

19. José M. Obando, "Mensaje del Presidente," Bogotá, February 1, 1854, Archivo del Congreso, Bogotá, Colombia (hereafter ACON), Cámara, 1854, Correspondencia Oficial IV, 2.
20. Romana Falcón, "El arte de la petición," *Hispanic American Historical Review* 86 (August 2006): 467–500.
21. The contents of the Archivo del Congreso have been moved to the Archivo General de la Nación, Bogotá.
22. The pequeño cabildo of Indians of Mocondino to State President, Pasto, February 18, 1866, ACC, Archivo Muerto, paquete 94, legajo 54.
23. The pequeño cabildo de indígenas of Yumbo to President of the Municipality, Yumbo, June 9, 1869, Archivo Histórico Municipal de Cali (Colombia), tomo 156, p. 161.
24. Sebastiana Silva to Jefe Municipal, Popayán, October 13, 1874, ACC, Archivo Muerto, paquete 129, legajo 39.
25. The undersigned members of the Democratic Society to State President, Cali, October 14, 1866, ACC, Archivo Muerto, paquete 65, legajo 67.
26. The Democratic Society to Citizen President of the State, Cali, June 1, 1877, ACC, Archivo Muerto, paquete 137, legajo 7.
27. Thomas Bender argues this was not the case for democracy in the US Gilded Age; see *A Nation among Nations* (New York: Hill and Wang, 2006), 256.
28. San Pedro Democratic Society to President José Hilario López, San Pedro, March 21, 1852, ACON, Cámara, 1852, Proyectos de Ley Negados, 47.
29. For limits, see Jodi Dean, *Democracy and Other Neoliberal Fantasies: Communicative Capitalism and Left Politics* (Durham, NC: Duke University Press, 2009), 75–94.
30. *El Monitor Republicano* (México), July 1, 1867.
31. *El Voto del Pueblo* (Guadalajara), June 29, 1862 reprinted in *La Alianza de la Frontera - Suplemento* (Chihuahua), July 29, 1862.
32. Speech of Manuel Merino, Chihuahua, September 15, 1868, *La República* (Chihuahua), September 18, 1868.
33. *La Guerra* (Morelia), February 7, 1862.
34. Niall Ferguson, *Civilization: The West and the Rest* (New York: Penguin Books, 2011), 119.
35. Victor Hugo to Benito Juárez, Hauteville-House, June 20, 1867, *El Boyacense* (Tunja), September 7, 1867.

## Democracy's False Choice: The Reform-Revolution Dilemma

**Kelvin C. Black**

Hunter College, CUNY

In the mid-nineteenth century, Frederick Douglass changed his opinion on the proslavery character of the US Constitution. His initial position, held roughly from 1841 to 1851, was largely aligned with that of William Lloyd Garrison. These men defined the abolition of slavery as also the abolition of the nation's narrow foundational concepts of freedom, liberty, equality, and justice and viewed the existing democratic process as a grossly deficient basis for emancipation. They advocated for the reconstitution of the American Union with a new Constitutional Convention, this time with an articulation of freedom fundamentally opposed to enslavement of Africans. After 1851, however,

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Douglass adopted a reform position I have called elsewhere the Preamble position, defining the abolition of slavery as the fulfillment of American Revolutionary ideals.<sup>1</sup> In his new understanding, emancipation was best achieved in a hermeneutic struggle with the nation's foundational documents and history. This interpretive commitment viewed the existing democratic process as a wholly sufficient means to help emancipate enslaved Africans.

Near the end of his life, Douglass had occasion to question the wisdom of his choice to struggle for emancipation within the constraints of national loyalty and its sympathetic ethics. In an essay written one year before his death, titled "Why Is the Negro Lynched" (1894), Douglass declares:

Do not ask me what will be the final result of the so-called Negro-problem. I cannot tell you. I have sometimes thought that the American people are too great to be small, too just and magnanimous to oppress the weak, too brave to yield up the right to the strong . . . But events have made me doubtful. The favour with which this proposition of disfranchisement has been received by public men . . . has shaken my faith in the nobility of the nation.<sup>2</sup>

His late-life doubt about the nobility of the United States calls into question the terms of his public announcement in "Change of Opinion Announced" (1851), where he proclaimed his "firm conviction" that, if viewed through the lens of "the noble purposes avowed in its preamble," the US Constitution could be used in the service of the emancipation of enslaved Africans.<sup>3</sup> For Douglass, the question of whether enslaved Africans could ever be free in the United States was inextricably linked to the possibilities for their sociopolitical inclusion. Hauntingly, thought-provokingly, his reflections in 1894 echo his original belief—repudiated in 1851—that the nation and its institutions fundamentally lacked the "nobility" necessary for the extension of this public freedom to its enslaved Africans.<sup>4</sup>

In *On Revolution* (1963), Hannah Arendt argues that we must understand the enduring legacies of the late eighteenth-century Western European revolutionary tradition in order to understand modern disappointments with democracy in the West. In particular, she claims that a better historical understanding of the central tension in the world's democracies, roughly from the time of the French Revolution onward, between the expression of public freedom (including but not limited to

various forms of sociopolitical inclusion) and the mediation of that freedom by republican representation can explain why the central preoccupation of modern revolutionary thought in the West is the realization of greater public freedom.<sup>5</sup> This tension reveals how citizenship and citizen agency have long been tangled in a fundamental struggle between sociopolitical stability and change.

For scholars of the nineteenth-century United States, Douglass's change of opinion on the proslavery character of the Constitution is familiar. To my mind, his shift indexes what Arendt helps us see as a *reform-revolution dialectic*: the opposed sympathetic preferences for stability and continuity, and disruption and discontinuity produced in the wake of the French Revolution. The reform-revolution dialectic presents an ongoing dilemma for Anglo-American traditions of change, and for the democratic form. Douglass's change of opinion on the proslavery character of the Constitution illustrates how the reform-revolution dialectic, and the contending forms of sympathy that compose reformist and revolutionary thinking, informed his developing understanding of possibilities for change inside and outside the US democratic form. To be precise, Douglass's differing positions on the proslavery character of the Constitution reveal reform and revolution as *different means that would differently shape a similar end: the emancipatory transformation of democracy*. Our understanding of what's at stake in the differing commitments to reform and revolution, then and now, is enhanced by an understanding of the dilemma's place within a transatlantic political tradition that provides the background for ongoing American conceptions of sociopolitical possibility and propriety.

The late eighteenth-century Anglo-American debates over the significance of the French Revolution had a lasting impact on the English-speaking world's conceptualizations of stability and change. These debates informed efforts to democratize English government, and also how Americans proceeded to make sense out of the form of democracy they had just created. The French Revolution changed how Anglo-Americans understood stability and change, a shift we can track in the altered meanings of the terms "reform" and "revolution." Before the French Revolution, both had been used relatively interchangeably to mean some form of change rooted in continuity: reform (or reformation) meant a restoration of form, and revolution meant a form of cyclical change.<sup>6</sup> This association of change with continuity was part of a long late classical and early modern tradition that provides the crucial prehistory to modern American ideas of constitutional sufficiency.<sup>7</sup>

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After the French Revolution, however, the debate over the event's significance inserted a wedge between a traditional narrative of change that values stability and continuity, and a new one that values disruption and discontinuity. There are two important points to note. First, the narrative value placed on disruption and discontinuity was new in this late eighteenth-century moment, not the concept of disruption and discontinuity themselves.<sup>8</sup> Second, both advocates of change-as-continuity and change-as-discontinuity agreed that the attachments resulting from sympathetic identification formed the basis of human understanding in the world. Where they differed, though, was on the question of whether preexisting sympathies and attachments should be revered as time-tested guides to correct moral, political, and aesthetic judgments or reviled as historical obstacles to greater human freedom. For advocates of change-as-discontinuity, the severing of those preexisting sympathies and attachments enabled the formation of more just ones informed by a different set of moral judgments.

It is fair to say that national constitutions, be they uncoded like England's, or written, like those produced from the American, French, and Haitian revolutions, became the primary objects of the reform-revolution debates in the late eighteenth- and nineteenth-century Western world. Edmund Burke's *Reflections on the Revolution in France* (1789) is a key text in this regard. Extending the early modern tradition of viewing disruption and discontinuity as a hazard to good governance that should be avoided at all costs, Burke describes the national constitution as a mode of life that must be vigilantly defended against this new narrative of change, praising what was previously regarded as bad governance. *Reflections* launches a new tradition in the science of politics that views the act of preserving the national constitution as the *antithesis* of revolutionary change. After the French Revolution the narrative of change that values disruption and discontinuity becomes defined *as* revolutionary. To be engaged in an act of reform (or reformation) was no longer merely to be engaged in a restoration of form but in an act of vigilant continuity and loyalty defending against the forces of militant discontinuity and sedition: an act of counterrevolution. Correspondingly, the act of revolution, as typified both in Burke's *Reflections* and in the radical responses to Burke, Thomas Paine's *Rights of Man* (1791) chief among them, is considered a self-conscious act of defiance against a conservative form of change that fails to alter the form of the nation's constitution. Radicals like Paine celebrate "the people," not the Constitution, as the originary and ongoing creative source of constituted society and

law.<sup>9</sup> So, in the wake of the debate over the significance of the French Revolution, the dialectical nature of reform and revolution is illustrated by their respective advocates' protestations that to be engaged in the one was, by definition, to be opposed to the other. One narrative of change emphasized preservation of the existing form, the other its dissolution.

Douglass's 1847 speech titled "The Right to Criticize American Institutions" illustrates how "moral sentiment"—a period term that reflected long-running philosophical speculations regarding right and wrong ways to sympathize with/relate to/form attachments in the world—compelled him to place his loyalties not with the national project but with those suffering from it.<sup>10</sup> Douglass begins by distancing himself from Garrison's framing of national reconstitution as an act of higher patriotism (even as the latter sourced his antislavery principles in an extranational concept of Judeo-Christian higher law). Douglass asserts:

I cannot agree with my friend Mr. Garrison in relation to my love and attachment to this land. I have no love for America, as such; I have no patriotism. I have no country . . . The only thing that links me to this land is my family, and the painful consciousness that here there are three millions of my fellow-creatures, groaning beneath the iron rod of the worst despotism that could be devised, even in Pandemonium . . . I have not, I cannot have, any love for this country, as such, or for its Constitution. I desire to see its overthrow as speedily as possible, and its Constitution shivered in a thousand fragments, rather than this foul curse should continue to remain as now.<sup>11</sup>

But after his 1851 change of opinion, Douglass, adopting the hermeneutic approach proposed by adherents of the Preamble antislavery position, emphasized what he referred to as "the noble purposes avowed in [the Constitution's] preamble," particularly its declared commitment to an early form of universal humanism that seemingly marks its continuity with the 1776 Declaration of Independence. Whereas Douglass's previous position on the proslavery character of the Constitution identified no contradictions between the institution of slavery and constitutional principles, his subsequent position held that a concept of "the people," qualified only by their being "of the United States,"<sup>12</sup> made it possible for the nation's people of African descent, both enslaved and free, to occupy and identify with the nation's universal concept of freedom from tyranny,

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thereby revealing the institution of slavery to be in contradiction with a most cherished revolutionary aim and foundational principle.

Douglass dramatized this argument in his 1853 novella *The Heroic Slave* depicting the life and slave mutiny led, in part, by a Virginian slave named Madison Washington. Near the end, the white first mate, who was both physically and rhetorically subdued by Washington, confesses, "Our difference of color was the only ground for difference of action. It was not that his principles were wrong in the abstract, for they are the principles of 1776. But I could not bring myself to recognize their application to one whom I deemed my inferior."<sup>13</sup> Douglass purposefully conflates the American revolutionary aspiration for freedom and the principles that founded the nation. This conflation bookends the novella, as the narrator begins the tale by aligning Madison Washington with George Washington, Thomas Jefferson, James Madison, and Patrick Henry—white revolutionary heroes and founding fathers who, like Madison Washington, also hailed from Virginia. In short, the stakes for Douglass's novella become the stakes for American democracy: an invitation to view the slave's potentially violent struggle for freedom as wholly consistent with the nation's revolutionary origins. Douglass's argument is that Madison Washington is an *American* hero, despite the nation's inability to see him as such.

The commitment to reform expressed in the novella, however, entails its own oversights. Douglass's choice now to view the American institution of African slavery as an internal contradiction inconsistent with the nation's democratic principles results in a narrator who omits mention that each of the white Virginian revolutionary heroes/founding fathers identified with Madison Washington was a slaveholder. The novella's selective reading of the American revolutionary tradition—and the forms of sympathetic attachment such a reading encourages—seem to avoid rather than confront the question of whether or not African slavery in the United States is a fundamental contradiction or foundational principle.<sup>14</sup>

Preamble abolitionists foregrounded emancipation as an act of loyalty to the democratic form, and thus as an act consistent with American revolutionary principles: a reformation not a revolution. The stakes of their hermeneutic gamble would appear starkly in Chief Justice Taney's 1857 majority decision in the *Dred Scott v. Sanford* case, where Taney, relying on an interpretation of both American legal and social history, argues that the explicit exclusion of "imported" Africans and their descendants from the body politic was the democratic

form that demanded loyalty. “In the opinion of the Court,” Taney states, “the legislation and histories of the times, and the language used in the Declaration of Independence, show that neither the class of persons who had been imported as slaves nor their descendants, whether they had become free or not, were then acknowledged as part of the people, nor intended to be included in the general words used in that memorable instrument.”<sup>15</sup>

Douglass’s dilemma between reform and revolution, between different kinds of loyalties—loyalty to the existing democratic form or to a concept of emancipatory freedom that saw the existing democratic form to be an obstacle to such freedom—has been an enduring dilemma for those seeking change in Anglo-American democracies. We don’t know what exactly prompted Douglass to change his mind. In “Change of Opinion Announced,” he claims that his shift was the result of the “careful study of [writings by] Lysander Spooner, Gerrit Smith, and William Goodell,” but one wonders if the relatively recent and unsuccessful attempt at reconstitution in Rhode Island contributed to his decision to pursue abolition within the existing national framework. That reconstitution effort would come to be called the Dorr War (1841), inspiring a Supreme Court case regarding the question of whether US citizens possessed a right to revolution (1849). The Court’s decision in *Luther v. Borden*—Taney again writing for the majority—was that such efforts at reconstitution were lawfully suppressed through the use of force. The Court ruled that “the people” may be the *originary*, autonomous source of law and government, but not their *ongoing*, autonomous source, thereby placing revolution at a permanent distance from judiciary and legislative reform. Crucial to the ruling was what the Court believed to be the proper interpretation of Article 4 section 4 of the Constitution, to which Rhode Island advocates of reconstitution pinned their right to revolution—also known as the republican guarantee clause. The Court ruled that the president must defend, by force if needed, the republican forms of government in each state against perceived threats to their integrity.

Douglass no doubt saw that a similar expression of public freedom in a Garrisonian project to reconstitute the American Union would likely be perceived as the same kind of threat.<sup>16</sup> His earlier writings suggest that he understood both sides of the argument extremely well, so it seems unlikely that “careful study” of the Preamble antislavery position was solely what prompted the shift, but rather a strategic calculation of some kind regarding the sympathetic ethics of reform.<sup>17</sup>

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But finally, arguments that Douglass deemed the Garrisonian position to be impractical must be balanced, I would argue, with the seeming impracticality at the time of a hermeneutic struggle over the soul of the US Constitution.<sup>18</sup> Given the uncertain gains of Anglo-American reform *and* revolutionary agendas, both across the long nineteenth century and up to the present, one ultimately must wonder whether Anglo-American democracy has been well served by the very opposition *itself* between the two narratives of change—reform and revolution—that have not just come to be understood dialectically but also *dynamically* as the only forms of salvation for the problems that we face in the present and may encounter in the future.

### Notes

1. See Kelvin Black, "Frederick Douglass' Differing Opinions on the Pro-Slavery Character of the American Union," *Qui Parle*, 16, no. 1 (2006): 145–69.
2. "Why Is the Negro Lynched" (1894), in *Frederick Douglass: Selected Speeches and Writing*, ed. Philip Foner, abridged and adapted by Yuval Taylor (Chicago: Lawrence Hill Books, 1999), 766.
3. "Change of Opinion Announced" (1851), in *Frederick Douglass: Selected Speeches and Writing*, 173–74.
4. "The Right to Criticize American Institutions" (1847), in *Frederick Douglass: Selected Speeches and Writing*, 79.
5. Hannah Arendt, *On Revolution* (New York: Penguin, 1963).
6. See the entries for "reform" and "revolution" in Raymond Williams, *Keywords: A Vocabulary of Culture and Society* (New York: Oxford University Press, 1985), 262–64 and 270–74.
7. See J. G. A. Pocock's *The Machiavellian Moment* (Princeton, NJ: Princeton University Press, 1975).
8. The concepts of disruption and discontinuity are present in the classical period in works such as Lucretius's *De rerum natura* and are implied as a kind of political hazard in the early modern period in works such as Machiavelli's *The Prince*.
9. For an incisive transatlantic genealogy of the development of "the people" as a concept, see Edmund Morgan's *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: Norton, 1989).
10. See Adam Smith's influential *The Theory of Moral Sentiments* (1759).
11. "The Right to Criticize American Institutions" (1847), in *Frederick Douglass: Selected Speeches and Writing*, 77–78.
12. See the first line of the US Constitution.
13. *The Heroic Slave* (1853), in *Frederick Douglass: Selected Speeches and Writing*, 246.
14. For more on this, see my essay "Bound by 'the Principles of 1776': Dilemmas in Anglo-American Romanticism and Douglass's *The Heroic Slave*," *Studies in Romanticism* 56, no. 1, (2017).
15. *Scott v. Sanford*, 60 U.S. 407 (1857).
16. Important point of difference between the Garrisonians and the Rhode Island suffragists: the former did not look to the US Constitution to authorize their revolutionary act of reconstituting an existing government.
17. For an exemplary case of Douglass's shrewd pre-change of opinion understanding of the hermeneutic strategy of the Preamble abolitionists, and his rejection of their approach, see his "The Constitution and Slavery" (*North Star* [Rochester, NY], March 16, 1849).
18. For a representative example of such an argument, see Aileen Kraditor, *Means and Ends in American Abolitionism: Garrison and His Critics on Strategy and Tactics, 1834–1850*, reprint edition (Chicago: Ivan R. Dee, 1989).