**Frederick Douglass and the Abolitionist Refounding of the United States**

**I. Introduction**

Readers often turn to Frederick Douglass to enlighten our conceptions of democracy and freedom (Bennet 2014; Bromell 2001; Frank 2010; Roberts 2015). The narrative of Frederick Douglass, the political thinker, follows a pattern that will be familiar to many. After escaping slavery, he joined the abolitionist movement led by William Lloyd Garrison. When he broke with the Garrisonian-wing, he famously changed his opinion and interpretation of the Constitution, giving us some early insight on the meaning he gave to the state and its correlation with freedom. Undergirding many readings of Douglass is the assumption that Frederick Douglass was inordinately influenced by his white male patrons, adopting their moral and/or political stances over time. In fact, often to understand Frederick Douglass, one situates him within his time, as he is its *Representative Man*. This work periodizes Douglass’s political thought into a moral abolitionist beginning and a political abolitionist end, influenced by William Lloyd Garrison and Gerrit Smith respectively.

Douglass’s change of opinion regarding the Constitution follows the arguments waged in abolitionist circles about the proper way to interpret the Constitution and the relationship it should have to reform movements. Abolitionist political and constitutional theory was a moment of “critical reflection on our constitutionalism” (Richards 1992, 1189). The crisis over the meaning of the constitution and the role of government led to growing tensions between abolitionists and antislavery activists, proslavery advocates, and all U.S. citizens. While the text and history of the Constitution legitimized slavery on the state and federal level, it also expressed a rights-based theory condemning slavery as a violation of inalienable human rights.

In the beginning of his public career, committed to the practice of moral suasion, Douglass viewed the Constitution like his friends, Garrison, and supporters in the American Anti-Slavery Society. Among what became known as the moral abolitionists, the state and the Constitution was a tool that was powerfully utilized by the slave power throughout the country. As a result, Garrisonians abandoned this “covenant with the devil” as a resource for abolition, severing ties with a social contract permitting human slavery. In this period, moral abolitionism sought to affect the hearts and minds of American citizens, to appeal to their moral reasoning. This, the belief held, would lead to growing numbers of antislavery activists that could effectively abolish the institution of slavery in the United States.

The question, among abolitionists, was whether the state was a tool that could only be used to serve the interests of slavery, whether it was a tool founded for the expressed purpose of instituting slavery, or whether the state could be a tool made in the service of anti-slavery. As early as the 1850s, Douglass began to question the ability of moral suasion alone to change or direct society and therefore the state in an anti-slavery direction. In this period, Douglass demonstrates the role the state has to society and conversely society to the state. Although this insight can be found throughout Douglass’s writing, the move to political abolitionism required a different kind of engagement with society and the state beyond the direction supplied by moral abolitionism. Persuaded by the arguments of William Goodell, Lysander Spooner, and other political abolitionists, Douglass incorporates their rights-based political theory with moral suasion to develop his own political philosophy and practice of abolition-politics. The politics of sentiment and moral suasion are intertwined in Douglass’s political thinking.

Importantly, Douglass suggests that cultivation of sentiment is a crucial practice that would enable human beings to enliven the constitution’s declaration of natural rights protection. How does Douglass define “moral sentiment” in his works, if we take “sentiment” to mean “the cultivation of a moral and proper repertoire of feelings?” (Hendler 2001, 2). He suggests that, absent this fundamental relationality, the Constitution’s declaration of natural right protection is a nothing more than a theoretical expression.

Douglass addresses existential questions regarding human beings and the requirements of human societies based upon a tradition of natural rights. As Lewis Gordon (1999) points out not only does Douglass shed light on the human being as project in an individual sense (I work on myself) but more importantly it is about the human-species project which in a similar turn to Hegel or Kant requires that we take action to propose solutions to the problems facing us to create a better more just and equitable world.

This chapter explores how these issues play out in his constitutional thinking. I argue that Douglass’s position on the U.S. constitution is also an expression of the theory of the human he was developing at the time through moral sentimentalism. I follow and contribute to Frank Kirkland, Charles Mills, and Nick Bromell’s many insights to argue that Douglass’s understanding of human nature is connected to his view of politics and the state.[[1]](#footnote-1) In these discussions, I have explored some major themes and areas of critique in Douglass’s work by Buccola, Mills, and Kirkland. However, Douglass is making a more substantial argument in urging us to see our foundations, if not then certainly in our efforts now to bring about a more perfect union. He wants to get everyone to see in the founding documents a moral obligation toward inclusivity, universalism, anti-racism, and humanism, to name a few. He seeks a renewed agreement upon these lines of the purpose of the union in the first place, calling the nation and its citizens to a higher order. Douglass is not speaking and writing about what was (originalism), what is (politics and sentiments of the time) but how it should be.

I show how Douglass’s understanding of human beings, human societies, and the meaning of democracy rests on a conviction that: 1) sentiments are more than human endowments. They are relationalities. 2) sentiments reflect our individual and collective sense of duty; 3) sentiments provide the moral vantage point from which to critique human laws and practices and 4) Because of the three previous points, sentiments are an important element of political organizing, reform, and abolition democracy. The problem is not with Master’s Tools but with all who would be masters. True transformational change requires transforming preconceived sentiments. One part of that transformation takes place with the meaning we attach to our founding documents and sense of selves as part of a nation with certain principles.

**II. The Abolitionist Movement**

A familiar historical and political claim is that the Reconstruction Amendments were informed and inspired by abolitionist political and constitutional theory of the antebellum period. Constitutional and moral philosopher, David A.J. Richards (1992) argues this is too simplistic and does not tell us how this claim should guide our interpretation of the Amendments. Whose concrete convictions should prevail in shaping constitutional interpretation today? Throughout this chapter, I contend that Frederick Douglass provides an indelible notion of statecraft that continues to enliven our constitutional interpretations.

In 19th century United States, debates over the constitutionality of slavery among Abolitionists led to questions over the legitimacy of the Constitution. The crisis over the meaning and proper interpretation, for the abolitionists, then, is the growing tension between the text and history of the Constitution legitimizing slavery on the state and federal level, while it also expressed a rights-based theory condemning slavery as a violation of inalienable human rights. How we interpret the constitution is important because as one of the founding documents, the Constitution sheds light on the purpose and intent of the United States Government in framing its powers, roles, and duties to its citizens.

As a rights-based document, many Abolitionists connected legitimacy to the degree to which the federal government secures the conditions necessary for respect for human rights. How could one interpret the text and history of the Constitution of the United States as consistent with the political theory in light of its putative toleration of slavery, an institution resting on the abridgement of basic human rights?[[2]](#footnote-2) On what principles was the United States founded? If the United States professes to be founded on a principle of equality, does slavery make the government of the United States illegitimate? These questions and more were hotly debated among Abolitionists. Abolitionists such as William Lloyd Garrison and Wendell Phillips argued to abandon the attempt to interpret the Constitution in terms of rights-based political theory, while radical antislavery abolitionist – William Goodell, Lysander Spooner, Joel Tiffany – advanced a position of constitutional interpretation that viewed political theory as primary, rather than looking to history we should focus instead on the text. The question among abolitionists became, was the constitution a proslavery or an anti-slavery document?

We cannot begin to answer these questions without understanding the role black abolitionists played in these constitutional deliberations. The black public sphere among black intellectuals and activists played a leading role in these debates and the efforts of black statecraft in refounding the nation.[[3]](#footnote-3) Not only can we see black statecraft in the Reconstruction Amendments and federal projects of the period, but this chapter goes further to theorize an abolition social contract for the United States. Douglass offers an essential body of work reflecting on the meaning of the social contract in the United States. More than mere reform, black thinkers and activists advocated for fundamental, foundational change in our understanding of the principles guiding this country, like “all men are created equal.”

Those espousing a proslavery constitutionalism disengage from the Lockean political theory of the Declaration (and understanding of American Founding) that all persons subject to political power have inalienable human rights. Proslavery statesmen John C. Calhoun, for example, was skeptical whether rights could be a defensible political value, choosing to ground the legitimacy of the Constitution on Hobbesian theory of state sovereignty rather than Lockean rights-theory.

Legal scholar Alfred L. Brophy (2008) has argued: “Across the common law, from torts and contracts to property, judges remade - or at least reaffirmed – the law to bring it in line with the dominant philosophy of the era, which sought to promote economic growth. Their opinions subordinated concern for individuals to considerations of precedent and to an increasing respect for considerations of utility” (111). He opposes this to the sentimental impulse among white abolitionist writers like Harriet Beecher Stowe and Henry David Thoreau, which he views as “a religiously inspired search for moral perfection and individual humanity” (Brophy 2008, 113). By ignoring the critique waged against utility as the guiding principle of the rule of law coming from Black Abolitionist (and many radical white Abolitionist), Brophy is able to construct a story in which the explicit goal is to revitalize the voice of the silenced conservative in our historical analysis and interpretation of FGA, Civil War and abolitionism. Yet, he presents a grossly simplistic view of abolition as (only/merely) sentiment – as seen in Stowe’s *Uncle Tom’s Cabin,* Emerson, and Thoreau but very few examples from the diverse field of action among abolitionists during this period. Brophy imagines all abolitionist as fanatics of the single-minded pursuit of perfection, one whose moral calculus is determinate and absolute.[[4]](#footnote-4)

Through his attendant focus on the tradition of conservative legal thought in the middle of the 19th century, we can clearly identify the antagonism between abolitionist constitutionalism and the conservative mode of constitutional interpretation that buttresses the status quo. In this period, the conservative mode was dominant and bent on securing and expanding its power. Yet with the question of whether newly admitted states were to be slave or free, the Free Soilers, Republicans and Abolitionist arguments were ascendant.

**III. Douglass’s Change of Opinion**

Douglass’s change of mind regarding the Constitution follows the arguments waged in abolitionist circles about the proper way to interpret the document. In 1849, Douglass boldly writes of his position: “I now hold, as I have ever done, that the original intent and meaning of the Constitution (the one given to it by the men who framed it, those who adopted, and the one given to it by the Supreme Court of the United States) makes it a pro-slavery instrument – such as one as I cannot bring myself to vote under or swear to support” (Foner 1950, 352).

A reflection of his early stance, Douglass’s arguments share in the broader position of the Anti-Slavery Society and William Lloyd Garrison. Central to this stance is how “the political power of the slave states… had so constitutionally entrenched the political power of slave owning interests that their power as an effective political faction had flourished to the degree that, inconsistent with the aims and theory of Madisonian constitutionalism, these factions actually had subverted the Constitution” (Richards 1992, 1194). Later in the same year, Douglass clarifies his position: “What we meant then, and what we would be understood to mean now, is simply this – that the Constitution of the United States, standing alone, and construed *only* in the light of its letter, without reference to the opinions of men who framed and adopted it, or to the uniform, universal and undeviated practice of the nation under it, from the time of its adoption until now, is not a pro-slavery document” (Foner 1950, 361-362).

In “Constitution and Slavery,” written a month later, he is trying to understand the relationship between slavery and the foundation of the United States in the constitution. He finds in the various compromises support for and encouragement of the slave power. So, while he can turn to the letter of the constitution and see in it antislavery, he also sees slavery. More important, for Douglass, is how the document has been interpreted and used in ways that support slave power opening up ways the document could be used in the service of antislavery.

Douglass announces his split with Garrison’s American Anti-Slavery Society and their position on the Constitution as a pro-slavery document in 1851. After studying the works of other (political) Abolitionist, like Lysander Spooner, Gerrit Smith, and William Goodell, Douglass begins to see these other interpretations as more valid and re-orients the positions espoused in newspapers like *The North Star* and *The Liberator.* He writes, “We [have] arrived at the firm conviction that the Constitution, construed in the light of well-established rules of legal interpretation, might be made consistent in its details with the noble purposes avowed in its preamble; and that hereafter we should insist upon the application of such rules to that instrument, and demand that it be wielded in behalf of emancipation” (Foner 1950, 155).

What is important here is what Douglass views as the ultimate purpose of constitutions – to ensure order. He argues the current system is rife with “lawless violence” that can never be made lawful without overthrowing slavery. In “Is the United States Constitution for or Against Slavery” (1851), Douglass argues the original intentions should be sought within the Constitution itself because it is the product of agreement and compromise (meaning, not everyone agreed or was in support of slavery).

At the same time, Douglass feels compelled to invoke the Declaration of Independence to make that argument, going both outside the letter of the Constitution and toward the conflict surrounding its formation. For him, the Declaration stands as evidence that the original intent of the Founders was to establish a government whose basis was the natural rights of human beings, therefore, Douglass argued the United States should be committed to those ends. For Douglass’s hermeneutics, the original intent of the authors is paramount, and evidence suggest they were committed to the natural rights of human beings. The question at issue here is whether the United States Constitution can be read as a document supporting the natural rights of all human beings?

Philosophers Charles W. Mills and Frank Kirkland have questioned Douglass’s constitutional interpretations. Mills addresses four conclusions that result from Douglass’s interpretation of the constitution and use of natural law. One is the question of whether natural law is the appropriate framework for considering moral and jurisprudential issues. Second, original intent is crucial for Douglass’s argument and for him this intent was antislavery and anti-white supremacy. Third, it follows then, that there is an inconsistency between the actuality and the founding principles of the American polity which through using moral suasion can be exploited by those agitating for racial equality. In this way, Mills raises the question of what use do or should Douglass’s interpretation/argument have for our current politics against antiblack racism. Lastly, Douglass concludes that there are grounds for optimism that blacks will eventually be accepted as full citizens in the American polity (Mills 1999, 104-5).

For Douglass, there is reason to see the foundational documents and its underlying principles as grounds upon which to advance anti-slavery and anti-white supremacy agendas – there is moral justification to do so. Whether he is also arguing that the intent of the founders met those same standards is questionable. For Mills, this is exactly what leads Douglass and integrationists astray. While original intent leads Douglass to argue that “slavery is a betrayal of the Revolutionary past” and we can see this in the founding documents because they reflect a “commitment to universal equality” (Mills 1999, 105). His optimism has seemingly proven to be misguided. Douglass reads the social contract as one oriented to human rights and equality, yet humans are allowed to hold other humans in enslavement with impunity. According to Mills, the issue here is that Douglass’s optimism leads him to lose sight of the problem of racism. Instead of a social contract of universal human rights, the U.S. social contact is a racial contract. Consequently, “‘man’ is by no means an unambiguously inclusive category, but one that is internally divided, tacitly contrasted with ‘savages.’ And for these beings, a different set of normative rules applies; natural law speaks differently” (Mills 1999, 122).

Many white people may be able to accept that idea that blacks are human beings. It does not mean that they believe blacks are endowed with the same rights. Complicating the intent of the Founding Fathers, Mills writes: “In their own eyes, these Framers would not then have been doing something wrong in codifying black subordination (if not necessarily slavery itself), since blacks were in fact lesser beings of a lower order and this had both moral and metaphysical implications. It was by no means merely a matter of white human convention and positive law” (121).

Douglass is making a more substantial argument in urging us to see our foundations, if not then certainly in our efforts in the “ever-present now” to bring about a more perfect union. Douglass’s political abolitionism, informed as it was by his moral orientation, is what he is fighting for, though many see in this dream “a mistaken belief that white moral opposition to slavery also included a white moral commitment to black equality, leading to the withering away of racism” (Mills 1999, 127).

The problem, then, of Douglass’s political philosophy and belief in the power of the constitution as a resource of universal equality and human rights is that it insufficiently addresses the fact of racism at the root of the system. Since the United States is a racial contract, the only way to achieve transformation requires facing the reality of racial subordination and exclusion. Mills (1999) writes, “Since that America has been constructed precisely on racial exclusion, transformation of the polity would require the genuine transcendence of race, not through an evasive colorblindness that encodes and perpetuates white privilege without naming it, but through the dismantling of the objective structures and subjective psychology of racial subordination” (128).

For Mills, the real trouble lies with the fact that the real power in bringing about this transformation lies with the white majority. He writes, “The shifting meaning of the Constitution is then really determined by the white majority. Thus while constitutional reform is important, it is ultimately subject to a racialized interpretive logic, by which federal action or inaction is determined by taking a status quo of historic white privilege as neutral, rather than as the legacy of the racial polity” (133).

Ultimately, Mills’ assessment of Douglass’s constitutionalism sees only how it “failed to fully recognize this structure itself, to realize how deeply race and racial self-interest had entered into the creation of the polity and its citizens’ identities, so that he would later underestimate, and be astonished by, the extent of white resistance to racial equality” (128).

However, in his reading of Douglass’s speech, he misses other insights Douglass offers over the course of his life. I argue that his focus on human nature and statecraft show how important the problem of racism was for Douglass. Douglass’s use of sentimentalism throughout the war years demonstrates an attempt on one hand to change the white hearts and minds estimation of black men, in particular, but also to foster a sentiment among black men as members of the political community of the United States. Therefore, Douglass’s political philosophy is geared toward establishing a foundation for universal public sentiment in a way that differed from the sentimentalism of the period because it was meant as a radical transformation of the social contract of the United States away from its racialized beginnings.

Similar to Mills’ take, philosopher Frank Kirkland (1999) raises an important discussion of the inability of moral suasion to achieve abolition, teasing out differences between sentimentalism. Moral suasion follows Kant’s maxim of making public use of one’s reason, where using their capacities to reason, people will see the moral validity of the argument that all human beings have inalienable rights. The campaign of moral suasion among Abolitionists wanted to move its audience to agree that slavery was morally wrong and should be ended. William Lloyd Garrison argues slavery makes the social contract invalid. Frederick Douglass saw a strong argument that the social contract was founded upon equality and equal rights. Therefore, the natural rights of black people would be conceded among white audiences. One merely had to move them. Kirkland (1999) argues,

Rational acceptability of Douglass’ claim that human nature and rights of black people are self-evident would have to rely less on intuitive insight and linked at the outset to discursive deliberations seeking general agreement. Moral suasion, then, would be the discursive articulation about the validity and violation of norms concerning the immorality of enslavement, the humanity of enslaved Africans, and extension of rights to them, with the aim of seeking general agreement for their validity and against their violation (247-248).

For Kirkland, two problems arise with moral suasion: First, it obscures the relation between obligation and motivation; and second, it leaves the impression that moral suasion alone can serve as the exclusive antidote to enslavement. Kirkland underlines two modalities of moral suasion – moral sentimentalism (of Garrison) and political abolitionism (connected to and informed by the idea of natural law). Kirkland argues we need to divorce moral suasion from moral sentimentalism. He identifies one central problem with Douglass’s constitutional interpretation and strategy of employing natural rights doctrine. On this point, Kirkland comes to the same conclusion as Mills regarding where the fault lies: the connection Douglass makes between the “moral fact of natural law doctrine” and it being a guiding virtue among the Framers of the constitution. To make this connection, Douglass must present the original intent of the Framers as “carry[ing] the meaning or sense of natural law as a ground of obligation against slavery” (274).

However, the relationship of the founding documents to natural law is questionable, for Mills and Kirkland, given positive law, as well as “constitutional compromises” like the 3/5tth clause. In this way, the founding documents “[carry] no moral orientation beyond which they are framed and bearing the empirical, pragmatic, and historical imprimatur of the social context in which they are established” (Kirkland 1999, 274). On this point, both Kirkland and Mills see a better and more correct reading of the founding documents in Douglass’s earlier position to read the constitution as a proslavery document. The principle of natural law relies on “the eternal character of natural law” with little to no “interest in historical causes” (Mills, 1999, 108). On the other hand, positivism, as a legal doctrine, opens the conceptual door to more politically sophisticated and sociologically informed variants like the American legal realism of the 1920s, and the critical legal studies and critical race theory of the present, is its demystified focus on actual laws and law-making, and their embeddedness in social context and power relations” (Mills, 108-109).

While the original intent and meaning of the Constitution as the framers adopted and put the weight of government was to support the institution of slavery, there were also unestablished intents in need of resolution. For Douglass, the legitimacy of the state rests on its facility to its professed intents. It should not be based on contradictions. He wants to resolve the contradictions between the founding documents and positive law. To do so, Douglass turns to natural law doctrine. He begins to understand the Declaration and the Constitution by its letter alone. On that basis, there is reason to see a moral orientation toward natural law in the lines: “we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.” What was needed, then, was a new public philosophy to guide the reconstituted United States upon a renewed understanding and commitment to inclusive principles of equality and human rights (Bromell 2021).

For Douglass, the intent and meaning are clear. Unlike William Lloyd Garrison who rejected the legitimacy of the government, Douglass saw an opportunity. He saw how the Constitution and the laws of the country had been used to foster the slavery. Instead of conceding those powerful words, he chose to use them for his own purposes. In this way, we see that Douglass does not give up on moral suasion or moral sentimentalism as methods of communication but bolsters his project of abolition with them. Those lines provide a ground of optimism that abolition will be achieved, and blacks will be incorporated into the nation with an equal share in the rights the state professes.

In Douglass’s embrace of political abolitionism, we see how moralism of Garrison’s kind is not enough. In his change of opinion, one gleans an early insight into viewing political institutions as *instruments*, that may be in service of different opposing ones for the cause of abolition. We see the way Douglass writes and speaks about the law and political institutions as instruments (tools to be used to gain particular ends/goals), as such the role of power, how it is wielded, and toward what ends becomes an important pivot point for Douglass. One where he sees the ways in which the slave power has utilized the law to foster a hegemonic interpretation of the foundational documents in ways that benefit the slavocracy. Later, in his *Change of Opinion Announced*, he sees this too as a space of struggle, one worthy of fighting over to use the instruments to create a more principled state in practice. He came to see moral abolitionism’s stance of avoiding politics altogether as conceding power rather than fighting for it. Since he saw that he was in the right, occupying the moral high ground, Douglass could not make that concession. Rather than viewing his change of opinion as the “rejection of one view and the adoption of another,” we should see this moment as a pivotal statement that “he had begun to think for himself” (Bromell 2021, 102).

Further, we miss Douglass’s contribution to the formation of radical antislavery’s rights-based egalitarian political theory and practice. Black abolitionists, like Frederick Douglass should be included in discussions of “the longstanding project of American revolutionary constitutionalism” (Richards 1992, 1200). The culminating moment for the United States came with the end of the Civil War, the end of slavery, and reunion of the states in the 13th, 14th, and 15th Amendments. Writing in 1865, William Lloyd Garrison called for the American Anti-Slavery Society to dissolve, marking the end of the abolitionist struggle. Garrison wrote, the amendment had transformed “a covenant with death” into “a covenant with life” ending his “vocation as an abolitionist” (Foner 1950, 52).

Instead of abolition ending the struggle of a multiracial polity of principle, like many others, Douglass found it merely entered a different stage.[[5]](#footnote-5) One of the stages this problematic plays out is in the state itself. The Refounding period offers great insight into what antislavery, anti-black racist activist like Douglass were fighting for and how that reform movement continues. Interpretations of the founding documents, coming out of the Abolitionist movement seriously elaborate on human rights and the political arrangements meant to support and secure them. Perhaps no more than in Douglass do we receive such an impassioned philosophy of a politics of principle. In the next section, I explore Douglass’s understanding of human nature at the heart of natural rights.

**IV. Refounding the United States**

According to Frederick Douglass’s view, in order to understand the Constitution as a document that supports the natural rights of all human beings, one must first understand human nature. What Douglass is attempting to do is present a renewed understanding of originalism and an inclusive understanding of natural law as a basis for refounding the United States. In “Black Sister to Massachusetts” Juliet Hooker (2015) argues of his political philosophy, Douglass “was committed to working toward the refoundation of the U.S. polity on more egalitarian terms; he envisioned its radical transformation based on an expansive notion of multiraciality that would decenter whiteness” (692). Robert Gooding Williams (2009), instead, offers a view of black political thought as its own tradition, beginning with Frederick Douglass and influencing black scholars and intellectuals ever since. Douglass theorizes a new public philosophy, not merely an extension of existing traditions to black life. The novel contribution of his thinking is often missed in the efforts of scholars to place him within one of these classic traditions.

To do so, Douglass develops a theory of the human being to ground the center of rights and democratic politics. Following his assessment of natural rights, black people are human beings, therefore the United States needed an understanding of the American project that included them. At the same time, as early as 1854, he identifies the problem of antiblack racism for the nation in the speech “The Negro Ethnologically Considered.” He discusses the need to overcome “the relation subsisting between the white and black people of this country.” He discusses how the common ancestry in the human family shared by both blacks and whites has been the subject of inimical attack among scientific racists like Josiah Nott and Samuel Morton, who promoted the view that blacks were not human in the same way as whites were human. Douglass was certainly aware of this sentiment, though he would not go as far as Mills to suggest the United States was founded upon a racial contract. He is interested in reforming the contract to clarify its principles of human rights and equality upon inclusive grounds. He makes a similar point in 1866 on woman’s suffrage:

If woman is admitted to be a moral and intellectual being, possessing a sense of good and evil, and a power of choice between them, her case is already half gained. Our natural powers are the foundation of our natural rights; and it is a consciousness of powers which suggests the exercise of rights. Man can only exercise the powers he possesses, and he can only conceive of rights in the presence of powers (Foner 1950, 232-33).

The foundation of our political rights are based upon natural rights, but to truly feel empowered in this way these rights must be socially sanctioned as well. It is not enough to say all humans have rights and blacks and women are human, therefore, they have rights, but a recognition of human power, the ability for human development must be a shared capacity. Human freedom cannot exist while the problem of the individual in a society that accepts inequality/oppression persists. In this way, sentiment is an important component of statecraft. Recently, scholar Nick Bromell makes a similar point in his discussion of the shortcomings of the Declaration of Independence. Not only does the Declaration not offer a “substantive conception of ‘man’ beyond the assertion that he is ‘endowed’ with rights,” but moreover it does not provide a “broad affective basis on which citizens might build and sustain political community” (Bromell 2021, 6). According to common conceptions of liberalism, only individual self-interest binds those in a polity, however, as Bromell notes, “the pursuit of individual self-interest, or “happiness,” cannot provide the feelings of mutual belonging and solidarity required to create and sustain a self-governing community” (Bromell 2021, 6).[[6]](#footnote-6) He continues, “consequently, citizens may be disposed to turn to *supplementary* sources of political and social solidarity, such as nationalism, race, and gender” (Bromell 2021, 6).[[7]](#footnote-7) Rather than the primacy of the individual as rights holder, Douglass fought for a political ethos attendant to our humanity (our powers and abilities) as a source of communal strength. Human powers include our capacity for courage and sense of integrity. Though this may be a natural endowment, human beings are susceptible to weakness and avarice.

According to Mills, Douglass’s moral views left him blind to the insidious barrier racism posed. Instead, during the years leading up to the Civil War he believed racism would “wither away” with the end of slavery. In this way, Douglass subscribes to the view that racism is abnormal and inconsistent with our principles as a social contract. At the same time, he is keenly aware of the Slave Power’s reach in shaping people’s attitudes. Yet, even after becoming a free man, Douglass saw the barriers blacks would continue to face due to antiblack sentiment and white racism. Neil Roberts has described the freedom Douglass experienced and gave voice to was “comparative freedom,” a freedom always already circumscribed by how whites viewed him.

At the close of the Civil War and the attack on radical Reconstruction, Douglass’s view on racism’s inimical hold could not be ignored. To overcome the preposterous challenge of proving black humanity as equal bearers of the natural rights that bind our nation, “he would examine and transform the category of the human itself” (Bromell 2021, 39). Douglass’s thinking on the human involves the capacity of human conscious reflection and morality moving human beings to right action or to take responsibility as well as the recognition of shared humanity. He speaks of human faculties and powers suggesting that our human power is the driver of politics and our government. Douglass wants us to see it as part of statecraft, building a human community where all are equal and free.

Throughout his last autobiography, *Life and Times*, Douglass depicts scenarios of the indignity black people faced in being regarded as less than human. Despite the fact that the Union was preserved, and slavery abolished, “the wrongs of my people were not ended,” Douglass writes. The importance of sentiment to politics and who we are as a people is a central concern for Douglass throughout his life. he writes of the importance of sentiment for the U.S. polity, a lesson the Civil War and defeat of Reconstruction made clear, rights alone are not enough. In these scenarios, Douglass suggests that human nature is relationally shaped. Douglass describes the relationship in the following way:

…for no man who lives at all lives unto himself – he either helps or hinders all who are in any wise connected with him… Though slavery was abolished, the wrongs of my people were not ended. Though they were not slaves, they were not yet quite free. No man can be truly free whose liberty is dependent upon the thought, feeling, and action of others, and who has himself no means in his own hands for guarding, protecting, defending, and maintaining that liberty. Yet the Negro, after his emancipation, was precisely in this state of destitution. The law on the side of freedom is of great advantage only where there is power to make that law respected. I know of no class of my fellow men, however just, enlightened, and humane, which can be wisely and safely trusted absolutely with the liberties of any other class…. And yet the government had left the freedmen in a worse condition than either of these. It felt that it had done enough for him. It had made him free, and henceforth he must make his own way in the world. Yet he had none of the conditions for self-preservation or self-protection. He was free from the individual master, but the slave of society. He had neither money, property, nor friends (2003, 815).

In moments such as this, it is clear Douglass understands the durableness of racism across the society in the U.S. Nevertheless, the social antagonism Douglass identifies is not merely one of white against and over black, but is a struggle between two sides of humanity – one fighting for it; another against it. Douglass (1883) says of this “irrepressible conflict” as “two hostile and irreconcilable tendencies… good and evil, truth and error, enlightenment and superstition” (383).

He sees in this longstanding battle an essential struggle of humanity itself. He states:

Progress and reaction, the ideal and the actual, the spiritual and material, the old and the new, are in perpetual conflict, and the battle must go on till the ideal, the spiritual side of humanity shall gain perfect victory over all that is low and vile in the world. This must be so unless we concede that what is divine is less potent than what is animal; that truth is less powerful than error; that ignorance is mightier than enlightenment, and that progress is less to be desired than reaction, darkness, and stagnation” (1883, 383).

In fact, he views all efforts at progress or reform as “effort[s] to bring man more and more in harmony with the laws of his own being and with those of the universe” (1883, 387). As a result, progress and reform rely on human nature and human action. He says, “A denial of progress and the assumption of retrogression is a point-blank contradiction to the ascertained and essential nature of man. It opposes the known natural desire for change and denies the instinctive hope and aspiration of humanity for something better” (1883, 381).

Although he views progress as part of the essential nature of man, there are obstacles that often inhibit progress. He states:

Of course the message of reform is in itself an impeachment of the existing order of things. It is a call to those who think them-selves already high, to come up higher, and, naturally enough, they resent the implied censure. It is also worthy of remark that, in every struggle between the worse and better, the old and the new, the advantage at the commencement is, in all cases, with the former. It is the few against the mass. The old and long established has the advantage of organization and respectability. It has possession. It occupies the ground, which is said to be nine points of the law.

Besides, everything which is of long standing in this world has power to beget a character and condition in the men and things around it, favorable to its own continuance. Even a thing so shocking and hateful as slavery had power to intrench and fortify itself behind the ramparts of church and state, and to make the pulpit defend it as a divine institution (1883, 388).

One can see in Douglass’s political thought the essence of Douglass’s statecraft, and black statecraft more generally, is the acknowledgment that the task is up to us, human beings too create a more perfect union. “So far as the laws of the universe have been discovered and understood, they seem to teach that the mission of man’s improvement and perfection has been wholly committed to man himself. So is he to be his own savior or his own destroyer. He has neither angels to help him nor devils to hinder him” (1883, 390).

Fortunately, for us all, we have Frederick Douglass to remind us of this fact and the moral obligation to continue fighting for all to be equal and free. The Constitution is a living document, Douglass argues, meaning the foundations of state are not on stable principled or ideological ground, but represent a struggle of interpretation.[[8]](#footnote-8) A land of liberty is a utopian desire, seen in the eloquent struggle between the world and the world worth making as described by Douglass. His end-of-life reflections are haunted by his earlier idealism and the distance that remained to be crossed in order to achieve that vision. Yet, these setbacks did not deter him. He kept fighting, speaking, and writing. His persistence and steadfast idealism in the face of opposition, reversals, violence, and rejections gives us reason to pause and reflect on why we should participate in politics, in world-making activities aimed toward improving the lives of all in the first place. He speaks to the meaning of struggle, what it looks like, what it feels like. In his critiques of the status quo, government, and society, there is an opportunity to move seamlessly between the relationship between our critique and what we hope to build in its place. This methodological dance is something I think Douglass was aware of, the distance between theory/ideals and practice. He wanted to point out the ways in which our political practices ran afoul of our professed ideals and offered solutions on how to correct the error. Instead of offering answers or ways of addressing antiblack racism, my point is that he is giving us what is required.

**Conclusion**

Douglass urges us to see our foundations, if not then certainly in our efforts now to bring about a more perfect union. He wants to get everyone to see in the founding documents a moral obligation toward inclusivity, universalism, anti-racism, and humanism. He seeks a renewed agreement upon these lines of the purpose of the union in the first place, calling the nation and its citizens to a higher order. Douglass is not speaking and writing about what was (originalism), what is (politics and sentiments of the time) but how it should be.

1. See Gooding-Williams, Robert (2009) *In the Shadows of Du Bois: Afro-Modern Political Thought in America*. He shows the ways in which Du Bois inaugurated a problematic bipartite view of black politics and political thought into assimilationist and integrationist strands; critiques of leadership; republican tradition (p.166, 179, 208-209). [↑](#footnote-ref-1)
2. Other examples of proslavery constitutionalism in this period, repeal of Missouri Compromise in the Kansas-Nebraska Act of 1854 and Stephen Douglass’s theory of popular sovereignty (*ibid)*. [↑](#footnote-ref-2)
3. Some black abolitionists central to the debates in this chapter include David Walker, Maria W. Stewart, Henry Highland Garnett, Martin Delany, and James McCune Smith, to name a few. [↑](#footnote-ref-3)
4. See also Joshua Simon (2014; 2017) on the contingency of economics for ideologies of American national development. [↑](#footnote-ref-4)
5. Many disagreed, so even though Garrison stepped down the AASS continued with Wendell Phillips as its new president. Phillips argued, without further measures to ensure freed peoples rights were protected, their rights would be denied by the states (see *Liberator* Feb 3, 10, 17 & *NAS* Feb. 3, Mar. 4 1865). [↑](#footnote-ref-5)
6. On liberalism, see Phillip Pettit *Republicanism* and the work of Quentin Skinner. [↑](#footnote-ref-6)
7. *Ibid*, italics in original. [↑](#footnote-ref-7)
8. Jason Frank argues Douglass’s reading of American history as a process of self-enactment forever promised yet forever unfulfilled contrasts with common readings of American history. In this way, Douglass becomes a powerful role model and symbol for Frank’s view of constituent moments, insurgent citizenship, and the importance of history for contemporary socio-political problems. He urges us to take ownership of our past and our voice because ultimately it characterizes the nature of our democracy. He warns, “How we imagine our relationship to a revolutionary past gives shape to who and how we are as democratic people” (39). [↑](#footnote-ref-8)