

CHAPTER 17

Politics

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In 1851, Frederick Douglass publicly changed his opinion on the proslavery character of the US Constitution. Most scholarship seeks to locate the core of Douglass's politics in the critical patriotism of his post-change-of-opinion oratorical and literary output.¹ However, if we keep the occasion for Douglass's change of opinion firmly in view, that is, his critical engagement with the question of the pro- or antislavery character of the Constitution, there is a possibility not only of appreciating an experience of crucial significance to the development of his politics but also of relocating the core of his politics in an experience of the American national project that prompted him to ask and answer that question. The advantages of this approach as a description of Douglass's politics are twofold. First, representation of experience – his own, that of others, and that of the American body politic – as an object of critical inquiry was very important to Douglass's sense of what was required for good judgment, and an analysis of the experiences that led him to hold two different moral judgments of the country's political foundations honors the value that he placed on experience in both his political career and as a man of letters. Second, a focus on Douglass's engagement with the question of the pro- or antislavery character of the Constitution allows us to place him in conversation with the period's wider transatlantic dilemma over whether reform or revolution was the more appropriate mode of social change.

Central to the work of resituating Douglass's political philosophy is the appreciation of this dilemma as what anthropologist David Scott would call the "problem-space" of Douglass's sociopolitical decision-making. "A problem-space," according to Scott, "is an ensemble of questions and answers around which a horizon of identifiable stakes (conceptual as well as ideological-political stakes) hangs." Furthermore, a problem-space is a specific "discursive context" that is defined "not only [by] the particular problems that get posed as problems as such . . . but [also by] the particular questions that seem worth asking and the kinds of answers that seem worth having."²

Douglass's career as a political thinker and an activist could be said to be concerned with three major problem-spaces. First, how best to achieve the abolition of chattel slavery in the United States? Second, how best to achieve the enfranchisement of women in the United States? And, third, how best to secure, protect, and enlarge the scope of African American citizenship? This chapter shall focus on the first and third problem-spaces, as they gave rise to the greatest source of critical reflections by Douglass over the course of his career, though the approach to the study of his politics that follows is arguably applicable to his engagement with all three problem-spaces.

As was earlier suggested, Douglass's nineteenth-century problem-spaces were marked by an urgent and self-conscious preoccupation on both sides of the Atlantic with whether improving existing national institutions (reform) or their dissolution and replacement (revolution) would best meet one's problem-solving goals. Douglass and many of his Anglo-American and Continental European contemporaries were locked in a debate over whether one's nation could, as it was then constituted, adequately address and solve the sociopolitical and, often, socioeconomic problems critics had identified within it. It is in light of this debate that Douglass's goals of both liberating enslaved African Americans in the United States and fighting against their continued oppression as freed people should be viewed.

Douglass's position on the question of whether the Constitution was a help or hindrance to the work of slave liberation initially aligned with that of the American Anti-Slavery Society. William Lloyd Garrison, one of the society's founders and the chief architect of its nonviolent political philosophy, viewed the Constitution as a proslavery document, and thus as an obstacle to the immediate liberation of the country's three million enslaved African Americans. For Garrison, a constitution that established as a legal practice that which was in clear violation of the selfsame higher law appealed to in the Declaration of Independence meant that there was something fundamentally wrong with the spirit of American law. Bad foundational moral judgment, the Garrisonians argued, had enabled the continuation of the colonial practice of African slavery on into the United States, impacting the country's entire sociopolitical and economic structure. The problem of slavery, then, was indicative of a structural problem that required the reconstitution of the country, a process that would employ a form of moral judgment that explicitly critiqued the shortcomings of that previously employed in the formation of the first American republic. In a speech on the dissolution of the Union delivered in 1855, Garrison describes the work of reconstitution as the result of the build-up of a sufficient amount of antislavery sentiment:

We are asked, "How is the dissolution of the Union to be effected? Give us your plan!" My answer is, whenever THE PEOPLE are ready for Disunion, they will easily find out a way to effect it. When this sentiment shall spread like a flame, as I trust in God it will, through the length and breadth of the free States, (cheers,) the people will come together in their primary assemblies, and elect such men to represent them in General Convention as they may deem best qualified to devise ways and means for effecting a separation, and to frame a new government, free from the spirit of bondage.³

Garrison's joint commitments to political nonparticipation, nonviolence, and moral suasion as strategies to bring about both the immediate end of slavery in the United States and national reconstitution proved to be an uncomfortable fit for Douglass. And though he attributed his change of opinion on the proslavery character of the Constitution simply to the result of further reflection upon and study of the subject, there are signs, even before what would become his formal break with Garrisonianism, that *he* had become persuaded that there may be certain things too difficult to persuade Americans to understand and to do.⁴

In "Country, Conscience, and the Anti-Slavery Cause," the first speech he gave upon returning from his 1845–47 tour of the British Isles, Douglass takes the Garrisonian critique of the nation's constitutive moral vision a step further by declaring patriotism, even an aspirational one such as Garrison's, at odds with the pursuit of slave liberation. Douglass's remarks are, in part, a response to Garrison's praise of Douglass's "love and attachment" to the United States. "I cannot agree with my friend Mr. Garrison," Douglass says, "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." Turning then to where his love and attachment do lie, he says,

The only thing that links me to this land is my family, and the painful consciousness that here there are 3,000,000 of my fellow creatures groaning beneath the iron rod of the worst despotism that could be devised even in Pandemonium, – that here are men and brethren who are identified with me by their complexion, identified with me by their hatred of Slavery, identified with me by their love and aspirations for Liberty, identified with me by the stripes upon their backs, their inhuman wrongs and cruel sufferings. (*SDI* 2:60)

This idea that solidarity with the experience of enslavement called for a form of moral judgment that sought to view the American Union from the perspective of those it has enslaved, and that such a perspective should inspire antislavery feelings that disrupt conventional feelings of patriotism,

is a line of argument that Douglass famously picks back up in his 1852 speech “What to the Slave Is the Fourth of July.” An important difference between “Country, Conscience, and the Anti-Slavery Cause” and this later speech, given one year after Douglass’s change of opinion on the proslavery character of the Constitution, is that the former seems to doubt whether the American sociopolitical experience, as it was then constituted, could ever give rise to an improvement in moral judgment:

I admit that there are sins in almost every country which can be best removed by means confined exclusively to their immediate locality. But such evils and such sins pre-suppose the existence of a moral power in their immediate locality sufficient to accomplish the work of renovation. But where, pray, can we go to find moral power in this nation sufficient to overthrow Slavery? To what institution, to what party shall we apply for aid? I say we admit that there are evils which can be best removed by influences confined to their immediate locality. But in regard to American Slavery it is not so. It is such a giant crime, so darkening to the soul, so blinding in its moral influence, so well calculated to blast and corrupt all the humane principles of our nature, so well adapted to infuse its own accursed spirit into all around it, that the people among whom it exists have not the moral power to abolish it. (*SDI* 2:61–62)

Not only do these passages appear to raise important doubts about the ends and means of the Garrisonian antislavery approach, but they also show Douglass to be staking out a non-nationalist form of antislavery critique.⁵ Douglass’s explicit refusal here to identify his and the millions of enslaved African Americans’ collective aspirations for liberty with the aspiration for citizenship or social inclusion, and the decision, instead, to identify himself solely with that enslaved collective, strongly implies that he believed that there was something about the American sociopolitical experience even more fundamentally at odds with the ends of social justice than had been described by Garrison. How are Douglass and his colleagues supposed to use moral suasion to provoke Americans both to abolish slavery and formally reject the Union that established its continued legality if, within that Union, there was a fundamental lack of “moral sentiment” to do so (*SDI* 2:62)?

In arguing that national reconstitution was necessary in order to achieve a fulsome liberation of the country’s enslaved African Americans, the Garrisonians were not just rejecting the laws codified by a constitution compromised by slavery but the spirit of the law that animated the creation of such a constitution. They believed that the true end of slavery in the United States depended on approaching the practical work of constituting

the laws that form the Union anew with an *antislavery* spirit. Reconstituting the United States in this way was necessary because the founders had employed bad moral judgment in their formation of the republic, producing a mode of political and social life that venerated and employed that bad moral judgment. Importantly, this Garrisonian critique of national origins was framed as the work of an aspirational patriotism rooted in the higher law value enshrined in the Declaration of Independence that “all men are created equal.” Thus, it was the Garrisonians’ hope that Americans led astray by the founders’ elevation of the Union over human equality before God could be led to repent and return to that revolutionary principle. It was in this way that the Garrisonian reconstitution effort was pitched as both a rejection of a morally inferior spirit of the law and the restoration of one morally superior to it.

Douglass’s position in “Country, Conscience, and the Anti-Slavery Cause” appears to argue that his sense of belonging to a collective experience of enslavement caused him to view the problem of slavery, and the means and ends of its abolition, in slightly different terms. As a result, he and Garrison do not appear to mean the same thing in their calls for the end of the American Union. While the latter cautions against the “spirit of jacobinism” and the desire to “plot treason,”⁶ Douglass contends that he would like to see the country “overthrown as speedily as possible and its Constitution shivered in a thousand fragments” and that it would likely require the moral power of a foreign nation such as England, which had abolished slavery, to bring it about (*SDI* 2:60). Strikingly, he decouples the liberation of enslaved African Americans from the project of restoration of alleged antislavery values in Americans, and appears to suggest, instead, that what is needed is a revolutionary break, not a restoration. The experience of this break would consist, in part, of the recognition that no such antislavery principle had ever been a pervasive part of the American moral fabric and culture; the recognition that there was no American tradition to draw upon in the fight against slavery. The creation of American antislavery values would have to be the result, then, of an innovation in American moral sentiments, and would have to be viewed as such in order both to capture the sublime violence of the collective experience of enslavement Douglass describes and to mark a distinction with the first republic’s intention to commit such violence.

Central to Douglass’s problem-space was the dilemma over choosing reform or revolution to solve sociopolitical problems. This dilemma was arguably formulated just fifty-seven years prior to Douglass citing the need to break with the deficiencies of American moral sentiment. In *Reflections*

on the *Revolution in France* (1790), Edmund Burke describes the significance of the French Revolution as a similar kind of break. It was, he says, “the most important of all revolutions . . . I mean a revolution in sentiments, manners, and moral opinions . . . [W]ith everything respectable destroyed without us, and an attempt to destroy within us every principle of respect, one is almost forced to apologize for harbouring the common feelings of men.”⁷ Burke, a student of Montesquieu’s political thought and Adam Smith’s moral philosophy, synthesizes ideas from both thinkers here to provide the rhetorical framework for a shift in the historical usage of the term “revolution” from “cyclical change” to its modern meaning as “discontinuous change.” Notably, before the French Revolution “reform” and “revolution” were often used interchangeably to signify a “renovation” or “restoration” of some thing or state of affairs.⁸ It is useful to describe in brief the nature of each thinker’s contribution to Burke’s new formulation of revolution, as it helps us to better understand not only Douglass’s early antipathy for American foundations but also his subsequent sympathy for those foundations.⁹

In *The Spirit of the Laws* (1748), Montesquieu identifies the *moeurs* and *manières* as two important socially regulated internal and external moral forces, respectively, that both contribute to the “general spirit” of a society’s laws and present certain constraints on the extent to which a change in a society’s laws will be viewed as consistent with its moral fabric. According to Montesquieu, laws viewed by the people as inconsistent with their society’s *moeurs* and *manières* would be decried as tyrannical. Changes in *moeurs* and *manières* “ought not be done by law . . . but rather by introducing other *moeurs* and other *manières*.”¹⁰ Alexis de Tocqueville, also a student of Montesquieu’s analytic political psychology, claimed that the successes of the United States were largely owed to the fact they had formed a constitution that was consistent with the preexisting *moeurs* of the people.

Adam Smith argues in *The Theory of Moral Sentiments* (1759) that the sympathy and antipathy that a person feels for other people, places, or things are the result of various forms of moral education she receives throughout her life; an education that teaches that, according to the situation, there are right and wrong ways to feel. This moral education, provided by both the family and civil societal institutions, shapes one’s judgments about what is and is not deserving of sympathy. Articulating a concept of sympathy firmly rooted in philosophy’s subject–object distinction, where no two things or experiences are the same, Smith argues that the human experience is marked by the inability to know anyone’s feelings

but our own. According to Smith, one can only simulate the feelings of others by imagining oneself in the situation of another, and then consider how she might feel in like circumstances. Importantly, it is through a consideration of the “provocation” or “cause” for someone’s behavior that we are able to judge if that behavior is acceptable or unacceptable, which is to say, sympathetic or unsympathetic.¹¹ We stand in a similar relationship to the institutions in our society, and form our sympathies with them, or feelings of alienation from them, based on what we learn of their backstories/histories in our early and ongoing moral education.

Returning now to Burke’s description of the significance of the French Revolution as a break with the previous ways of feeling that established French, and broader European, institutional and individual governance, we can appreciate how his synthesis of Montesquieu and Smith is being used to call attention to what he believed to be dangerous about the new histories driving the revolution in France. Burke argued that revolutionary critiques of the monarchy and clergy promoted antipathy for French political and civil societal institutions established by the country’s ancient constitution. This negative way of viewing the country’s national constitution aimed to dissolve the traditional sympathies with preexisting institutions and, in turn, inspire the sentiments needed to create new institutions thought to be worthy of the sympathies of the people. Burke’s counterrevolutionary response to this “scheme,” as he called it, was to present both a defense of his own country’s traditional sympathies with its constitution and a model for others in the European scene of the necessity to preserve their constitutions against discontinuous change. Proper sociopolitical change was to occur within this preexisting framework of moral sentiments and sympathies. Burke’s articulation of the revolutionary and counterrevolutionary stakes posed by the French Revolution, and the ensuing debate it provoked, not only effected a shift in the usage of the term “revolution” but also established the dilemma over whether a given sociopolitical problem calls for working within preexisting institutions and the moral sentiments and sympathies that formed them (reform), or for doing away with them all and creating new ones (revolution), as a key feature of modern Western sociopolitical discourse and problem-solving.

By situating Douglass’s 1851 change of opinion on the proslavery character of the US Constitution within this dilemma over reform or revolution, we are able to see how his political thought belongs to both revolutionary and reform traditions. The respective faithlessness and faith in American political institutions of each of his positions illustrates how

Douglass's political thought *embodies* the reform–revolution dilemma. In Douglass's published announcement of his change of opinion, he specifically places his faith in “the noble purposes avowed in [the Constitution's] preamble” (*LW* 2:155). Though forty-three years later, and a year before his death, he delivered “Lessons of the Hour,” a speech where his “faith in the nobility of the nation” is described as “shaken.”

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, and too grateful for public services ever to forget them or to reward them. I have fondly hoped that this estimate of American character would soon cease to be contradicted or put in doubt. But events have made me doubtful. (*LW* 4:511)

This passage, like the speech at large, struggles with whether or not the United States ever possessed the moral resources to address the racial oppression of African Americans as an act of reform – a renovation or restoration of form. Whether intentionally or not, these remarks present as a critical self-reflection on his choice to believe that the United States did in fact possess a morally sound foundation to restore.

The belief in the moral foundations of the American Union became the clarion call of Douglass's political activity for nearly half a century. Though he never held elected political office, his change of opinion led to his association with antislavery third parties that sought to abolish slavery using an antislavery interpretation of the Constitution. During and after Reconstruction, he became an active member of the Republican Party, supporting its radical wing and later its so-called stalwart faction, which he believed to be committed to the advance of African American civil rights and socioeconomic progress.¹² He also held several political appointments, as John McKivigan discusses in Chapter 4. Douglass's politics during this period appear to be in agreement with Montesquieu's view that “long-established institutions tend to reform a people's *moeurs*” better than new institutions can.¹³ Essential to Douglass's belief now that the United States could in fact be changed from within to address the legacies of African enslavement was the view that positive law that violates natural law must be rejected *as law* and also held as an affront to the Constitution's natural law origins articulated in its preamble. Whereas Douglass's prior belief in the proslavery character of the Constitution was “supported,” he then believed, “by the united and entire history of every department of the government,” his change of opinion signaled a decision to engage in a rhetorical struggle over the representation of that political history (*BF* 228).

Notably, this struggle over the representation of American political history and the view that the legitimacy of positive law lay in its codification of natural law are active in Douglass's subsequent refutation of arguments that sought to defend the lawfulness of slavery by invoking the intentions of the founders, such as those made by Chief Justice Roger Taney in the majority opinion in the 1857 *Dred Scott* case, and by Abraham Lincoln in his first inaugural address. Douglass's published response to the latter, for example, focuses on Lincoln's defense of the proslavery interpretation of the fugitive slave clause of the Constitution. In his address, Lincoln says, "It is scarcely questioned that this provision was intended by those who made it, for the reclaiming of what we call fugitive slaves; and the intention of the law-giver is the law."¹⁴ Critiquing first Lincoln's view of positive law, Douglass says,

If law were merely an arbitrary rule, destitute of all idea of right and wrong, the intention of the lawgiver might indeed be taken as the law, provided that intention were certainly known. But the very idea of law carries with it ideas of right, justice and humanity. Law, according to Blackstone, commands that which is right and forbids that which is wrong. A law authorizing murder is no law, because it is an outrage upon all the elements out of which laws originate. Any man called to administer and execute such a law is bound to treat such an edict as a nullity, having no binding authority over his action or over his conscience.

Douglass then critiques Lincoln's implied political history of the identity and intentions of the makers of American law:

Who made the Constitution? The preamble to the Constitution answers that question. "We, the people, do ordain and establish this Constitution." The people, then, made the law. How stood their intention as to the surrender of fugitive slaves? Were they all agreed in this intention to send slaves to bondage who might escape from it? Or were only a part? and if a part, how many? Surely, if a minority only were of the intention, that intention could not be the law, especially as the law itself expresses no such intention. The fact is, there is no evidence whatever that any considerable part of the people who made and adopted the American Constitution intended to make that instrument a slave-hunting or a slave-holding instrument, while there is much evidence to prove the very reverse. (*LW* 3:76, 77)

Contrary to his previous position in "Country, Conscience, and the Anti-Slavery Cause," Douglass argues here that the problem is not that there is insufficient antislavery sentiment in the United States but rather the historical failure of the government to recognize the sentiments of the majority.¹⁵ In this rhetorical maneuver, antipathy to chattel slavery is in effect made to

be both one of the “blessings of liberty” referred to in the Constitution’s preamble and a defining feature of the spirit of American law.

By representing the liberation struggle of enslaved African Americans as a continuation of the liberation struggle begun in the American Revolution, Douglass sought to advance the view that an active, and potentially violent, intervention in the institution of slavery would be, as was said in the preamble, to “promote the general welfare.” By doing so, he seemed to be extending the colonial American understanding of the revolution as a reclamation or restoration of rights to the representation of the fight against slavery and the social inclusion of African Americans. Importantly, these projects of liberation and inclusion were to be viewed as restorations of a capacious antislavery spirit of liberty rather than as evidence of that spirit’s nonexistence.

The fact that at the end of his long and eventful political career Douglass seemed on the verge of returning to his original disbelief in the existence of such a spirit of liberty in the United States underscores not only the importance of locating the core of his political thought *jointly* in his two very different responses to the reform–revolution dilemma but also, given the persistence of that dilemma, the continued relevance of those two responses to Western political discourse and its problem-spaces.¹⁶

Notes

- 1 For representative scholarship, see Waldo E. Martin Jr., *The Mind of Frederick Douglass* (Chapel Hill: University of North Carolina Press, 1984); Eric J. Sundquist, *To Wake the Nations: Race in the Making of American Literature* (Cambridge, MA: Harvard University Press, 1993), 27–134; Nicholas Buccola, *The Political Thought of Frederick Douglass: In Pursuit of American Liberty* (New York: New York University Press, 2012).
- 2 David Scott, *Conscripts of Modernity: The Tragedy of Colonial Enlightenment* (Durham, NC: Duke University Press, 2004), 4.
- 3 “New England A. S. Convention,” *Liberator*, June 15, 1855.
- 4 For an early study of the break with Garrison, see Benjamin Quarles, “The Breach between Douglass and Garrison,” *Journal of Negro History* 23.2 (1938): 144–54.
- 5 On the means and ends of Garrisonian antislavery, see Aileen S. Kraditor, *Means and Ends in American Abolitionism: Garrison and His Critics on Strategy and Tactics, 1834–1850* (Chicago: Elephant Paperbacks, 1989).
- 6 William Lloyd Garrison, “Declaration of Sentiments Adopted by the Peace Convention, Held in Boston, September 18, 19 and 20, 1838,” in *Selections from the Writings and Speeches of William Lloyd Garrison* (Boston: R. F. Wallcut, 1852), 75.

- 7 Edmund Burke, *Reflections on the Revolution in France*, ed. Frank M. Turner (New Haven, CT: Yale University Press, 2003), 69.
- 8 See Joanna Innes, "'Reform' in English Public Life: The Fortunes of a Word," in *Rethinking the Age of Reform: Britain 1780–1850*, ed. Arthur Burns and Joanna Innes (Cambridge: Cambridge University Press, 2003), 71–97.
- 9 For Douglass scholarship that contextualizes his political thought within eighteenth-century moral philosophy, see Peter C. Myers, "Frederick Douglass on Revolution and Integration: A Problem in Moral Psychology," *American Political Thought* 2.1 (2013): 118–46.
- 10 Montesquieu, *The Spirit of the Laws*, in *Montesquieu: Selected Political Writings*, trans. and ed. Melvin Richter (Indianapolis, IN: Hackett, 1990), 211, 212.
- 11 Adam Smith, *The Theory of Moral Sentiments*, ed. Knud Haakonssen (Cambridge: Cambridge University Press, 2002), 14.
- 12 John R. McKivigan, "Stalwart Douglass: *Life and Times* as Political Manifesto," *Journal of African American History* 99.1/2 (2014): 46–55. See also Merline Pitre, "Frederick Douglass: The Politician vs. the Social Reformer," *Phylon* 40.3 (1979): 270–77.
- 13 Melvin Richer, Introduction to Montesquieu, *Spirit of the Laws*, 48.
- 14 Abraham Lincoln, "First Inaugural Address," in *Lincoln's Selected Writings*, ed. David S. Reynolds (New York: W. W. Norton, 2015), 228.
- 15 For a study of how Douglass's analysis of American democracy shaped his political thought, see Nick Bromell, "A 'Voice from the Enslaved': The Origins of Frederick Douglass's Political Philosophy of Democracy," *American Literary History* 23.4 (2011): 697–723.
- 16 See Kelvin C. Black, "Democracy's False Choice: The Reform-Revolution Dilemma," *J19* 5.2 (2017): 381–88.