other humans irresistibly, forcing them to recognize one's manhood.

96 Du Bois, *Darkwater*. 19.

97 Du Bois, W. E. B. 1903. “The Training of Negroes for Social Power” *The Outlook*. November. 409.

98 Du Bois, *Darkwater*. 2.

99 Du Bois, *Souls*. 102.

100 Du Bois, *Dusk of Dawn*. 193.

101 Du Bois, *Dusk of Dawn*. 130.

Black manhood, by “the sword of the intrepid, uncompromising Spirit,” would produce incontrovertible works of merit.¹⁰² But in his depiction of the necessity of action to manliness, Du Bois occasionally veers towards self-made machismo, as when he writes in “The Conservation of Races” that “a little less complaint and whining and a little more dogged work and manly striving would do us more credit and benefit than a thousand Force or Civil Rights bills.”¹⁰³ Yet his demand for manly action in the face of great difficulties avoids the arguably worse pitfalls of pessimistic stoicism or eschatological resignation. Manly individuals “cannot stand still” or permit themselves “simply to be the victims of exploitation and social exclusion,” regardless of the daunting structural hurdles they face.¹⁰⁴ Though they know dangers and obstacles lurk ahead, “the traveler girds himself, and sets his face toward the Morning, and goes his way.”¹⁰⁵ The human being who would live a meaningful life has little other choice; if one chooses not to strive, one risks one's very soul. As Du Bois describes in *Souls*, his commitment to striving and beating white folks did not work for every one. He writes: “with other black boys the strife was not so fiercely sunny: their youth shrunk into tasteless sycophancy or into silent hatred of the pale world about them.”¹⁰⁶ Even if one tries to strive, therefore, success is not guaranteed:

In addition to mental ability there is demanded an extraordinary moral strength, the strength to endure discrimination and not become discouraged; to face almost universal disparagement and keep one's soul; and to sacrifice for an ideal which the present generation will hardly see fulfilled.¹⁰⁷

The ability to strive in the face of the terrible challenges of the world demonstrates manhood because it is daunting and difficult, a realm of exceptionalism.

This exceptionalism renders the actions of manhood intrinsically lonely. The rare manly

102 Du Bois, *Dusk of Dawn*. 6.

103 Du Bois, “Conservation.” 186.

104 Du Bois, *Dusk of Dawn*. 192.

105 Du Bois, *Souls*. 177.

106 Du Bois, *Souls*. 8.

107 Du Bois, *Dusk of Dawn*. 209.

figure who would unflinchingly see the truth, liberate their spirit, and act for their ideals will find themselves isolated from the mass of individuals who do not or cannot choose this path. In their quest, manly figures will necessarily travel far, literally and spiritually, from their origins. In the chapter of *Souls* on Alexander Crummell, Du Bois describes the long travels both abroad and psychologically that Crummell took to find his path, and expects that a fellow Man “will not wonder at his weird pilgrimage – you who in the swift whirl of living, amid its cold paradox and marvelous vision, have fronted life and asked its riddle face to face.” The isolation of such a pilgrimage is even more compellingly summed up in a later chapter, “On the Coming of John,” where Du Bois's protagonist grows commensurately more isolated and melancholy as he grows in self-knowledge and experience; upon returning to his small Southern hometown, “somehow he found it so hard and strange to fit his old surroundings again, to find his place in the world about him.” In general, Du Bois paints a picture of coming into manhood as a quest laced with “an element of danger and revolution, of dissatisfaction and discontent” as a consequence of its very exceptionality.¹⁰⁸

Yet even if the world should suddenly see an abundance of manhood, the very anarchy of spirit that defines it also prescribes a certain distance and freedom from the ties and constraints of relationality. Even among other manly individuals, we are to some degree necessarily alone. Du Bois evokes this sense of virtuous, even desirable, isolation wonderfully when he writes that “I think I never before quite realized the place of the Fence in civilization.”¹⁰⁹ The tidy fenced yard of a snug home evokes a haven in a heartless world, and this aligns with Du Bois's view that “our one haven of refuge is ourselves.”¹¹⁰ Freedom and isolation in the self is not necessarily negative, as

108 Du Bois, *Souls*. 151; 162; 27.

109 Du Bois, *Souls*. 83.

110 Du Bois, “Conservation.” 185.

Du Bois wrote in notes to himself in the 1920s decrying the “intolerable interference of everybody in everybody's affairs.”¹¹¹ And while isolation might be a consequence of manliness, it might also be a necessary condition for it. The refuge of the self allows us to form independent judgments about truth, to remain existentially free, to rest, and to cultivate the strength from which to act. Ironically, the relationship between Du Bois's manly individuals might be best depicted by an image Du Bois despised: Booker T. Washington's vision of society as a hand, where the races “can be as separate as the five fingers, and yet one as the hand in all things essential to mutual progress.”¹¹² The hard truth of Du Bois's vision is that, for better or for worse, manhood in the world is a lonely thing.

Great and Representative Men

While Du Bois developed the elements of his theory of manhood in his speeches, essays, and sociological and historical works, his most unified visions of manhood are to be found in characters of his fiction, biography, and autobiography. As with Emerson, Du Bois believed in the aid of the exemplary man, the example of heroes, if only because “other men are lenses through which we read our own minds.”¹¹³ He read Thomas Carlyle, who wrote that a great man was “a flowing light-fountain [...] of native original insight, of manhood and heroic nobleness” whose life and deeds would illuminate principles more clearly than any dry moralizing or scientific tome.^{114 115} Thus, his fictional characters and his biography of abolitionist

111 Du Bois, “All men of - are anarchists.”

112 Washington, Booker T. 1895/1974. “Atlanta Compromise Speech.” In *The Booker T. Washington Papers*. Ed. Louis R. Harlan. Vol. 3. Urbana: University of Illinois Press. 583–587.

113 Emerson, Ralph Waldo. 1850/1892. *Representative Men*. Boston, MA: Houghton, Mifflin and Co. 11.

114 Thomas Carlyle. 1840. *On Heroes, Hero-Worship, and the Heroic in History*. Accessed at <http://www.gutenberg.org/files/1091/1091-h/1091-h.htm>. 1. We know that Du Bois deeply appreciated Carlyle, as an unpublished piece he wrote on Carlyle's views of work and striving makes clear. See Du Bois, W. E. B. “Carlyle, ca. 1890.” W. E. B. Du Bois Papers (MS 312). Special Collections and University Archives, University of Massachusetts Amherst Libraries.

115 <add in 2 sentences about/quoting Huggins on Du Bois and Heroes when ILL book comes in>

John Brown *embody* his theory of manhood. They make the theory palpable, allowing us to view it complete and in the field. That Du Bois intended his fictional or biographical works to convey his political theories seems clear; as he wrote in “Criteria of Negro Art,” “all art is propaganda and ever must be” and he asserted that “whatever art I have for writing has been used always for propaganda.”¹¹⁶

Du Bois's first novel, the *Quest of the Silver Fleece*, is set in the South amidst the ruin of the cotton aristocracy and the rising debt peonage system. The main characters are two young black children, Zora and Bles, and the story follows both their romantic relationship as well as the complex web of relationships that they have with white folks as neighbors, teachers, and employers. The central drama of the story is generated by the effort of both Zora and Bles to struggle against racial oppressions – social, sexual, economic, and political – while attempting to retain meaning, virtue, and something of the sweetness of life.

Bles and Zora are both educated in a school for black children run by an aging Northern white woman. As the story opens, a rich white woman is telling the teacher that she won't financially support the school, as she is “quite through trying to turn natural servants into masters of me and mine.” In retort, the teacher says “I want you to count, and I want to count, too; but I don't want either of us to be the only ones that count. I want to live in a world where every soul counts – white, black, and yellow – all. *That's* what I'm teaching these children here – to count, and not to be dumb, driven cattle.” This sets up the challenge for Bles and Zora: to survive racial oppression while at the same time continuing to “count,” to preserve one's manhood. Throughout the story, the white schoolteacher supports, helps, protects, and guides both children, stalwartly maintaining that they are neither angels nor devils but rather, echoing

¹¹⁶ Du Bois, W. E. B. 1926. “Criteria of Negro Art.” *The Crisis*. Vol. 32, October: 290-297.

Nietzsche, that “they are just human – but, oh! So human.”¹¹⁷

As they emerge into adulthood, Bles goes North and becomes a politician, while Zora, estranged from Bles, finds work and sanctuary in the home of a wealthy white woman. Bles, who now “carried himself like a man and bowed with gravity and dignity,” finds himself in a situation where he must choose between worldly success and his manhood.¹¹⁸ On the one side stands his attractive and worldly fiancée and the chance to become the first black Treasurer of the United States; on the other hand, in order to keep her and get the post, he must publicly repudiate his principles and speak what he knows to be untruth. The choice contains all the elements of manhood: truth, action, freedom, and isolation are all promised if he does not repudiate his stance, while falsehoods, constraints, passivity, and wealthy social success will follow if he is willing to sell his soul.

Zora, now highly influential with her white patron, asks her help to make Bles “Treasurer of the United States without sacrificing his manhood or betraying his people.” At the same time, Zora sends Bles an anonymous note:

“Within lay four lines of writing – no more – no address, no signature; simply the words:
 ‘It matters now how strait the gate,
 How charged with punishment the scroll;
 I am the master of my fate,
 I am the captain of the soul.’”

Although Zora's patron had “promised Zora that Bles would receive his reward on terms which would not wound his manhood,” avarice and greed prevented her from following through on the promise. Bles gives a speech in which he preserves his manhood and stands by his principles, and his fiancée leaves him. As she puts it, “Bles Alwyn, the Fool – and the Man. But by grace of the Negro Problem, I cannot afford to marry a man.” Du Bois, however, has greater rewards laid by

117 Du Bois, W. E. B. 1911/2017. *The Quest of the Silver Fleece*. CreateSpace Publishing. 5; 5; 20.

118 Du Bois, *Quest*. 96.

for Bles's manhood: a return to the South, successful striving with Zora to build an economic cooperative, a large bequest from a white landowner to fund the school after some Black men are killed for manfully trying to defend their property from a mob, and – finally – marriage with Zora.¹¹⁹

The novel presents a straightforward dilemma of manhood: is it possible to succeed in the face of racial oppression while at the same time retaining a commitment to truth and freedom? The forces of the world, both white and black, conspire against Bles's manhood, seeking either to destroy his will through violence and debt or to tempt him into servitude with the promise of worldly successes. Against both threats, Zora provides the answer: manhood requires accepting responsibility for captaining one's soul. As the master of one's own fate, one must act to preserve the manhood that gives life meaning and that is the basis of social equality and recognition. To be respected as a self-conscious man, one must act for truth and freedom even at the cost of isolation or poverty. As Du Bois described, with manhood comes “to be sure, not perfect happiness, but plenty of good hard work, the inevitable suffering that always comes with life; sacrifice and waiting, all that – but, nevertheless, lived in a world where men know, where men create, where they realize themselves and where they enjoy life.”¹²⁰

Du Bois's second novel, *Dark Princess*, revisits these themes of manhood from *Quest*, embedding them in a somewhat uneven multi-national plot line. Although critics of the time expressed minimal enthusiasm for the novel, Du Bois declared in *Dusk of Dawn* that it was his favorite book.¹²¹ Whatever its merit as art, it is, as Claudia Tate asserts, “an important work for reconstructing Du Bois's conceptions of black male heroism.”¹²² The story follows Matthew

119 Du Bois, *Quest*. 93; 100; 100; 102.

120 Du Bois, “Criteria of Negro Art.”

121 Du Bois, *Dusk of Dawn*. 270.

122 Tate, Claudia. 1995. “Introduction.” In *Dark Princess: A Romance*. New York: Harcourt Brace. XXV.

Towns, a young black medical student, as he is refused entrance to the white hospitals necessary to finish his degree and consequently flees to Europe in anger and disappointment. While there, he meets the young and beautiful Princess Kautilya from India. In the twists and turns of his relationship with her, and in their shared activism against racial oppression, Du Bois finds a fertile field in which to develop the themes of manhood – truth, anarchy, action, and isolation – that he opened in *Quest*.

Matthew first impresses Kautilya by acting to defend her, assaulting a white man who is aggressively propositioning her outside of a cafe. After learning that he is from America, she invites him to a dinner at her house with “a great committee of the darker peoples; of those who suffer under the arrogance and tyranny of the white world.” At the beginning of the dinner, Matthew inwardly exults that “for the first time since he had left New York, he felt himself a man, one of those who could help build a world and guide it.” Yet it quickly becomes clear that despite their shared oppression, the members of the committee – mostly hailing from Asia – are skeptical about “the ability, qualifications, and real possibilities of the black race in Africa or elsewhere.” The goal of the group is not equality and democracy, but rather a true aristocracy: “the wise rule of the gifted and powerful [...] and the inclusion in their ranks of all really superior men of all colors.” Facing their doubts about the merit of African blood, Matthew both acknowledges the awkward truth – his grandfather was “a whipped and driven slave,” his father “never really free” – at the same time that he acts to prove his right to be there, offering evidence of the merit of African civilization by singing a Sorrow Song.¹²³

At the close of the dinner, the Princess charges Matthew to undertake certain missions in America, and also indicates her own interest in traveling there, “to see for myself if slaves can

¹²³ Du Bois, *Dark Princess*. 16; 18; 21; 25; 23.

become men in a generation.” Matthew, nursing a love of Kautilya, returns to America, reflecting as he does so that “his sudden love for a woman far above his station was more than romance – it was a longing for action, breadth, helpfulness, great constructive deeds.” In order to better report on the condition of black Americans, Matthew takes a job as a Pullman porter. Although he had previously described such menial work as “bad for the soul,” he now found new purpose in it. Writing to the Princess on what he finds, he says that for some black people “clarity dawns, and so far as we gain self-consciousness today we can be a force tomorrow.”¹²⁴

Due to outside interference, the Princess does not reply to his reports; at the same time, one of Matthew's fellow porters is lynched on his train. Downtrodden, Matthew agrees to be part of a suicidal plot to derail and destroy the train he is on, which is full of members returning from a Ku Klux Klan rally. “There was only one great deed,” Matthew mused, “that he could do for her, for the majority of men, and for the world, and that was to die tonight in a great red protest against wrong.” In contemplating the deed, “he felt his great soul burst its bonds.” But at the last minute, he discovers Kautilya is on the train and stops it, as he cannot bring himself to kill her “and her great cause.”¹²⁵

Matthew is then pressured to reveal the details of the train plot and conspirators, but refuses to do so. Tried for contempt, the son of Matthew's judge is one of his old medical school colleagues, who tells his father that “Towns was a man – not just a colored man.” The Judge, while expressing sympathy for Matthew's situation and the racial oppression he has faced, pronounces that “you are to blame if you have let this drown the heart of your manhood” and sentences Matthew to prison. When he emerges from prison, Matthew appears to be hollowed out inside. Brought out of prison early by the machinations of a black politician, he quietly

124 Du Bois, *Dark Princess*. 34; 42; 13; 58.

125 Du Bois, *Dark Princess*. 88; 88; 90.

accepts a role in the political machine in Chicago and works mechanically as directed. Eventually elected as a state representative, Matthew muses that “it seemed somehow that he was always passive – always waiting – always receptive. He could never get to doing. There was no performance or activity that promised a shining goal. There was no goal. There was no will to create one. Within him, years ago, something – something essential – had died.”¹²⁶

With the death of striving and freedom has come the nadir of Matthew's manhood. At a dinner party, however, Kautilya re-emerges into Matthew's life. She literally calls him back to his manhood, stepping into his study, where “she said, 'Matthew, my Man!’” Responding to this call to him as Man, Matthew leaves his political life hand in hand with her, intoning “I am free!” After a brief period of amorous idling, however, both Matthew and Kautilya realize they must get to work on their great cause of racial justice; once again, manhood calls for isolation. Matthew lives alone and works as a laborer in Chicago, implicitly following Kautilya's injunction to strive for the truth in free solitude. As she writes to him:

In my land, you know, men often, in their strong struggles with life, go out and leave life and strip themselves of everything material that could impede or weight the soul, and sit naked and alone before their God. Perhaps, Matthew, it would be well for you to do this. A little space – a little space.

Matthew's manly struggles in Chicago represent a model of right action: asking constantly after truth, freeing oneself from the bonds of hypocrisy and mimicry, striving in hard but noble labor, and inhabiting the citadel of the self in an isolation that facilitates one's manhood. While alone, Matthew ruminates on the challenges of such manhood, wondering if he has “that great resolve,” that “iron for suffering,” and that “seed of greatness” and worrying that his previous “servility shriveled it and disappointment chilled it.”¹²⁷

¹²⁶ Du Bois, *Dark Princess*. 97; 101; 148.

¹²⁷ Du Bois, *Dark Princess*. 210; 211; 263; 268.

Meanwhile, Kautilya has a different task: she is secretly gestating a child. In her letters to Matthew, she is filled with joy, and reflects optimistically that “the Power and Will is in the world today. Unending pressure, steady pull, blow on blow, and the great axis of the world quest will turn from Wealth to Men.” Giving birth to a baby boy, she summons Matthew to her and presents the child, who is described as “the God-man, the Everlasting Power, the eternal and undying Soul. Over the heads of Matthew and Kautilya, various prayers are uttered by the assembled members of the world movement, but the most striking is that of Matthew's mother, who intones “Make him a man! Make him a man.”¹²⁸

Dark Princess presents a fully developed portrait of Du Bois's vision of manhood. While it fleshes out the vision of self-conscious manhood that he first attempted in *Quest*, it is particularly vivid in its depiction of the moments in Matthew's life when he does not choose the manly way. The hollowness and stillness that defines his time as a Chicago politician is particularly chilling; amidst the splendors of fine houses, cars, a fancy wife, and tremendous political power, Matthew's inner life is a void. Although released from jail, he appears more effectively imprisoned than ever. In reuniting with Kautilya, he throws off everything he has, and rises into a glorious isolation in which his soul is saved. In their meeting, Kautilya tells him frankly “I came to save your soul from hell” and that their only chance of saving him lies in “tell[ing] all men the truth.” As they leave together, Matthew tells her that her “Soul and Body spell Freedom to my tortured groping life!” Despite the rigors of manhood – particularly for those facing racial oppression – the alternative is a tortured life that is barely human, devoid of action and meaning.¹²⁹

Du Bois did not confine his discussion of manhood to his fiction. In 1909, he wrote a

128 Du Bois, *Dark Princess*. 257; 305; 310.

129 Du Bois, *Dark Princess*. 209-210; 210.

biography and account of the violent exploits of abolitionist John Brown. In his second autobiography, *Dusk of Dawn*, Du Bois wrote that he regarded his biography of Brown “as one of the best things that I had done.”¹³⁰ Though Nat Turner had been his first choice for a subject, he had a deep fervor for John Brown; at the second Niagara Movement meeting, held in 1906 at the site of John Brown's raid in Harpers Ferry, Virginia, Du Bois had enthusiastically voiced his admiration, saying:

We do not believe in violence, neither in the despised violence of the raid nor the lauded violence of the soldier, nor the barbarous violence of the mob, but we do believe in John Brown, in that incarnate spirit of justice, that hatred of a lie, that willingness to sacrifice money, reputation, and life itself on the altar of right [...] Thank God for John Brown!¹³¹

For Du Bois, John Brown represented the pinnacle of an ideal: not merely a commitment to human brotherhood and racial justice, but also to a certain form of manly enactment. Brown was, as Du Bois wrote in *Souls*, the ultimate representative, the ultimate example, of the logic of self-assertion and self-development. In describing the third way of responding to racial injustice and double-consciousness – self-conscious manhood – Du Bois asserted that “John Brown's raid was the extreme of its logic.”¹³² In his biography of Brown, Du Bois would elaborate on this point, placing John Brown at the head, “above all,” in “the score of heroic men whom the sorrows of these dark children called to unselfish devotion and heroic self-realization.”¹³³ For Du Bois, Brown's stance against slavery – defined by a lifetime of racial justice work capped by violent revolts in 'bleeding' Kansas and at Harpers Ferry – was the ultimate expression of heroic and self-conscious manliness.

John Brown was, in Du Bois's words, a man possessed of a “peculiar consciousness of

130 Du Bois, *Dusk of Dawn*. 269.

131 Du Bois, W. E. B. 1906. “We Claim Our Rights.” In *W. E. B. Du Bois Speaks: Speeches and Addresses 1890-1919*. Ed. Philip Foner. New York: Pathfinder Press. 172.

132 Du Bois, *Souls*. 38.

133 Du Bois, *John Brown*. 15.

strength and quiet self-confidence.”¹³⁴ Du Bois variously describes him as a genius, a patriarch, a prophet, and a Sphinx, and he was said to make “a profound impression on all who came within the sphere of his moral magnetism.”¹³⁵ Nor Du Bois was the only American to see John Brown in this light. Emerson called him “the most ideal of men,” Thoreau described him as a heroic representative of “truth and manhood,” while Bronson Alcott confided to his diary that “I think [Brown] equal to anything he dares – the man to do the deed, if it must be done, and with martyr's temper and purpose [...] I think him the manliest man I have ever seen.”¹³⁶ Even the Governor of Virginia, who ultimately put a noose around his neck, described Brown as “a man of truth.”¹³⁷ As a man, Brown possessed all those qualities which for Du Bois constituted manliness: a commitment to truth, a cultivation of isolation, an anarchy of the spirit, and a will to action.

For Du Bois, one of the most striking facets of John Brown's character was his ability to interact with Black Americans as human beings, without a veil of race drawn between their souls and his own. As Du Bois described in the preface to the first edition of the Brown biography:

John Brown worked not simply for Black Men – he worked with them; and he was a companion of their daily life, knew their faults and virtues, and felt, as few white Americans have felt, the bitter tragedy of their lot [...] this book is at once a record of and a tribute to the man who of all Americans has perhaps come nearest to touching the real souls of black folk.

Brown is described as actively seeking out the company and counsel of black men and women, both well-known – Frederick Douglass and Harriet Tubman, among others – and unknown. “From his earliest interest in Negroes,” Du Bois writes, Brown sought to know them intimately, to know their souls; “he invited them to his home and he went to theirs. He talked to them, and listened to the history of their trials, advised them and took advice from them.” Du Bois

134 Du Bois, *John Brown*. 26.

135 Du Bois, *John Brown*. 157.

136 Du Bois, *John Brown*. 157; Thoreau, Henry David. 1859/2000. “A Plea for Captain John Brown.” In *Thoreau: Political Writings*. New York: Cambridge University Press. 137-158; Du Bois, *John Brown*. 219.

137 Quoted in Thoreau, “A Plea for Captain John Brown.” 149.

emphasizes how Brown “came to them on a plane of perfect equality,” repeatedly describing how he ate at their tables and had them to dinner at his own. Brown's commitment to equality was at the same time a commitment to truth: he saw, assessed, and valued the merit in souls without regard to the trappings of their race. When he found souls of merit, he valued them as such and sought their company on a plane of social equality.¹³⁸

Despite this social magnanimity, Du Bois depicts Brown's manliness as both of the world and beyond the world. On the one hand, Brown is dedicated to “taking my place as a man, and assuming the responsibilities of a man, a citizen, a husband, a father, a brother, a neighbor, a friend.” A devoted, stern, and loving patriarch, his two wives – the first died of complications from childbirth – bore him twenty children, eleven of whom survived to adulthood. Du Bois notes his gentle nursing of sick wives and children, attention to the needs of neighbors, and support of intimate friends. Yet, Brown also appears to remain somehow aloof from these earthly ties of affection, to be always just a little bit apart from others. A solitary child, “his soul grew apart and alone and yet untrammled and unconfined, knowing all the depths of secret self-abasement and the heights of confident self-will.” As an adult, Du Bois describes him as moving “with a long, springing, race-horse step, absorbed by his own reflections, neither seeking nor shunning observation.” John Brown himself wrote that “I have permitted nothing to be in the way of my duty, neither my wife, children, nor worldly goods.”¹³⁹

His devotion to higher ideals was only possible in an atmosphere of freedom – freedom from ties of feeling which might entangle him as well as freedom from external authorities which might condemn what his conscience would demand. When captured at Harpers Ferry after his failed raid, Brown was asked who sent him. With scorn, he replied that “no man sent me – I

138 Du Bois, *John Brown*. Preface; 185; 76.

139 Du Bois, *John Brown*. 77; 20; 80; 143.

acknowledge no master in human form!” While supplicant to God and ideal, Brown was in every other particular a free anarchist of the spirit. Though his “lawlessness was in obedience to the highest call of self-sacrifice for the welfare of his fellow men,” it was nevertheless deeply disobedient to the laws of men. Even as he sat in jail and awaited his trial and execution, Brown wrote that he remained free, for try as they might to exert power over him, “men cannot imprison, or chain, or hang the soul.” For Brown, the anarchic violence of his acts was an expression of manly Will which, while horrifying to some in the short term, would ultimately prove its own justice over the broader arc of time. As he put it, “the cost of liberty is less than the cost of repression.”¹⁴⁰

Finally, Du Bois figures John Brown as the consummate man of will and action. In his biography of Brown, Du Bois lays out copious “evidence of a striving soul” and a “masculine mind which demanded 'Action! Action!’” Brown wrote that one should “maintain a cheerful self-command while we are tossing up and down” and that the “motto” of one's life should be “action, action – as we have but one life to live.” Self-discipline and principled action were the two watch-words of Brown's life. Brown's life was an archetype of the manhood which would act in accordance with its own highest principles, despite the cost. The cost of liberty, as Brown noted, was less than the cost of repression, even if those weaker souls vacillating in expediency could not bring themselves to act on this truth. Thus what distinguished Brown for Du Bois, Thoreau, Emerson, and countless others was, as Jack Turner describes, “not simply his principles, since others voiced and shared them, but rather his readiness to live those principles,” to act on them. This willingness to act imbued Brown with tremendous power; his actions spoke thunderously. Neither an orator nor a writer, Brown “did not use argument, he was himself an

¹⁴⁰ Du Bois, *John Brown*. 261; 267; 280; 281.

argument.” And he thought – and Du Bois clearly agrees – that “the trial for life of one bold and to some extent successful man, for defending his rights in good earnest, would arouse more sympathy throughout the nation than the accumulated wrongs and suffering of more than three million of our submissive colored population.” In other words, his actions, even his failed actions, “made the mightiest Abolition document that America had known.”¹⁴¹

It is important to recognize that, for Du Bois, John Brown – a white man – epitomized the kind of self-conscious manhood that would resolve the problems of social equality and double-consciousness in both white and African Americans. Brown is important both as an agent of manly action and because of his ability to perceive and appreciate manly action and merit in others, regardless of race. The heroic biography of Brown allows Du Bois to make the case that manhood was needed on both sides of the color-line in order to untangle America's psychological and socio-structural racial pathologies. The kind of self-conscious manhood that Brown epitomizes is necessary in all people in order to overcome the racialized alienation of modernity. Thus, while critics have observed that the heroic biography's “usefulness for democratic thinking is constrained,” for Du Bois the biography of Brown serves the broadly democratic purpose of educating its readers in how to shape their own lives in order to unmake racial pathologies.¹⁴²

Homonoia and the Demos

“Every choice human being strives instinctively for a citadel and secrecy where he is *rescued* from the crowds, the many, the vast majority.”
-Nietzsche, *Beyond Good and Evil*¹⁴³

In his writings and speeches, Du Bois sets out a clear picture of manly self-consciousness,

141 Du Bois, *John Brown*. 37; 35; 256; 88; 274. Turner, Jack. 2005. “Performing Conscience: Thoreau, Political Action, and the Plea for John Brown.” *Political Theory*. 33 (4): 448-471. 451.

142 Balfour, *Democracy's Reconstruction*. 51.

143 Nietzsche, Friedrich. 1886/2003. *Beyond Good and Evil*. New York: Cambridge University Press. 27.

defined by isolation, a will to act and strive, a spirit of anarchic freedom, and a commitment to truth. What I have so far left largely undiscussed, however, is the *politics* of his vision of manhood. Under what conditions is manhood possible and under what conditions does it flourish? And relatedly, what kind of politics emerges in a world of manly men? I defer the first question about necessary conditions to the next section, and here take up the later question: what kind of world emerges when we take Du Bois's injunction to pursue manhood seriously? Can we live in a manly world and maintain certain democratic commitments? Does Du Bois's emphasis on exceptional self-development necessarily commit him to a vanguard politics of leadership and ruling, or does manhood pave the way for a more democratic conception of political life?¹⁴⁴

In her essay on Nietzsche and egalitarianism, Jennie Ikuta argues that we cannot separate Nietzsche's ethic of self-creation and self-assertion – something akin to Du Bois's self-conscious manhood – from his anti-democratic politics. In Ikuta's reading, manly “creativity is irreducibly the activity of an individual will, while democracy is the activity of a collective will that is constituted by individuals who view their wills as having equal moral importance.”¹⁴⁵ An ethic of self-assertion, therefore, will always be fundamentally at odds with democracy's ethic of moral equality, each orientation seeking the primacy of a value which would undermine the other. Although Nietzsche's *ubermensch* and Du Bois's self-conscious man are not identical, Ikuta's careful reading of Nietzsche is a useful frame for thinking about how Du Bois's manly individuals translate into a politics of manhood. What kind of political life is possible in a world of manly

¹⁴⁴ Political theorists reading Du Bois have been particularly pre-occupied with the question of elitism, ruling, and democracy in Du Bois's thought (see note 14, above). Though I am indebted to many of their insights, the question I want to ask here begins not from a close reading of Du Bois's statements about, for instance, the Talented Tenth or democratic accountability, but from his vision of manhood that I have reconstructed in the previous sections. If we take Du Bois's commitment to self-development to be his central answer to the problem of racial oppression and social inequality, my concern in this section to answer this question: what kind of politics does *that commitment* necessarily engender?

¹⁴⁵ Ikuta, Jennie. 2017. “Nothing is really equal!: On the compatibility of Nietzsche's egalitarian ethics and anti-democratic politics.” *Constellations*. 24: 339-355. 41.

individuals? Is there a democratic power that arises out of such individualism, or must we resign ourselves to the reality that “an aggregation of creative individuals does not a democracy make”?¹⁴⁶

To answer these questions, it is useful to return to the problem that the concept of self-conscious manhood is intended to solve. In a world where race prevents people from seeing each other's merit, the manly individual is one who works to self-actualize, to live freely, to devote themselves to truth, and to strive and act toward freedom. The figure of self-conscious manhood draws all eyes to her; she illuminates herself. She is a towering figure whose merit is aggressively *present* to others. When Du Bois describes John Brown as “a great white light – an unwavering, unflickering brightness,” he casts Brown's manhood as something so brightly illuminated that it is difficult or impossible to avoid seeing it.¹⁴⁷ Yet manhood respects the agency and alterity of the recognizer; said another way, manhood is not overly optimistic. Even the brightest light may not necessarily pierce the Veil. Self-conscious manhood thus also develops within the individual a certain liberation from the psychological vulnerability to others that is the beating heart of recognition. Du Bois's manly individual contests the gloss on Hegel – that “the struggle for recognition can find only one satisfactory solution and that is a regime of reciprocal recognition among equals” – by exceeding equality, occupying a pinnacle of exceptionality far above those who would deny him recognition.¹⁴⁸ Perhaps resisting the very idea of a “satisfactory solution” to the problem of social equality, self-conscious manhood jettisons the dream of social equality altogether and takes responsibility for its own ongoing striving toward meaning and self-

146 Ikuta, “Nothing is really equal.” 41.

147 Du Bois, *John Brown*. 255.

148 Taylor, Charles. 1992. “The Politics of Recognition.” In *Multiculturalism: Examining the Politics of Recognition*. Ed. Amy Gutmann. Princeton, NJ: Princeton University Press. 25-74. 50. On Hegel's vision of recognition, see G.W.F. Hegel's *Phenomenology of Spirit* (1807); for an insightful and readable introduction to Hegel's philosophy of self-consciousness and recognition, see chapter 1 of Alexandre Kojève's *Introduction to the Reading of Hegel* (1969).

development.

This project of self-conscious manhood is not *a priori* limited to any one set of people or to a vanguard of elites. While Du Bois is attentive to the various forces that support or hinder our pursuit of manhood – which I discuss in the next section – he has a deeply democratic faith in the equal potential of all souls. In *Darkwater*, he writes: “I believe that all men, black and brown and white, are brothers, varying through time and opportunity, in form and gift and feature, but differing in no essential particular, and alike in soul and the possibility of infinite development.”¹⁴⁹ The possibility of infinite development toward self-consciousness and manhood is a characteristic possessed by people of all races. At the same time, such a project, grounded in human will and agency, will not reach the same heights in all individuals. The freedom in which all strive will enhance, not mute, natural differences in talent and will. There will be a “surging forward of the exceptional man” at the same time that his “duller brethren” will take up manhood “slowly and painfully.”¹⁵⁰ Although Du Bois is himself ambivalent on this point, it may even be that the “rule of inequality” will prevent some from ever achieving manhood: that “some were fitted to know and some to dig.”¹⁵¹ Like the Transcendentalists before him, Du Bois may not “expect that all will ever be individuals in the full democratic sense.”¹⁵² In part, this is merely a testament to the breadth and grandeur of how Du Bois conceives of self-conscious manhood. As Rogers describes, “Du Bois's democratic vision aspires to effect a transformation at the deepest levels of the self”; it is a bold, exhausting, ongoing, and risky effort, where success will necessarily be limited to exceptional individuals.¹⁵³

Yet in Du Bois's view the very success of some individuals – the elitism of the outcome –

149 Du Bois, “Credo.” 142.

150 Du Bois, *Souls*. 67.

151 Du Bois, *Souls*. 59.

152 Kateb, “Democratic Individuality.” 338.

153 Rogers, “The People, Rhetoric, and Affect.” 192.

provides an additional democratizing force. The exemplars of successful self-conscious manhood serve a democratic educational function, because by their very mode of living they teach something to the rest of us about how to live. Recall Du Bois's description of John Brown: "he did not use argument, he was himself an argument." In his early essay on the Talented Tenth, Du Bois frames the influence of the cultured and educated elite in the same way. The elite are "living examples of the possibilities," whose mere example "said *silently* more than all the drawn periods of orators."¹⁵⁴ Du Bois's doctrine of educative exemplarity can be summed up as *res ipsa loquitur* – 'the thing speaks for itself.' The educative power of manly individuals is silent and passive; the observer takes in the totality of an exceptional life and extracts a moral from it for themselves.

Reading Du Bois alongside Emerson – specifically Emerson's discussion of the role of heroes in his book *Representative Men* – helps to make the democratic nature of the elite exemplar clearer.¹⁵⁵ For Emerson, as for Du Bois, each individual contains infinite possibility or what Emerson calls unlimited receptivity. "We love to associate with heroic persons," he writes, "since our receptivity is unlimited; and, with the great, our thoughts and manners easily become great. We are all wise in capacity [...] there needs but one wise man in a company and all are wise, so rapid is the contagion."¹⁵⁶ The exemplar of an ideal does not inspire us to mimicry, but rather we sense in them the presence of the great ideal, the seed of which is also in ourselves, and to which we respond. These great persons, "in their character and actions, answer questions which I have not skill to put" but which, unspoken, live in each of us.¹⁵⁷ Thus, while Emerson sees the individual as "endogenous" and their education as an "unfolding," the exemplar in her "pictorial

154 Du Bois, "The Talented Tenth." 192, emphasis added.

155 In asserting the utility of this comparison, I rely on my own early genealogy of Du Bois's concept of manhood and its indebtedness to Transcendentalism, as well as on scholars who have traced the specific influence of Emerson on Du Bois's thought. See Hanchard, "Contours of Black Political Thought," 530; Turner, "Awakening to Race," 656.

156 Emerson, *Representative Men*. 29.

157 Emerson, *Representative Men*. 12.

or representative quality” plays a role in helping us to “read our own minds.”¹⁵⁸ In this way, the manly elite does not lead us through their active imposition of will or training, but provides a kind of mirror in which we can more clearly perceive our own latent capacities and higher ideals.¹⁵⁹

This reading of Du Bois's view of the educative quality of elites is congruent with scholarly views of Du Bois's own pedagogical orientation in his writing. As Balfour observes, Du Bois's use of “exemplarity engages the reader, eliciting judgment” about the example before them.¹⁶⁰ Similarly, Rogers describes Du Bois's persuasive efforts in *Souls* and other texts as fundamentally concerned with affirming the reflective agency of the reader.¹⁶¹ As Jack Turner writes about Thoreau – but which might be applied to Du Bois as well – “his writing works to prepare readers to heed their own consciences, to see and comport themselves as *self-governing* individuals.”¹⁶²

Du Bois's emphasis on the agency and freedom of subjects pairs neatly with his deep skepticism about the efficacy and desirability of more direct or forceful forms of leadership and education. Against recent scholarship that has described him as a theorist of leadership and rule, I read Du Bois as fundamentally skeptical about the possibility of elite political rule.¹⁶³ The reason for his skepticism lies in the following paradox: although self-conscious manhood is his primary political goal, manly individuals are uniquely unsuited for political power and rule. In both *Quest* and *Dark Princess*, the protagonists take up political careers only to find that ruling

158 Emerson, *Representative Men*. 14; 11.

159 My reading of Du Bois's elitism as compatible with democratic agency and the autonomy of self-actualization is indebted to, though very different from, Arash Davari's insightful analysis of the compatibility of Du Bois's elite vanguard with a democratic ethos of reciprocity, unscripted transformation, and agency in the masses. See Davari, Arash. 2018. “On Democratic Leadership and Social Change: Positioning Du Bois in the Shadow of a Gray To-come.” In *A Political Companion to W. E. B. Du Bois*. Ed. Nick Bromell. Lexington: The University Press of Kentucky. 241-270.

160 Balfour, *Democracy's Reconstruction*. 73.

161 Rogers, “The People, Rhetoric, and Affect,” esp. 196-198.

162 Turner, “Performing Conscience.” 449, emphasis added.

163 See Reed, Adolph. 1997. *W. E. B. Du Bois and American Political Thought: Fabianism and the Color Line*. New York: Oxford University Press. See also Gooding-Williams, *In the Shadow*.

corrodes one's manhood. The qualities necessary to effectively politically rule are antithetical to manhood's injunctions on truth-telling, anarchy, free action, and isolation. At the same time, pursuit of those manly qualities renders one unfit for the active superintendence of other souls, as Du Bois writes in describing John Brown's shortcomings as a political actor:

John Brown showed one weakness of character: he did not know or recognize the subtler twistings of human nature. He judged it ever from his own simple, clear standpoint and so had a sort of prophetic vision of the vaster and the eternal aspects of the human soul. But of its kinks and prejudices, its little selfishness and jealousies and dishonesties, he knew nothing.¹⁶⁴

As a consequence, Brown often stumbled in the worldly affairs of industry and political organization. So while Du Bois sees Brown and other manly exemplars as paragons and right models, their role is as passive examples whose acts speak with a wordless eloquence; they are unfitted for active leadership by both their character and their ideals. In this way Du Bois discounts the possibility of manly individuals becoming despots and tyrants, affirms the agency of the masses, and leaves unanswered the question about how a society of manly men will be organized and administered.

It is hard to avoid the conclusion that, drawing on the latent or open anarchism of some of his intellectual fore-bearers, Du Bois has an anti-statist bent.¹⁶⁵ When Du Bois does discuss the administration of society, his primary concern is negative: a Tocquevillian or Millian fear of the tyrannic power of a democratic majority to suppress the self-conscious manhood of the minority of its members. In a meditation on the problem of tyranny in *Darkwater*, Du Bois writes:

Insane, wicked, and wasteful as the tyranny of the few over the many may be, it is

164 Du Bois, *John Brown*. 54.

165 Both Thoreau (in "Civil Disobedience") and Emerson (in "Politics") avowed openly anarchist views or profound disgust at the uselessness of government, while Hofstadter describes in *Social Darwinism* how in his early life Herbert Spencer associated with at least one "philosophical anarchist [...] whose principles he apparently absorbed" (35). See Emerson, Ralph Waldo. 1844/2008. "Politics." In *Emerson: Political Writings*. New York: Cambridge University Press. 115-126. See also Thoreau, Henry David. 1849/2000. "Resistance to Civil Government." In *Thoreau: Political Writings*. New York: Cambridge University Press. 1-22.

not more dangerous than the tyranny of the many over the few. Brutal physical revolution can, and usually does, end the tyranny of the few. But the spiritual losses from suppressed minorities may be vast and fatal and yet all unknown and unrealized because idea and dream and ability are paralyzed by brute force.¹⁶⁶

Du Bois's primary concern is that institutions and majorities do not “paralyze by brute force” the free play of manly powers. The fact that Du Bois is notably silent about a positive proscription for the right kind of government for manly individuals reflects, I think, his hierarchy of concerns: he is more concerned with the conditions for developing manliness than the government of manly individuals. It may be that, with Thoreau, Du Bois senses that “when men are prepared for it” they will have little or no government at all.¹⁶⁷

Manhood as Masculinity

Before we move from discussing the nature of a government of manly individuals into a discussion about the external conditions for developing self-conscious manhood, it is long past time to talk about sex and gender. While those who write about the concept of manhood often conflate the concept with the male gender or “biological sex,” Du Bois understands his concept of self-conscious manhood as something closer to free self-actualization rather than as a synonym for masculinity.¹⁶⁸ Despite his constant use of the facially gendered language of “brotherhood” and “men,” at many points Du Bois explicitly makes it clear that women are included in the sphere of individuals who have the possibility of infinite development. Talent, he writes, emerges “from the great Reservoir of All Men of All Races, of All Classes, of All Ages, of Both Sexes,” implicitly de-sexing the concept of “Men,” while at other points he writes that “no nation, race,

¹⁶⁶ Du Bois, *Darkwater*. 89.

¹⁶⁷ Thoreau, “Resistance.” 1.

¹⁶⁸ For instance, Harvey Mansfield's learned tome, *Manliness*, takes the concept through an interesting and provocative explication, but runs ashore on gender and sex essentialism by ultimately reducing the concept to an ennobled embodiment of heterosexual normativity. His often unmeasured attacks on feminism do little to lighten the reader's concern that manliness serves him as a cipher rather than as an independent concept.

or sex has a monopoly of ability or ideas” and that “there is not the slightest scientific reason for assuming that a given human being of any race or sex cannot reach normal, human development if he is granted a reasonable chance.”¹⁶⁹ Despite his uniformly masculine pronouns, for Du Bois the possibility of self-conscious manhood is open to all.

The disjoint between his gendered language and the de-gendered nature of his ideas reaches an awkwardly tangled point, however, in his discussions of various great female figures of manhood. Harriet Beecher Stowe is included in a list of “heroic men” who fought for Abolition. In his short story “The Call,” the King summons a lone nameless black woman to fight against evil, sending her into battle with the somewhat confusing promise of “O maid, made Man, thou shalt be Bride of God.”¹⁷⁰ Perhaps the most difficult to sympathetically parse is Du Bois's discussion of abolitionist hero and Underground Railroad conductor Harriet Tubman. Du Bois describes how in her youth as a slave Tubman did “the rudest and hardest men's work,” later served as a “crude Moses” to escaping slaves, then hastened to join the Union Army at the front, where “always in the camps the Union officers silently saluted her.”¹⁷¹ It is only a severe illness, Du Bois writes, that prevented her from joining John Brown in his raid of the arsenal at Harpers Ferry. Her courage, her martial valor, and her masculine strength make it impossible, in Du Bois's account, for her contemporaries to see her as anything other than a man. In a letter to his son that Du Bois quotes, John Brown praises Tubman by saying “he (Harriet) is the most of a man, naturally, that I ever met with,” while to Wendell Phillips, Brown introduces Tubman as “one of the best and bravest persons on this continent – General Tubman,” giving her an officer's rank in an era when military service was deterministically gendered.¹⁷²

169 Du Bois, *Dark Princess*. 285; Du Bois, *Darkwater*. 89; 86.

170 Du Bois, “The Call,” in *Darkwater*. 93-94. 94.

171 Du Bois, *John Brown*. 187; Du Bois, *Darkwater*. 97; 102.

172 Quoted in Du Bois, *John Brown*. 187.

As these examples demonstrate, Du Bois's vision of self-conscious manhood appears open to women, but they cannot simultaneously remain women, undermining the universality of the concept. To gain social equality in Du Bois's conceptual framework, Shatema Threadcraft asks “must women, then, become men?”¹⁷³ Implicitly, Woman stands as conceptually opposed to self-conscious Man, and so by gaining self-consciousness it appears that one can no longer be categorized coherently as female. This opens up concerns about the degree to which Du Bois's concept of self-conscious manhood is conceptually entangled with heteronormative masculinity or even misogyny. It also raises questions about the concept's democratic universality – the possibility of infinite development for all – asserted in the previous section.

As Annie Menzel shows in her analysis of Du Bois's essay “Of the Passing of the First Born,” Du Bois's gender politics are perhaps best characterized as polyvocal and profoundly ambivalent.¹⁷⁴ That his political stances were often feminist can be countered by his often disconcerting emphasis on female chastity and traditional marriage, and his failures to acknowledge the work of prominent black female intellectuals and activists.¹⁷⁵ But as Hazel Carby observes, such bean-counting attempts to discern his gender politics elide the fact that “there is, unfortunately, no simple correspondence between anyone’s support for female equality and the ideological effect of the gendered structures of thought and feeling at work in any text one might write and publish.”¹⁷⁶ The question that confronts us here is whether or not the concept of self-conscious manhood ideologically produces and sustains gendered differentials of

173 Threadcraft, Shatema. 2016. *Intimate Justice: The Black Female Body and the Body Politic*. New York: Oxford University Press. 93.

174 Menzel, Annie. 2018. “Awful Gladness’: The Dual Political Rhetorics of Du Bois’s ‘Of the Passing of the First Born.’” *Political Theory*. 1-25.

175 Excellent treatments of Du Bois's gender politics – as well as analyses of gendered ideology in his writing – include Balfour, *Democracy's Reconstruction*, ch. 5; Threadcraft, *Intimate Justice*, ch. 3; Gillman, Susan and Alys Weinbaum, eds. 2007. *Next to the Color Line: Gender, Sexuality, and W.E.B. Du Bois*. Minneapolis: University of Minnesota Press; Carby, Hazel. 1998. *Race Men*. Cambridge, MA: Harvard University Press.

176 Carby, *Race Men*. 12.

power, agency, and recognition.

In the case of self-conscious manhood, Du Bois's confused language signals a deeper contradiction at the heart of the concept. Because of the gendered linguistic tangle he gets into when he tries to talk about women who demonstrate exemplary manhood, Du Bois ends up signaling their oddity and eccentricity more than their merit. Self-conscious manhood is a socially intelligible route for men to seek recognition and social equality; a woman who displays self-conscious manhood is placed in an awkward social liminality where the eye is drawn not to her merit but to her unintelligibility, her strangeness. To resolve this unintelligible manly woman into coherence, the viewer seeks some means by which the spectacle can be recast into something other than what it is.¹⁷⁷ Du Bois himself cannot resist this impulse; while lauding the bravery and courage of Tubman, for instance, he also describes her a teller of “strange stories,” “absolutely illiterate,” with “her upper front teeth gone,” and “perhaps to some degree mentally unbalanced by a blow on the head in childhood.”¹⁷⁸ The effect is devastating: a towering figure of female manhood is rendered literally toothless, reduced to a marginal, half-human aberration. Misrecognition by others and isolation, not social equality and respect, is the likely lot of those few women who take up self-conscious manhood in the face of such hurdles. Cloaking the gendered skew of the concept in the language of universal opportunity serves to naturalize its disparately gendered attainment, rendering manhood – the pursuit of a “sovereign human soul that seeks to know itself and the world about it” – to men as their natural domain.¹⁷⁹

177 Tubman's efforts to secure a pension for her service in the Civil War exemplifies this dynamic. While she worked as scout, commander, spy, nurse, and cook during her three year's service, she received only the widow's pension of her late husband Nelson Davis, who had been a private in the Union Army. In 1898, Tubman submitted an affidavit detailing her war activities and requesting a pension in her own right. In 1899, Congress passed H.R. 4982, “granting a pension to Harriet Tubman Davis, late a nurse in the United States Army,” recasting her in the gender-acceptable role of nurse and making no mention of her other activities (RG 233, Records of the U.S. House of Representatives, accessed at <https://www.archives.gov/legislative/features/claim-of-harriet-tubman>).

178 Du Bois, *Darkwater*. 102.

179 Du Bois, *Souls*. 76.

Isolation

Out of the night that covers me,
Black as the pit from pole to pole,
[...]
I am the master of my fate,
I am the captain of my soul.
-William Ernest Henley, "Invictus"

If isolation is the likely outcome for women who pursue self-conscious manhood, Du Bois increasingly came to see that isolation would define the conditions of manhood for men as well. Turning back to the second component of the politics of manhood, this section addresses a question that in the second half of his career increasingly animated Du Bois: under what conditions is manhood possible and under what conditions does it flourish? At the outset, manhood was defined as requiring only two things: self-disciplined will and circumstances of adversity against which to strive. For a theorist of self-conscious manhood, adversity represents an opportunity, and one needs only will to seize that opportunity. But Du Bois increasingly worried about this formulation, and sensed it was overly simplistic. At what point does adversity become impossibility, crippling rather than facilitating the very possibility of manly action?

To be clear, Du Bois never advocated a pure bootstrap philosophy, as his early criticism in *Souls* of Booker T. Washington's emphasis on self-help makes clear. Across the full sweep of his long career, Du Bois is always attentive to the importance of material conditions of sufficiency as a backdrop to manhood. He is keenly aware of the hollowness of unsupported freedom. In thinking about the position of Southern freedman after the Civil War, for instance, he writes: "what did such a mockery of freedom mean? Not a cent of money, not an inch of land, not a mouthful of victuals – not even ownership of the rags on his back. Free!"¹⁸⁰ Partisans of freedom, he argues, must be attentive to the substantive conditions of freedom, "the essential material and

¹⁸⁰ Du Bois, *Souls*. 100.

moral conditions requisite to self-realization.”¹⁸¹ Ignoring those conditions allows unfreedom to flourish. Du Bois sketches out this dynamic in *Black Reconstruction*, where he describes and then attacks the 'American Assumption' that anyone can achieve economic stability through sheer will and hard work.¹⁸² Will alone cannot triumph over entrenched structural inequalities; moreover, such inequalities will stunt the development of will and manhood.

Closely reading Marx during the middle of his career, Du Bois's emphasis on economics became even more pronounced.¹⁸³ He came to understand the role of industrial capitalism in the failures of Reconstruction and in the ascendancy of racist colonial projects and wars abroad.¹⁸⁴ In a 1960 speech in Wisconsin, only three years before his death, Du Bois observed that he had long been criticized for “favoring the teachings of Karl Marx and for joining the Socialist Party”; after a long pause, and to the delighted laughter of his Socialist Club audience, he deadpanned that “these accusations were true.”¹⁸⁵

From his position as editor of *The Crisis*, the magazine of the National Association for the Advancement of Colored People (NAACP), in the early 1930s Du Bois began criticizing the

181 Holt, “Political Uses of Alienation.” 320.

182 Du Bois, *Black Reconstruction*. 182-183.

183 On Du Bois's Marxism and contributions to Marxist thought, see Robinson, *Black Marxism*. Ch. 9. See also Reed, *Fabianism and the Color Line* and Zamir, Shamoan. 1995. *Dark Voices: W. E. B. Du Bois and American Thought, 1888-1903*. Chicago: University of Chicago Press.

184 It is important to caveat Du Bois's growing enthusiasm for socialism, however; he was not an unquestioning disciple. He was skeptical that socialism fully understood racial dilemmas. On its own terms, socialism would be no panacea to the problems of the color-line, for “there is no automatic power in socialism to override and suppress race prejudice.” (See Du Bois, “Social Planning for the Negro, Past and Present,” *Journal of Negro Education*, 5 (Jan. 1936): 110-25.) Imported Russian communism, he observed in *Dusk of Dawn*, “did not envisage a situation where instead of a horizontal division of classes, there was a vertical fissure, a complete separation of classes by race, cutting square across the economic layers” (205). Such a situation called for an acceptance of, and attempt to instrumentalize, capitalist logics through in-group development of economic power. Leaders – African Americans with capital or knowledge of modernity – would guide the rest out of the morass of poverty. As Du Bois put it in *Souls*, “here is the path out of the economic situation, and here is the imperative demand for trained Negro leaders of character and intelligence” (116). Economic problems, when understood as ciphers for racial oppression, he thought, could be 'de-raced' in the hands of a black elite, solved, and therefore made a means of confronting racism. Such a view at best rested uneasily with the socialist emphasis on a deep restructuring (rather than co-option) of the productive and distributional logics of capitalism.

185 Address to the Wisconsin Socialist Club in Madison, WI on April 9th, 1960. Accessed at <https://www.youtube.com/watch?v=kKXglS90qn4>.

liberalism of the NAACP, arguing that its limited liberal ideology made it unable “to realize the fundamental change brought about by the world-wide organization of work and trade and commerce.”¹⁸⁶

But while Du Bois's conflict with the NAACP was spurred by his growing attention to economics, the conflict was also more centrally grounded in a tension between assimilation and Du Bois's increasing emphasis on the necessity of isolation and self-segregation. The NAACP describes the rupture in these later terms, asserting that Du Bois left the organization in 1934 because he had begun to advocate an “African American nationalist strategy” that was at odds with the principles of the organization.¹⁸⁷ David Levering Lewis, Du Bois's biographer, writes that Du Bois's pro-segregation views can be traced back to a 1922 article in *The Crisis* on education.¹⁸⁸ But his stance came to full flower – and precipitated his departure – in a series of *Crisis* editorials like “On Being Ashamed of One's Self: An Essay on Race Pride” and “Segregation.” Grounded in a new emphasis on the economic problems that emerged from social inequality, he began to advocate for the development of independent collectives of “self-sustaining and self-guiding economic activity” for African Americans, a position which he provocatively termed “voluntary segregation.”¹⁸⁹ Black people, he wrote, should avoid a blanket opposition to “segregation, pure and simple.”¹⁹⁰

The basis of this shift was Du Bois's view that self-conscious manhood was leading not to social equality and recognition but instead to isolation. Yielding to pessimism over the possibility

186 Du Bois, *Dusk of Dawn*. 289.

187 See “NAACP History: W. E. B. Du Bois.” Accessed at <https://www.naacp.org/naacp-history-w-e-b-dubois/>.

188 Lewis, David Levering. 2000. *W. E. B. Du Bois: The Fight for Equality and the American Century, 1919-1963*. New York: Henry Holt and Co. 291-292.

189 Du Bois, W. E. B. 1935. “Voluntary segregation.” W. E. B. Du Bois Papers (MS 312). Special Collections and University Archives, University of Massachusetts Amherst Libraries. 5.

190 Du Bois, W.E.B. 1995. “Segregation.” In *W.E.B. Du Bois: A Reader*. Ed. David Levering Lewis. New York: Henry Holt & Co. 557.

of social equality, Du Bois wrote that “there seems no hope that America in our day will yield in its color or race hatred.”¹⁹¹ Given this reality facing black Americans, “no sentimental distaste for racial or national unity can be allowed to hold them back from a step which sheer necessity demands.”¹⁹² The “necessity” was grounded in his recognition that racial discrimination was likely to endure for a long time and that black people must be prepared to survive the long siege against it. Prefiguring the economic self-help philosophy of Black Nationalists like Malcolm X, Du Bois wrote in 1935 that African Americans must plan for this long siege and must see that “the Negro group itself does not suffer in income and education, in self-respect and self-assertion, in happiness and ideal, because of the discrimination which it suffers and which it will be compelled to suffer for many, many years.”¹⁹³ As he describes in *Dusk of Dawn*, his writings on segregation “stressed the economic discrimination as fundamental and advised concentration of planning here” because he had come to recognize that the economic question was a necessary pre-condition to group survival which would allow Black Americans “to finance a continued, planned and intelligent agitation for political, civil and social equality” (197). In sum, he came to feel that isolated communities were necessary so that black Americans could retain sufficient “self-respect” and material well-being to continue to pursue manhood in the face of intransigent white refusals to grant social equality and recognition. Isolation was always the last-ditch response of self-conscious manhood: a sovereign refusal to be wounded by social inequality, an emphasis on *self* respect. Here, Du Bois began to see that in the face of severe racial oppression, material and social isolation might be a prior necessity, a condition of pursuing manhood.

Despite this shift, it is essential to recognize that Du Bois always viewed segregation and

191 Du Bois, W. E. B. 1933. “On Being Ashamed of One's Self: An Essay on Race Pride.” *The Crisis*. September.

192 Du Bois, “On Being Ashamed.”

193 Du Bois, “Voluntary segregation.” 4.

an emphasis on economics as a *means* to social equality and manhood, not as ends in themselves. He was always deeply wary about viewing economics as the end of human striving. He was troubled whenever he perceived a deification of prosperity and corresponding abandonment of non-economic ideals of knowledge and morality. Thus, while Du Bois paints a grim picture of a world without economic sufficiency, he is no less lyrical in his depictions of the dangers and limits of economics, which he terms “a dusty desert of dollars and smartness.”¹⁹⁴ In *Darkwater*, he writes despairingly that “the world today is trade. The world has turned shopkeeper; history is economic history; living is earning a living.”¹⁹⁵ He worries that a new ethical attitude is overtaking black people and black organizations, which he sums up with the Latin phrase *dum vivimus, vivamus* – while we live, let us live – an Epicurean declaration that comes dangerously close to the “deification of bread.”¹⁹⁶ For Du Bois, money should be understood as a means and not an end of human life; the purpose of life and education are “not to earn meat, but to know the end and aim of that life which meat nourishes.”¹⁹⁷ Too insistent an emphasis on financial sufficiency would eclipse the broader aims of life and narrow one's vision.

In particular, Du Bois feared that too strong an emphasis on economics would lead one to sell one's soul and compromise one's manhood. As he put it in his speech to the second meeting of the Niagara Movement in 1906, “no bribe of money or notoriety, no promise of wealth or fame, is worth the surrender of a people's manhood or the loss of a man's self-respect.”¹⁹⁸ Du Bois sees manhood as impossible to combine with pursuit of wealth, expressing scorn about the

194 Du Bois, *Souls*. 14.

195 Du Bois, *Darkwater*. 21.

196 Du Bois, *Souls*. 57. This was also, incidentally, the motto of Harvard College's elite all-male social club, The Porcellian Club, which Du Bois would have aware of – though racially excluded from – during his college years. To say this motto represents something essential about the American ethos is perhaps justified by the illustrious and influential figures that the Porcellians can claim as past members: Theodore Roosevelt, Oliver Wendell Holmes (Jr. and Sr.), Wendell Phillips, James Russell Lowell, Henry Cabot Lodge, Edward Everett, and many others.

197 Du Bois, *Souls*. 58.

198 Du Bois, “We Claim Our Rights.” 171.

American tendency to, as Tocqueville describes it, “put a sort of heroism into their manner of doing commerce.”¹⁹⁹ Heroic manliness is found in a “strife for righteousness,” not in the pursuit of wealth; this righteousness and “manly self-respect is worth more than lands and houses” and anyone who would voluntarily surrender manhood in pursuit of wealth is “not worth civilizing.”²⁰⁰ This is, on the one hand, a reflection of Du Bois's own value system; on the other hand, it is a pragmatic reflection on the practical cost of losing one's manhood. As he describes in *The Negro*, emasculated Black Americans “could never gain sufficient economic strength to take their place” in modernity.²⁰¹ Manhood is both the higher purpose of life and the necessary precondition to economic successes, while economic success matters only as a means to manhood.

For Du Bois, it is self-conscious manhood that stands as the goal of all reform; as we have seen, however, he grew more aware of, and savvy about, the material impediments to such manhood. Thus, Du Bois should be read not as a liberal who becomes a socialist, but as an individualist who broadens his view of the context in which individualism takes place.²⁰² He says as much in *Dusk of Dawn*, when he asserts that his emphasis on self-segregated economic cooperatives is in no way inconsistent with his earlier emphasis on manhood and self-assertion: they are “not antagonistic ideals but part of one ideal.”²⁰³ His new vision, he writes, “is indeed a part of that same original program; it is its natural and inevitable fulfillment.”²⁰⁴ Du Bois displays at other points throughout his career a refreshing willingness to acknowledge when his view points change²⁰⁵; he at least deserves the benefit of the doubt, then, when he describes his

199 Tocqueville, Alexis de. 1835/2002. *Democracy in America*. Trans. Harvey Mansfield and Delba Winthrop. Chicago, IL: University of Chicago Press. 387.

200 Du Bois, *Souls*. 39; 57.

201 Du Bois, W. E. B. 1915/2007. *The Negro*. New York: Cosimo Classics. 135.

202 On the general idea that the circumstances which enable individualism are morally relevant to our consideration of how free and self-reliant we can consider ourselves – a thick individualism – see Turner, Jack. 2012. *Awakening to Race: Individualism and Social Consciousness in America*. Chicago, IL: University of Chicago Press.

203 Du Bois, *Dusk of Dawn*. 304.

204 Du Bois, *Dusk of Dawn*. 311.

205 For instance, as Henry Louis Gates notes in “Black Letters on the Sign,” Du Bois frankly acknowledged the

economic plans as a emphasis and restatement of “certain implicit aspects of his former ideas” rather than an abandonment of his primary commitment to manhood.²⁰⁶

I read Du Bois's growing emphasis on voluntary segregation not as a radical break from his earlier politics of integration through self-assertion but rather as part of a philosophically continuous emphasis on self-conscious manhood. What he had come to recognize was that the conditions of self-assertion were more complex than a mere Nietzschean will to power battling with adversity. He now understood that there were three pre-conditions to self-conscious manhood: will, to be sure, but also chance and economic conditions of sufficiency. His attention to economic conditions of sufficiency, therefore, represents a development in his understanding of the conditions for manhood: it needed both a struggle (which the world always seemed to provide), luck, *and* the basics of economic security from which to mount one's efforts. Thus, when at the end of his life a second edition of his biography of John Brown was released, he added new reflections to it on how “in the United States where John Brown lived the demand for 'freedom' was still paramount and could be widely realized because land was free and there was an abundance of labor.”²⁰⁷

To be sure, this represents something of a retreat from the overarching emphasis on will in his earlier writings. But it is an evolution – not a revolution – in his views, which is brought about by a greater understanding of his own life and world. With the clarity of hindsight, he now recognizes, for instance, the relative stability of his own upbringing: how for his mother “the problem of shoes and clothes for me must have been at times staggering,” but how that struggle

incorrectness of his imperial attitude toward Africans, saying at his ninety-first birthday party in Beijing that “once I thought of you Africans as children, whom we educated Afro-Americans would lead to liberty. I was wrong.” In another instance, Du Bois responded to criticism from the Jewish friend about the characterization of Jews in *Souls* by changing the references in a subsequent volume, and acknowledging his own previous subconscious racial biases.

206 Du Bois, *Dusk of Dawn*. 304.

207 Du Bois, *John Brown*. 297.

was always assiduously hidden from him.²⁰⁸ He recognizes the chance and luck of his scholarships and fellowships to Fisk, Harvard, and the University of Berlin. It is in part his realization of the role played by sufficiency and chance in his own life – forces he sees mirrored the world over – that gradually causes him to temper the way he talks about will as the full basis for self-conscious manhood. Despite his greater contextual awareness of its pre-conditions and of the limitations of will in his later life and writings, Du Bois does not abandon his essential political commitment to manhood. Isolation is not forever: it is a means to a greater end. It is important to remember that at the same time that his early commitment to voluntary segregation emerges, he is also writing *Dark Princess*: what Juliet Hooker calls his Afro-futurist “mulatto fiction” where he envisions a “mixed-race utopia.”²⁰⁹ Thus, isolation is never the dream. Manhood is still the greatest glory and ultimate aim of human beings. This is the goal toward which economics – and everything else – should be directed. As he beautifully puts it, “it would not do to concenter all effort on economic well-being and forget freedom and manhood and equality. Rather, Negroes must live and eat and strive, and still hold unfaltering commerce with the stars.”²¹⁰

Conclusion

In his 1895 “Atlanta Compromise” speech, Booker T. Washington assured his audience that “the wisest among my race understand that the agitation of questions of social equality is the extremest folly.”²¹¹ Yet with the publication of *The Souls of Black Folk* in 1903, W. E. B. Du Bois entered this field of “folly” and embarked on one of the central preoccupations of a long and complex career: the problem of social equality and the solution of self-conscious manhood.

208 Du Bois, *Dusk of Dawn*. 18.

209 Hooker, Juliet. 2017. *Theorizing Race in the Americas: Douglass, Sarmiento, Du Bois, and Vasconcelos*. New York: Oxford University Press. 134.

210 Du Bois, *Dusk of Dawn*. 7.

211 Washington, “Atlanta Compromise.”

Recognizing social equality as the origin, the pathology that underlay and justified other forms of racial oppression, Du Bois became a passionate advocate for the manly self-consciousness that he saw as its solution. In 1940, he reflected back on his efforts to push the cause of manhood, writing: “I think I may say without boasting that in the period from 1910 to 1930 I was a main factor in revolutionizing the attitude of the American Negro toward caste. My stinging hammer blows made Negroes aware of themselves, confident of their possibilities and determined in self-assertion.”²¹²

In the mid 1930s, Du Bois's perspective on self-conscious manhood broadened, as he more fully engaged with both the intractability of white racial antipathies and the material and psychological conditions necessary in order to pursue manly striving. These changes in his thought brought a new emphasis on isolation and voluntary segregation. While rejection of sociality and retreat to sovereign self-respect had always been a possibility if social equality continued to be denied, it came to seem more like an inevitability than a contingency plan. The gendered dynamics of the concept also, we have seen, reinforce this tendency toward isolated outcomes, as well as reproduce and reinforce existing gendered hierarchies. Thus, Du Bois's vision of self-conscious manhood has come to look more like the lonely reinforcement of hierarchy than the sovereign strivings of souls toward social recognition on a plane of deep equality with others. This discussion, of course, does not exhaust Du Bois's political responses to racial oppression, which were many. Rather, it seeks to unearth his politics of social equality, a topic overlooked in previous work, and shed new light on the way that his focus on social equality united elements of his thought – his individualism with his economic theorizing, for instance – in ways that have not been previously appreciated.

²¹² Du Bois, *Dusk of Dawn*. 303.

Du Bois helps us to understand social equality, a concept that profoundly shaped American political thought and culture. In striving toward social equality, we commit ourselves to a politics of heroic self-making, a politics at odds with egalitarianism. Acquiring self-conscious manhood demands a kind of existential heroism that is not possible for all. With its goal of reciprocal recognition grounded in merit, manhood serves to produce new social hierarchies – though not entirely new, as they are especially adept at reproducing gendered stratifications as well. The equality of *homonoia* – recognizing manhood in another that corresponds to what I myself possess – is an equality of exceptionality and an equality of isolation at odds with visions of democratic egalitarianism or moral equality.

EPILOGUE

One of the most startling things about the idea of equality in America is how it sustains the status quo at the same time that it seems to gesture to a democratic future. If it is the case that “equality is the foundational problem of the American Republic,” that is because this paradox of American equality endures in so many manifestations of the concept.¹ Equality eludes us. Again and again, equality seems to promise democratic inclusion but instead serves to naturalize existing inequities. It offers formal remedies while drawing the eye away from deeper structural pathologies. And it insidiously shifts inequality from one realm of life to another.

This study began by arguing that America's origin story – a founding enshrining universal moral equality – is in important ways a misreading of the historical record. The Declaration of Independence did not aim to offer a conception of universal moral equality when written. As subsequent developments in American political thought showed, however, this may not have been a great loss for democracy. As the internal and external hierarchies in political life which defined the late colonial era and early republic began to be challenged, moral equality emerged as a thin compromise: a way to include people as political equals without fundamentally challenging the hierarchies of power and privilege that structured social and economic life. In turn, these enduring hierarchies bled back into political life, undermining meaningful citizenship and inclusion.

The challenge for democrats in the American polity has been to attack these more deeply rooted inequities of power and standing. Theorists like Martin Delany and W. E. B. Du Bois focused on how to undermine these hierarchies and promote substantive inclusion into the polity. They emphasized the need for Black people to make economic contributions and engage in

¹ MacKinnon, Catharine, and Kimberlé Crenshaw. 2019. “Reconstituting the Future: An Equality Amendment.” *The Yale Law Journal Forum*. Dec. 26th. 343-364. 344.

practices of self-development, in the hopes of undermining the bases of the white racial order. But their visions of thicker democratic citizenship – citizenship grounded in contributions to the polity, democratic individuality, and mutual acknowledgement – ultimately foundered against intransigent white racism. And in some sense, these visions themselves reproduced similar democratic dilemmas, naturalizing other hierarchies like class and gender.

Even if Du Bois and Delany's prescriptions are questionably democratic, their diagnosis of the problems facing democratic equality are perceptive and revealing. One thing we might take from Delany is a concern about the deep unwillingness of humans to regard one another as equals. This instinctual aversion to the idea of universal equality, in his view, requires substantive facts to overcome it: our ability to form a political community of equal citizens is based on some tangible demonstration of our equality with one another. We need, in a sense, to prove it to one another. Mere assertions of a thin moral equivalence, an “essential equality,” are not only unconvincing – they may even cement our revulsion, or inspire a kind of disgusted rejection. As Hannah Arendt puts it in her study of the origins of totalitarianism, “the world found nothing sacred in the abstract nakedness of being human.”²

In lieu of something intrinsically equal about human beings, Arendt argues that equality is something humans make with one another. As she puts it, “our political life rests on the assumption that we can produce equality through organization.”³ In her account, we do not argue that there is something basic to our humanness which makes us equal or justifies our claims to rights, but rather “we *become* equal as members of a group on the strength of our decision to guarantee ourselves mutually equal rights.”⁴

2 Arendt, Hannah. *Origins of Totalitarianism*. 297.

3 Arendt, *Totalitarianism*, 301.

4 *Ibid.*

In a sense, Delany subscribes to Arendt's view that equality is something that we forge in community with one another. Yet, this community of equals is not something we merely decide together: it is something we have to demonstrate and prove to one another. In that way, Delany joins readers of Arendt who wonder what strength there can be in such a decision without some kind of preceding or foundational basis for our equality.⁵ For Delany, the only way to forge a republic in a group of people divided by racism is to commit to a view of citizenship predicated on what we each contribute to the polity. If Black Americans demonstrate attainments commensurate with republican citizenship, white Americans must correspondingly commit to acknowledging their standing as such. Their equal contributions equalize them as members of the polity in a substantive sense. Thus, Delany's vision of equality is grounded in what we do, not about who we are. He rejects a racially deterministic hierarchy at the same time that he rejects *a priori* or moral equivalence by fiat between human beings.

W. E. B. Du Bois shares elements of Delany's vision, including his belief that equality is something we demonstrate to others through our actions and our engagement with the world. But if equality is something we do, something we choose, it is at best precariously democratic. Though such equality is in principle open to all, it will be imperfectly achieved. Though Du Bois and Delany both believe in – to gloss Du Bois – the infinite possibility of self-development of all individuals, this universal perfectibility is importantly distinct from a vision of universal equality. Du Bois, for his part, is aware that striving toward attainment invariably generates distinctions between people. He speaks, then, in both democratic and meritocratic registers: he both describes the equal and infinite potential of all for self-development, and asserts that only some

5 See Waldron, Jeremy. 2010. "Arendt on the Foundations of Equality." In *Politics in Dark Times: Encounters with Hannah Arendt*. Ed. Seyla Benhabib. New York: Cambridge University Press. 17-38. See also Benhabib, Seyla. 1996. *The Reluctant Modernism of Hannah Arendt*. Thousand Oaks, CA: Sage.

will actually rise to the equality of self-conscious manhood. Circumstance and chance dictates that some people will succeed while others will fail.

In his later career, Du Bois was particularly alive to the economic circumstances which shape people's capacities for self-development, and he turned his attention to material inequalities and the organization of labor and capital. If such material conditions shape the possibilities for achieving thicker social and political equality, then Ronald Dworkin's famous bifurcation “between treating people equally, with respect to one or another commodity or opportunity, and treating them as equals” no longer holds.⁶ How we distribute goods would relate directly to the potential for treating others equally, because to treat others as equals would require affording them the basic conditions in which to develop and demonstrate their equality. Redistributing economic goods according to some model of egalitarianism or sufficiency would be justified specifically because goods represent opportunities for self-development and attainment. In this vision, all should have the material conditions in which it is possible for them to demonstrate their equality as citizens and social equals.⁷

This attention to material conditions might seem, at first glance, to soften our concern about the anti-democratic nature of Du Bois and Delany's thicker conceptions of equality. Though we might still worry about existing differential capacities for self-development grounded in non-material disparities – something akin to what John Rawls calls “the social bases of self-respect” – equalizing the economic conditions certainly seems to level out opportunities.⁸ Yet, the

6 Dworkin, Ronald. 1981a. “What is Equality? Part I: Equality of Welfare.” *Philosophy and Public Affairs*. 10: 185-246. 185.

7 The vision as I have sketched here bears a family resemblance to Elizabeth Anderson's economically and socially integrated account of “democratic equality.” As Anderson describes it, “democratic equality integrates principles of distribution with the expressive demands of equal respect” and “conceives of equality as a relationship among people rather than merely as a pattern in the distribution of divisible goods” (289; 336). Anderson's normative account differs, however, in important ways: she justifies it with reference an underlying moral equality between people, she centers discussion and reciprocal justification between citizens, and there is no substantive basis for equality like in Du Bois's idea of self-development or Delany's idea of attainments.

8 Rawls, John. 1999 [1971]. *A Theory of Justice*. 2nd edition. Cambridge, MA: Belknap Press.

relationship between the economic and the social raises many of the same concerns as the relationship between the social and the political. To what extent does attempting to equalize materials goods and opportunities merely mimic the same pathology of attempting to equalize suffrage and political rights? To what extent does a foundational social hierarchy remain, reinforced and naturalized, and ready to spill back out into economics and politics?

In the book project, I will take up this concern in two additional cases which consider the democratic effects of distributional paradigms of equality. By situating this work on economic equality alongside my prior work on social and moral equality, I will offer a more comprehensive history of the idea of equality in America, spanning its political, economic, and social valences.

In the first case, I will look at the democratic implications of the idea of economic equality that shapes policy toward tribal reservations. I will argue that an idea of equality of outcome – specifically, the desired parity of reservation economies and standards of living with the broader American society – has driven economically privileging legal exemptions like reservation casinos and tax exemptions on certain products like cigarettes. The concept of equality of outcome which animates this policy is complex: it pushes a greater economic parity while simultaneously re-inscribing racial narratives about the targeted native populations. The idea of equality that animates these policies re-inscribes racial stereotypes about American Indians, which reinforces racial hierarchies. Drawing on policy process scholarship, political theory, theories of racial formation, and socio-legal scholarship, I will argue that the policy of allowing tribal gambling in particular has flourished because it concurrently upholds American racial hierarchies. This construction of racial hierarchies is at odds with the goals of thick democratic inclusion which ostensibly underlie the idea of equality of outcome.

In the second case, I will consider the idea of equality of opportunity which animated the New Deal era. I will show how the idea of equality of opportunity – specifically, the emphasis on providing work to a subset of citizens-breadwinners whose flourishing was seen as instrumental to the flourishing of the broader economy and society – naturalized a hierarchical economic order that included the relegation of women and workers of color to an informal and precarious economy. The concept of equality of opportunity which animates the New Deal naturalizes a vision of the American economy where economic stability inheres in only some kinds of people and some kinds of work. Opportunity for those people is normatively desirable because it is presented as instrumental: their success grounds and stabilizes the overall economic order. Drawing on historical work, critical race theory, scholarship in political economy, and political theory, I will argue that New Deal modalities of economic reasoning around equality of opportunity built and naturalized an economy that is structured hierarchically, and that the heritage of this history limits the utility of “equality of opportunity” as a rhetorical frame for progressive redistributive policy and more inclusive and democratic visions of political economy. Equality of opportunity justifies hierarchy as instrumental to broader flourishing, jettisoning democratic egalitarian values in favor of instrumental economic ethics.

In an important sense, the problems of equality in America which I trace in this project gesture to a lament from Marx. “What we have to deal with,” Marx recognized, is not a society which “has *developed* on its own foundations, but, on the contrary” is “in every respect, economically, morally, and intellectually, still stamped with the birthmarks of the old society from whose womb it emerges.”⁹ Our Declaration was not an *ex nihilo* break with the past, and our attention to equalizing some conditions of life in America strengthens these existing inequities

9 Marx, Karl. 1875. “Part One.” *Critique of the Gotha Programme*. Accessed at <https://www.marxists.org/archive/marx/works/1875/gotha/ch01.htm>. Emphasis in the original.

elsewhere. We are everywhere confronting profoundly foundational hierarchy, a hierarchy stamped into society from its beginnings. Democracy in America will not be realized unless we can, as Thomas Paine put it, “begin the world over again” – that is, find a way to simultaneously grapple with the social, economic, and political hierarchies which are foundational to American life.¹⁰

¹⁰ Paine, Thomas. 1776. *Common Sense*. In *The Writings of Thomas Paine, Collected and Edited by Moncure Daniel Conway* (New York: G.P. Putnam’s Sons, 1894). Vol. 1. Accessed at <https://oll.libertyfund.org/pages/1776-paine-common-sense-pamphlet>.