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Antebellum Natural Rights Liberalism

DANIEL S. MALACHUK

Like their revolutionary forebears, antebellum American liberals believed in the metaphysical existence of natural rights, and they differed among themselves only on the question of whether to secure those rights for all persons gradually or immediately. In the three decades before the Civil War, that tactical but nonetheless signal difference was most dramatically illustrated in the quarrels between liberals regarding the pace for emancipating enslaved persons: self-identified “abolitionists” urged immediate emancipation, whereas moderate “antislavery” advocates counseled more gradual approaches.

However, modern scholars have misinterpreted this tactical debate as indicative of a deeper, philosophical one to the point of likening immediatist abolitionists such as William Lloyd Garrison to today’s “perfectionist” liberals and gradualist antislavery advocates such as Abraham Lincoln to “political” ones. Although this distinction between perfectionist and political liberalism is certainly important today, to trace it so far back in time is to drive an anachronistic wedge right through the middle of antebellum natural rights liberalism.

This is not to say there were no differences among antebellum liberals beyond the tactical; although antebellum liberals were *philosophically* one regarding the metaphysical priority of natural rights, they differed about how to secure those rights—and not just *tactically* about the pace of this work but *politically* about the best regime for this work. The wide political array of natural rights liberals that resulted—including anarchists, cosmopolitans, revolutionary nationalists, and constitutional nationalists—helps to answer the question of whether the Civil War was a revolution or a return: basically, it depends on who you ask. More important than this political question though is the philosophical one raised by this deep consensus about natural rights among antebellum liberals: If liberals then required metaphysical natural rights to end slavery, can political liberals now do the same—when globally there are more enslaved persons than ever before—without natural rights?

ANTEBELLUM NATURAL RIGHTS LIBERALISM

After much scholarly debate over the past fifty years, that natural rights liberalism began with John Locke's *Two Treatises of Government* (1689) is a settled matter, as is the fact that, although this theory jostled for supremacy in England for a century afterward, Louis Hartz's old claim that American thought "begins [and] stays with Locke, by virtue of an absolute and irrational attachment" is only somewhat exaggerated, at least in the Northern context.¹ When in 1776 Thomas Paine warned in Lockean terms that the persecutory British were "declaring War against the natural rights of all Mankind," his book spoke "common sense" to enough Americans to make it the world's first best-seller.² And, as Carl Becker long ago observed, because Thomas Jefferson and his colleagues also believed Locke's natural rights philosophy "self-evident," they paraphrased it so closely in the Declaration of Independence (1776): "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," "that to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed," and "that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government."³ As Jefferson would later explain, in crafting the Declaration, he and his colleagues sought "not to find out new principles . . . but to place before mankind the common sense of the subject."⁴

Two generations later, the existence of natural rights remained common sense for the antebellum liberals. Prior to the Civil War, for those liberals seeking to universalize natural rights, the simplest and surest way remained to allude to the Declaration. At Seneca Falls, New York, in 1848, to prove that women have natural rights too, Elizabeth Cady Stanton simply adjusted the Declaration to assert "that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights," and so on.⁵ Similarly, in his January 1, 1831, "Inaugural Editorial" to the *Liberator*, Garrison explained that, in "assenting to the 'self-evident truth' maintained in the American Declaration of Independence, 'that all men are created equal, and endowed by their Creator with certain inalienable rights—among which are life, liberty and the pursuit of happiness,' I shall strenuously contend for the immediate enfranchisement of our slave population."⁶ This reliance upon the Declaration's natural rights was no passing whim for Garrison; thirty-four years later he brought the *Liberator* to a close with the contention that "no journal . . . has

vindicated . . . the Declaration of Independence, with its self-evident truths—the rights of human nature, without distinction of race, complexion or sex—more earnestly or more uncompromisingly.”⁷

A few more antebellum liberals help to illustrate just how widespread these convictions about the Declaration’s natural rights were. Consider another immediatist abolitionist like Garrison, one committed to even more aggressive tactics. In his May 1858 Provisional Constitution and Ordinances for the People of the United States, John Brown declared (in Lockean terms) that the current American state was illegitimate because it remained in a state of war with enslaved persons. As Brown put it in the preamble:

Whereas slavery, throughout its entire existence in the United States, is none other than a most barbarous, unprovoked, and unjustifiable war of one portion of its citizens upon another portion . . . in utter disregard and violation of those eternal and self-evident truths set forth in our Declaration of Independence, we, citizens of the United States, and the oppressed people who, by a recent decision of the Supreme Court [i.e., *Dred Scott v. Sandford*], are declared to have no rights which the white man is bound to respect, . . . do, for the time being, ordain and establish for ourselves the following Provisional Constitution and Ordinances, the better to protect our persons, property, lives, and liberties, and to govern our actions.⁸

As his biographer David S. Reynolds explains, Brown intended the provisional constitution to found a new American state that would—this time—hold true to its founding principles, an independent mountain society in the Alleghenies where Brown and those liberated from slavery might live for years like the Jamaican maroon communities.⁹

Another American abolitionist, the nation’s greatest, Frederick Douglass, shifted tactically from immediatism to gradualism over the course of the 1850s, but whatever his tactics he always held exactly the same Lockean convictions as did Jefferson, Stanton, Garrison, and Brown. Douglass was particularly emphatic about the metaphysical status of those natural rights too. “I have always felt,” he wrote in his 1881 *Life and Times*, “that I had on my side all the invisible forces of the moral government of the universe. Happily for me I have had the wit to distinguish between what is merely artificial and transient and what is fundamental and permanent; and resting on the latter, I could cheerfully encounter the former.”¹⁰ For Douglass, the “fundamental and permanent” were natural rights, as several scholars have recently argued. “In the basis as well as the substance of his moral principle,” Peter C. Myers has written, Douglass “followed the Declaration of Independence, which pointedly located the primary political truths not in positive revelation but instead in ‘the Laws of

Nature and of *Nature's* God.” Natural rights were “the substance of Douglass’s rational faith.”¹¹ Nicholas Buccola similarly traces Douglass’s “natural rights philosophy” to Douglass’s belief (in Douglass’s own words) in the “civic catechism of the Declaration of Independence.”¹²

Douglass’s emphasis upon the metaphysical status of natural rights echoed Locke’s own. Because all men are “the Workmanship of one Omnipotent, and infinitely wise Maker,” Locke famously argued, they are God’s “property,” and no other’s, and thus are “made to last during his [God’s], not one another[’]s Pleasure.”¹³ Douglass agreed, insisting that the enslaved person was “a moral and intellectual being” wrongly held by another person instead of by God, for each person bears “the image of God . . . and possess[es] a soul, eternal and indestructible.” For Douglass, slavery—in Justin B. Dyer’s words—was simply “a violation of the natural moral order” and thus “constituted a peculiar ‘crime against God and man.’ Douglass’s argument,” Dyer continues, “presupposed a connection between the moral order and divine providence.”¹⁴

As noted, Douglass retained his rational faith in natural rights even as he shifted tactically from immediatism (like Garrison and Brown) to gradualism; but other consistently moderate antislavery thinkers also shared this faith, which Lincoln (to take the most prominent example) called in fact his “ancient faith.” This has been understood by scholars for some time: whether one turns to Becker’s 1922 *The Declaration of Independence* or Harry V. Jaffa’s 1959 *Crisis of the House Divided*, scholars have long recognized that Lincoln, in Jaffa’s words, “believed slavery to be against natural right.”¹⁵ Although these and other scholars since have still found many reasons to disagree with each other—for example, about whether Lincoln was racist, whether Lincoln’s “ancient faith” drew on the Christian Bible as well as the Declaration, or whether (regardless of Lincoln’s belief) natural rights are true or false—there is nonetheless broad consensus that Lincoln himself truly believed in natural rights.¹⁶ What matters is that for Lincoln these rights were indeed *natural*, “grounded,” as Dyer explains, “in truth that transcended a particular time and place and found an enduring basis in human nature. Nature, for Lincoln, . . . did not merely denote what is but also supplied norms of what ought to be, and reason, rather than passion, provided the means by which men apprehended those practical axioms. As such the particular . . . norms of a particular polity could be measured against transcendent, rational standards.”¹⁷

Further, as was the case for Garrison, Brown, and Douglass, for Lincoln the Declaration was the central document for American natural rights liberalism. Although he did not begin his career with a singular dedication to the text, when Lincoln returned to politics in the 1850s, the Declaration—partly

because of attacks on it by John Calhoun and others—became his touchstone.¹⁸ Indeed, so fervent grew his dedication to the founding document that in an 1861 speech at Philadelphia, Lincoln confessed he “never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence”¹⁹ (*Collected Works*, hereafter cited parenthetically as *CW*, with page numbers). What those sentiments amounted to, for Lincoln, was the universality of natural rights. In October 1858, in the seventh and final debate with Stephen Douglas, Lincoln described the meaning of the Declaration this way:

I think the authors of that notable instrument intended to include all men, but they did not mean to declare all men equal in all respects. They did not mean to say all men were equal in color, size, intellect, moral development or social capacity. They defined with tolerable distinctness in what they did consider all men created equal—equal in certain inalienable rights, among which are life, liberty and the pursuit of happiness. This they said, and this they meant. (*CW* 3:301)

Unlike Brown, though, Lincoln firmly believed that these inalienable rights could be secured only gradually, not with a new nation in the mountains but with the power of the existing Union. In an 1857 speech at Springfield, he explained that the authors of the Declaration, in announcing the inalienable rights, “meant simply to declare [them] so that the enforcement of [these rights] might follow as fast as circumstances should permit”: “They meant to set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people of all colors everywhere” (*CW* 2:406). Lincoln was in this way a “gradualist.”

So, although antislavery Lincoln agreed with abolitionist Brown about the metaphysical existence of natural rights, he disagreed about the pace at which those rights should be realized universally. *Philosophically*, that is, Lincoln agreed with the abolitionists that the Declaration’s natural rights served as “a standard maxim for free society” and thus even as “a spiritual regulator” (as Staughton Lynd once put it) akin “to that of the Biblical injunction ‘Be ye perfect.’”²⁰ *Tactically*, though, Lincoln and the abolitionists differed tremendously. Consider Garrison. Although since even before the founding opponents of slavery had been advocating for the gradual emancipation of enslaved people, in the 1830s Garrison was among the most prominent of a new breed of activists who promoted what came to called “immediatism.” Inspired not only by the Declaration’s natural rights but also the Second Great Awakening’s

revivalism, Garrison believed “moral suasion” would spark a kind of conversion experience among white Americans about the righteousness of “the immediate enfranchisement of our slave population,” as Garrison called for in 1831. Meeting in New York City in December 1833 to establish the American Anti-Slavery Society (AAS), Garrison demanded immediate emancipation:

More than fifty-seven years have elapsed, since a band of patriots convened in this place, to devise measures for the deliverance of this country from a foreign yoke. The corner-stone upon which they founded the Temple of Freedom was broadly this—“that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, LIBERTY, and the pursuit of happiness.” At the sound of their trumpet-call, three millions of people rose up as from the sleep of death, and rushed to the strife of blood; deeming it more glorious to die instantly as freemen, than desirable to live one hour as slaves.²¹

Thus far, all of these sentences might have been spoken by Lincoln. However, then Garrison explained to his fellow AAS members, “We have met together for the achievement of an enterprise, without which that of our [founding] fathers is incomplete.” And with this statement, Garrison made his turn toward immediate civil disobedience, arguing first “that all those laws which are now in force, admitting the rights of slavery, are therefore, before God, utterly null and void,” then second that some of those laws are to be found in the Constitution itself (he mentioned the articles about suppressing insurrections and the three-fifths clause among others), and then third that because these laws perpetuate among even Northerners a “relation to slavery [that] is criminal,” that relationship “MUST BE BROKEN UP.” Committed like Lincoln to natural rights, Garrison advocated tactics that were the very opposite of Lincoln’s: disunion instead of union.²²

Philosophically one but tactically divided, Lincoln’s gradualism and Garrison’s immediatism would constitute the great drama of American liberalism until the Civil War rendered the question moot: At what pace should natural rights be universally secured? Unfortunately, however, that disagreement about tactics has so preoccupied—and even misled—modern scholars that we have lost sight of the much more important consensus about natural rights.

AN ANACHRONISTIC WEDGE

There have always been two major critiques of abolitionism. The first critique, initiated by antebellum proslavery Southerners such as George Fitzhugh,

rejected abolition's natural rights as violating the neofeudal ideal it shared with reactionary Europeans such as Joseph de Maistre and Thomas Carlyle.²³ Over the course of the twentieth century, however, explicit theories of hierarchical societies sputtered into "neo-Confederate" sentiments rather than a significant theoretical legacy.

The second critique of abolitionism, though, was made by liberals and included no objection to its natural rights basis. When, for example, the very first immediatist, David Walker, declared in his 1829 appeal that all black persons "must and shall be free"—for could not American whites "see your Declaration [and] understand your own language?"—liberal critics of immediatism did not object to Walker's philosophy; on the contrary, they shared it.²⁴

What liberal critics of abolitionism objected to were Walker's immediatist tactics, and in so doing, they initiated an essentially psychological critique of these tactics. Take, for example, the liberal critique of abolitionism developed by Massachusetts senator Daniel Webster. Like the abolitionists, Webster was fundamentally committed to natural rights; we can trace that commitment throughout his entire life. For example, in a November 1799 article, a teenaged Webster, disturbed by Napoleon's recent coup d'état and forsaking of French revolutionary principles, assured his audience that Napoleon's antics would do nothing to challenge Webster's own convictions about natural rights. For when men—unlike Napoleon—justly "take arms to burst those chains that have bound them in slavery, to assert and maintain those privileges which they justly claim as natural rights, their object is noble, and we wish them success."²⁵ A half-century later, in a February 1850 letter, Webster reiterated these same convictions to the abolitionist Unitarian minister William Furness when he explained that his crafting of the 1850 Compromise—which sought to balance California's entry into the Union as a free state with a law strengthening the Constitution's provision for the return of fugitive slaves (Article 4, Section 2, paragraph 3)—did not at all violate his fundamental belief that (and these are Webster's words) "slavery is a continued and permanent violation of human rights." However, he prudently reasoned, only the "mild influences of Christianity" would ever truly bring slavery to an end; his role as a statesman was to preserve the Union so that it would one day be able to protect the rights of the emancipated. That is why, Webster told Furness, he could in no way countenance the radical tactics of those "breaking up social and political systems, on the warmth, rather than the strength, of a hope that, in such convulsions, the cause of emancipation may be promoted."²⁶

Webster alludes here to immediatists such as Garrison, whose extreme tactics—including his 1833 demand that all systems supporting slavery "MUST BE

BROKEN UP”—made them, in Webster’s eyes, not fellow natural rights liberals but radicals of a specific and dangerous temperament. Webster diagnosed that temperament a month later in a major March 7, 1850, congressional speech in which he explicitly contrasted his prudent support of the compromise bill with the rabid opposition of the abolitionists. The abolitionists’ real problem, Webster explained, was their temperamental inability to compromise. “There will sometimes be found men,” Webster observed, “with whom every thing is absolute; absolutely wrong, or absolutely right.” Even worse, he added, “they are apt . . . to think that nothing is good but what is perfect, and that there are no compromises or modifications to be made in consideration of difference of opinion or in deference to other men’s judgment.” Indeed, if they cannot get their way, these fanatics will happily destroy the world. “If their perspicacious vision enables them to detect a spot on the face of the sun, they think that a good reason why the sun should be struck down from heaven. They prefer the chance of running into utter darkness to living in heavenly light, if that heavenly light be not absolutely without any imperfection.”²⁷

Webster was one of the many antebellum liberals who developed this psychological profile of abolitionists, a profile we have subsequently come to call “perfectionist.”²⁸ The readiness of moderate American thinkers to pathologize abolitionists did not at all slacken with the end of the Civil War or even the start of the civil rights movement; on the contrary, even some of the most astute American scholars continued to rely upon this diagnosis. In his 1964 “The Paranoid Style in American Politics,” for example, Richard Hofstadter lumped abolitionists with all of those for whom social conflict is not “something to be mediated or compromised.”²⁹ What is at stake for these “paranoids,” Hofstadter explained, “is always a conflict between absolute good and absolute evil, what is necessary is not compromise but the will to fight things out to a finish.” Much as Webster in 1850 accused abolitionists of readiness to strike down the sun, Hofstadter in 1964 judged them genocidal because in their view “the enemy is thought of as being totally evil and totally unappeasable, [and therefore] he must be totally eliminated.” Indeed, he continued, abolitionism is best understood as a psychological condition, not a political movement, given that the paranoid abolitionist’s “enemy is on many counts a projection of the self.”³⁰

The civil rights movement inspired a generous reconsideration of abolitionism, but the psychoanalytical habit has still been hard for liberal critics of abolitionism to break. In an important 2012 book, *The Abolitionist Imagination*, Andrew M. Delbanco, although admiring the renaissance in abolitionist historiography, nevertheless still contends that the abolitionists exemplified a “persistent impulse in American life.”³¹ “The sacred rage of abolitionism”—as

Delbanco labels “its moral urgency and uncompromising fervor, its vision of the world purified and perfected”—“has been at work in many holy wars since the war against slavery. One thinks,” Delbanco continues, “not only of the war against drink, or of Reagan’s Star Wars, but of the war against the gold standard . . . , the ‘war to end all wars,’ the wars on poverty, on cancer, on drugs, the ongoing war on terror, and, whether we like it or not, the war against abortion.”³² These “parallels should remind us,” Delbanco concludes, “that all holy wars . . . from left or from right, bespeak a zeal for combating sin, not tomorrow, not in due time, not, in Lincoln’s phrase, by putting it [slavery] ‘in the course of ultimate extinction,’ but *now*.”³³

Together, then, the critiques of Webster in 1850, Hofstadter in 1964, and Delbanco in 2012 reveal a continuity of focus on abolitionism’s *psychological* perfectionism. However, Delbanco’s analysis also hints at a new innovation in the liberal critique of abolitionism, entailing two striking claims. The first is that abolitionism was also afflicted by a different kind of perfectionism, a *philosophical* perfectionism, to be defined momentarily. The second is that, in resisting abolitionism’s immediatism, antislavery gradualists cultivated an alternative philosophical foundation known as value pluralism, which anticipates the worldview we now associate with political liberalism. So compelling has this innovative interpretation of abolitionist-as-perfectionist-liberal and antislavery-advocate-as-political-liberal become today that it has found expression not only in the work of abolitionism’s deftest critics, such as Delbanco, but also in the work of abolitionism’s most nuanced champions, such as Eric Foner. However, before turning to this evidence, it will help to first recall the modern liberal critique of philosophical perfectionism upon which these scholars draw.

In his 1971 *A Theory of Justice*, John Rawls codified a new philosophical use of the term “perfectionism” to describe “a teleological theory directing society to arrange institutions and to define the duties and obligations of individuals so as to maximize the achievement of human excellence in art, science, and culture.”³⁴ What advocates of “political liberalism,” as Rawls came to call his rival theory, should most object to about perfectionism is not its psychological authoritarianism but its deeper philosophical assumption: its epistemic confidence that a timeless “excellence” not only can be enforced but can even be discovered in the first place. For Rawls, “the fact of reasonable pluralism” means the best we can ever hope to build is an “overlapping consensus” about not a single value or set of values but a range of rival values, held loosely, always in conflict.³⁵

Although his is currently the most famous articulation, Rawls himself traced

his value pluralism further back into the twentieth century.³⁶ In a footnote in *Political Liberalism*, Rawls nods to Isaiah Berlin's account of value pluralism as capturing the tragic quality of political life, which is that "the full range of values is too extensive to fit into any one social world." An oppressive regime is oppressive precisely because it refuses to fit that range of values into its social world, of course, but even the well-meaning liberal society, which "may have far more space than other social worlds," "can [still] never be without loss. The basic error," Rawls continues, "is to think that because values are objective . . . they must be compatible. . . . Not all truths can fit into one social world."³⁷

For Berlin, one is a value pluralist because there are just too many objective values in the world for any to be held as supreme in a liberal society. In another footnote, in his *Collected Papers*, however, Rawls offers an even more tragic reason to be a value pluralist, one offered by Max Weber. Rawls explains that, whereas Berlin believes political tragedy stems from the fact that there are simply too many objective values to fit harmoniously into any given society, Weber believes "political tragedy arises from the conflict of subjective commitments and resolute wills."³⁸

This is arguably the ethos in which abolitionism is being assessed today. Vigorous proponents of metaphysical claims—like the abolitionists for natural rights—are (it is argued) in dangerous denial not only of the wide range of rival values but also of the subjective character of all of those values. Delbanco calls this state of denial "the abolitionist imagination," and against it he champions those nineteenth-century Americans who urged instead an "articulate ambivalence," particularly the antebellum era's two greatest novelists. Look at Herman Melville's devastating portrait of Captain Ahab in *Moby-Dick* (1851), Delbanco writes, for a character who is clearly a sendup of fanatical zealots such as Garrison.³⁹ In addition, Nathaniel Hawthorne too was keenly attuned (as Henry James observed of his predecessor) to "the high brutality of good intentions" such as those held by the crusading abolitionists.⁴⁰ Rather than proselytize for a single set of metaphysical truths like the abolitionists did, this argument goes, Hawthorne and Melville used their fiction to illuminate the politically tragic reality of value pluralism. According to this worldview, no set of values like natural rights stands as a "higher law," as some abolitionists lauded their cause; rather, we must modestly acknowledge the variety of human experiences and surrender to the only order we can ever have in common, the law we write for ourselves. In the same 2012 volume, Wilfred M. McClay comes to Delbanco's aid with this argument, urging that we admire not perfectionist immediatists such as Garrison but political gradualists such as Lincoln, who had a "reverence for the laws" (Lincoln's theme in his 1838 Lyceum Address)

and whose “moral heroism resided in his willingness to wait on the very same history that the abolitionist tried to hasten.”⁴¹ Perhaps even more admirable, McClay continues, is the literature of this period—again, referring to Melville and Hawthorne, who used it “to stand in the middle, between the ethic of ultimate ends and the ethic of responsibility, fully conscious of both but fully committed to neither.”⁴²

In situating the novelists between the abolitionists (and their ethic of ultimate ends) and Lincoln (and his ethic of responsibility), McClay alludes here to Weber’s description, in “Politics as a Vocation” (1918), of “two fundamentally differing and irreconcilably opposed maxims”: the ethic of ultimate aims, in which “the Christian does rightly and leaves the results with the Lord,” and the ethic of responsibility, in which “one has to give an account of the foreseeable results of one’s action.”⁴³ For Weber, the proponent of ultimate aims “cannot stand up under the ethical irrationality of the world”; he is in this way “a political infant.”⁴⁴ Abolitionism, McClay points out, had the “accents of Max Weber’s ethic of ultimate ends: ‘Let justice be done, though the heavens fall!’”; in contrast, there is the other ethic, “the mediating prudential wisdom and statesmanship of an Abraham Lincoln.”⁴⁵

In using Weber to map the politics of antislavery advocacy in the antebellum North, McClay reiterates here an argument made earlier in *The Abolitionist Imagination* by Delbanco, who in turn traces it back to the great historian of this period, Foner. According to (what Delbanco calls) “the Foner synthesis,” Lincoln took responsibility for the state, whereas the abolitionists took responsibility for its ultimate aims.⁴⁶ And, in *The Fiery Trial: Abraham Lincoln and American Slavery* (2010), Foner does indeed invoke Weber’s essay to help him explicate the work of both sides. Paying tribute to Lincoln as the great ethicist of responsibility, Foner argues that the abolitionists also deserve our respect for imagining—and compelling Lincoln to imagine too—the ultimate aim, ending slavery. Foner underscores that, in an essay otherwise emphatic about the instrumentalism of most political action, “Weber concluded by noting the symbiotic relationship between political action and moral agitation. ‘What is possible,’ he wrote, ‘would not have been achieved, if, in this world, people had not repeatedly reached for the impossible.’” The abolitionists were important, Foner concludes, “because their agitation helped to establish the context within which politicians like Lincoln operated”:

On issue after issue in the 1850’s and during the Civil War—the necessity of northern political unity to halt the expansion of slavery; opposition to compromise on this question during the secession crisis; emancipation in the District of Columbia; gen-

eral emancipation under the Constitution's war power; the arming of black soldiers; amending the Constitution to abolish slavery; extending the right to vote to at least some blacks—Lincoln came to occupy positions first staked out by abolitionists and Radical Republicans.⁴⁷

Delbanco might prefer Lincoln's responsibility ethic, whereas Foner might prefer the abolitionists' ultimate-ends ethic, but remarkably, both of these scholars seem to agree we can best describe antebellum liberalism as divided between these ethics: the perfectionists pursued ultimate aims; the politicians eschewed such metaphysics and exercised power responsibly.

However, this interpretive paradigm drives an anachronistic wedge right through the middle of antebellum natural rights liberalism: between the gradualist liberals such as Webster and Lincoln, on the one hand, and the immediatist abolitionists, on the other. It reassigns the former to the political liberal camp, pledged only to the ethic of responsibility, and the latter to the perfectionist camp, pledged only to the ethic of ultimate aims. As shown in the first section of the chapter, though, these politicians and activists were divided only by their tactics, not by their philosophical presuppositions. All antebellum liberals—from Walker to Webster, from Brown to Lincoln—presupposed that human individuals are endowed by their creator with natural rights.

This point can be made one final time by recalling the famous exchange of Michael J. Sandel and Rawls about the nature of Lincoln's liberalism, for Sandel was effectively objecting to Rawls's attempt to drive an anachronistic wedge into the period and claim Lincoln as a political liberal. Sandel actually began the exchange in 1994, when he contended that in the 1858 Lincoln-Douglas debates a political liberal would have had to side with the arguments of Douglas, not Lincoln. Sandel explained that, whereas Lincoln insisted metaphysically that the Declaration proclaimed all men created equal, Douglas countered politically that the signers of that document did not mean black men. Sandel added that other key resources within the political culture—the Constitution itself, the 1857 *Dred Scott* decision—also supported slavery and even a racial hierarchy (in the case of *Dred*) in various ways. So, Sandel concluded, "to the extent that [Rawls's] political liberalism refuses to invoke perfectionist moral ideals and relies instead on notions of citizenship implicit in the political culture, [Rawls] would have had a hard time explaining in 1858 why Lincoln was right and Douglas was wrong."⁴⁸ This is because Lincoln, unlike Douglas, rejected the proslavery political culture of the time and instead introduced an ultimate aim—natural rights—into the debate. To do this is—for thinkers like Rawls, at least—to violate the political liberal's ethic of responsibility.

In response to Sandel, Rawls reasoned that political liberals would in fact side with Lincoln, for they would contend that ending slavery is reasonable. This is because ending slavery, Rawls wrote, “is a clear case of securing the constitutional essential of the equal basic liberties,” whereas Douglas’s alternative—deferring to popular sovereignty regardless of the position taken on slavery—is not.⁴⁹ Recently, John Burt has considered Rawls’s defense in more detail and reached a similar conclusion. Against Sandel’s portrait of an amoral political liberalism, Burt argues that political liberalism—Rawls’s as much as Lincoln’s—“is an expression of the conviction that citizens have a crucial moral investment in each other’s ethical freedom.” Burt offers in support of this claim Rawls’s response to Sandel’s charges: that is, participants in the original position (alluding to Rawls’s famous thought-experiment in *A Theory of Justice*) would never risk allowing slavery.⁵⁰

However, as antebellum liberals recognized, slavery *was* indeed risked by the founders in their “original position” as upheld by the Constitution. Therefore, the only way to challenge a constitutional republic allowing race-based slavery would be to reach outside of that Constitution to some extraconstitutional resource, such as natural rights. And this is precisely what the antebellum liberals—from Walker through Lincoln—did.

Where the antebellum liberals differed from each other was about the kind of political contraptions that might best realize those natural rights. If the current political contraption is actually betraying its philosophical foundation, then perhaps we must “bend” that contraption—as Douglass said of the Constitution, to make sure it is antislavery—or even break it, as John Quincy Adams contemplated as early as 1820 and Brown proposed in 1858. It is to these and other political differences among the antebellum natural rights liberals that this chapter now turns.

THE POLITICS OF NATURAL RIGHTS LIBERALISM

For decades, we have rightly understood the main political drama of the antebellum years as a struggle between liberals and violent radicals, but we have mistaken the players. The great *philosophical* debate in antebellum America was indeed between liberals and radicals, but the liberals were—across the board—against slavery because of their faith in the natural rights enshrined in the Declaration of Independence. The radicals, on the other hand, were not to be found among the abolitionists but among those proslavery zealots who aggressively rejected the American liberal tradition of natural rights and

instead sought—effectively as revolutionaries—to transform the United States into a neofeudal slave empire. Condensing the most recent work of historians, John Stauffer (in his contribution to Delbanco’s *The Abolitionist Imagination*) has nicely summarized the key points of this account. Prior to the 1830s, natural rights liberals sought mostly by legal means to bring an end to slavery, which they did throughout the North; slavery’s defenders in the South were effectively gradualists themselves in seeking to delay this reckoning only for their region. However, sometime in the 1830s, Southern neofeudalists began to defend slavery as a positive good, not just for the South and Southern west but (disregarding the line drawn in the Missouri Compromise) the Northern west, the North itself (as the *Dred* decision suggested), and even the Caribbean, Mexico, and other parts of South America. Over the next thirty years, in response to this vision of a hemispheric slave empire, more and more white liberals reached the conclusions first grasped by black liberals such as Walker: the abolition of slavery (not its containment in the Old South) was the only way to stop the neofeudal radicals. When Lincoln finally recognized this too, he authored the grandest abolitionist statement of all, the 1863 Emancipation Proclamation.⁵¹ Over the course of these three decades, the natural rights basis of antebellum liberalism came into sharp focus.

Unfortunately, as modern scholars have grown philosophically disenchanted with natural rights, they have backdated their own disenchantment into the antebellum years. This is to some degree understandable. That great fin de siècle intellectual shift—what Weber called “secularization”—has convinced many academics ever since that any appeal to natural rights is too metaphysical, too religious even, to take seriously.⁵² So it makes some sense that such scholars have wished to find secularist precursors before the Civil War.

However, this is indeed wishful thinking. Antebellum liberals—dedicated to natural rights, and seeking (with admittedly different tactics) to realize them universally for all persons—were metaphysical, not political, liberals. Given this yawning philosophical canyon between yesteryear’s natural rights liberalism and today’s political liberalism, what if anything do liberals of the “ancient faith” have to offer political theorists today?

The value of that ancient faith itself will be taken up in the conclusion, but here it should be noted that the great philosophical consensus about natural rights enabled a remarkable range of thinking about the political means—especially the role of the nation-state—for realizing those rights. Four categories are discernable, and this stands in some contrast to modern liberalism. After all, as Peter Singer observed in 2002, nationalism tends to be a given for modern liberals. Pointing specifically to Rawls’s *A Theory of Justice*, Singer

states, “In setting up his original choice, . . . Rawls simply assumes that the people making the choice all belong to the same society and are choosing principles to achieve justice within their society.” That justice might be a global concern is—in the preeminent text of modern liberal theory—“a question [that] *never even arises*.”⁵³ Many political liberals, including Rawls, have since sought to rectify this oversight, of course, but Singer’s general point—that “we have lived with the idea of sovereign states for so long that they have come to be part of the background not only of diplomacy and public policy but also of ethics”—remains germane.⁵⁴

Antebellum liberals, in contrast, had not lived so long with the idea of sovereign states. Moreover, because they believed natural rights to be, well, natural and thus entirely independent of whatever artificial states humans construct, antebellum liberals tended as theorists to be much more open to alternative frameworks for securing the natural rights of all persons. For example, some antebellum liberals even reached the conclusion that any state was inimical to the universal exercise of natural rights. In a set of letters published as a book in 1850, abolitionist Henry C. Wright reasoned that any government was an obstacle to the realization of natural rights because (alluding to the Declaration) “the history of all attempts of man to rule over man . . . demonstrates that an assumption of such power is opposed to nature and to nature’s God.”⁵⁵ Instead, Wright urged that each of us simply “respect the persons and rights of others as thou wouldst have thine respected” by “see[ing] and worship[ing] the Divine in the human” and thus “maintain love and communion with God, by loving and communing with men.”⁵⁶ In this way “the existence and government of our Creator never did, and never can, conflict with the doctrine of man’s absolute inviolability.”⁵⁷ Anarchists, then, were one of the four categories of antebellum natural rights liberals.

Although agreeing that natural rights means the absolute inviolability of each person, many more antebellum liberals concluded that the nation-state was nonetheless necessary to secure this inviolability. They did not assume the existence of the nation-state, as Rawls does. Rather, they were keenly aware of the nation-state’s artificiality and pushed to reengineer the nation-state so as to better secure the natural rights of all persons. These antebellum liberals might be called revolutionary nationalists. For example, increasingly disenchanted with the nation’s entrenched commitment to slavery, John Quincy Adams contemplated in 1820 that the United States might require rebuilding. “Slavery is the great and foul stain upon the North American Union,” Adams wrote, and for its “total abolition” “a dissolution, at least temporary, of the Union, as now constituted, would be certainly necessary.” However, he continued hopefully,

“the Union might then be reorganized on the fundamental principle of emancipation.”⁵⁸ That Brown similarly hoped the United States might be rebuilt on the natural rights philosophy of the Declaration is evident not least in his calling his own constitution “provisional.”⁵⁹ These writers might both be called revolutionary nationalists.

Unlike the anarchists and the revolutionary nationalists among the antebellum liberals, the third camp is somewhat harder to define. Like the revolutionary nationalists, they understood nation-states to be valuable instruments for beginning to secure natural rights; however, they ultimately believed these instruments too provincial to finish the job. As Lynd illustrated, many abolitionists (like many natural rights thinkers from the Enlightenment forward) thus concluded that the ultimate political organization would have to be global and that nation-states were merely stepping stones to that end. “Seeking to be faithful to the principles of the American Revolution,” Lynd notes, “abolitionists were driven outside the framework of national allegiance and began to understand themselves as citizens of the world.”⁶⁰ Some of the strongest statements about the naturalness of rights and the artificiality of the nation-state come from this group of theorists. For example, in his 1842 *Duty of the Free States*, William E. Channing emphasized that, whenever the nation-state unjustly uses law to abridge the natural rights of individuals, we must patiently recall that “man is not the mere creature of the State. Man is older than nations, and he is to survive nations,” implying a supranational future.⁶¹ The ultimately global aims of Garrison are much clearer simply in his choice of motto for the *Liberator*, which ran at the top of every issue, “Our Country is the World—Our Countrymen are all Mankind.” As Caleb W. McDaniel has recently observed, Garrison and his followers “believed both that democracy, like an ocean, should be ever-restless, and that crossing the ocean was good for democracy. They were wary,” he continues, “about the dangers of too much national pride in a democracy like theirs, a concern that was both reinforced by their transatlantic experiences and echoed by transatlantic writers” such as Giuseppe Mazzini and John Stuart Mill.⁶²

Still, although convinced that natural rights had preceded and would survive nation-states, what positive alternatives to the nation-state did these theorists actually offer? There is more research to be done here, but a recurring idea is that nation-states might serve as stepping-stones toward a more global framework, a “nationalist cosmopolitics” also being actively explored at that time by European liberals.⁶³ Consider just a couple of examples from American natural rights liberals following the Civil War. In his 1881 *The Scholar in a Republic*, Wendell Phillips argued, “The [founding] fathers touched their

highest level when, with stout-hearted and serene faith, they trusted God that it was safe to leave men with all the rights he gave them." Phillips pled for the postwar United States to serve as "the sheet-anchor of the race" of humanity, modeling for the world "gently binding men into commonwealths in order that they may at least melt into brothers."⁶⁴ Similarly, in 1871, responding directly to Carlyle's 1867 neofeudalist essay "Shooting Niagara; and After?," poet Walt Whitman's *Democratic Vistas* not only identified "the Secession-Slave-Power" as the preeminent threat to "the People" but went on to imagine new configurations of those people—beyond the national—where natural rights were not only secured but enjoyed to their utmost.⁶⁵ In one paragraph's remarkably (for this visionary poet) straightforward argument, Whitman contends that although historically "the First stage" (accomplished with the Revolutionary and Civil Wars) "was the planning and putting on record the political foundation rights of immense masses of people—indeed all people—in the organization of republican National, State, and municipal governments," and "the Second stage relates to material prosperity" (which the industrializing world seemed to promise), "the Third stage," "a sublime and serious Religious Democracy" will come next. In this stage, "everything that has been written, sung, or stated, of old, with reference to humanity under the feudal and oriental institutes, religions, and for other lands, needs to be re-written, re-sung, re-stated, in terms consistent with the institution of these States" so that the United States proves, as the book concludes, to be the "divine Mother not only of material but spiritual worlds," centered upon "the average, the bodily, the concrete, the democratic, the popular, on which all the superstructures of the future are to permanently rest."⁶⁶

A fourth and final category of antebellum natural rights liberalism is the constitutional nationalists. Whereas revolutionary nationalists such as John Quincy Adams and Brown were prepared to break the old and build a new United States to universalize natural rights, others hoped that the existing Constitution, for all its flaws, might better enable this work. Under the sway of Garrison, Douglass began his abolitionist career convinced that the Constitution was a proslavery document and thus to be "broken" (to recall once more Garrison's 1833 language). As recounted by Myers, Douglass retained this position into the 1840s, only beginning to shift around 1847 when he began to publish the *North Star*. The dawning "conviction that the Constitution was an antislavery document," Myers writes of Douglass, "yielded an abolitionism that was restorationist rather than revolutionary."⁶⁷ This seems to have happened over the course of the 1850s. Whereas in his 1850 Lecture on Slavery, No. 1, he proclaims slavery to have "become interwoven with all American institutions,

and has anchored itself in the very oil of the American Constitution,” by 1856 he declared that “all human enactments designed to sustain [slavery are] of no binding authority, and utterly contrary to the Constitution of the United States.”⁶⁸ In September 1859, despite Brown’s beseeching him for two days in a secret Pennsylvania quarry to join the Harpers Ferry Raid, Douglass steadfastly refused to support this revolutionary effort.⁶⁹ And, in 1860, Douglass made his most explicit defense of the antislavery Constitution as something we ought to “bend to the cause of freedom and justice.”⁷⁰

The exemplary constitutional nationalist, of course, was Lincoln. When his zealous faith in the universality of natural rights is borne in mind, Lincoln’s infamous foot-dragging on the question of emancipation becomes proof of his commitment to retain the Constitution as the best framework for securing those natural rights. His reverence for the Constitution, of course, can be traced all the way back to his 1838 Lyceum Address. And, although through the 1850s the Declaration came to be the sacred text of his ancient faith, Lincoln remained committed to the Constitution. In his 1857 reaction to the *Dred Scott* ruling, for example, Lincoln explained that although he considered the decision “erroneous,” he nonetheless believed the Supreme Court’s “decisions on Constitutional questions, when fully settled, should control, not only the particular cases decided, but the general policy of the country, subject to be disturbed *only* by amendments of the Constitution as provided in that instrument itself. More than this,” he added, “would be revolution” (CW 2:401, emphasis added), clearly differentiating himself from the revolutionary nationalists. In his First Inaugural Address, in 1861, faced with the secession of multiple states, Lincoln declared that “in view of the Constitution and the laws, the Union is unbroken” and that “as the Constitution itself expressly enjoins upon me” he “shall take care . . . that the laws of the Union be faithfully executed in all the States” (CW 4:265). In contrast, “the central idea of secession, is the essence of anarchy” (CW 4:268). Issuing the Emancipation Proclamation in 1863 and helping the House to pass the Thirteenth Amendment, abolishing slavery in 1865, Lincoln until the end of his life relied upon constitutional powers to more universally realize “the proposition that all men are created equal” (CW 7:23).

TWO CONCLUSIONS

To come to one of this book’s central questions, whether the Civil War was a revolution or a return, the answer would depend on which antebellum natural rights liberal you asked. For constitutional nationalists such as Douglass and

Lincoln, the war enabled a return to the principles set forth in the Declaration. In contrast, had they lived to see it, Brown and John Quincy Adams, the revolutionary nationalists, might have seen in the Civil War and Reconstruction amendments the military and legalistic revolution necessary to build a new republic of natural rights. As suggested above, Phillips would likely find this question of return or revolution moot because nations in his view were merely stepping-stones to a more global securing of natural rights. In helping to found the radical Universal Peace Union in 1866, dedicated to the eradication of war worldwide, the former anarchist Wright would likely have agreed with Phillips.

More philosophically, is the question of natural rights itself moot? In contending that “the Civil War [not only] swept away the slave civilization of the South [but also] almost the whole intellectual culture of the North along with it,” Louis Menand nicely articulates a common scholarly assumption.⁷¹ That old intellectual culture—including the metaphysical fiction of natural rights—embarrassed postbellum American intellectuals such as William James; a more thorough rebuking of that old culture came at the hands of European intellectuals such as Charles Darwin, Friedrich Nietzsche, Sigmund Freud, and Weber. And, thus, over time, even liberalism—once the preeminent political theory of natural rights—itself finally shuffled off its metaphysics to become strictly political, still championing human rights but without really believing in them.

Is this enough, though? As long as we continue to read the antebellum period through the lens of Weber, we will feel like we have no choice. But what if we tried on a different lens, perhaps (to offer a final provocation) one forged not by Weber but by a very different champion of the Weimar Republic, Thomas Mann. Following the catastrophe of the Great War, Mann, like Weber, urged liberals to step forward but not merely in defense of an “ethic of responsibility.” Instead, in a 1922 lecture titled *On the German Republic*, Mann sought “to win [his young student auditors] over to the side of the republic, of what is termed democracy, and what I term humanity” by returning, in effect, to natural rights liberalism.⁷² This is most evident in Mann’s startling turn in this lecture to, of all people, Whitman, “who once said,” Mann reports (of *Democratic Vistas*), “that at the core of democracy, finally, there resides a religious element.”⁷³ Yes, perhaps we should hear in such strange old texts as *Democratic Vistas* and *On the German Republic* only the swan song of natural rights liberalism as performed by two thinkers who lived through the first modern wars but for whatever quirky reasons resisted the lesson of “disenchantment” learned so well by their peers. However, before we bid natural rights liberalism adieu, we must still acknowledge that it liberated four million persons from slavery.

Today, there are about thirty-six million enslaved persons in the world.⁷⁴ Are we so sure we can do without Lincoln's ancient faith?

NOTES

1. Louis Hartz, *The Liberal Tradition in America: An Interpretation of American Political Thought since the Revolution* (New York: Harcourt, 1991), 6. Hartz's claims about Locke's exclusive influence were too extreme, as proven not only by the 1960–1970s “republican synthesis” scholars but also by those who restored liberalism to a new synthesis in the 1980–1990s. For the former, see Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, MA: Harvard University Press, 1967); Gordon Wood, *The Creation of the American Republic* (Chapel Hill: University of North Carolina Press, 1969); and J. G. A. Pocock, *The Machiavellian Moment* (Princeton, NJ: Princeton University Press, 1975). For the latter, see Isaac Kramnick, *Republicanism and Bourgeois Radicalism: Political Ideology in Late Eighteenth-Century England and America* (Ithaca, NY: Cornell University Press, 1990); Michael P. Zuckert, *Natural Rights and the New Republicanism* (Princeton, NJ: Princeton University Press, 1994) and *The Natural Rights Republic: Studies in the Foundation of the American Political Tradition* (Notre Dame, IN: University of Notre Dame Press, 1996); and James T. Kloppenberg, *The Virtues of Liberalism* (New York: Oxford University Press, 1998). An important challenge to even the moderated claims of the new synthesis is found in Rogers M. Smith, “Beyond Tocqueville, Myrdal, and Hartz: The Multiple Traditions in America,” *American Political Science Review* 87, no. 3 (September 1993): 549–566 and *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven, CT: Yale University Press, 1997).

2. Thomas Paine, *Common Sense*, ed. Isaac Kramnick (New York: Penguin, 1986), 63.

3. Carl Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (New York: Harcourt, Brace, 1922), 72. Reviewing the Declaration's extensive historiography, Michael Zuckert has more recently confirmed this classic conclusion about Locke's dominance: “We appear then to be left with the old view as the most plausible view, that Locke inspired the Declaration and that it has a basically Lockean meaning.” Zuckert, *Natural Rights Republic*, 40

4. Quoted in Zuckert, *Natural Rights Republic*, 1.

5. Cited in Sue Davis, *The Political Thought of Elizabeth Cady Stanton: Women's Rights and the American Political Tradition* (New York: New York University Press, 2008), 50.

6. William Lloyd Garrison, “Inaugural Editorial,” *Liberator*, January 1, 1831, in *Against Slavery: An Abolitionist Reader*, ed. Lowance Mason (New York: Penguin, 2000), 104.

7. William Lloyd Garrison, “Valedictory,” in *Documents of Upheaval: Selections from William Lloyd Garrison's the Liberator, 1831–1865*, ed. Truman Nelson (New York: Hill and Wang, 1966), 278.

8. John Brown, Provisional Constitution and Ordinances for the People of the

United States, in *The Public Life of Capt. John Brown with an Autobiography of His Childhood and Youth*, by James Redpath (Boston: Thayer and Eldridge, 1860), 234.

9. David S. Reynolds, *John Brown, Abolitionist: The Man Who Killed Slavery, Sparked the Civil War, and Seeded Civil Rights* (New York: Vintage, 2005), 249–254. Brown's idea was not entirely outlandish; on other successful maroon societies within the United States, see Steve Hahn, *The Political Worlds of Slavery and Freedom* (Cambridge, MA: Harvard University Press, 2009), 1–53.

10. Frederick Douglass, *Autobiographies* (New York: Library of America, 1994), 896.

11. Peter C. Myers, *Frederick Douglass: Race and the Rebirth of American Liberalism* (Lawrence: University Press of Kansas, 2008), 49.

12. Nicholas Buccola, *The Political Thought of Frederick Douglass* (New York: New York University Press, 2012), 2, 1.

13. John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge, UK: Cambridge University Press, 1988), 271.

14. Justin B. Dyer, *Natural Law and the Antislavery Constitutional Tradition* (Cambridge, UK: Cambridge University Press, 2012), 182.

15. Becker, *Declaration of Independence*; Harry Jaffa, *Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates* (Chicago: University of Chicago Press, 2009), 110.

16. For a summary of the debate about Lincoln's racism, see James N. Leiker, "The Difficulties of Understanding Abe: Lincoln's Reconciliation of Racial Inequality and Natural Rights," in *Lincoln Emancipated: The President and the Politics of Race*, ed. B. R. Dirck (DeKalb: Northern Illinois University Press, 2007), 73–98. Lincoln's reliance upon the Bible is considered in Joseph Fornieri, *Abraham Lincoln's Political Faith* (DeKalb: Northern Illinois University Press, 2003). Jaffa expounds upon his disagreement with Becker's assertion that "whether the natural rights philosophy of the Declaration of Independence is true or false is essentially a meaningless question" in introducing the 2009 edition of Jaffa, *Crisis of the House Divided*, v.

17. Dyer, *Natural Law*, 23.

18. Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York: Vintage, 1998), 202.

19. Abraham Lincoln, Speech in Independence Hall, Philadelphia, Pennsylvania, in *The Collected Works of Abraham Lincoln*, vol. 4, ed. Roy P. Basler (New Brunswick: Rutgers University Press, 1953–1955), 240, <http://quod.lib.umich.edu/1/lincoln/>.

20. Staughton Lynd, *Intellectual Origins of American Radicalism* (Cambridge, MA: Harvard University Press, 1982), 5.

21. William Lloyd Garrison, "Declaration of Sentiments of the American Anti-Slavery Society," in *Antislavery Political Writings, 1833–1860: A Reader*, ed. C. B. Thompson (Armonk, NY: M.E. Sharpe, 2004), 42.

22. Quotes from *ibid.*, 42, 43, and 44–45.

23. "Society," George Fitzhugh wrote of the American South in 1854, "is in a natural, healthy and contented state. Such was very much the condition of society in middle and southern Europe two centuries ago, before feudalism disappeared and liberty and equality were established." Europe, he argued "must go back to domestic slavery."

Fitzhugh, *Sociology for the South, or the Failure of Free Society* (Richmond, VA: A. Morris, 1854), 306. See also Smith, *Civic Ideals*, 204–205.

24. David Walker, “Appeal to the Colored Citizens of the World,” in *Pamphlets of Protest: An Anthology of Early African-American Protest Literature, 1790–1860*, ed. Richard Newman, Patrick Rael, and Philip Lapsansky (New York: Routledge, 2001), 105, 109.

25. Cited by Edwin D. Sanborn, *A Eulogy on Daniel Webster* (Hanover, NH: Dartmouth University Press, 1853), 23.

26. *The Writings and Speeches of Daniel Webster*, vol. 2, ed. F. Webster (Boston: Little, Brown, 1903), 354.

27. Daniel Webster, Speech in the Senate on Compromise Resolutions, in *American Speeches: Political Oratory from the Revolution to the Civil War*, ed. T. Widmer (New York: Library of America, 2006), 490.

28. For example, Sigmund Freud identified the condition in his 1920 “Beyond the Pleasure Principle” as a “driving force that prevents the individual from resting content with any situation he ever contrives, and instead [citing Goethe’s *Faust*] ‘press[ing] ever onward unbridled, untamed.’” See *Beyond the Pleasure Principle and Other Writings*, trans. J. Reddick (New York: Penguin, 2003), 82.

29. Richard Hofstadter, “The Paranoid Style in American Politics,” *Harper’s Magazine* (November 1964): 77–86, 82.

30. *Ibid.*, 85.

31. Andrew M. Delbanco, *The Abolitionist Imagination* (Cambridge, MA: Harvard University Press, 2012), 3.

32. *Ibid.*, 47–48.

33. *Ibid.*, 47–48, 48–49.

34. John Rawls, *A Theory of Justice* (Cambridge, MA: Belknap Press of Harvard University Press, 1971), 325.

35. John Rawls, *Political Liberalism*, expanded ed. (New York: Columbia University Press, 2005), xix.

36. For a more complete account of Rawls’s reliance upon earlier philosophies of value pluralism, see Peter Lassman, *Pluralism* (Malden, MA: Polity, 2011).

37. Rawls, *Political Liberalism*, 197n.

38. John Rawls, *Collected Papers*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999), 463n.

39. Delbanco, *Abolitionist Imagination*, 36, 34.

40. Delbanco contends that this reading of American literature has gone out of fashion (*ibid.*, 172n) but a recent, compelling reading of Nathaniel Hawthorne’s moderation along these lines is Larry J. Reynolds, *Devils and Rebels: The Making of Hawthorne’s Damned Politics* (Ann Arbor: University of Michigan Press, 2008).

41. Wilfred McClay, “Abolition as Master Concept,” in Andrew M. Delbanco, *The Abolitionist Imagination* (Cambridge, MA: Harvard University Press, 2012), 135–152, 144. McClay notes that, in contrast to Ahab, Melville offered an admirably Lincoln-esque captain in Captain Vere, who in *Billy Budd, Sailor* dispassionately upholds the law as it is written.

42. *Ibid.*, 145.

43. Max Weber, "Politics as a Vocation," in *From Max Weber: Essays in Sociology*, ed. H. H. Gerth and C. W. Mills (New York: Routledge, 1991), 77–128, 120.

44. *Ibid.*, 122.

45. McClay, "Abolition as Master Concept," 142, 143.

46. Delbanco, *Abolitionist Imagination*, 21.

47. Eric Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* (New York: Norton, 2010), xix.

48. Michael J. Sandel, "A Response to Rawls' Political Liberalism," *Liberalism and the Limits of Justice*, 2nd ed. (Cambridge, UK: Cambridge University Press, 1998), 184–218, 202, emphasis added.

49. Rawls, *Political Liberalism*, 484.

50. John Burt, *Lincoln's Tragic Pragmatism: Lincoln, Douglas, and Moral Conflict* (Cambridge, MA: Harvard University Press, 2013), 15, 16–17.

51. John Stauffer, "Fighting the Devil with His Own Fire," in Andrew M. Delbanco, *The Abolitionist Imagination* (Cambridge, MA: Harvard University Press, 2012), 69–78. Of Lincoln's recognition of the radical nature of proslavery advocates, Frederick Douglass observed in his *Life and Times* that the president was ultimately like John Brown in coming to see that the aggressive neofeudalists were implacable foes of natural rights and that "no solid and lasting peace could come short of [their] absolute submission." Douglass, *Autobiographies*, 796.

52. Max Weber, "The Protestant Sects and the Spirit of Capitalism," in *From Max Weber: Essays in Sociology*, ed. H. H. Gerth and C. W. Mills (New York: Routledge, 1991), 302–322, 307.

53. Peter Singer, *One World: The Ethics of Globalization* (New Haven, CT: Yale University Press, 2002), 9. Observing that modern liberals treat the state "as if it were a natural feature of the world that individuals can do no other than accept as they find it," Carole Pateman made this point earlier and more pointedly. See Pateman, *The Problem of Political Obligation: A Critique of Liberal Theory* (Berkeley: University of California Press, 1985), 6.

54. Singer, *One World*, 8.

55. Henry C. Wright, *Anthropology, or, the Science of Man; in Its Bearing on War and Slavery* (Boston: E. Shepard, 1850), 70.

56. *Ibid.*, 62.

57. *Ibid.*, quotes from 62 and 11.

58. Quoted in Dyer, *Natural Law*, 98.

59. See also the parallels drawn between Brown's deeds and Machiavelli's and Rousseau's theories of the founder in Scott John Hammond, "John Brown as Founder: America's Violent Confrontation with Its First Principles" in *Terrible Swift Sword: The Legacy of John Brown*, ed. P. A. Russo and P. Finkelman (Athens: Ohio University Press, 2005), 61–76.

60. Lynd, *Intellectual Origins of American Radicalism*, 132.

61. William E. Channing, *Duty of the Free States, or, Remarks Suggested by the Case of the Creole* (London: John Green, 1842), 11.

62. Caleb W. McDaniel, *The Problem of Democracy in the Age of Slavery: Garrisonian*

Abolitionists and Transatlantic Reform (Baton Rouge: Louisiana State University Press, 2013), 14.

63. See Daniel S. Malachuk, "National Cosmopolitics in the Nineteenth Century," in *Cosmopolitics and the Emergence of a Future*, ed. D. Morgan and G. Banham (New York: Palgrave Macmillan, 2007), 139–162.

64. Wendell Phillips, *The Scholar in a Republic* (Boston: Lee and Shepard, 1881), 21.

65. Walt Whitman, *Democratic Vistas*, in *The Collected Writings of Walt Whitman*, vol. 3: *Prose Works, 1892*, ed. F. Stovall (New York: New York University Press, 1964), 361–425, 377.

66. *Ibid.*, quotes from 409–410 and 426.

67. Myers, *Frederick Douglass*, 89.

68. Douglass, Lecture on Slavery, No. 1; Frederick Douglass, "What Is My Duty as an Anti-Slavery Voter?" in *Antislavery Political Writings, 1833–1860: A Reader*, ed. C. B. Thompson (Armonk, NY: M. E. Sharpe, 2004), 206.

69. See the account in John Stauffer, *Giants: The Parallel Lives of Frederick Douglass and Abraham Lincoln* (New York: Hachette, 2008), 159.

70. Frederick Douglass, "The Constitution of the U.S.: Is It Proslavery or Anti-Slavery?" in *Antislavery Political Writings, 1833–1860: A Reader*, ed. C. B. Thompson (Armonk, NY: M. E. Sharpe, 2004), 156.

71. Louis Menand, *The Metaphysical Club: A Story of Ideas in America* (New York: Farrar, Straus, and Giroux, 2002), x.

72. Thomas Mann, On the German Republic, trans. L. S. Rainey, *Modernism/Modernity* 14, no. 1 (January 2007): 109–132, 113–114.

73. *Ibid.*, 124.

74. Including labor, sex, and child slavery, experts estimate there are around 35.8 million enslaved people today. See, for example, Kevin Bales, *Blood and Earth: Modern Slavery, Ecocide, and the Secret to Saving the World* (New York: Random House, 2016).