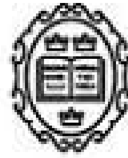

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Source: *The Journal of American History*, Vol. 81, No. 2 (Sep., 1994), pp. 435-460
Published by: Oxford University Press on behalf of Organization of American Historians
Stable URL: http://www.jstor.org/stable/2081167
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The Meaning of Freedom in the Age of Emancipation

Eric Foner

Today is an exciting and troubling time for American historians. Rarely has the study and teaching of the nation's past aroused such heated public debate. We in the academic world should welcome this intense scrutiny, even as we deplore the oversimplifications of both history and politics in magazine features and instant best sellers decrying "political correctness," "multiculturalism," and the "new history."

These debates helped provide the focus for the presidential addresses of my two distinguished predecessors. They reflect the enormous changes that have swept over the study of history in the past generation—changes familiar to everyone in this audience. Increased attention to the experience of previously neglected groups, such as women and members of racial minorities, and to previously neglected subjects, such as the subfields of social history, as well as new methodologies borrowed from other disciplines such as anthropology and literary theory, have transformed our understanding of the American past. They have also, some complain, sacrificed a coherent sense of what has unified our nation. I respond to these admonitions with mixed feelings. On the one hand, it seems irrefutable that the new history paints a far more inclusive, nuanced, and accurate portrait of the American experience. I do not regret the demise of older generalizations that claimed to distill the essence of the American saga, even as they reflected the history of only a single part of the American people. On the other hand, I myself have written of the desirability of moving beyond a portrait of the United States as a collection of fractious racial, ethnic, and sexual groups, to an appreciation of the common themes that give coherence to the nation's past.[1]

This essay was delivered as the presidential address of the Organization of American Historians at Atlanta, April 15, 1994. Eric Foner is DeWitt Clinton Professor of History at Columbia University.

For their generosity over the past few years in sharing ideas and directing me to relevant literature, I wish to thank Thomas Bender, Ira Berlin, Leslie Rowland, Fred Siegel, and the members of the 1991–1992 Hancock Park Reading Group—Ellen DuBois, Willie Forbath, Wilbur Miller, and Amy Stanley. Thanks also to Vernon Takeshita for tracking down elusive sources and to my present and former students Nancy Cohen, Anne Kornhauser, Manisha Sinha, Midori Takagi, and Wang Xi, whose own excellent work on nineteenth-century American history influenced my thinking on issues related to this essay. I also wish to express my appreciation to Susan Armeny and Dot McCullough of the *Journal of American History* for the care and skill with which they copyedited this essay.

[1] For the presidential addresses, see Joyce Appleby, "Recovering America's Historic Diversity: Beyond Exceptionalism," *Journal of American History*, 79 (Sept. 1992), 419–31; and Lawrence W. Levine, "Clio, Canons, and Culture," *ibid.*, 80 (Dec. 1993), 849–67; Eric Foner, ed., *The New American History* (Philadelphia, 1990); Eric Foner, "History in Crisis," *Commonweal*, Dec. 18, 1981, pp. 723–26. See also Thomas Bender, "Wholes and Parts: The Need for Synthesis in American History," *Journal of American History*, 73 (June 1986), 120–36.

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The debate over difference and commonality today, I fear, threatens to become as sterile as that over conflict and consensus a generation ago. We can transcend it only by recognizing that these are not mutually exclusive categories. Conflicts and expressions of difference have often taken place within a common political language, with diverse groups of Americans seeking similar goals. Yet, apparently universal principles and common values have themselves been historically constructed on the basis of difference and exclusion. Not only are both diversity and commonality intrinsic to the American experience; they are symbiotically related to one another.

Thus, identification and appreciation of the common themes of American history may not be quite so easy as some writers have recently suggested. What, for example, could be more American than a devotion to freedom? How many textbooks used to—or, for all I know, still do—take such titles as *Land of the Free* or *The Rise of American Freedom*?[2] Foreign observers have frequently been struck by the depth of Americans' devotion to freedom, as well as our conviction, as James Bryce put it, that we are the "only people" truly to enjoy it. Surely the unfolding of freedom offers one of those unifying themes that enable us to transcend the centrifugal tendencies of the new history, a narrative that can encompass the whole of the American experience. Not long ago, Lynne V. Cheney, then chair of the National Endowment for the Humanities, called on scholars to devote less attention to the "flaws of . . . American history" (by which, I suppose, she meant the history of groups that have not shared fully in the promise of American life) and concentrate on the "truth" that "belief in equality and freedom" has been the central theme of the nation's past. More substantively, Arthur M. Schlesinger, Jr., in his best-selling critique of current cultural politics, *The Disuniting of America,* identified a common belief in the inalienable right to freedom as one of those central ideas that has "managed to keep American society whole."[3]

I want to suggest tonight, however, that the concept of freedom is anything but unproblematic. The difficulty is not merely that the United States has often failed to live up to its professed ideals—a failure of which Professor Schlesinger is, of course, perfectly aware. Nor is it simply a matter of the ambiguity of the concept. "There are literally hundreds of definitions of freedom," concludes a recent survey of the word's usage; when people speak of freedom, they often do so in ways so different that, in effect, they lack a common subject matter. The very universality of the language of freedom camouflages a host of divergent connotations and applications.[4]

More important, freedom has never been a fixed category or predetermined concept. Subject to multiple and conflicting interpretations, it has always been a terrain

[2] For example, Homer C. Hockett and Arthur M. Schlesinger, *Land of the Free: A Short History of the American People* (New York, 1944).

[3] David Morris Potter, *Freedom and Its Limitations in American Life,* ed. Don E. Fehrenbacher (Stanford, 1976), 2. For Lynne V. Cheney's remarks, see the report issued by the National Endowment for the Humanities: *Telling the Truth* (Washington, 1992), 40–44. Arthur M. Schlesinger, Jr., *The Disuniting of America* (New York, 1992), 13–17, esp. 16, 27.

[4] Tim Gray, *Freedom* (London, 1991), 1.

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of struggle, its definition constantly created and re-created. Different peoples and groups, and different parties within particular groups, have experienced and interpreted freedom in different ways, and each has challenged how others used the word. The meanings of freedom have been constructed not only in congressional debates and political treatises, but on plantations and picket lines, in parlors and bedrooms. Freedom has been invoked by those in power to legitimate their aims and seized upon by others seeking radically to transform society. In our own time, we have witnessed the putative division of the planet into free and nonfree worlds (with the former including many nations that might be seen as lacking in freedom) invoked to justify violations of individual liberties at home and interference with the right to self-determination abroad. "People have so manipulated the concept of freedom," Theodor Adorno complained at the dawn of the Cold War, "that it finally boils down to the right of the stronger and richer to take from the weaker and poorer whatever they still have." Yet, not long after these words were written, the greatest mass movement of this century reinvigorated the language of freedom with its freedom rides, freedom schools, freedom songs, and the insistent cry, "Freedom Now." "The history of freedom," a scholar of British history has recently written, "is really the history of contests over its constructions and exclusions." The same is true in the United States. When the story of American freedom is written, freedom is likely to turn out to be as contentious, as multidimensional, as American society itself.[5]

From the very beginning of our history, freedom has been a central value for countless Americans and a cruel mockery for others. Indeed, both the reality and the idea of freedom have been powerfully affected by the existence and the concept of slavery. As with other essential elements of our political language—independence, equality, and citizenship, for example—the boundaries of freedom have been defined and redefined through the construction of binary oppositions that have ordered Americans' understanding of social reality, simultaneously illuminating some parts of that reality and glossing over others, while obscuring the extent to which ideas conceived as mutually exclusive are ideologically interconnected. Just as free and slave labor were joined in the material development of the New World, so the shifting definitions of freedom have frequently depended on a juxtaposition with its ideological opposite, slavery. Far from being an exception, 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, un-

[5] Daniel T. Rodgers, *Contested Truths: Keywords in American Politics since Independence* (New York, 1987), 213–19; Theodor Adorno, "Messages in a Bottle," *New Left Review,* 200 (July–Aug. 1993), 7; Richard H. King, *Civil Rights and the Idea of Freedom* (New York, 1992), 13; Ian C. Fletcher, "Rethinking the History of Working People: Class, Gender, and Identities in an Age of Industry and Empire," *Radical History Review,* 56 (Spring 1993), 85. In this essay, I use "freedom" and "liberty" interchangeably, following both contemporary usage and the best judgment of political theorists. See Francis Lieber, *On Civil Liberty and Self-Government* (Philadelphia, 1859), 37n.; Hanna F. Pitkin, "Are Freedom and Liberty Twins?," *Political Theory,* 16 (Nov. 1988), 523–52; and Quentin Skinner, "The Idea of Negative Liberty: Philosophical and Historical Perspectives," in *Philosophy in History: Essays on the Historiography of Philosophy,* ed. Richard Rorty, J. B. Schneewind, and Quentin Skinner (New York, 1984), 194n.

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derpinned the widespread belief in inherent racial differences, and became the issue around which their political debates revolved. Slavery both helped define the idea of freedom – giving it a powerful exclusionary dimension – and provided an idiom through which groups outside the boundaries of American freedom could challenge their exclusion and, in so doing, transform the meaning of freedom itself. In political language, the world *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.[6]

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 behavior. Over a century later, the Baptist minister Isaac Backus reiterated that genuine freedom meant obedience to moral law, "freedom to observe the divine will." 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."[7]

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 "freeborn 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 citizens of a land of freedom – in contrast, principally, with the servile and oppressed inhabitants of Catholic countries – 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 freeborn Englishman instilled in colonial and metropolitan subjects alike a strong belief in the right to resist overbearing government. Frequent crowd actions on both sides of the Atlantic Ocean, protesting infringements on the traditional rights of British subjects, gave concrete expression to the definition of liberty as resistance to tyranny.

[6] Joan Wallach Scott, *Gender and the Politics of History* (New York, 1988), 5–7; Homi K. Bhabha, ed., *Nation and Narration* (New York, 1990), 3; Orlando Patterson, *Freedom* (New York, 1991); Hendrik Hartog, "The Constitution of Aspiration and 'The Rights That Belong to Us All,'" *Journal of American History,* 74 (Dec. 1987), 1017.

[7] Seneca, *Letters from a Stoic,* ed. and trans. Robin Campbell (London, 1969), 95; Perry Miller and Thomas H. Johnson, eds., *The Puritans* (New York, 1938), 205–7; William G. McLoughlin, ed., *Isaac Backus on Church, State, and Calvinism: Pamphlets, 1754–1789* (Cambridge, Mass., 1968), 142–43; Ruth H. Bloch, *Visionary Republic: Millennial Themes in American Thought, 1756–1800* (New York, 1985), 61–62. Cf. David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca, 1966), 85–90.

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"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, a definition widely disseminated in the colonies as well as the mother country. 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 (especially the English Civil War and Glorious Revolution), a set of historically developed rights enshrined in the common law (trial by jury, habeas corpus, and the like), and the Protestant religion, British liberty was nationalist, often xenophobic, and in no way incompatible with slavery—for other peoples.[8]

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 an 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. No one articulated this breathtaking vision of the meaning of independence more powerfully than Thomas Paine in *Common Sense:*

> O! ye that love mankind . . . stand forth! Every spot of the old world is overrun with oppression. Freedom hath been hunted round the globe. Asia and Africa have long expelled her. Europe regards her as a stranger, and England hath given her warning to depart. O! receive the fugitive, and prepare in time an asylum for mankind.

Here was a prophecy from which would spring the nineteenth-century idea of the United States as an "empire of liberty." 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.[9]

[8] Eric Hobsbawm and Terence Ranger, eds., *The Invention of Tradition* (New York, 1983); Linda Colley, *Britons: Forging the Nation, 1707–1837* (New Haven, 1992), 35, 53–55, 351; E. P. Thompson, *The Making of the English Working Class* (New York, 1963), 77–101. On the Regulators, see Allan Kulikoff, "The American Revolution, Capitalism, and the Formation of the Yeoman Classes," in *Beyond the American Revolution: Explorations in the History of American Radicalism,* ed. Alfred F. Young (DeKalb, Ill., 1993), 92. Bloch, *Visionary Republic,* 42–44; John Phillip Reid, *The Concept of Liberty in the Age of the American Revolution* (Chicago, 1988), 3–4, 25–26, 49–50; Gordon S. Wood, *The Creation of the American Republic, 1776–1787* (Chapel Hill, 1969), 23–24; David Hackett Fischer, *Albion's Seed: Four British Folkways in America* (New York, 1989), 411–12.

[9] Forrest McDonald, *Novus Ordo Seclorum: The Intellectual Origins of the Constitution* (Lawrence, 1985), 4–13; James MacGregor Burns, *The Vineyard of Liberty* (New York, 1982), esp. 23; Bloch, *Visionary Republic,* 81–82, esp. 81; Nathan O. Hatch, *The Sacred Cause of Liberty: Republican Thought and the Millenium in Revolutionary New England* (New Haven, 1977), 3–12, 81–85; Edward Countryman, "'To Secure the Blessings of Liberty':

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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 the colonial era, John Jay later remarked, "very few . . . doubted the propriety and rectitude" of slavery. It was during the revolutionary era that slavery for the first time became a focus of public debate. There is nothing new in observing that the Founding Fathers included some of the largest slaveholders in British North America. "How is it," Dr. Samuel Johnson asked at the time, "that we hear the loudest yelps for liberty from the drivers of negroes?" Thomas Jefferson owned over one hundred slaves at the time he penned his immortal lines affirming the inalienable right to liberty, and everything he cherished in his own manner of life, from lavish entertainments to the leisure that made possible the pursuit of arts and sciences, ultimately rested on slave labor.[10]

In the years preceding the Revolution, "slavery" became a central feature of the language of American politics. Already widely used in the eighteenth-century Atlantic world to signify a loss of personal and political rights, the word acquired special force in America because of the proximity of hundreds of thousands of genuine slaves (about 20 percent of the colonial population in 1776). In resisting British policies, many colonists chose to describe their relationship to the mother country as 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." Paine defined hereditary rule 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 country 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 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."[11]

Language, the Revolution, and American Capitalism," in *Beyond the American Revolution*, ed. Young, 125. For the Thomas Paine passage, see Eric Foner, *Tom Paine and Revolutionary America* (New York, 1976), 78.

[10] Henry P. Johnston, ed., *The Correspondence and Public Papers of John Jay* (4 vols., New York, 1890–1893), III, 342; David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770–1823* (New York, 1975), 275; John Chester Miller, *The Wolf by the Ears: Thomas Jefferson and Slavery* (New York, 1977).

[11] On the percentage of slaves in the colonial population in the 1770s, see U. S. Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1970* (2 pts., Washington, 1975), pt. I, 168; and cf. Duncan J. MacLeod, *Slavery, Race, and the American Revolution* (New York, 1974), 62. Bernard Bailyn, *Ideological Origins of the American Revolution* (Cambridge, Mass., 1967), 119, 232–33; Jack P. Greene, "'Slavery or Independence?': Some Reflections on the Relationship among Liberty, Black Bondage, and Equality in Revolutionary South Carolina," *South Carolina Historical Magazine*, 80 (July 1979), 197–203, esp. 201; Reid, *Concept of Liberty in the Age of the American Revolution*, 38–45. For John Dickinson's remark, see Bailyn, *Ideological Origins of the American Revolution*, 232–33. Philip S. Foner, ed., *The Complete Writings of Thomas Paine* (2 vols., New York, 1945), I,

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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 S. Morgan's brilliant presidential address on the "American paradox," delivered before this organization over twenty years 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 offered a route to that 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 three hundred acres of land and a slave). Whether Morgan's ingenious argument applies equally well to the northern colonies, where slavery was far less imposing a presence, may well be questioned. But his insight reminds us 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 preexisting 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.[12]

Some leaders of the Revolution 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

390; Wood, *Creation of the American Republic,* 32; Peter Force, ed., *American Archives* (6 vols., Washington, 1837), I, 512. Cf. F. Nwabueze Okoyo, "Chattel Slavery as the Nightmare of the American Revolutionaries," *William and Mary Quarterly,* 37 (Jan. 1980), 3–28.

[12] Edmund Burke, *The Works of the Right Honourable Edmund Burke* (16 vols., London, 1803), III, 54; Edmund S. Morgan, "Slavery and Freedom: The American Paradox," *Journal of American History,* 59 (June 1972), 5–29; Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York, 1975), 385; Davis, *Problem of Slavery in Western Culture,* 412–13; Davis, *Problem of Slavery in the Age of Revolution,* 259–60. For the argument by the group of Virginians, see Sylvia R. Frey, "Liberty, Equality, and Slavery: The Paradox of the American Revolution," in *The American Revolution: Its Character and Limits,* ed. Jack P. Greene (New York, 1987), 241–42.

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British subjects "entitled to all the civil rights of such." Arthur Lee noted in 1767 that if freedom was "the birth-right of all mankind," keeping Africans "in a State of slavery is a constant violation of that right, and therefore of Justice." 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." "Every principle from which America has acted," declared another petition, demanded emancipation. 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."[13]

Two developments set in motion or greatly accelerated by the Revolution transformed the language of freedom and slavery in the nineteenth-century United States. The first was the rise of universal manhood suffrage, which itself reflected the eclipse of the older idea that public virtue and propertied independence were the bases of political freedom. Increasingly, voting came to be viewed—in popular usage if not, strictly speaking, in the law—as a right rather than a privilege, "the grandest right of a freeman," as a Maryland essayist put it in 1776. 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 laborers 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 antebellum 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."[14]

[13] Judith N. Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, Mass., 1991), 41; Roger Bruns, ed., *Am I Not a Man and a Brother: The Antislavery Crusade of Revolutionary America, 1688–1788* (New York, 1977), 108; Peter H. Wood, "'Liberty is Sweet': African-American Freedom Struggles in the Years before White Independence," in *Beyond the American Revolution,* ed., Young, 152–59; Thomas J. Davis, "Emancipation Rhetoric, Natural Rights, and Revolutionary New England: A Note on Four Black Petitions in Massachusetts, 1773–1777," *New England Quarterly,* 62 (June 1989), 255; Winthrop D. Jordan, *White over Black: American Attitudes toward the Negro, 1550–1812* (Chapel Hill, 1968), 291; *Calendar of the Virginia State Papers and Other Manuscripts, 1652–1869* (11 vols., Richmond, 1875–93), IX, 160, 164.

[14] *Annapolis Maryland Gazette,* Aug. 15, 1776; Robert J. Steinfeld, "Property and Suffrage in the Early American Republic," *Stanford Law Review,* 41 (Jan. 1989), 335–76; Sean Wilentz, "Property and Power: Suffrage Reform

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In a country that lacked more traditional bases of nationhood—long-established physical boundaries, historic ethnic, religious, and cultural unity—political institutions came to define both nationality and 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 kinds of exclusion 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. And in states such as 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 disenfranchised 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.[15]

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

in the United States, 1787–1860," in *Voting and the Spirit of American Democracy: Essays on the History of Voting and Voting Rights*, ed. Donald W. Rogers and Christine Scriabine (Urbana, 1992), 31–41; James A. Henretta, "The Rise and Decline of 'Democratic-Republicanism': Political Rights in New York and the Several States, 1800–1915," in *Toward a Usable Past: Liberty under State Constitutions*, ed. Paul Finkelman and Stephen E. Gottlieb (Athens, Ga., 1991), 58; Lieber, *On Civil Liberty and Self-Government*, 176–77.

[15] William B. Scott, *In Pursuit of Happiness: American Conceptions of Property from the Seventeenth to the Twentieth Century* (Bloomington, 1977), 76–78, esp. 77; Merrill D. Peterson, ed., *Democracy, Liberty, and Property: The State Constitutional Conventions of the 1820's* (Indianapolis, 1966), esp. 60–61; Daniel T. Rodgers and Sean Wilentz, "Languages of Power in the United States," in *Language, History, and Class*, ed. Penelope J. Corfield (Cambridge, Mass., 1991), 254; Marc W. Kruman, "The Second American Party System and the Transformation of Revolutionary Republicanism," *Journal of the Early Republic*, 12 (Winter 1992), 517–18; Robert J. Cottrol and Raymond T. Diamond, "The Second Amendment: Toward an Afro-Americanist Reconsideration," *Georgetown Law Journal*, 80 (Dec. 1991), 334. For the remark by the Pennsylvania delegate, see Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790–1860* (Chicago, 1961), 77.

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South and the rights of free men in the North? Exclusion based on natural incapacity was not really exclusion at all.[16]

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 of Independence, but he felt they should do so in Africa or the Caribbean. Blacks formed no part of the "imagined community" of Jefferson's republic. The violent slave revolution in Saint-Domingue not only revealed how the existence of slavery distorted white America's understanding of freedom (for the rebellious slaves were viewed not as men and women seeking their freedom in the tradition of 1776, but as a danger to American institutions, who must be quarantined and destroyed) but also reinforced the conviction that blacks were by nature uncivilized. 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, it was increasingly argued by defenders of slavery in the North as well as the South, for freedom itself.[17]

Women, too, ostensibly lacked the capacity for independent judgment 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

[16] Rush Welter, *The Mind of America, 1820–1860* (New York, 1975), 253. For Andrew Jackson's words, see Major L. Wilson, *Space, Time, and Freedom: The Quest for Nationality and the Irrepressible Conflict, 1815–1861* (Westport, 1974), 33. For Harriet Martineau's comment, see Potter, *Freedom and Its Limitations in American Life,* 1–2. Reginald Horsman, *Race and Manifest Destiny: The Origins of Racial Anglo-Saxonism* (Cambridge, Mass., 1981), 1–4, 146–53.

[17] Susan Moller Okin, *Women in Western Political Thought* (Princeton, 1979), 215; Richard Bellamy, *Liberalism and Modern Society: A Historical Argument* (University Park, 1992), 25; Thomas Jefferson, *Notes on the State of Virginia* (New York, 1964), 132–34; Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York, 1991); Michael Zuckerman, "The Color of Counterrevolution: Thomas Jefferson and the Rebellion in San Domingo," in *The Languages of Revolution,* ed. Loretta Valtz Mannucci (Milan, 1988), 83–109; Joyce Appleby, "The Radical *Double-Entendre* in the Right to Self-Government," in *The Origins of Anglo-American Radicalism,* ed. Margaret Jacob and James Jacob (Boston, 1984), 275–79.

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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 through 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 the nineteenth-century United States.[18]

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. One indication of this was the rapid decline of the varieties of partial freedom that had coexisted with slave and free labor in colonial America. Indentured servitude, a form of voluntary unfreedom, provided a major part of the nonslave labor force, North and South, before the Revolution. As late as the early 1770s, nearly half the immigrants who arrived in America from England and Scotland had entered into contracts for a fixed period of labor in exchange for passage. Although not slaves, indentured servants could be bought and sold and subjected to corporal punishment, and the obligation to carry out their duties ("specific performance" in the language of the law) was enforced by the courts. They occupied, a Pennsylvania judge remarked in 1793, "a middle rank between slaves and free men." This was not freedom as the nineteenth century would understand it. But in the generation after the Revolution, with the rapid decline of indentured servitude and apprenticeship and the identification of paid domestic service as an occupation for blacks and white females, the halfway houses between slavery and freedom disappeared. At the same time, the abolition of slavery in the North drew a geographical line across the Union, separating free and slave states. These developments would eventually make possible the emergence of an ideology that glorified the North as the home of "free labor."[19]

[18] Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage, eds., *History of Woman Suffrage* (6 vols., Rochester, 1881–1922), I, 854; Peterson, ed., *Democracy, Liberty, and Property,* 293–94. See also Paula Baker, "The Domestication of Politics: Women and American Political Society, 1780–1920," *American Historical Review,* 89 (June 1984), 628–31; and Joan R. Gunderson, "Independence, Citizenship, and the American Revolution," *Signs,* 13 (Autumn 1987), 71–76.

[19] Robert J. Steinfeld, *The Invention of Free Labor: The Employment Relation in English and American Law and Culture, 1350–1870* (Chapel Hill, 1991), 3–5, 46, 101–2, esp. 101, 122–33; Bernard Bailyn, *Voyagers to the West: A Passage in the Peopling of America on the Eve of the Revolution* (New York, 1986), 166; Sharon V. Salinger, *"To Serve Well and Faithfully": Labour and Indentured Servants in Pennsylvania, 1682–1800* (New York, 1987), 142–53; Bernard Elbaum, "Why Apprenticeship Persisted in Britain but Not in the United States," *Journal of Eco-*

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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 on autonomous, self-directed individuals. Even as political participation expanded, the power of government waned. Whigs such as John Quincy Adams might insist that government could enhance the realm of freedom by creating the conditions for ordered economic development, thereby 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."[20]

In a world in which personal freedom increasingly meant the opportunity to compete in the marketplace 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; 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, since Catholics were obligated to follow authority blindly rather than displaying the manly independence of Protestants; their unfamiliarity with the principle of personal liberty allegedly explained why so many Catholic immigrants remained poor. And the discontent of those Americans who believed the material conditions of autonomy were slipping from their grasp just when the rhetoric of freedom was flourishing crystallized in the idea of "wage slavery."[21]

There was nothing uniquely American in the rhetorical mobilization of chattel slavery to criticize labor relations under capitalism. But this vocabulary took on a special power in the United States. Because slavery was an immediate reality, not a distant symbol, and the small producer still a powerful element in the social order, 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 labor and its allies with a critique of emerging capitalism in which workplace exploitation, not control

nomic History, 49 (June 1989), 346; Albert Matthews, "Hired Man and Help," *Publications of the Colonial Society of Massachusetts,* 5 (March 1898), 225–56.

[20] L. Ray Gunn, *The Decline of Authority: Public Economic Policy and Political Development in New York, 1800–1860* (Ithaca, 1988), 1–3, 155, 184–88; Adrienne Koch and William Peden, eds., *The Selected Writings of John and John Quincy Adams* (New York, 1946), 342; "Introduction," *United States Magazine and Democratic Review,* 1 (Oct. 1837), 1–15; Welter, *Mind of America, 1820–1860,* 416. For the *New York Journal of Commerce* quotation, see *ibid.*, 127.

[21] W. J. Rorabaugh, *The Alcoholic Republic: An American Tradition* (New York, 1979), 200–201, 214–15; Heman Humphrey, *Parallel Between Intemperance and the Slave Trade: An Address Delivered at Amherst College, July 4, 1828* (Amherst, 1828); Amy Bridges, *A City in the Republic: Antebellum New York and the Origins of Machine Politics* (New York, 1984), 31.

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of the government by placemen and nonproducers (as in nineteenth-century Britain), took center 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 labor movement asked how many wage earners truly enjoyed such "exemption." Even as employers celebrated the labor contract as a voluntary agreement between autonomous individuals, the very antithesis of slavery, critics of wage labor demonstrated that the moral authority of the contrast with slavery could be used for very different purposes. Wage labor, insisted Philadelphia labor spokesman Langdon Byllesby, was the "very essence of slavery."[22]

Northern laborers were not alone in criticizing marketplace understandings of freedom. The rapid expansion of slavery and the consolidation of a distinctive southern ruling class promoted the emergence of a proslavery ideology in which the contrast between freedom and slavery became an ideological weapon against the self-proclaimed "free society" of the North. The northern free laborer, insisted defenders of slavery such as John C. Calhoun and George Fitzhugh, was little more than "the slave of the *community*," a situation far more oppressive than to be owned by an individual master, shielded from the exploitation of the competitive marketplace. Repudiating not only Jefferson's rhetoric of universal natural rights but also 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; Calhoun called it 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 Gov. George McDuffie of South Carolina, were "utterly unqualified . . . for rational freedom." Far from being the natural condition of mankind, wrote Fitzhugh, "universal liberty" was an aberration, an experiment carried on "for a little while" in "a corner of Europe" and the northern United States, and with disastrous results. Taking the world and its history as a whole, slavery was "the general, ... normal, natural" basis of "civilized society." 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."[23]

[22] Gareth Stedman Jones, *Languages of Class: Studies in English Working Class History, 1832–1982* (New York, 1983), 90–178; Noah Webster, *An American Dictionary of the English Language* (2 vols., New York, 1828), s. v. "freedom"; Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788–1850* (New York, 1984), 271–84; Christopher Lasch, *The True and Only Heaven: Progress and Its Critics* (New York, 1991), 203.

[23] Marcus Cunliffe, *Chattel Slavery and Wage Slavery: The Anglo-American Context, 1830–1860* (Athens, Ga., 1979), 4–7, esp. 7; Eugene D. Genovese, *The Slaveholders' Dilemma: Freedom and Progress in Southern Conserva-*

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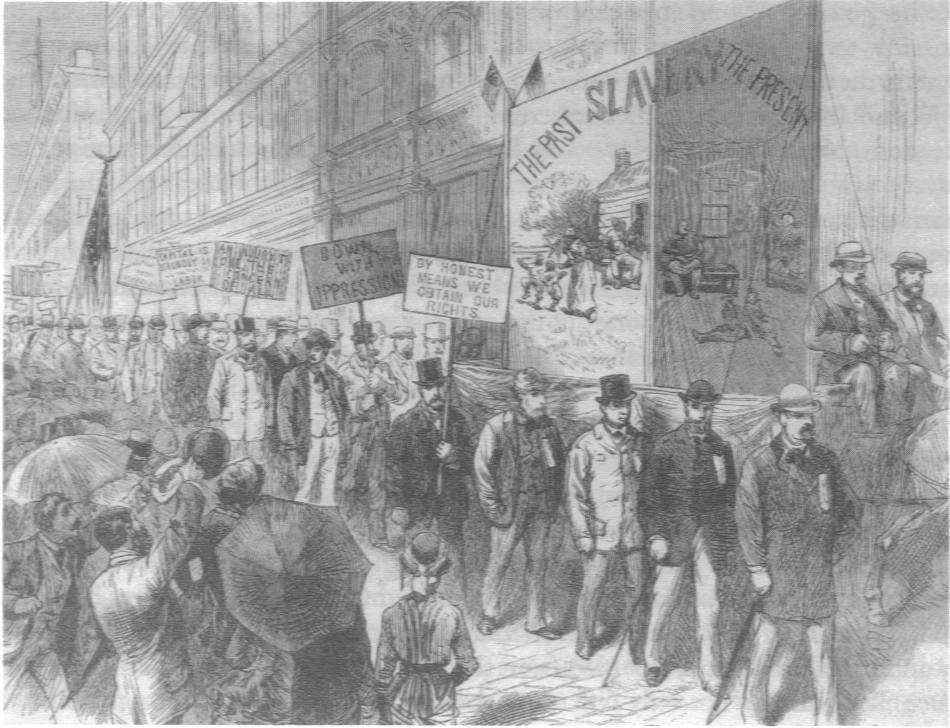

"New York City—The Great Labor Parade of September 1st." Comparisons between the condition of slaves and that of free white laborers, or "wage slaves," were a standard part of the nineteenth-century labor movement's rhetoric.
Wood engraving from *Frank Leslie's Illustrated Newspaper,* September 13, 1884.
Courtesy American Social History Project.

Even as proslavery ideologues challenged prevailing definitions of freedom in the antebellum 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 labor with southern bondage, whether emanating from the slave South or the labor 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 laborer

tive Thought, 1820–1860 (Columbia, S.C., 1992), 33–34, 48; Richard K. Crallé, ed., *The Works of John C. Calhoun* (6 vols., New York, 1851–1856), I, 55. For Gov. George McDuffie's remark, see "Diversity of the Races; Its Bearing upon Negro Slavery," *Southern Quarterly Review,* 3 (April 1851), 406. William M. Wiecek, *The Sources of Antislavery Constitutionalism in America, 1760–1848* (Ithaca, 1977), 180; George Fitzhugh, *Sociology for the South; or, The Failure of Free Society* (Richmond, 1854), 238–39; Drew Gilpin Faust, ed., *The Ideology of Slavery: Proslavery Thought in the Antebellum South, 1830–1860* (Baton Rouge, 1981), 285. For the *Richmond Enquirer* quotation, see James Oakes, *Slavery and Freedom: An Interpretation of the Old South* (New York, 1990), 80.

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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 popularize the sharp dichotomy between slavery's illegitimate coercions and the condition of labor 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 oneself and the ability to enjoy the fruits of one's labor. "Self-right is the *foundation* right," insisted Theodore Weld, the basis of all other rights in society, a formula that diverted attention from the many ways in which the independence of free men and women was limited. 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 antislavery 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."[24]

"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 and speeches 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 prominence as it was swept up in the accelerating debate over chattel slavery. Even Sarah Josepha Hale, editor of *Godey's Lady's Book* and a strong opponent of the movement for women's rights, spoke of how the common law reduced "woman to the condition of a slave." Proslavery ideologues such as Fitzhugh said much the same thing by defending both slavery and marriage as systems of subordination based upon natural differences in the capacity for freedom and by maintaining that, by logical extension, abolition threatened established gender relations.[25]

[24] Jonathan A. Glickstein, "'Poverty is Not Slavery': American Abolitionists and the Competitive Labor Market," in *Antislavery Reconsidered: New Perspectives on the Abolitionists,* ed. Lewis Perry and Michael Fellman (Baton Rouge, 1979), 207–11. For Edmund Quincy's argument, see the *Liberator,* Oct. 1, 1847. Ronald G. Walters, "The Boundaries of Abolitionism," in *Antislavery Reconsidered,* ed. Perry and Fellman, 9; Lewis Perry, *Radical Abolitionism: Anarchy and the Government of God in Antislavery Thought* (Ithaca, 1973), 24, 51–59; *Emancipator,* March 26, 1840.

[25] Clare Midgley, *Women against Slavery: The British Campaigns, 1780–1870* (New York, 1992), 27; Carol A. Kolmerten, *Women in Utopia: The Ideology of Gender in American Owenite Communities* (Bloomington, 1990), 8–11, esp. 8, 79–94; Norma Basch, *In the Eyes of the Law: Women, Marriage, and Property in Nineteenth-Century*

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There were indeed real and disturbing parallels between chattel slavery and marriage. "Woman is a slave, from the cradle to the grave," asserted Ernestine Rose. "Father, guardian, husband—master still. One conveys her, like a piece of property, over to the other." Marriage was "voluntary," but the common law reduced the wife to an appendage of her husband, one who did not enjoy the fruits of her own labor. 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 labor 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 to include not only political enfranchisement but also such demands as 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. Feminism, therefore, was an extension of nineteenth-century liberal principles, but it was also much more. For even as it sought to apply liberalism to women, the movement posed a fundamental challenge to some of its central tenets—that the capacity for independence and rationality were quintessentially male traits, that the world was divided into autonomous public and private realms, and that the family's internal relations fell beyond the bounds of scrutiny on the basis of justice and freedom.[26]

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 emphasis 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. Women's 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.")[27]

New York (Ithaca, 1982), 120; Stephanie McCurry, "The Two Faces of Republicanism: Gender and Proslavery Politics in Antebellum South Carolina," *Journal of American History,* 78 (March 1992), 1251–55.

[26] Basch, *In the Eyes of the Law,* 162; Amy Dru Stanley, "Conjugal Bonds and Wage Labor: Rights of Contract in the Age of Emancipation," *Journal of American History,* 75 (Sept. 1988), 477–82; Elizabeth B. Clark, "Matrionial Bonds: Slavery and Divorce in Nineteenth-Century America," *Law and History Review,* 8 (Spring 1990), 34–35, 48–49; Jean Matthews, "Race, Sex, and the Dimensions of Liberty in Antebellum America," *Journal of the Early Republic,* 6 (Fall 1986), 276–80; Wendy Brown, "Finding the Man in the State," *Feminist Studies,* 18 (Spring 1992), 17–20.

[27] Blanche Glassman Hersh, *The Slavery of Sex: Feminist-Abolitionists in America* (Urbana, 1978), 9, 196–98; Ellen Carol DuBois, "Outgrowing the Compact of the Fathers: Equal Rights, Woman Suffrage, and the United States Constitution, 1820–1878," *Journal of American History,* 74 (Dec. 1987), 837–40, 856; William Leach, *True Love and Perfect Union: The Feminist Reform of Sex and Society* (New York, 1980), 81–82; Elizabeth Pleck, "Feminist Responses to 'Crimes Against Women,' 1868–1896," *Signs,* 8 (Spring 1983), 453–57; Karen Sánchez-Eppler,

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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 such as 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 that inclusion proved liberating for free women.[28]

If, in popularizing the identification of autonomy with personal self-ownership rather than propertied independence, abolitionists narrowed 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. Drawing on eighteenth-century traditions of natural rights, the Declaration of Independence, and the perfectionist creed of evangelical religion, abolitionists insisted that personal liberty took precedence over such forms of freedom as the right of citizens to accumulate and hold property or the enjoyment of self-government by political communities. Stripping away many of the metaphorical usages of slavery, they helped focus the debate over freedom on actually existing chattel slavery. Moreover, despite their alienation from a succession of presidential administrations that seemed firmly in the grasp of the Slave Power, abolitionists glimpsed the possibility that the national state might become the guarantor of freedom, rather than its enemy. 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

Touching Liberty: Abolitionism, Feminism, and the Politics of the Body (Berkeley, 1993), 1–5, 19–21. For Lucy Stone's comment, see Hersh, *Slavery of Sex,* 66.

[28] Myra C. Glenn, *Campaigns against Corporal Punishment: Prisoners, Sailors, Women, and Children in Antebellum America* (Albany, N.Y., 1984), 70–71; Clark, "Matrimonial Bonds," 40–41; Shirley J. Yee, *Black Women Abolitionists: A Study in Activism, 1828-1860* (Knoxville, 1992), 4–5. For Sarah Parker Remond's comments, see Clare Midgley, "Anti-Slavery and Feminism in Nineteenth-Century Britain," *Gender and History,* 5 (Autumn 1993), 352; and C. Peter Ripley et al., eds., *The Black Abolitionist Papers* (5 vols., Chapel Hill, 1985–1992), I, 445. See also *ibid.*, 23.

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before the law regardless of race, one all but unknown in American jurisprudence before the Civil War.[29]

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 firsthand were among the most penetrating critics of the proslavery argument. "Flimsy nonsense," Douglass called it, that men would be "ashamed to remember" once slavery had been abolished. Equally nonsensical were the nation's pretensions as a land of liberty, which slaves ridiculed when they had the chance and black abolitionists repudiated at every opportunity. Indeed, free blacks dramatically reversed the common association of the United States with the progress of freedom. In choosing to celebrate the anniversary of West Indian emancipation, rather than July 4, 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.[30]

Even more persistently than their white counterparts, black abolitionists articulated the ideals of egalitarian constitutionalism and color-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 legitimated slavery in the first place. More than white abolitionists, 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 antislavery crusade, insisted Charles L. Reason, "to

[29] Stanley N. Katz, "The Strange Birth and Unlikely History of Constitutional Equality," *Journal of American History*, 75 (Dec. 1988), 753; Harold M. Hyman, *A More Perfect Union: The Impact of the Civil War and Reconstruction on the Constitution* (New York, 1973), 452–62; William E. Nelson, *The Roots of American Bureaucracy, 1830–1900* (Cambridge, Mass., 1982), 42–56.

[30] Philip S. Foner, ed., *The Life and Writings of Frederick Douglass* (4 vols., New York, 1950–1955), I, 191, 281; Ripley et al., eds., *Black Abolitionist Papers*, IV, 74, 256–57; John R. McKivigan and Jason H. Silverman, "Monarchial Liberty and Republican Slavery: West Indian Emancipation Celebrations in Upstate New York and Canada," *Afro-Americans in New York Life and History*, 10 (Jan. 1986), 10–12.

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abolish not only chattel slavery, but that other kind of slavery, which, for generation after generation, 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 roots of future struggles over the consequences of emancipation.[31]

Thus, by the eve of the Civil War, the debate over freedom and slavery had at last come to focus on actual, 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 labor"—labor 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 into an entirely new combination. "Liberty and Union have become identical," wrote 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. A new nation had emerged from the war, declared Lincoln's Illinois friend Congressman Isaac N. Arnold. "This new nation is to be wholly free."[32]

The varied understandings of freedom shaped by the struggle over slavery profoundly affected how Americans, North and South alike, 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."[33] Did freedom mean simply the absence of slavery, or did it imply other rights for the emancipated

[31] Jane H. Pease and William H. Pease, *They Who Would Be Free: Blacks' Search for Freedom, 1830–1861* (New York, 1974), 3–9; Donald G. Nieman, "The Language of Liberation: African Americans and Equalitarian Constitutionalism, 1830–1850," in *The Constitution, Law, and American Life: Critical Aspects of the Nineteenth-Century Experience*, ed. Donald G. Nieman (Athens, Ga., 1992), 68–70. For Samuel Cornish's comment, see Ripley et al., eds., *Black Abolitionist Papers*, III, 3, 365–66. Ira Berlin, *Slaves without Masters: The Free Negro in the Antebellum South* (New York, 1974), 269–71; Vincent Harding, *There Is a River: The Black Struggle for Freedom in America* (New York, 1981), 186; Julia Griffiths, ed., *Autographs for Freedom* (Auburn, N.Y., 1854), 15.

[32] Yehoshua Arieli, *Individualism and Nationalism in American Ideology* (Cambridge, Mass., 1964), 308–9, 315–17; Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (New York, 1970), 11–39, 73–102; Roy P. Basler, Marion Dolores Pratt, and Lloyd A. Dunlap, eds., *The Collected Works of Abraham Lincoln* (9 vols., New Brunswick, 1953–1955), II, 405; George E. Baker, ed., *The Works of William H. Seward* (5 vols., Boston, 1853–1884), I, 74, 86–87; Foner, ed., *Life and Writings of Frederick Douglass*, III, 214; V. Jacque Voegeli, *Free but Not Equal: The Midwest and the Negro during the Civil War* (Chicago, 1967), 162.

[33] Burke A. Hinsdale, ed., *The Works of James Abram Garfield* (2 vols., Boston, 1882–1883), I, 86.

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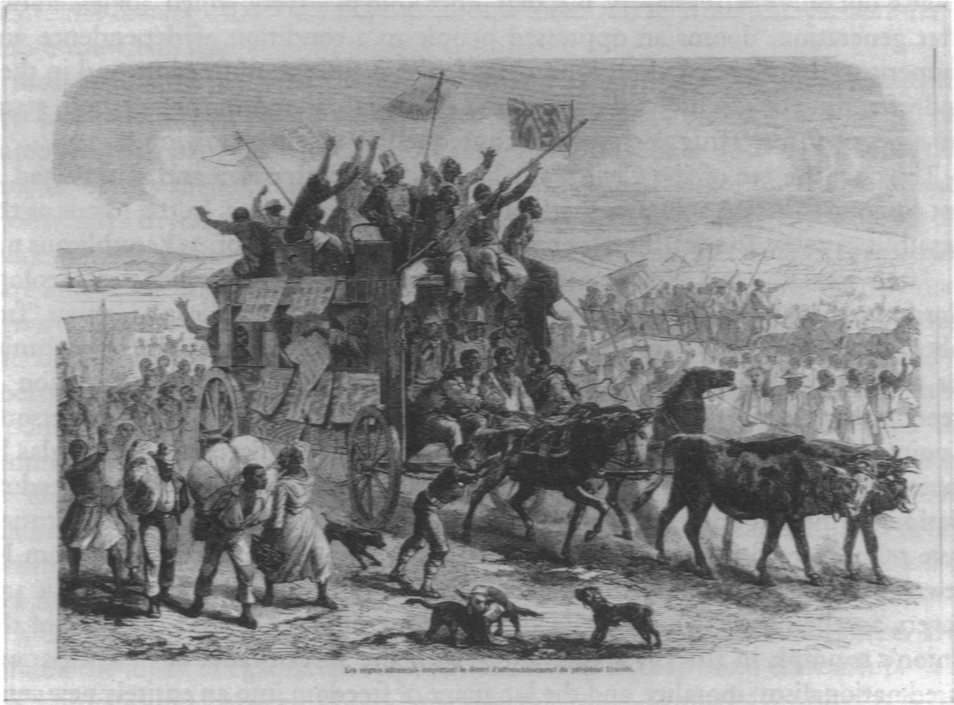

"Emancipated Negroes Celebrating the Emancipation Proclamation of President Lincoln."
Emancipation during the Civil War posed the meaning of freedom as a
concrete question of national policy toward the former slaves.
Engraving from *Le Monde Illustré*, March 21, 1863.
Courtesy Chicago Historical Society.

blacks, and if so, which: Civil equality, the suffrage, ownership of property? The bitter debates of the Reconstruction era 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 postemancipation 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. Before the Civil War, the white South had condemned free labor as a disguised form of general slavery. After the war, it responded to emancipation by trying to subject blacks to precisely the generalized slavery it had previously condemned. 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 Govern-

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> ment 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 marketplace that northerners took for granted as indispensable to any free society, southern leaders insisted that blacks remain as a dependent plantation labor 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 labor." To enforce this definition of the meaning of black freedom, state governments during Presidential Reconstruction enacted the notorious Black Codes, denying blacks equality before the law and political rights and, through vagrancy laws and statutes making breach of contract a criminal offense, attempting to circumscribe their economic opportunities so that plantation agriculture could survive the end of slavery.[34]

"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-labor 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. Even Congressman William Holman, an Indiana Democrat hardly known as an emancipationist, noted that "mere exemption from servitude is a miserable idea of freedom." 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 labor"—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 breadwinner) had been one of abolitionism's 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

[34] Sidney Andrews, "Three Months Among the Reconstructionists," *Atlantic Monthly,* 16 (Feb. 1866), 243–44; Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863–1877* (New York, 1988), 132–34, esp. 134, 198–201.

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"The Great Labor Question from a Southern Point of View." Winslow Homer's cartoon satirizing southern whites' attitude toward black freedom after the Civil War depicts an idle planter telling a black laborer, "My boy, we've toiled and taken care of you long enough—now you've got to work!" Wood engraving from *Harper's Weekly*, July 29, 1865. *Courtesy American Social History Project.*

wife" and of a "father to his child," declared Congressman John Kasson of Iowa, constituted 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."[35]

[35] H. S. Beals to Samuel Hunt, Dec. 30, 1865, American Missionary Association Archives (Amistad Research Center, Tulane University, New Orleans, La.); Lea S. Vander Velde, "The Labor Vision of the Thirteenth Amendment," *University of Pennsylvania Law Review*, 138 (Dec. 1989), 437–504, esp. 443n; *Congressional Globe*, 38 Cong., 2 sess., Jan. 10, 1865, p. 193; *ibid.*, Jan. 11, 1865, p. 215; Peggy C. Davis, "Neglected Stories and the Lawfulness of *Roe v. Wade*," *Harvard Civil Rights-Civil Liberties Law Review*, 28 (Summer 1993), 309, 318–20; Clark, "Matrimonial Bonds," 34.

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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. "We must see to it," announced Sen. William Stewart at the opening of Congress in December 1865, "that the man made free by the Constitution of the United States . . . is a freeman indeed." 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, and many Republicans believed that the Thirteenth Amendment, which irrevocably abolished slavery, also empowered Congress to overturn such "badges of slavery" as state legislation discriminating among citizens on the basis of race. Soon afterward, blacks were accorded political rights equal to those of whites.[36]

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 postbellum South, however, Republicans found themselves divided. All believed that the Civil War had demonstrated the superiority of the northern system of labor; all believed that emancipation implied the construction of a "free labor society" in the former slave states. What the victorious North found difficult to define was the new economic status of the former slaves. Republican policy makers were perfectly willing to exert the power of the federal government in an attempt to guarantee the marketplace freedoms of blacks—the rights to choose a livelihood, acquire property, sign contracts, and enjoy access to the courts, on the same terms, formally, as whites. 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. "Small independent landholders," Stevens told the House, "are the support and guardians of republican liberty." By the time of Reconstruction, however, few Republicans seem to have believed that wage labor and republican freedom were incompatible, so long as the unfettered market offered the laborer the opportunity to achieve, through diligence and hard work, economic independence. Thus, the pleas of Stevens, George W. Julian, and a few others that Congress redistribute southern land fell on deaf ears.[37]

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

[36] *Congressional Globe,* 39 Cong., 1 sess., Dec. 13, 1865, p. 42; *ibid.,* Dec. 21, 1865, p. 111; Foner, *Reconstruction,* 23–30, esp. 24, 228–80.

[37] Eric Foner, *Politics and Ideology in the Age of the Civil War* (New York, 1980), 128–49, esp. 135.

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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 McNeal 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." In a democracy where universal manhood suffrage was the political norm, Douglass explained, to deny blacks the vote was "to brand us with the stigma of inferiority," to accept as valid the false ascription of personal deficiencies to blacks in order to exclude them from the American political community. 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.[38]

Also central to their definition of freedom was economic autonomy. In January 1865 Gen. 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 labor." The way to accomplish this was for the former slaves to own land; without land, their labor 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."[39]

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, marketplace 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, multifaceted concept, a millennial transformation of every 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. Long after white America had forgotten or

[38] Foner, *Reconstruction,* 75–123, esp. 77, 67; Ripley et al., eds., *Black Abolitionist Papers,* III, 66.

[39] "Documents: Colloquy with Colored Ministers," *Journal of Negro History,* 16 (Jan. 1931), 88–94, esp. 91; Merrimon Howard to Adelbert Ames, Nov. 28, 1873, Ames Family Papers (Sophia Smith Collection, Smith College, Northampton, Mass.).

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retrospectively sugarcoated the actual history of slavery, its brutal reality would remain alive in blacks' collective memory. Whenever blacks discussed slavery, historian Walter L. Fleming complained at the turn of the century, "we hear the clank of chains and the cutting swish of the lash." 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-honored 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.[40]

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.[41]

Thomas Jefferson would have well understood this desire—to be master of one's own time, free from the coercions of either an arbitrary master or the impersonal marketplace. 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 traveled 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 labor market, rather than propertied independence. Even as the overthrow of slavery reinforced

[40] Derek Q. Reeves, "Beyond the River Jordan: An Essay on the Continuity of the Black Prophetic Tradition," *Journal of Religious Thought,* 47 (Winter–Spring 1990–1991), 43; James Oliver Robertson, *American Myth, American Reality* (New York, 1980), 98–99; Harding, *There Is a River,* 260; King, *Civil Rights,* 29–31; John David Smith, *An Old Creed for the New South: Proslavery Ideology and Historiography, 1865–1918* (Westport, 1985), 9. See also, David Brion Davis, *Revolutions: Reflections on American Equality and Foreign Liberations* (Cambridge, Mass., 1990), 29.

[41] A. Warren Kelsey to Edward Atkinson, Sept. 9, 1865, Edward Atkinson Papers (Massachusetts Historical Society, Boston, Mass.).

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the definition of the contract as the very opposite of the master-slave relationship, the policy of according black men a place in the political nation while denying them the benefits of land reform fortified the idea that the free citizen could be a dependent laborer. Reconstruction helped to solidify the separation of political and economic spheres, the juxtaposition of political equality and economic inequality, as the American way. Henceforth, it would be left to dissenters—populists, labor radicals, socialists, and the like—to resurrect the older idea of economic equality as the essence of freedom.

In the end, the black political leader John Mercer 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. Instead, it thrust the former slave into a kind of no-man's-land, a partial freedom that made a mockery of the American ideal of the independent citizen. Once Reconstruction had been overthrown, as Douglass put it in 1883, African Americans remained "only half free," standing in "the twilight of American liberty." Indeed, viewing the nineteenth century as a whole, the transition from slavery to freedom appears not simply as a narrative of liberation, but as a far more complex story in which the descendants of Africa came to enjoy greater freedom than they had known, but by no means freedom as they had come to understand it, while many small white farmers and craftsmen descended into the dependency of tenancy and wage labor, still experienced by many Americans as the antithesis of freedom.[42] 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.

[42] John Mercer Langston, *Freedom and Citizenship* (Washington, 1883), 233–34; Robert Miles, *Capitalism and Unfree Labor: Anomaly or Necessity?* (New York, 1987), 5; Foner, ed., *Life and Writings of Frederick Douglass*, IV, 430.

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