SLAVERY AND FREEDOM IN NINETEENTH-CENTURY AMERICA*

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To teach at Oxford as Harmsworth Professor is one of the highest honours that can come to a scholar of American history. I am delighted to take this opportunity to thank those whose generosity and hospitality have helped to make my year both enjoyable and rewarding: the Rothermere Trust, the Provost and fellows of Queen's College, my colleagues elsewhere in the University, the librarians of Rhodes House, and the students who make teaching at Oxford such a pleasure.

My presence here today completes a personal journey that began thirty years ago as an undergraduate at Oriel College. I am, I believe, only the second Harmsworth Professor to have once studied American history via the famous Slavery and Secession paper in the Honour School of Modern History (the other being the present Rhodes Professor, Daniel W. Howe). I recall vividly the lectures of Harmsworth Professor Allan Nevins, on Tuesday and Thursday mornings in the Hilary Term of 1965, which presented a dramatic narrative of America's road to Civil War. It was my work for the Slavery and Secession paper that persuaded me to study for a doctorate in American history. My decision, I must confess, was not greeted with universal enthusiasm. When I told my tutor at Oriel, the late W. A. Pantin, that I had decided to devote my professional career to the American past, he replied: 'In other words, you have ceased to study history.'

Nevertheless, much of my subsequent writing, including my doctoral dissertation on the Republican Party on the eve of the Civil War, grew directly out of my studies at Oxford. Although my interest in the role of slavery in the sectional crisis had already been stimulated by that inspiring Columbia University teacher James P. Shenton, it was in Professor Nevins's lectures that I first encountered a sustained argument that

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placed the debate over slavery and abolition at the centre of the road to Civil War. Today, this is little more than a truism, but it was a striking innovation in the mid-1960s, when the dominant 'consensus' school of historians taught that Americans had never disagreed over fundamental issues and that slavery was a mere local exception in the broad evolution of freedom, the central unifying theme of American history.

Thanks in part to the writings of my predecessors in this chair David Brion Davis, Jack P. Greene, and Willie Lee Rose, we now understand that throughout American history both the reality and the idea of freedom have been powerfully affected by the existence and the concept of slavery. Far from being an aberration in the narrative of American freedom, slavery shaped the lives of all Americans, white as well as black. It affected where Americans lived and how they worked, underpinned the widespread belief in inherent racial differences, and became the issue around which political debates revolved. And just as free and slave labour were inextricably joined in the material development of the New World, so Americans' shifting definitions of freedom have frequently depended on a juxtaposition with its ideological opposite, slavery. Slavery helped to define the idea of freedom – giving it a powerful exclusionary dimension – and provided a rhetoric through which groups outside the boundaries of American freedom could challenge their exclusion and, in so doing, transform the meaning of freedom itself. Slavery came to be employed by social movements of all descriptions as a master metaphor for inequality, and the long contest over slavery and emancipation gave new substantive meaning to such ideas as personal liberty, political community, and the rights attached to American citizenship.

Although the metaphorical contrast between slavery and freedom goes back to the ancient world, for most of human history it was employed in ways quite unfamiliar today. In the ancient world, lack of self-control was understood as a form of slavery. 'Show me a man who isn't a slave', wrote Seneca. 'One is a slave to sex, another to money, another to ambition'. In Christian theology, freedom has meant the voluntary surrender of autonomy to follow the teachings of Jesus Christ. 'Moral liberty', John Winthrop told the Massachusetts General Court in 1645, involved willing subjection to authority, whether that of the State, family, or Church, and it was thus compatible with numerous restraints on personal and public behaviour. Freedom, in this view, was essentially a moral state, and some colonial ministers held that the 'slavery of sin' was far more oppressive than 'civil slavery'.¹

Of course, freedom held a central place in other social languages

that flourished in colonial America. Indeed, in the eighteenth century, the 'invented tradition' of the 'free-born Englishman' became an essential feature of Anglo-American political culture and a major building-block in the sense of nationhood then being consolidated in Britain. Britons saw no contradiction between proclaiming themselves inhabitants of a land of freedom even as British ships transported millions of Africans to bondage in the New World. Celebrating the rule of law, the right to live under legislation to which one's community had consented, and restraints on the arbitrary exercise of political authority, the notion of the free-born Englishman instilled in colonial and metropolitan subjects alike a strong belief in the right to resist overbearing government. 'We are *Free-men* – British Subjects – Not Born Slaves', was a rallying-cry of the Regulators in backcountry South Carolina during the 1760s. Belief in freedom as an English birthright and the British Empire as the world's sole repository of freedom helped recast imperial wars against Catholic France and Spain as struggles between liberty and tyranny. In the rhetorical polarity of slavery and freedom, nearly every other nation in the world appeared to be 'enslaved', whether to popery, tyranny, or barbarism. The product of a particular historical experience, a set of historically-developed rights enshrined in the common law, and the Protestant religion, British liberty was nationalist, often xenophobic, and in no way incompatible with slavery – for other peoples.²

The American Revolution was one of those moments when key ideas in the political language are reconstituted and their outer boundaries redefined. No word was more frequently invoked in this era than liberty, even though it rarely received precise definition. There were liberty trees, liberty poles, Sons and Daughters of Liberty. Liberty was more than idea; it was a passion. Sober men spoke longingly of the 'sweets of liberty'. In a merging of the evangelical belief in the New World as a future seat of 'perfect freedom' with the secular vision of the Old as sunk in debauchery and arbitrary rule, the idea of British liberty was transformed into a set of universal rights, with America a sanctuary of freedom for humanity. Unburdened by the institutions – monarchy, aristocracy, hereditary privilege – that oppressed the peoples of the Old World, America, and America alone, was the place where the principle of universal freedom could take root.³

The transformations of freedom from a set of rights specific to a particular place and people to an all-embracing principle and of the New World from part of the British Empire to an asylum for universal freedom inevitably raised the question of chattel slavery in America. In co-

lonial America, as John Jay later noted, 'very few... doubted the propriety and rectitude' of slavery. It was during the revolutionary era that the institution for the first time became a focus of public debate. Already widely used in the eighteenth-century Atlantic world to signify a loss of personal and political rights, slavery acquired special force in America because of the proximity of hundreds of thousands of genuine slaves (about 20 per cent of the colonial population in 1776). In resisting British policies, many colonists chose to describe their relationship to the mother country as a form of enslavement. Sometimes their language directly invoked the harsh conditions under which African Americans lived, as in warnings that Britain planned to rule the colonists 'with a rod of iron' and to reduce them to 'beasts of burden'. Actual slaves, however, rarely figured in this discourse. Slavery meant denial of the right of self-government or dependence on the will of another, not being reduced to a species of property. 'Those who are taxed without their own consent', said John Dickinson, 'are slaves'. Thomas Paine defined hereditary rule itself as 'a species of slavery'; 'representative government', he added, 'is freedom'. In a reversal of previous usage, the contrast between England as 'the land of slavery' and America as '*the county of free men*' became a standard part of the idiom of national independence, employed with no sense of irony even in states where the majority of the population in fact consisted of slaves. South Carolina, declared one writer in 1774, was a land of freedom, and it was impossible to believe 'that in this sacred land slavery shall soon be permitted to erect her throne'.⁴

Even though rarely mentioned explicitly, black slavery was intimately related to the meaning of freedom for the men who made the American Revolution. In his famous speech to the British Parliament warning against attempts to coerce the colonies, Edmund Burke insisted that in the South at least, it was familiarity with actual slavery that made colonial leaders so sensitive to the threat of metaphorical slavery. Where freedom was a privilege, not a common right, he observed, 'those who are free are by far the most proud and jealous of their freedom'. Burke's insight in some ways anticipated the argument of Edmund Morgan's famous essay on the 'American paradox', published two decades ago. Slavery for blacks, Morgan maintained, made republican freedom possible for whites, for by eliminating the great bulk of the dependent poor from the political nation, it left the public arena to men of propertied independence, in eighteenth-century political theory the only sure basis of republican government. Indeed, for many Americans, owning slaves made possible the economic independence widely deemed indispensable to

genuine freedom (a point driven home by a 1780 Virginia law that rewarded soldiers in the War for Independence with 300 acres of land and a slave). Morgan's insight suggests that slavery for blacks did not necessarily contradict white Americans' understanding of freedom. The republican vision of a society of independent men actively pursuing the public good could easily be reconciled with slavery for those outside the circle of citizenship. So, too, the liberal definition of liberty as essentially a private quality and of the political community as a collection of individuals seeking protection for their pre-existing natural rights could, if one wished, be invoked to defend bondage. The right of self-government and the protection of property against interference by the State were essential to political freedom; taken together, these principles suggested that it would be an infringement on liberty to deprive a man of his property (including slave property) without his consent. The war, one group of Virginians insisted in the 1780s, had been fought for 'the full, free, and absolute enjoyment of every species of our property, whatsoever'. To divest owners of their slave property would reduce *them* to slavery.⁵

Some leaders of the Revolution, of course, were fully aware that slavery contradicted its professed ideals. James Otis insisted that to be worthy of the name, freedom must be indivisible and, alone among patriot leaders in the 1760s, declared blacks to be British subjects 'entitled to all the civil rights of such'. Most dramatically, slaves themselves appreciated that by contrasting freedom so starkly with slavery and by defining freedom as a universal right rather than the privilege of a particular community or nation, the revolutionists had devised a rhetoric that, despite its palpable limitations, could readily be deployed against chattel bondage. The language of liberty echoed in slave communities, North and South, as slaves appropriated the patriotic ideology for their own purposes. The first concrete steps toward emancipation were 'freedom petitions' by enslaved African Americans, who hailed the efforts of colonial leaders 'to free themselves from slavery' and suggested, with more than a touch of irony, that legislation regarding blacks aspire toward 'that same grand object'. By 1800 the slave rebel Gabriel could plan to emblazon on a silk flag the colonists' own celebrated words 'Death or Liberty', to demonstrate, as one of his followers noted, that 'we had as much right to fight for our liberty as any men'.⁶

Two developments set in motion or greatly accelerated by the Revolution transformed the language of freedom and slavery in nineteenth-century America. The first was the rise of universal manhood suffrage, which itself reflected the eclipse of the older idea that public virtue and proper-

tied independence were the bases of political freedom. By the eve of the Civil War, nearly every state in the Union had enfranchised the vast majority of its white male citizens. Beginning with demands for the right to vote by lesser artisans, journeymen, and wage labourers during the Revolution, insistent pressure from below for an expansion of the suffrage did much to democratize American politics. Simultaneously, by severing ownership of productive property from membership in the political nation, these popular movements both exemplified and reinforced an emerging definition of public virtue as available to all citizens, not just the propertied, and of autonomy as resting on self-ownership rather than economic independence. There were 'thousands of men without property', wrote Francis Lieber in his influential disquisition on American political institutions, 'who have quite as great a stake in the public welfare as those who may possess a house or enjoy a certain amount of revenue'.⁷

In a country that lacked more traditional bases of nationhood – long-established physical boundaries, historical ethnic, religious, and cultural unity – America's political institutions came to define not only nationality but freedom itself. The right to vote, said one advocate of democratic reform, was the first mark of liberty, 'the only true badge of the freeman'. Those denied this right, said another, were 'put in the situation of the slaves of Virginia'. By the time Alexis de Tocqueville visited America, the axiom that 'the people' ruled was repeated *ad infinitum*. But who were the people of the United States? As older exclusions fell away – property and religious qualifications for voting, for example – others were retained, and new ones added. Everywhere, with the quixotic exception of New Jersey between 1776 and 1807, women, whether married or single, propertied or dependent, were denied the suffrage. And, in a society in which slavery was expanding rapidly, both in geographical scope and economic centrality, the rights of free men inevitably took on a racial component. In 1800 no free state limited the suffrage on the basis of race. But every state that entered the Union after that year, except Maine, restricted the right to vote to white males. In Pennsylvania and New York, the right of free blacks to vote was either narrowed or eliminated entirely. The United States, said a delegate to the convention that disfranchised Pennsylvania's black population, was 'a political community of white persons'. In effect, race had replaced class as the boundary defining which American men were to enjoy political freedom.⁸

As the bases for exclusion from this central definition of citizenship shifted, so too did their intellectual justification. These were the years when Americans spoke most insistently of liberty as the unique

genius of their institutions, of territorial expansion as, in the oft-repeated words of Andrew Jackson, 'extending the area of freedom'. This rhetoric of self congratulation knew no geographical borders; it was, said British visitor Harriet Martineau, a 'wearisome cant' found in newspaper editorials, political addresses, and sermons, North and South. But the very pervasiveness of the claim to freedom among whites encouraged the rise of a racialist ideology that located in nature itself reasonable grounds for the unique forms of unfreedom to which blacks were subjected. How could belief in freedom as a universal human right be reconciled with exclusion of blacks from liberty in the South and the rights of free men in the North? Exclusion based on natural incapacity was not really exclusion at all.⁹

Of course, as John Stuart Mill asked rhetorically, 'was there ever any domination which did not appear natural to those who possessed it?' Yet even Mill's argument for universal freedom, in his great work *On Liberty*, applied 'only to human beings in the maturity of their faculties'. The immature included not only children, but entire 'races' of less than 'civilized' peoples, deficient in the qualities necessary in the democratic citizen – the capacity for self-control, rational forethought, devotion to the nation. These were precisely the characteristics that Jefferson, in his famous comparison of the races in *Notes on the State of Virginia*, claimed blacks lacked, partly due to natural incapacity and partly because the bitter experience of bondage had rendered them (quite understandably, he felt) disloyal to America. Jefferson still believed that black Americans might eventually enjoy the natural rights enumerated in the Declaration, but felt they should do so in Africa or the Caribbean. As my predecessor Joyce Appleby has shown, blacks formed no part of the 'imagined community' of Jefferson's republic. The first naturalization laws, adopted in the 1790s, restricted the process of becoming a citizen to 'free white persons' from abroad (a provision already included in the naturalization requirements of several Southern states and a good illustration of how slavery, from the beginning, helped to define the American way). Blacks were only added in 1870, and not until the 1940s did most persons of Asian origin become eligible. But for the first century of the republic, virtually the only white persons in the entire world ineligible to claim American citizenship were those unwilling to renounce hereditary titles of nobility, as required in an Act of 1795. The two groups excluded from naturalization – European aristocrats and non-whites – had more in common than might appear at first glance. Allegedly, their incapacity for personal self-government – that is, the ability to subordinate their passions

to rational self-discipline – rendered them unqualified for political self-government and citizenship in a republic.¹⁰

Women, too, ostensibly lacked the capacity for independent judgement and rational action, a conviction that contributed to the emerging ideology of separate spheres, which defined women of all classes and races as, by nature, fundamentally different from men. Gender and racial differences were widely understood as being part of a single, natural hierarchy of innate endowments. ‘How did woman first become subject to man, as she now is all over the world?’, asked the *New York Herald* in 1852: ‘By her nature, her sex, just as the negro is and always will be, to the end of time, inferior to the white race, and, therefore, doomed to subjection.’ The Creator, said a delegate to Virginia’s 1829 constitutional convention, had rendered woman ‘weak and timid, in comparison with man, and had thus placed her under his *control*, as well as under his protection’. Since the right of suffrage ‘necessarily implied *free-agency* and *intelligence*, nature itself had decreed women’s ‘incapacity to exercise political power’. Indeed, the political world of the nineteenth century, so crucial an arena for the exercise of masculine freedom, was itself constructed via a contrast with the feminine sphere of the home. If no longer necessarily a property-holder, the free man was still defined as the head of a family and master of a household, whose personal independence rested on the enforced dependence of wives and children. Thus, rather than being aberrations in a broader story of the expansion of freedom, the exclusions from political rights were intrinsically related to the ways the idea of freedom was constructed in nineteenth-century America.¹¹

The second development that reshaped the idea of freedom after 1800 was the rapid expansion of capitalism. Although both North and South experienced the market revolution, its consequences in the two regions were profoundly different, consolidating, in the South, the greatest slave society the modern world has known, while setting the North on a path of economic modernization. Economic change, in other words, powerfully sharpened the dichotomy between slavery and freedom.

If the democratization of politics consolidated the right to vote as the political definition of freedom, the market revolution greatly encouraged the spread of liberal individualism and broad dissemination of a ‘negative’ definition of freedom as the absence of external constraints upon autonomous, self-directed individuals. Even as political participation expanded, the power of government waned. Whigs like John Quincy Adams might insist that government could enhance the realm of freedom by creating the conditions for ordered economic development, there-

by maximizing individual choices. More popular, however, was the Democratic view of government as a source of unwarranted privilege, a 'danger to liberty', understood as the capacity of citizens to pursue their interests and cultivate their individual talents. 'In this country', declared the *New York Journal of Commerce* in 1848, contrasting American definitions of freedom with those of French socialists, 'liberty is understood to be the *absence* of government from private affairs.'¹²

In a world in which personal freedom increasingly meant the opportunity to compete in the market-place in the pursuit of economic gain, slavery remained the master metaphor for describing impediments to individual advancement. To temperance advocates, drink, which deprived an individual of the capacity for self-realization, was a form of enslavement; indeed, some described the 'chains of intoxication' as 'heavier than those which the sons of Africa have ever worn'. For nativists, Catholicism was a form of slavery at odds with American conceptions of liberty. And the discontent of those Americans who, at the very moment of the efflorescence of the rhetoric of freedom, believed the material conditions of autonomy were slipping from their grasp crystallized in the idea of 'wage slavery'.¹³

There was, of course, nothing new or uniquely American in the rhetorical mobilization of chattel slavery to criticize labour relations under capitalism. But this vocabulary took on a special power in America, where slavery was an immediate reality, not a distant symbol, the small producer was still a powerful element in the social order, and the idea that the wage-earner, because of economic dependence, was less than fully free, retained considerable power as a criticism of the emerging order. Despite obvious exaggeration, the idea of wage slavery provided American labour and its allies with a critique of emerging capitalism in which workplace exploitation, not control of the government by placemen and non-producers (as in nineteenth-century Britain), took centre stage. The idea of wage slavery also served to deconstruct, as it were, the sharp contrast between slavery and freedom, to expose the forms of coercion and hidden inequalities inherent in ostensibly free economic institutions. Freedom, Noah Webster's *American Dictionary* declared, was both the opposite of slavery, and 'a state of exemption from the power or control of another'. The Jacksonian labour movement asked how many wage-earners truly enjoyed such 'exemption'. Even as employers celebrated the labour contract as a voluntary agreement between autonomous individuals, the very antithesis of slavery, critics of wage labour demonstrated that the moral authority of the contrast with slavery could be used for

very different purposes. Wage labour, insisted Philadelphia labour spokesman Langdon Byllesby, was the 'very essence of slavery'.¹⁴

Northern labourers were not alone in criticizing market-place understandings of freedom. The rapid expansion of slavery and the consolidation of a distinctive Southern ruling class promoted the emergence of a pro-slavery ideology in which the contrast between freedom and slavery became an ideological weapon against the self-proclaimed 'free society' of the North. Repudiating not only Jefferson's rhetoric of universal natural rights but his conviction that slavery distorted the character of the white population by training it in despotism, Southern spokesmen returned to the older idea that freedom was a privilege, a 'reward to be earned, not a blessing to be gratuitously lavished on all alike'. Slavery allowed propertied men the leisure to cultivate their talents and participate actively in government, thus producing economic, social, and political progress. If Northerners, broadly speaking, accepted the idea of boundaries excluding nonwhites from political freedom, the white South extended this logic to insist that some people were not suited to freedom of any kind. The white man was 'made for liberty', while blacks, said Governor George McDuffie of South Carolina, were 'utterly unqualified... for rational freedom'. Freedom meant not simply being uncoerced, but exercising sovereignty over subordinates. In a word, as the *Richmond Enquirer* put it, 'freedom is not possible without slavery'.¹⁵

Even as pro-slavery ideologues challenged prevailing definitions of freedom in the *ante-bellum* North, these ideas were tested and reshaped in entirely different ways by their Northern abolitionist adversaries. The contribution of the crusade against slavery to redefining the meanings of freedom was both profound and complex. Abolitionists, quite understandably, resented equations of Northern labour with Southern bondage, whether emanating from the slave South or the labour movement of the free states. The wage-earner's 'freedom of contract' discredited the analogy between wage and chattel slavery, insisted Edmund Quincy, since the free labourer had the right to 'choose his employer', 'contract for wages', and leave his job if he became dissatisfied. In affirming the uniqueness of the evil of slavery, abolitionists helped to popularize the sharp dichotomy between slavery's illegitimate coercions and the condition of labour in the North and the related concept, fortified by the market revolution, that autonomy derived not from the ownership of productive property, but from property in one's self and the ability to enjoy the fruits of one's labour. Abolitionists of the Garrisonian stripe extended this definition of freedom as self-direction into a critique of coercive

institutions in general, including government, the Church, and, on occasion, the family. Others, particularly those who led the anti-slavery movement into politics in the 1840s, rejected the practice of 'confounding' slavery 'with other relations and institutions from which it is in reality and essentially distinct'. The cause of freedom meant emancipating the slaves. It would only injure the cause to identify abolitionists as enemies of institutions 'which the great body of its members cherish as objects of great regard – family authority and our republican government'.¹⁶

'Family authority', however, was inevitably drawn into the debate over slavery. Like wage slavery, the concept of the 'slavery of sex' demonstrated the power of the slavery metaphor to shape understandings of freedom. The idiom of freedom and unfreedom empowered early feminists to develop a pervasive critique of male authority. Feminist abolitionists did not invent the analogy between marriage and slavery. Mary Wollstonecraft had invoked it in the 1790s, and it had become prominent in the writings of Robert Owen, Frances Wright, and other early communitarians, who insisted that true equality was impossible until the institution of marriage had been fundamentally transformed. At New Harmony, Owen had promised, women would no longer be 'enslaved' to their husbands. (Actual conditions for women there proved to be somewhat less than utopian.) But the analogy between free women and slaves gained far greater prominence as it was swept up in the accelerating debate over chattel slavery.¹⁷

There were indeed real and disturbing parallels between chattel slavery and marriage. Marriage was 'voluntary', but the common law reduced the wife to an appendage of her husband, who did not enjoy the fruits of her own labour. Until after the Civil War, married women could neither sign independent contracts nor control the wages they might earn, and, even then, the husband's proprietary right to his wife's person and domestic labour remained unquestioned. Women's rights advocates turned the abolitionist definition of freedom as self-ownership into a critique of men's property rights in women and of marriage as a system of domination. The analogy with slavery suggested the remedy – emancipation – understood not only as political enfranchisement, but also the liberalization of divorce laws and access to all the educational and economic opportunities of men. Whether married or not, women deserved the autonomy and range of individual choices that constituted the essence of freedom.¹⁸

For the early movement for women's rights, the slavery of sex became an all-encompassing critique of the subordination of women, and the female slave an emblem for the condition of all women. The empha-

sis in abolitionist literature on the physical violation of the slave woman's body helped give the idea of self-ownership a concrete reality, a literalness that encouraged application to free women as well. The ensuing demands for the right to regulate their own sexual activity and procreation and to be protected by the State against violence at the hands of their husbands were so explosive that they were rarely raised publicly until after the Civil War. These issues, however, frequently arose in the private correspondence of feminist leaders. (Lucy Stone, who believed a woman must have an 'absolute right' to her 'body, and its uses', admitted that the movement was not yet ready for this question, since 'no two of us think alike about it'.)¹⁹

Like the metaphor of wage slavery, the description of free women as living in 'legalized slavery' both obscured and illuminated social realities. Even many feminists understood that the intense individualism of a Lucy Stone or an Elizabeth Cady Stanton was far removed from family life as actually experienced by most women, and that their theories did not take into account the emotional dependencies, the sacrifice of 'freedom', that marriage and parenthood inevitably entail. Just as most abolitionists repudiated the wage slavery metaphor, black feminist abolitionists like Sarah Parker Remond rejected the analogy between free women and slaves because they understood that a stable family life had special meaning to those who experienced slavery. Even though free women deserved more rights, Remond declared, slave women, as the 'worst victims' of slavery, stood in dire need of 'the protection... enjoyed by the white'. Yet even if the 'slavery of sex' remained of little relevance to actual slaves, the inclusion of slave women in the category of woman enabled feminists to redefine social difference as sexual inequality, and, as such, proved liberating for free women.²⁰

If, in popularizing the identification of autonomy with personal self-ownership rather than propertied independence, abolitionists helped to narrow the definition of freedom, the idiom of the 'slavery of sex' demonstrates the capacity of this definition to reinvigorate the idea of freedom as a truly universal entitlement. When applied to African Americans, this principle challenged both Southern slavery and the racial boundaries that confined free blacks to second-class status throughout the nation. At a time when the authority to define the rights of citizens lay almost entirely with the states, abolitionists maintained that emancipation would imply not simply an end to the legal status of bondage, but a national guarantee of the equal civil rights of all Americans, black as well as white. In seeking to define the core rights to which all Americans were

entitled – the meaning of freedom in concrete legal terms – abolitionists pioneered the concept of equality before the law regardless of race, one all but unknown in American jurisprudence before the Civil War.²¹

Most adamant in contending that the struggle against slavery required a redefinition of freedom were black members of the abolitionist crusade. ‘He who has endured the cruel pangs of slavery’, wrote Frederick Douglass in 1847 in the inaugural issue of his newspaper the *North Star*, ‘is the man to advocate liberty’, and black abolitionists developed an understanding of freedom that went well beyond the usage of most of their white contemporaries. Those who had known slavery first-hand were among the most powerful critics of the pro-slavery argument. ‘Flimsy nonsense’, Douglass called it, which men would be ‘ashamed to remember’ once slavery had been abolished. Equally nonsensical were the nation’s pretensions as a land of liberty. In choosing to celebrate the anniversary of West Indian emancipation, rather than 4 July, and holding up Britain as a model of devotion to liberty, black communities in the North offered a stinging rebuke to white Americans’ claims to live in a land of freedom.²²

Even more persistently than their white counterparts, black abolitionists articulated the ideals of egalitarian constitutionalism and colour-blind citizenship. ‘The real battleground between liberty and slavery’, wrote Samuel Cornish, ‘is prejudice against color’. African Americans, slave and free, understood that the sharp dichotomy between freedom and slavery failed to encompass the actual experience of free blacks, who, in the South, lived, worked, and worshipped alongside slaves, and, in the North, were relegated to a ‘quasi-freedom’ of inequality. True freedom, the free black experience suggested, meant more than the absence of coercion. ‘No people can be free’, wrote Martin Delany, ‘who themselves do not constitute an essential part of the *ruling element* of the country in which they live’, a sentiment shared by the many black abolitionists who did not hold Delany’s emigrationist views. Abolishing slavery implied empowering African Americans with all the rights – civil, social, political – enjoyed by whites, a wholesale transformation of the institutions and culture of the society that had supported and legitimized slavery in the first place. More than white abolitionists, as well, black abolitionists identified the widespread poverty of the free black population as a consequence of slavery and insisted that freedom had an economic as well as a personal dimension. It must be part of the ‘great work’ of the anti-slavery crusade, insisted Charles L. Reason, ‘to abolish not only chattel slavery, but that other kind of slavery, which, for generation after gener-

ation, dooms an oppressed people to a condition of dependence and pauperism'. In the black abolitionists' expansive definition of freedom and in their understanding of the limits slavery placed on freedom even in the Northern states lay the roots of future struggles over the consequences of emancipation.²³

Thus, by the eve of the Civil War, the debate over freedom and slavery had at last come to focus on actually existing, rather than metaphorical, slavery. In the hands of the Republican Party, the antithesis between freedom and slavery or, as Republicans put it, 'free society' and 'slave society', coalesced into a comprehensive ideology glorifying the North as the home of true freedom. In the Republican ideology, 'free labour' – labour not subject to the coercions of slavery and enjoying the opportunity for physical mobility and social advancement – was not only the foundation of freedom, but a universal entitlement, not confined to any particular set of persons, a point Abraham Lincoln drove home in his debates with Stephen A. Douglas by choosing as his example a black woman. In the Republicans' rallying-cry, 'freedom national', the intentions of the founding fathers and the text of the Constitution were reinterpreted to demonstrate that freedom was, in the words of William H. Seward, the 'perpetual, organic, universal' principle of the American republic, and slavery an aberration, which would soon be done away with. And the scale of the Union's triumph in the Civil War, along with the sheer drama of emancipation, fused nationalism, morality, and the language of freedom in an entirely new combination. 'Liberty and Union have become identical', wrote Frederick Douglass; for Lincoln, the war's deepest meaning lay in the 'new birth of freedom' for all Americans occasioned by the destruction of slavery for blacks.²⁴

The varied understandings of freedom shaped by the struggle over slavery profoundly affected how Americans responded to the social revolution wrought by emancipation. 'What is freedom?' asked Congressman James A. Garfield in 1865. 'Is it the bare privilege of not being chained? If this is all, then freedom is a bitter mockery, a cruel delusion.'²⁵ Did freedom mean simply the absence of slavery, or did it imply other rights for the emancipated blacks, and, if so, which ones: civil equality, the suffrage, ownership of property? The bitter debates of the era of Reconstruction revolved, in large measure, around the definition of freedom in the aftermath of emancipation. The concrete historical reality of emancipation posed freedom as a historical and substantive issue, rather than a philosophical or metaphorical one. The destruction of slavery raised in the most direct form the relationship between property rights

and personal rights, between personal, political, and economic freedom.

In the post-emancipation South, most whites, especially those who assumed that the survival of the plantation system was essential to maintaining economic stability and racial supremacy, defined black freedom in the narrowest conceivable manner. As the Northern journalist Sidney Andrews discovered late in 1865,

the whites seem wholly unable to comprehend that freedom for the negro means the same thing as freedom for them. They readily enough admit that the Government has made him free, but appear to believe that they still have the right to exercise over him the old control... They acknowledge the overthrow of the special servitude of man to man, but seek to establish the general servitude of man to the commonwealth.

Rejecting the idea that emancipation implied civil or political equality for the freedmen or even those opportunities to acquire property and advance in the market-place that Northerners took for granted as indispensable to any free society, Southern leaders insisted that blacks remain as a dependent plantation labour force, in a work situation not very different from slavery. The emancipated slave, a Southern newspaper insisted, needed to be taught that 'he is *free*, but free only to labour'.²⁶

'Will the United States give them freedom or its shadow?', a Northern educator had written from North Carolina shortly after the end of the Civil War. Northern Republicans, imbued with a free-labour ideology sanctified by the triumph in the Civil War, refused to accept a definition of black freedom that seemed to make a mockery of the struggle for emancipation. As the war drew to a close, the Republican-dominated Congress, in debates over the Thirteenth Amendment, struggled to define precisely the repercussions of the destruction of slavery. All agreed that property rights in man must be abrogated, contractual relations substituted for the discipline of the lash, and the master's patriarchal authority over the lives of the former slaves abolished. The phrase most often repeated in the debates – the 'right to the fruits of his labour' – was thought to embody the distinction between slavery and freedom. These debates also made clear what emancipation did not encompass. Several Congressmen expressed concern that the Amendment's abolition of 'involuntary servitude' might be construed to apply to relations within the family. 'A husband has a right of property in the service of his wife', said one Congressman, which the abolition of slavery was not intended to touch. Indeed, slavery's destruction of family life (including the husband's role as patriarch and bread-winner) had been one of the abolitionists' most devastating criticisms of the peculiar institution. Republicans assumed

emancipation would restore to blacks the right to family life, with women assuming their natural roles as daughters, wives, and mothers within the domestic sphere. Along with the right to 'personal liberty', the male-headed family, embodying the 'right of a husband to his wife' and of a 'father to his child', declared Congressman John Kasson of Iowa, comprised the 'three great fundamental natural rights of human society'. Thus, even as they rejected the racialized definition of freedom that had emerged in the first half of the nineteenth century, Republicans left the conventions of gender relations largely intact. Women would remain, as Stanton put it, 'in a transition period from slavery to freedom'.²⁷

The Thirteenth Amendment, said one Democratic Senator in December 1865, had abolished the right of one person to own another, 'and that I think ought to be sufficient for the lovers of freedom in this country'. But it was not. By 1866 a consensus had emerged within the Republican Party that civil equality was an essential attribute of freedom, and, in a remarkable, if temporary, reversal of political traditions, the newly empowered national State emerged not as a threat to individual liberty but as the 'custodian of freedom', obligated to identify and protect the rights of all American citizens. The Fourteenth Amendment enshrined the notion of equality before the law in the Constitution. Soon afterwards, blacks were accorded political rights equal to those of whites.²⁸

The Republican Party thus proved a potent instrument in breaking down the civil and political barriers to equal citizenship for the freedmen. The importance of this accomplishment ought not to be underestimated: repudiating the racialized definition of democracy that had emerged in the first half of the nineteenth century was a major step toward reinvigorating the idea of freedom as a universal entitlement. When it came to defining the economic conditions of freedom in the *post-bellum* South, however, Republicans found themselves divided. Republican policymakers were perfectly willing to exert the power of the federal government in an attempt to guarantee the market-place freedoms of blacks – the rights to choose a livelihood, acquire property, sign contracts, and enjoy access to the courts, all on the same terms, formally, as whites. But further than this they were unwilling to go. Only a minority, most notably Thaddeus Stevens, sought to resurrect the older view that without ownership of productive property, genuine freedom was impossible. By the time of Reconstruction, few Republicans seem to have believed that wage labour and republican freedom were incompatible, so long as the unfettered market offered the labourer the opportunity to achieve, through diligence and hard work, economic independence.²⁹

There was, of course, one further protagonist in the story, whose voice we have, thus far, not heard. 'The Negroes are to be pitied', wrote a South Carolina educator and minister. 'They do not understand the liberty which has been conferred upon them.' In fact, blacks carried out of bondage an understanding of their new condition shaped both by their experience as slaves and by observation of the free society around them. Slavery negates both individual rights and community self-determination, and, as free people, blacks sought both the personal liberties of whites and collective empowerment. Along with an end to the myriad injustices associated with slavery – separation of families, punishment by the lash, denial of access to education – freedom meant, as Henry M. Turner put it, the 'enjoyment of our rights with other men' and independence from white control. One element of this independence was the right to vote; in the words of Douglass, 'slavery is not abolished until the black man has the ballot'. Anything less than full citizenship rights would doom former slaves to the quasi-freedom to which free blacks had been subjected before the Civil War.

Also central to their definition of freedom was economic autonomy. In January 1865 General William T. Sherman and Secretary of War Edwin M. Stanton met with a group of black leaders in Savannah, Georgia, recently occupied by the Union army. Asked what he understood by slavery, the group's spokesman, Garrison Frazier, responded that it meant one man's 'receiving... the work of another man, and not by his consent'. Freedom he defined as 'placing us where we could reap the fruit of our own labour'. The way to accomplish this was to own land; without land, their labour would continue to be subject to exploitation by the former owners. Only land, said former Mississippi slave Merrimon Howard, would enable 'the poor class to enjoy the sweet boon of freedom'.³⁰

In its individual elements and in much of its language, the attempt by former slaves to breathe substantive meaning into emancipation coincided with definitions of freedom widely shared among white Americans – self-ownership, family stability, market-place equality, political participation, and economic autonomy. But these elements coalesced into a vision very much their own. Freedom meant something quite different to those who had long enjoyed it than to those to whom it had always been denied. For whites, freedom, no matter how defined, was a given, a heritage to be defended. For American blacks, steeped in a Christian eschatology in which the story of Exodus played a central role, emancipation was a critical moment in the history of a people, while freedom was a broad, multi-faceted concept, a millennial transformation of ev-

ery facet of their lives. Rather than a metaphor, slavery was a historical experience, which would remain central to their conception of themselves and their place in history. The antithesis of slavery was not 'simple' freedom, but a share of the political and economic power previously enjoyed by the planter class. To put it another way, the emancipated slaves raised the time-honoured question of the conditions of freedom: whether to be socially stigmatized, deprived of political power, and lacking in economic resources is, in some essential sense, to be less than truly free.³¹

In 1865 a young Bostonian, A. Warren Kelsey, was dispatched to the South by a group of cotton manufacturers to investigate economic and political conditions. From Orangeburg, South Carolina, Kelsey penned a revealing account of how blacks understood the meaning of freedom:

*The sole ambition of the freedman at the present time appears to be to become the owner of a little piece of land, there to erect a humble home, and to dwell in peace and security at his own free will and pleasure. If he wishes, to cultivate the ground in cotton on his own account, to be able to do so without anyone to dictate to him hours or system of labor, if he wishes instead to plant corn or sorghum or sweet potatoes – to be able to do that free from any outside control, in one word to be free, to control his own time and efforts without anything that can remind him of past sufferings in bondage. This is their idea, their desire and their hope.*³²

Here was an ideal of freedom commensurate with the vision of a polity resting on the consent of truly autonomous individuals. But in Reconstruction America, how many whites enjoyed freedom thus defined? And in a society where most whites no longer enjoyed economic autonomy, could blacks reasonably expect the nation to guarantee it for them? In being forced to deal with freedom as a matter of concrete policy, Americans were compelled to recognize how thoroughly their own society had changed. The debates unleashed by the end of slavery, in other words, may well have forced Americans to appreciate how far they had travelled from the world in which freedom rested on ownership of productive property. In retrospect, Reconstruction emerges as a decisive moment in fixing the dominant understanding of freedom as self-ownership and the right to compete in the labour market, rather than propertied independence. Reconstruction helped to solidify the separation of political and economic spheres, the juxtaposition of political equality and eco-

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conomic inequality, as the American way. Henceforth, it would be left to dissenters – populists, labour radicals, socialists, and the like – to resurrect the older idea of economic equality as the essence of freedom.

In the end, the prominent black spokesman John M. Langston declared shortly after the end of Reconstruction, emancipation proved to be severely limited, for the former slaves had not acquired that ‘practical independence’ so indispensable to real liberty. History, unfortunately, does not move in a Whiggish progress from unfreedom to freedom, a straight line toward ever greater liberty and human dignity. The death of slavery did not automatically mean the birth of freedom. Once Reconstruction had been overthrown, as Douglass put it in 1883, African Americans remained ‘only half free’, standing in ‘the twilight of American liberty’, even as large numbers of small white farmers and craftsmen descended into the dependency of tenancy and wage labour, still experienced by many Americans as the antithesis of freedom.³³ Emancipation, therefore, settled for all time Professor Morgan’s American paradox, the simultaneous existence of slavery and freedom, while reopening another: the coexistence of political democracy and economic dependence. And that American paradox – the meaning of freedom in a land pervaded by inequality – still bedevils our society today.

NOTES

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