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W.E.B. Du Bois: Freedom, Race, and American Modernity

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W.E.B. DU BOIS:
FREEDOM, RACE,
AND AMERICAN MODERNITY

by

ELVIRA BASEVICH

A dissertation submitted to the Graduate Faculty in Philosophy in fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York

2017

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By

Elvira Basevich

This manuscript has been read and accepted for the Graduate Faculty in Philosophy in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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In Memory of Nelli Basevich

(1917-2017)

ABSTRACT

W.E.B. Du Bois on Freedom, Race, and American Modernity

By

Elvira Basevich

Advisor: Linda M. Alcoff

My dissertation defends W.E.B. Du Bois's philosophy of modern freedom, which he grounds in the historical reconstruction of the American civic community on the moral basis of free and equal citizenship. Rather than ascribe to him an elitist politics of racial 'uplift' and assimilation to Anglo-American folkways, I instead argue that he defends black moral and political autonomy for securing state power and civic equality. Additionally, he challenges both historical and the contemporary political philosophers, including John Rawls, Axel Honneth, and Philip Pettit, to articulate the racial dimension of the development of a social order that actualizes the moral meaning of free and equal citizenship. In establishing his novel philosophy of freedom, I adduce three critical components:

(1) Contra standard interpretations of Du Bois that claim he espouses a controversial racialist doctrine, I argue that his racialism is best understood as conceptualizing the ethical salience of racial difference in the context of a democratic plurality. In the light of dominant accounts of plurality that do not foreground race, pace Margaret Gilbert and John Rawls, Du Bois deemphasizes individuals' free choice in social group formation. In accepting the importance of free choice, he stresses collective historical experience as furnishing the normative salience of racial identity, which prefigures individuals' free choice. A racialist model of racial difference in a democratic plurality exacts the civic obligation to confront the historical legacy of slavery and Jim Crow.

(2) In advancing the moral value of citizenship, Du Bois affirms the moral obligation of the modern American state to represent black interests from Reconstruction onwards. Drawing on G.W.F. Hegel's normative theory of the modern state, I justify Du Bois's analysis of postbellum federal policies concerning black freedmen and refugees of the Civil War. Du Bois observes that the Freedmen's Bureau – established with the passage of the 1865 Radical Reconstruction Amendments – democratically facilitated a 'social revolution' by promoting the integration of black freedmen on the moral basis of free and equal citizenship under the aegis of the federal government. Implicit in his analysis is a normative commitment to representational government that in attending to the needs of the postbellum black community incorporates black political will in the public adjudication of the common good – a historically unprecedented phenomenon.

(3) With the rise of Jim Crow, when the U.S. federal government skirted its moral obligation to defend black interests, Du Bois argues that the black church and college assumed a civic function. Habits of citizenship flourished there, affirming the moral agency of African Americans as

American citizens. Inasmuch as these institutions groomed disenfranchised black citizens for the assumption of political power, I articulate the challenge they present to John Rawls, Axel Honneth, and Philip Pettit to chart the civic dimension of ‘private’ social institutions. Because they neglect to theorize the historical experience of racial subordination, their views of freedom omit a formulation of social cooperation guided by the notion of the civic within the institutional context of civil society. Specifically, their accounts of the interrelation between citizens, social institutions, and the modern state fail to capture the civic function of the black church and college during Jim Crow. Thus, Du Bois’s dynamic, institution-based account of freedom highlights the racial dimension in the historical contestation of the legitimate scope and ends of the American civic community.

Acknowledgements

This project could not have been conceived apart from the institutional context of the City University of New York. If it were not for CUNY's commitment to providing high quality education to the children of immigrants and the working poor of New York City, I would not have been able to attend college. My dissertation is a direct result of the city's investment in its children, who are given the opportunity to enter formidable professions, such as academic philosophy. I would like to begin by thanking NYC and all of its residents, and the CUNY students and faculty who continue to struggle for equitable access to higher education.

As an undergraduate student at Hunter College, I met Dr. Linda M. Alcoff and Dr. Frank M. Kirkland, resulting in two fateful intellectual friendships. I would like to thank Dr. Alcoff for writing on the back of the first paper I submitted to her as an undergraduate, "I hope you are considering graduate school"—a comment that Linda might not remember making. At the time, I was working as a live-in nanny for a child who refused to share his snacks with 'the help,' but dreamt of becoming a Professor of Philosophy. Her words shot through me like a lightning storm and reinforced my totally crazy ambition to pursue a Ph.D. in Philosophy. Nearly a decade later, her patient mentorship as my dissertation advisor helped me find my philosophical voice and feel at home in the discipline. From her love of philosophy and the articulate defense of a good idea, to her unflinching passion for justice, and her warmth, I have wrought a model for the pursuit and instruction of philosophy.

I would also like to thank Dr. Frank M. Kirkland for inviting me to walk by his side through the world of philosophical ideas for nearly ten years. Dr. Kirkland's steady mentorship has sustained my need for answers that I brought to a world that seldom responded openly or forthrightly, unlike Dr. Kirkland, whose office door I always found open to me, and, him, ready to

answer any questions a belligerent young woman with a chip on her shoulder might have. Frank, thank you for helping me understand. As I enter the profession, I carry with me my mentors' standards of academic excellence and judicious judgment.

I am indebted to Dr. Charles W. Mills for his generosity and unflagging support during each phase of the drafting of my dissertation. I am exceedingly lucky to have had him challenging me, particularly with respect to Africana philosophy and philosophy of race in the analytic tradition. I would also like to thank the committee members, Dr. Lawrie Balfour and Dr. Serene Khader, for their investment in, and consistent support, of the project. Dr. Sibyl Schwarzenbach's introduction to the depth and complexity of John Rawls's thought ensured that any criticism I make of his work is not that of a strawman argument. I am also indebted to Vasiliou Iakovos for arranging funding in the sixth year of my graduate studies, without which this project would not have come to fruition, and to the American Council on Germany and the Einstein Forum for providing funding and resources in the final stage of the project. And for Adele Sarli, Barbara Seruya, and Billy Bussell Thompson, I sing a few hosannas, loudly.

Finally, I would like to thank my friends, Maura McGee and Lucia Stavros, who were there for me, listening to me complain, even encouraging it, as I drafted chapters, and celebrated with me each milestone that brought the project closer to completion. You have confirmed my suspicion what the world needs is more women with an infinite passion for the life of the mind and the arts. I would also like to thank my little sisters Rachel Basevich and Rosa Basevich, who while I wrote my dissertation supported me with the grace and maturity of a couple of world-weary rabbis, all the while looking up to me as their cool big sister. Thank you for still looking at me that way.

I dedicate this project to the memory of my paternal grandmother, Nelli Basevich, a Russian Jew who was born in 1917 and survived WWI & II to help raise me in Brooklyn, NY, and

teach me kindness and the Russian alphabet. She first gave me my moral imagination, which kindled this project: “Tell the truth, defend the vulnerable, and love the work you do.” Thankfully, here, I was able to satisfy all three conditions at once. With the completion of this project, I consecrate my life to the realization of her vision of goodness. Lastly, I would like to acknowledge my parents, whose withdrawal from my life unwittingly taught me to be the master of my fate, to plumb the depths of my personal power, and the quiet dignity of forgiveness—lessons few learn in one lifetime, or in several lifetimes, coming one after another, and on like that, forever.

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I. Introduction. Du Bois Among Us:

A Contemporary Political Philosopher, A Voice from the Past

“Ironically, W.E.B. Du Bois may be both ‘the most contemporary figure in the twenty-first century for us’ and one who for that very reason has been thoroughly ignored by mainstream scholarship.”¹ Charles Mills captures my motivation for writing my dissertation. As a graduate student in philosophy in the City University of New York, I studied major figures of Anglo-American and European modern philosophy who offered frameworks for conceptualizing freedom in a modern constitutional republic. In my first semester of graduate school, New York City erupted with grassroots protest that coalesced into the national, then global, Occupy Wall Street Movement. True to the spirit of CUNY, my instructors held seminars on Hegel and Rawls in Zuccotti Park. When the routine shooting of black Americans at the hands of police officers and vigilantes later ignited the Black Lives Matter Movement, it brought to public attention longstanding practices of violent, discriminatory policing, as well as the rash of white nationalist attacks that plagued the nation. As the movement flourished, there were two major uprisings led by young black Americans in Ferguson and Baltimore. Such was the political context of my philosophical studies—that of a young Russian-Jewish woman who looked to her discipline for an explanation of the failures and promise of the experiment of American democracy and what it means to be an American. With so much at stake in settling these questions, I wanted to make

¹ Mills, Charles W. “W.E.B. Du Bois: Black Radical Liberal,” in *A Political Companion to W. E. B. Du Bois*. (Ed.) Nick Bromell. Lexington: University Press of Kentucky, forthcoming. p. 3; Cornel West, in Christa Buschendorf, “‘A Figure of Our Times’: An Interview with Cornel West on W. E. B. Du Bois,” *Du Bois Review* 10.1 (2013): 261-78.

my study of philosophy a contribution, however small, to repairing the moral spirit of American democracy.

Press coverage about the mass shooting of nine black parishioners at The Emanuel African Methodist Episcopal Church in Charleston, South Carolina by a white nationalist, often asserted the difficulty of understanding why the murders occurred and speculated about the mental health of the perpetrator.² While accepting that the grounds of senseless acts of violence are inscrutable and that all is not well in the mind of a mass murderer, I was struck by the reluctance, manifest in public sentiment in the American south and nationwide, to associate the mass shooting to the white supremacist heritage of the Confederacy that had inspired it—a vision of American democracy where black and brown people, immigrants and the stateless cower before whites who reclaim a superiority based on the “true” meaning of the heritage of the nation and what it means to be a “true” American. It is instructive to recall the words of Hannah Arendt in *Eichmann in Jerusalem*: “[O]nce a specific crime has appeared for the first time, its reappearance is more likely than its initial emergence could ever have been.”³ Not only must the American polity foreground the prospect of racist violence in the future, but directly confront the historical legacy of white supremacy from which it germinates, articulating a structural relation that continues to provide motivating grounds for racist violence: both ‘random’ and systematic acts of violence share an underlining model of world-making. That too is part of the longstanding conventions of American democracy and manifest in the contestation of who counts as an American, with civic standing warranting the full legal protections, moral respect, and social esteem.

² Cobb, Jelani. “Inside the Trial of Dylann Roof: The Complicated Moral Calculations that Followed a Horrific Crime,” *The New Yorker*, 6 February 2017. <http://www.newyorker.com/magazine/2017/02/06/inside-the-trial-of-dylann-roof>

³ Arendt, Hannah. *Eichmann in Jerusalem: A Report on the Banality of Evil*. New York: Penguin, 2006. p. 273.

In engaging modern political philosophy, I sought to present a conception of freedom reflecting sober confrontation of the world as it is and as it was, fraught with racial violence and tension about who counts as a citizen and what protections citizenship should entail. Indeed, what kind of moral injury constitutes being gunned down by a police officer or a white nationalist was subject to vehement political dispute in the public eye. In turning to modern political philosophy, as numerous African philosophers and critical race theorists have observed, its argumentative conventions were not adequate to explain the way racial matters informed the successes and failures of American democracy. If I must revise, stretch, or abandon the framing assumptions of the canon, I would do so for the sake of establishing a philosophy of freedom that assays the world as it is and proffers a vision of what it ought to be. In particular, as a philosopher, I wanted to sketch the moral imagination requisite for guiding the American public to conceiving a racially-inclusive social unity, issuing from the recognition and actualization of the equal moral status of racially-derogated citizens in the American civic community. The achievement of such a vision of social unity necessitates not only expounding the concepts of freedom through the lens of race, but addressing the past and present experiences of racial embodiment, the historical memory of racial traumas, and the legacy of moral agency manifest in the self-determination of oppressed peoples—what W.E.B. Du Bois calls “striving.”⁴ I, then, turned to W.E.B. Du Bois to expound a vision of social unity that could repair the moral spirit of American democracy.

In the dissertation, in reconstructing Du Bois’s philosophy of modern freedom, I establish his contribution to reimagining the moral rights of citizenship and the moral ideal of the American civic community, conceived as a racially-inclusive plurality. I also submit that for Du Bois the basic structure must actualizes the equal moral standing of all Americans, but he

⁴ Du Bois, W.E.B. *The Souls of Black Folk*. New York: Penguin, 1989. p. 8.

anchors the rationality of the social order to its ability to enfranchise former slaves and their descendants.⁵ The challenge of realizing the promise of Emancipation through the reorganization of the basic structure, I take, is the foundation of his philosophy of modern freedom. In articulating black citizens' relation to the institutions of the basic structure—especially the state and civil society—I follow Du Bois by presenting social and political self-determination through the lens of racial and racist experiences. The imbrication of the concepts of freedom and race is an optimal departure point for normative theorizing of American democracy. This is precisely the departure point for Du Bois's critique of Reconstruction and Jim Crow, from which I reconstruct his philosophy of modern freedom.

To be sure, Du Bois shares normative resources with liberal and republican political philosophers, such as G.W.F. Hegel, Margaret Gilbert, John Rawls, Axel Honneth, and Philip Pettit. They too theorize freedom as citizens' self-determination in a constitutional democracy and appeal to the justificatory force of the moral meaning of free and equal citizenship. Additionally, my selection of historical and contemporary figures as sufficiently pertinent to juxtapose with Du Bois—with the exception of Margaret Gilbert—reflects their joint stress on the institutional basis of self-determination. That the recognition and actualization of moral equality requires differentiated institutional embedding, bolstered by the state, is a common feature of their approaches. Yet, as the opening quote by Charles Mills underscores, Du Bois is “thoroughly ignored” in mainstream scholarship, albeit there is a growing interest in his contribution to normative political thought and in his own storied lifetime the promise of American democracy lay entangled in the public confrontation of racial and racist experience.⁶ In

⁵ Du Bois, W.E.B. *Black Reconstruction: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860–1880*. New York: The Free Press, 1998, p. 113.

⁶ Gooding-Williams, Robert. *In the Shadow of Du Bois: Afro-Modern Political Thought in America*. Cambridge: Harvard University Press, 2009. Appiah, Kwame Anthony. *Lines of Descent: W. E. B. Du Bois and the*

this dissertation, I build bridges between Du Bois’s critique of 19th and 20th c. American society and major figures in normative political philosophy, both historical and contemporary, including G.W.F. Hegel, Margaret Gilbert, John Rawls, Axel Honneth, and Philip Pettit. My aim is neither to canonize Du Bois in order to prove that he is a formidable political philosopher—this I take for granted—nor to chastise and chuck central figures in mainstream political philosophy for their neglect of racial matters and discussion of Du Bois. Though, the oversight is especially palpable in the writings of the contemporary political philosophers John Rawls and Axel Honneth, as well as their proponents, who set out to provide a theory of freedom that meets the challenges of our time and our world, all the while ignoring the racial tension and violence in the United States and continental Europe, from which they hail. Even as a voice from the past, philosophically, Du Bois is a contemporary among us. For the terms of his confrontation with his own world, that of Jim Crow America, could inform fruitfully the formulation of the terms of the confrontation with our own world. Following Africana philosophers and philosophers of race, I present Du Bois’s political philosophy as assaying normative political philosophy to help articulate the most compelling account of the achievements and failures of democratic politics in the United States, where racial tension and racist violence abound; and a nation still strive to be fully free.⁷

Of course, in situating Du Bois within modern political philosophy, I am entering a vibrant debate about how best to engage his legacy in contemporary scholarship and build bridges responsibly between Afro-modern political thought and modern Anglo-American/European philosophy. Notably, Africana philosophers appropriated Du Bois as a

Emergence of Identity. Cambridge: Harvard University Press, 2014. Balfour, Lawrie. *Democracy’s Reconstruction: Thinking Politically with W. E. B. Du Bois*. New York: Oxford University Press, 2011. Mills, Charles. *Black Rights/White Wrongs: The Critique of Racial Liberalism*. New York: Oxford University Press, 2017.

⁷ See in particular Kirkland, Frank. “Modernity and Intellectual Life in Black,” *Philosophical Forum* 4.1-3 (1993):136-65.

pragmatist, a cosmopolitan liberal, and a radical social democrat.⁸ Rather than claim that Du Bois fits into an established philosophical paradigm, my methodology for assessing his contribution to political philosophy begins by taking up the challenge of reconstructing the concept of freedom in light of major events in American history, particularly those distinguishing the African-American historical experience—though, Du Bois identifies the latter with the history of America as such.⁹ On my view, Du Bois illustrates that “the *actual* historical record” informs the development of a philosophical concept.¹⁰ I articulate the rationally effective reasons that motivated political praxis and, at least in part, constituted a factual historical record.¹¹ From there, I present a philosophical framework that justifies his political critique, leading me to reconstruct a model of freedom implicit in his writing on Reconstruction and Jim Crow – one that focuses on the standpoint of slaves, freedmen, and those subject to Jim Crow segregation, whose moral agency redrew the scope of the American civic community and spearheaded the public adjudication of the public good and what it means to be an American in a racially-

⁸ West, Cornel. *The American Evasion of Philosophy: A Genealogy of Pragmatism*. Madison: The University of Wisconsin Press, 1989. Taylor, Paul C. “What’s the Use of Calling Du Bois a Pragmatist?” *Metaphilosophy* 32.1-2 (2004): 99-114. Marable, Manning. *W.E.B. Du Bois: Black Radical Democrat*. Boston: Twayne, 1986. Reed, Adolph L. Jr. *W.E.B. Du Bois and American Political Thought: Fabianism and the Color Line*. Oxford: Oxford University Press, 1997. Gooding-Williams, Robert. *In the Shadow of Du Bois: Afro-Modern Political Thought in America*. Cambridge: Harvard University Press, 2011.

⁹ Du Bois, W.E.B. *Black Reconstruction: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860–1880*. New York: The Free Press, 1998. p. 13 & p. 29-30.

¹⁰ Mills, Charles W. *The Racial Contract*. Ithaca: Cornell University Press, 1997. p. 92.

¹¹ In his lectures on history, Hegel distinguishes the actual historical record from “actuality” (*Wirklichkeit*), or the “will” or “principle” that impels historical praxis; the latter’s actualization takes the dual form of an empirical object for social scientific study and a bounded set of shared reasons for political action that a philosopher might reconstruct. In the same lectures, Hegel states that the struggle for the political character of the United States is just emerging and is – at least from his vantage point – too inchoate to judge: “America is therefore the land of the future.” The advantage of Hegel’s account is that one can foreground political philosophy in history, while avoiding a narrow focus on historical sociology. Furthermore, Du Bois’s analysis provides rich material for us to understand the concrete form the struggle for the political character of the U.S. took as historical fact, as well as the rationally effective reasons that informed political praxis. Hegel, G.W.F. *Introduction to the Philosophy of History*. Indianapolis: Hackett, 1988. p. 90.

I should also note that in the expanded version of this project, my methodology does not presuppose a naïve idealism of the kind commonly attributed to Hegel and originating in Marx’s critique of the Young Hegelians in his *German Ideology*. Rather, in the spirit of a revamped Marxist critique, economic and social forces, especially as they pertain to the organization of labor and the political economy, are *essential* to my account of freedom, as they constitute the objective material conditions that inform political praxis.

inclusive manner.

So in blood and servile war, freedom came to America. What did it mean to men? The paradox of democracy founded on slavery had at last been done away with. But it became more and more customary as time went on, to linger and to emphasize the freedom which emancipation brought to the masters, and later to the poor whites. On the other hand, strangely enough, *not as much has been said of what freedom meant to the freed*; of the sudden wave of glory that rose and burst above four million people, and of the echoing shout that brought that brought joy to four hundred thousand fellows of African blood in the North. Can we imagine this spectacular revolution? Not, of course, unless we think of these people as human beings like ourselves. Not unless, assuming this common humanity, we conceive ourselves in a position where we are chattels and real estate, and then suddenly in a night become ‘thenceforward and forever free.’ Unless we can do this, there is, of course, no point in thinking of this central figure in emancipation. But assuming the common humanity of these people, conceive of what happened[.]¹²

The historical challenge Du Bois saw himself confronting was fulfilling the promise of former slaves’ social, political, and economic enfranchisement that Emancipation spelled. His main concern was with stipulating what the promise of freedom yielded during Reconstruction and later, how the demands of the segregated black community morphed during the Jim Crow era, without wholly foregoing the moral claim to equal standing in the American civic community, according to Du Bois.¹³ My interrogation of the development of his political critique thus critically corresponds to two historical periods, Reconstruction and the Jim Crow era. Although his analysis shifts in important ways, he consistently underscores both the importance of race in formulating political claims and, ideally, that black politics should achieve blacks’ inclusion in the modern American state on the moral basis of equal citizenship. He hopes to resolve what he identifies as the problem of the color-line, which perpetrates racist exclusion from the basic structure, *within* the ideals of a modern democratic constitutional regime, while also

¹² Du Bois, *Black Reconstruction*, p. 121. Emphasis added.

¹³ Although Neil Roberts does not focus on Du Bois’s political philosophy, the philosophical method he develops informs my reconstruction of the concept of freedom from Du Bois’s critique of Reconstruction and Jim Crow. Roberts grounds normative theorizing in the experience of slaves and freedmen, as a ‘raw’ material for reconceptualizing the nature of modern freedom. See his *Freedom as Marronage*. Chicago: Chicago University Press, 2015.

countenancing the flourishing of racial difference in a democratic polity.

One might question why one ought to focus on the concept of freedom grounded in the moral value of American citizenship rather than abandon it altogether. The noted Du Bois scholar Robert Gooding-Williams writes that “preoccupation [...] with the possibilities of Emancipation” is a “genre-defining” feature of Afro-modern political thought.¹⁴ Yet, often accompanying the call for emancipation, Afro-modern political thought evinces suspicion toward the discourse of freedom, positing that major American institutions are intrinsically racist, a view manifest from Marcus Garvey’s Pan-Africanism to Paul Taylor’s recent claim that the very “idea of America” should be rejected “root and branch.”¹⁵ Du Bois, on the contrary, consistently underlines the legitimacy of the struggle for civic inclusion and democratic representation in social and political institutions – especially in the modern state – as part of the amplification of African Americans’ freedom and collective self-determination. This commitment of Du Bois’s is the lynchpin to my reconstruction of his view of modern freedom. However, while Du Bois offers a variegated, rich analysis—ranging from historical scholarship, to journalism, to ethnographies—he did not find it necessary to provide a justification for the normative basis of his critique, which I assail as a philosophy of modern freedom. His oeuvre had a political urgency that did not cross into a preoccupation with the philosophical justification of political claims; nor does he offer explicit arguments in favor of a model of political legitimacy that amplified the scope and the substance of membership in the American civic community, a concern that principally characterizes this project. Yet, I affirm that the philosophical reconstruction of the normative commitments that inform Du Bois’s views on freedom as black

¹⁴ Gooding-Williams, *In the Shadow of Du Bois*, p. 3.

¹⁵ Taylor, “What’s the Use of Calling Du Bois a Pragmatist?,” p. 102. See also Boxill, Bernard. “Two traditions in African American political philosophy,” in *African-American Perspectives and Philosophical Traditions*. John P Pittman (Ed.). New York: Routledge, 2013: pp. 119-34.

enfranchisement in postbellum America is an urgent task that could potentially contribute to untangling longstanding racial friction in the polity.

The dissertation consists of four chapters that focus on distinct but interrelated topics pertinent to Du Bois's critique of 19th and 20th c. American society: (1) Du Bois's view on the normative significance racial identity and difference, entailed by his "racialism," which I introduce in the context of democratic plurality and exhort us to confront the historical memory of slavery and Jim Crow in the public sphere; (2) his philosophy of the ethical function of the modern American state defends the moral status of African Americans as equal American citizens during Reconstruction; in the aftermath of Emancipation, the promise of freedom was thus linked to the moral ideal of civic enfranchisement; (3) with the failure of the state to execute its ethical function and actualize the full promise of freedom for former slaves and their descendants, I present Du Bois's account of the civic function of the black church and schools in the Jim Crow era. Within these major institutions in the segregated black community, ordinary citizens—particularly women—were responsible for the exercise of the moral rights of citizenship. And, finally, (4) I address Robert Gooding-Williams's republican-inspired critique of Du Bois's political philosophy. He attributes to Du Bois an elitist politics of racial "uplift," wherein black elites are responsible for counteracting white racism and for preparing the culturally "backward" black masses to assume the responsibilities of American modernity. Gooding-Williams considers Du Bois a romantic expressivist, advocating assimilation through self-assertion. In light of his criticism of Du Bois, I argue that Gooding-Williams unfairly severs the normative basis of Du Bois's political critique from the goal of civic enfranchisement. Such a philosophical move dissolves what I hope to illustrate is the lynchpin of Du Bois's political philosophy, recasting his notion of leadership in the light of representative democracy.

Chapter I.

Du Bois's Racialism and Two Liberal Approaches to Plurality

From co-founding the NAACP in 1909 to joining the Communist Party in 1961, W.E.B. Du Bois's political affiliations varied over the course of his long, storied career. Yet, he continued to uphold the basic tenets of political liberalism, at least with respect to the following commitments: the defense of civil and political rights in representational constitutional democracy.¹ These commitments, however, he understood to *dovetail* with his racialist doctrine, which he introduces in the early essay "The Conservation of Races" (1897) and elaborates in *The Souls of Black Folk* (1903) and elsewhere.² Appealing to Du Bois's racialism in order to define racial difference in the context of a democratic plurality might *prima facie* appear counterproductive. Many Du Bois scholars reject his racialism as essentialist, at best, and as tacitly steeped in proto-fascist 20th c. pseudo-science, at worst.³ Perhaps this is why Du Bois scholars have not explored the doctrine in light of the idea of democratic plurality. Moreover,

¹ Paul C. Taylor notes that in a personal letter to a friend following his persecution by the House of Un-American Committee, Du Bois concedes that racial justice is perhaps unachievable in the United States. Taylor, Paul C. "What's the Use of Calling Du Bois a Pragmatist?" *Metaphilosophy* 32.1-2 (2004): 99-114.

² On my view, Du Bois early and later views on racialism are consistent. While they are most clearly articulated in his early essays, his racialist views are evident in his later works *Dusk of Dawn* and *Black Reconstruction*. Robert Gooding-Williams concurs. *In the Shadow of Du Bois: Afro-Modern Political Thought in America*. Cambridge: Harvard University Press, 2011. p. 167.

³ Kwame Anthony Appiah spearheaded a debate spurred by his accusation that Du Bois's racialism is inadvertently grounded in pseudo-scientific biological essentialism. For a full range of the debate, see Kwame Anthony Appiah. *In my Father's House: Africa in the Philosophy of Culture*. New York: Oxford University Press, 1992. Lucia T. Outlaw, Jr. *On Race and Philosophy*. New York: Routledge, 1996. Tommy L. Lott. *The Invention of Race: Black Culture and the Politics of Representation*. Maldon: Blackwell, 1999. p. 47-66. Paul Taylor, "Appiah's Uncompleted Argument: W.E.B. Du Bois and the Reality of Race," *Social Theory and Practice* 26.1 (2000): 103-28. Robert Gooding-Williams and Tommie Shelby claim that Du Bois's doctrine of racialism is essentialist as well, but on account not of its tie to biology but its over-determination of black values. See Gooding-Williams, Robert. *In the Shadow of Du Bois: Afro-Modern Political Thought in America*. Cambridge: Harvard University Press, 2011 and Shelby, Tommie. *We Who Are Dark: The Philosophical Foundations of Black Solidarity*. Cambridge: Harvard University Press, 2007.

most contemporary political philosophers, who seldom cite Du Bois, refrain from focusing on race—to the marginalization of other categories of social differentiation and political belonging, such as gender, religion, and nationality—in theorizing democratic plurality.

In this chapter, I illustrate that within the normative framework of political liberalism the doctrine can foreground racial matters and the historical experiences of denigrated racial groups, which liberalism has struggled to do.⁴ In an expanded version of this essay, I aim to show that foregrounding racial matters amplifies our understanding of how other forms of social differentiation and political belonging enter democratic political culture and intersect with racial identity.⁵ For the purpose of this chapter, however, I pursue the more modest aim of demonstrating that much of the anxiety about Du Bois’s racialism is unwarranted and that there is much to be gained from it, particularly for theorizing the normative significance of racial difference in democratic politics. In doing so, I follow a flurry of recent Du Bois scholarship that has emerged attempting to establish the promise of Du Bois’s racialism in light of its original formulation of the “social construction” of racial identity.⁶ Pushing further a social constructivist line, I argue that his racialism should foreground the interpretation of racial difference in a

⁴ There is a rich, burgeoning literature on the topic. I am particularly influenced by Charles Mills’s *The Racial Contract*. Ithaca: Cornell University Press, 1999; Tommie Shelby’s *We Who Are Dark: The Philosophical Foundations of Black Solidarity*. Cambridge: Harvard University Press, 2007, and Melvin Rogers’s recent work on race and democratic culture.

⁵ To this effect, Du Bois would reject contemporary theories of ‘intersectionality’ inasmuch as he is wholly committed to a *racialist* doctrine. Race is the foundational category in relation to which gender, class, religion, and nationality might be cast. For an opposing view, see: Hancock, Ange-Marie. “W.E.B. Du Bois: Intellectual Father of Intersectionality?” *SOULS: A Critical Journal of Black Politics, Culture and Society* 7 (2005): 74-84. Higginbotham, Evelyn Brooks, “African-American Women’s History and the Metalanguage of Race,” *Signs* 17.2 (1992): pp. 251-74. Du Bois’s doctrine of racialism also bears striking resemblance to Charles Mills’s recent public lectures on black radical liberalism. For Charles Mills’s account of Du Bois’s political philosophy, see Mills, Charles. “W.E.B. Du Bois: Black Radical Liberal,” in *A Political Companion to W. E. B. Du Bois*. (Ed.) Nick Bromell. Lexington: University Press of Kentucky, forthcoming.

⁶ Alcoff, Linda Martín. *The Future of Whiteness*. Cambridge and Malden: Polity Press, 2015. Owen, David S. “Whiteness in Du Bois’s *The Souls of Black Folk*,” *Philosophia Africana* 10.2 (2007): 107-26. Taylor, Paul C. *Race: A Philosophical Introduction*. Cambridge and Malden: Polity Press, 2013. Kirkland, Frank M. “On Du Bois’s Notion of Double Consciousness,” *Philosophy Compass* 8.2 (2013): 137-48. Kirkland, Frank M. “Modernity and Intellectual Life in Black,” *Philosophical Forum* 24.1-3 (1993): 136-65. Jeffers, Chike. “Appiah’s Cosmopolitanism,” *The Southern Journal of Philosophy* 51.4 (2013): 488-510 & “The Cultural Theory of Race: Yet Another Look at Du Bois’s ‘The Conservation of Races,’” *Ethics* 123.3 (2013): 403-26.

democratic plurality, which dominant liberal accounts of plurality neglect.

Du Bois maintains that although the meaning of racial identity is necessarily open to transformation, it carries unified ethical content that is non-volitional and has yet to resonate fully in American public political culture. Racial embodiment's non-volitional characteristic is not a matter of personal choice and is delineated by the historical legacy of racializing and racist social and political practices.⁷ Racial identity is pregnant with a historically-sedimented normative significance that has been left incompletely articulated, amounting to a racial "ideal" that has yet to deliver its "message" to the world.⁸ African Americans' message to the world carries insight into sacrifice, sorrow, and moral forbearance in the experiment of American democracy that began with the enslavement of their bodies.⁹ The Du Bois scholar Chike Jeffers argues that it is the "legacy of suffering from which we are supposed to learn. Learning this lesson – receiving the message – is not about learning how to go through slavery; it is about acquiring an egalitarian approach to human development."¹⁰ Du Bois affirms that if the message is heard and properly understood, it would promote the moral spirit of American democracy, for it would press for the recognition of the universal rights of citizenship and the equal consideration of citizens' claims in the distribution of power in major social and political institutions. Listening to the message would also educate the white citizens and the *de facto* white racial polity, founded on the institution of black chattel slavery, insofar as it would

⁷ For an illuminating contemporary discussion of why racial identity is not a matter of personal choice, see chapter 3 of Taylor, Paul C. *Race: A Philosophical Introduction*. 2nd Edition. Malden: Polity, 2013.

⁸ Du Bois, W.E.B. "The Conservation of Races," in *W.E.B. Du Bois: Writings*. New York: The Library of America, 1986: pp. 815-26. p. 819.

⁹ My construal of the ethical significance of Du Bois's racialism is heavily influenced by Danielle S. Allen's book, *Talking to Strangers: Anxieties of Citizenship since Brown v. Board of Education*. Chicago and London: Chicago University Press, 2004. There she argues that the notion of black sacrifice must be understood in the context of promoting the ideals of a free American polity for the sake of democratic friendship. Following Ralph Ellison's narration in *Invisible Man*, she observes that such sacrifice has remained largely invisible.

¹⁰ Chike Jeffers, "Black Ideals and Modern Civilization: Cultural Nationalism and Cosmopolitanism in Du Bois," p. 23. *Unpublished*. (Cited with the author's permission.)

facilitate the “comprehension of black people’s tragic and comic experiences.”¹¹ For Du Bois, there is a moral debt that must be repaid; the demand to repay the debt issues from the moral meaning of citizenship, attesting to a reasonable citizens’ capacity for justice.¹² Democratic politics is only possible if the legacy of black striving does not “fall into oblivion.”¹³ Or, as Toni Morrison puts it, we must “remember.”¹⁴

This racial ideal, Du Bois argues, reveals shared ethical “impulses” and “spiritual” inclinations that broadly converge on visibly-embodied difference, most notably skin color, while “infinitely transcending” it.¹⁵ We would then have to confront in the democratic polity what Du Bois asserts is the significance of racial identity as a racial ideal. He defines it in light of the problem of the color line – a reference point for apprehending black collective striving. Such a departure point merits conceptualizing 1) racial ideals as “ethical responses,”¹⁶ ones that are materially tied to 2) visible, racial embodiment, and 3) objective social location, as determined by a racist social hierarchy (i.e., differential access to political power and material resources).¹⁷

In this chapter, I distinguish Du Bois’s doctrine of racialism from two dominant approaches for conceptualizing plurality within the framework of political liberalism, broadly speaking. I consider why these two paradigmatic liberal models for conceptualizing democratic plurality fail to accommodate racial identity adequately: 1) the republican model of social group

¹¹ Kirkland, “On Du Bois’s Notion of Double Consciousness,” p. 27.

¹² Helpfully, John Rawls writes: “the ideal of citizenship imposes a moral, not a legal, duty.” *Political Liberalism*, p. 217.

¹³ See Kirkland, Frank M. “Modernity and Intellectual Life in Black,” *Philosophical Forum* 24.1-3 (1993): 136-65.

¹⁴ Morrison, Toni. *Beloved*. New York: Vintage, 2007. p. 43.

¹⁵ Du Bois, “Conservation,” p. 818.

¹⁶ Kirkland, Frank. “On Du Bois’s Notion of Double Consciousness: Some Hegelian Reflections,” p. 27. Unpublished. (Cited with the author’s permission.)

¹⁷ I draw from the following critical race theorists sympathetic to Du Bois’s racialism: Alcoff, Linda Martín. *Visible Identities: Race, Gender and the Self*. Oxford: Oxford University Press, 2006. Alcoff, Linda Martín. *The Future of Whiteness*. Cambridge and Malden: Polity Press, 2015. Taylor, Paul C. *Race: A Philosophical Introduction*. 2nd Edition. Malden: Polity, 2013. Mills, Charles. *Blackness Visible: Essays on Philosophy and Race*. Ithaca: Cornell University Press, 1998; Kirkland, Frank M. “Modernity and Intellectual Life in Black,” *Philosophical Forum* 24.1-3 (1993): 136-65.

formation, as illustrated by Margaret Gilbert's view of plural subjects in jointly-committed groups and 2) Rawls's idea of comprehensive doctrines. In my interrogation of these approaches, I aim to show that their accounts of social differentiation fail to capture the salient normative content of racial embodiment, which is not *wholly* volitional. Its normative significance is not a jointly-pursued goal or a view of the good a racial group assents to. On a racist doctrine, the normative content of racial identity accrues historically and prefigures individual volition. The liberal approaches above illuminate that a strictly volitional account of the normative significance of black identity severs us from its historically-sedimented meaning, such that the memory of the past – the legacy of black slavery, sorrow, and forbearing resistance – risks falling into oblivion. It also risks obscuring the significance of visible embodiment and objective social location that centrally figures in the meaning of racial identity for Du Bois.

i. A Republican View of Democratic Plurality – Gilbert's 'Plural' Subjects

Many philosophers have used a broadly republican framework to develop a political conception of difference that accommodates gender and racial identity in the context of a democratic public sphere.¹⁸ A republican model of volitional group formation and action attempts to account for both the emergence of racial identities and the possible political implications they might have. Margaret Gilbert presents a paradigmatic republican model of social group formation. What is distinctive about a republican approach to conceptualizing plurality – a feature best exemplified by Gilbert's work – is that the free will of an individual

¹⁸ For further examples of republican models of social group formation, see Gooding-Williams, Robert. *In the Shadow of Du Bois: Afro-Modern Political Thought in America*. Cambridge: Harvard University Press, 2011 & *Look, a Negro!: Philosophical Essays on Race, Culture, and Politics*. New York and Milton Park: Routledge, 2005. Zerilli, Linda. *Feminism and the Abyss of Freedom*. Chicago: The University of Chicago Press, 2005. Honig, Bonnie. "Towards an Agonistic Feminism: Hannah Arendt and the Politics of Identity," in *Feminist Interpretations of Hannah Arendt*. (Ed. Bonnie Honig). University Park: Penn State University Press, 1995: pp. 135-65. Young, I.M. "Gender as Seriality: Thinking about Women as a Social Collective," *Signs* 19.3 (1994): 713-38.

person is taken as the relevant reference point for modeling democratic plurality. An aggregate of individuals constitutes a social group, which she subsequently identifies as a “plural subject,” and it is on account of individuals’ volition as *private individuals* that fills out the relevant dimension of plurality.

Of course, one might ask which aspect of the ‘private person’ is relevant here. Most any liberal framework seeks to accommodate individual autonomy. Gilbert posits that individuals’ pre-given, private interests motivate them to bind their will to others and to discharge the social obligations that subsequently arise. In *A Theory of Political Obligation*, she argues that a social group is a plural subject consisting of an aggregate of individuals – each with private ends – forming a joint commitment to forge and execute a common end.¹⁹ It is by virtue of the disparate *individual* ends that happen to converge in a social group that it is ‘plural’ at all. On this view, plurality is a measure of an aggregate of individuals with distinctive private interests and appears to be *qualitative* in character. A “plural” social group is “a *set* of jointly committed persons.”²⁰

Gilbert stipulates that group actions result from individuals’ intentions compacted in a joint commitment.²¹ This later formulation is consistent with her earlier work, where she argues that two individuals agreeing to go for a walk together is a paradigmatic example of social group formation. Two individuals, each with a distinct interest, agree to go for a walk, forming a joint commitment to achieve this common end, i.e., to take a walk together. In her most recent book *Joint Commitment*, she points to families as another paradigmatic example of a jointly-committed, “plural” subject. In the family, each member of the group commits to a common

¹⁹ Gilbert, *A Theory of Political Obligation*, p. 91.

²⁰ Gilbert, Margaret. “A Real Unity of Them All.” *The Monist* 92.2 (2009): 268-85. p. 276

²¹ Gilbert’s voluntaristic view of social groups presents a problem for her political theory with respect to the relationship between democracy and the creation of binding political obligations. At times, reminiscent of the federalist papers, Gilbert appears to suggest that if a political whole is to remain bounded, political conventions must be held every ten years to rewrite and sign anew the constitution. Otherwise, the polity risks normative dissolution.

goal, but for “private” reasons. This example has some odd results. A single-parent household with an infant or an autistic child is not actually a “family,” according to Gilbert.²² Individuals’ must register within the potential group their personal *intention* to join it. So, what about the plural subject makes it ‘plural’? “To put it somewhat formally: A and B (and . . .) (or those with feature F) constitute a plural subject (by definition) if and only if they are jointly committed to doing something as a body—in abroad sense of ‘do.’”²³

What does this definition give us? The most charitable interpretation of her view of plurality is that it refers to an individual’s capacity for volition – to simply have interests and pursue them. That bare capacity captures her notion of individual autonomy. She clarifies that this indeed is her view in *Joint Commitment*: “the condition for [the] creation [of social groups] are relatively easy to state and easily satisfiable – really not much less so than the making of a personal decision or forming of a personal intention.”²⁴ In the family, for example, individuals’ “personal decision” to form a family defines it as a plural subject. And so, for the purpose of this paper, it is sufficient to note that, on her view, individuals’ pre-given, private interests motivate them to acquire membership in a social group, whose other members also commit to the group. These aggregated individuals and their disparate motivations define the plural subject.

Gilbert does not mention race as a social group. At various times, she points to a “protest group” as a social group and makes scattered remarks about the civil rights movement in its connection to black Americans.²⁵ She submits that her account of social groups might not accommodate racial pluralities, but dismisses the worry.²⁶ As we’ve seen, for Gilbert, the explicit

²² Gilbert, *A Theory of Political Obligation*, p. 94.

²³ Gilbert, *A Theory of Political Obligation*, p. 144-45.

²⁴ Gilbert, Margaret. *Joint Commitment: How We Make a Social World*. Oxford: Oxford University Press, 2014. p. 9.

²⁵ Gilbert, *A Theory of Political Obligation*, p. 92.

²⁶ Gilbert excludes what she calls an ‘economic class’ as a social group as well. Prima facie, one might wonder what the normative merit of such a peculiar social ontology is insofar as it fails to make conceptual space for race and

positing of a shared goal that group members assent to establishes it as a social group. Yet, philosophers of race, and especially Du Bois himself, agree that racial groups, conceived as an aggregate, do not share the same private interests. Paul C. Taylor sums up the point well, asserting that “the [racial] social units [...] are not [social] groups per se; their members need not share we-intentions or even an awareness of their common relation to the process of racial formation.”²⁷ Taylor points to the non-volitional features of racial identity, through which one might participate in a process of racial formation without knowing it. Furthermore, Tommie Shelby and Robert Gooding-Williams highlight that the internal political differences and disagreements, as well as the disparate personal ambitions, that members of a racial group might have.²⁸ Such heterogeneity makes it difficult to define the common political aims of the black community.

In his later works, Du Bois too emphasizes the “problem” of the divergence of blacks’ personal ambitions and political outlooks in *Black Reconstruction* and *Dusk of Dawn*. He argues that increasing numbers of affluent African Americans refuse to identify with more disenfranchised blacks.²⁹ But, just as pressingly, even in his earlier work, Du Bois also emphasizes that individuals’ personal *idiosyncrasy* should be promoted and is an important element of black humanity, and of modern subjectivity more generally, especially as it pertains to the free development of talents, ambitions, and proclivities. Consider his observations in *Souls* about the function of higher education and the role cultural institutions have in developing “the sovereign human soul”:

economic class, especially since she believes that her view is superior precisely because of its *normative* payoff. Gilbert, *A Theory of Political Obligation*, p. 166.

²⁷ Taylor, “What’s the Use of Calling Du Bois a Pragmatist?,” p. 109

²⁸ Shelby, *We Who are Dark*, chp. 2.

²⁹ Du Bois, W.E.B. *Dusk of Dawn* in W.E.B. Du Bois: Writings. New York: The Library of America, 1986. pp. 692-94. Du Bois, W.E.B. *Black Reconstruction: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860–1880*. New York: Simon & Shuster, 1998. p. 693.

The function of the Negro college is, then clear: [...] it must develop men. [There] must persist and evolve that higher individualism which centres of culture protect; there must come a loftier respect for the sovereign human soul that seeks to know itself and the world about it; that seeks a freedom for expansion and self-development; that will love and hate and labor in its own way, untrammelled by old and new.³⁰

Hence, for Du Bois, looking for black unity on the level of personal choice is inappropriate – disparate, freely expanding, “sovereign” individuals ought to flourish. Thus, when it comes to theorizing the nature of racial difference, Gilbert’s view proves vexing. The unity of racial difference should not be located in individuals’ ambitions and idiosyncratic interests. Even though Du Bois defends the flourishing of individuals’ idiosyncrasy, especially as it pertains to the protection of higher education, he nonetheless considers the former to complement both the civic function of institutions of higher education in fostering democratic literacy in the segregated black community and in the ‘higher’ ethical unity of black Americans, as captured in his doctrine of racialism. “The soul is still individual, if it is free.”³¹ In other words, his racialism is broadly compatible with negative liberty.³²

Du Bois asserts that racial identity seldom corresponds to a voluntarily constructed social group, as if the normative force of racial belonging is invented whole cloth – and on a whim.³³ Racial differentiation is not chosen, and its normative salience informs the expression of individual pursuits. Particular individuals can sometimes manipulate it, without negating it. In the final section of this essay, I will elaborate the tripartite features of its objective salience, which I introduced in my opening remarks. Briefly restated, they include: 1) a racial message as an ethical response to the color-line, 2) the lived experience of racial embodiment, especially as

³⁰ Du Bois, W.E.B. *The Souls of Black Folk*. New York: Penguin, 1989. 90.

³¹ Du Bois, *Darkwater*, p. 7.

³² This is simply another way of saying that Du Bois’s commitment to the essential tenets of political liberalism – his endorsement of basic civil and political rights, as well as of democratic politics – dovetails with his racialism. In chapter 3, I will elaborate how exactly the black college both caters to the flourishing of black individuality, even as it promotes civic duty among blacks.

³³ Owen, David S. “Whiteness in Du Bois’s *The Souls of Black Folk*,” *Philosophia Africana* 10.2 (2007): 107-26.

it pertains to the visibility of the body, and 3) objective social location. A model of social group formation based on individual volition and personal choice alone ignores *each* element of Du Bois's conception of the salience of racial identity.

I have yet to establish the merits of each feature of Du Bois's racialism, yet the foregoing discussion demonstrates that even among philosophers of race and Du Bois scholars who do not defend his racialism, preferring a more volitional conception of racial identity, we find that a view such as Gilbert's view is nonetheless overly volitional. By way of articulating the ethical unity Du Bois aspires to convey in his racialist doctrine, it would be helpful to distinguish it from black cultural unity. Cultural plurality is a common way his racialism is presented by Du Bois scholars sympathetic to his approach. However, my aim in this chapter is to show why Du Bois's racialism contributes to conceptualizing the nature of racial difference in a democratic plurality. Cultural conceptions of race abound in political liberalism. A favored model for articulating a cultural account of social difference—and any normative basis of social differentiation grounded in socially-shared reasons for action—is found in John Rawls's conception of plurality.

Turning next to Rawls's view of plurality as overlapping consensus of reasonable, comprehensive doctrines, and showing why it fails to capture the racial difference, would illustrate why a strictly cultural conception of black identity in the context of democratic politics is not recommendable. For the normative significance of racial identity does not lie in the collective assent to a vision of a good life, as expounded in Rawls's notion of a comprehensive doctrine. This would set the stage for cautioning against interpretations of Du Bois as a cultural pluralist. We must look elsewhere for a model of plurality that captures the unified ethical content of racial identity – we must turn towards Du Bois's racialism head on in order to discern whether it countenances a *sui generis* model for conceptualizing racial difference in the context

of a democratic politics.

ii. Rawls on Plurality: The Problem with Reasonable Comprehensive Doctrines

In his political liberalism, John Rawls devises a widely-influential idea of plurality for the promotion of citizens' freedom and justice in the modern state and as a way of grounding competing claims that enter public political culture. Unlike Gilbert's thesis, according to Rawls, he does not model the idea of plurality on individuals' aggregated, private interests, but on their socially-shared comprehensive doctrines. Whereas Gilbert holds that the private interests of disparate individuals delineate the plural subject in democratic politics, Rawls submits that the foundation of plurality is a *social* interest, not a private, individual one. In fact, to his credit, he claims that, strictly speaking, "there is no such thing as private reason."³⁴ His model of plurality is an example of socially-shared value pluralism or "reasonable" pluralism.³⁵ Not just any social interests that might bind a social group should be admitted into politics, particularly if it fails to respect publically-accepted standards of political judgment – or "public reason." To be sure, his view accommodates individuals in their pursuit of idiosyncratic interests, as affirmation of a comprehensive doctrine, so long as their actions are broadly consistent with a political conception of justice. But, he also argues that a comprehensive doctrine requires sustained recognition from a social group, if it is to survive under the destabilizing conditions of modernity.³⁶

Rawls asserts that disparate (but reasonable) schemes of social value is the inevitable

³⁴ Rawls, John. *Political Liberalism*. New York: Columbia University Press, 1993. p. 220.

³⁵ I borrow the term from William A. Galston. *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*. See also Joshua Cohen's "Moral Pluralism and Political Consensus," in *The Idea of Democracy*. David Copp and Jean Hampton (Eds.) Cambridge: Cambridge University Press, 1993.

³⁶ In light of this assertion, Rawlsians should pay closer attention to how exactly moral and philosophical doctrines such as Kantianism and utilitarianism constitute comprehensive doctrines, as they hardly express a socially-shared way of life. For more on this point, see O'Neill, Onora. *Bounds of Justice*. Cambridge: Cambridge University Press, 2000.

outcome of citizens' participation in the basic structure of a democratic constitutional regime. Plurality is, therefore, an ineradicable feature of free modern societies and should not be mitigated. It belongs to the "background culture" inasmuch as it is the result of the "free exercise of free human reason under conditions of liberty."³⁷ In his collected lectures in *Political Liberalism*, Rawls introduces the notion of a comprehensive doctrine in his defense of an overlapping consensus of reasonable doctrines. He departs from the thesis that he puts forward in *A Theory of Justice*, arguing that his articulation of justice as fairness there verges on a "comprehensive," rather than a strictly "political," doctrine. He writes that a doctrine

is comprehensive when it includes conceptions of what is of value in human life, as well as ideals of personal virtue and character, that are to inform much of our nonpolitical conduct (in the limit our life as a whole). There is a tendency for religious and philosophical conceptions to be general and fully comprehensive [...] A doctrine is fully comprehensive when it covers all recognized values and virtues within one rather precisely articulated scheme of thought; whereas a doctrine is only partly comprehensive when it comprises certain (but not all) nonpolitical values and virtues and is rather loosely articulated.³⁸

A comprehensive view conveys "personal" values, virtues, and character traits that guide the "nonpolitical conduct" of a social group and should not dominate the space of public reason.³⁹ He also writes that comprehensive doctrine is a rational plan of life, in reference to which an individual formulates her ambitions and explores the depths of her moral personality. Highlighting religion in particular, as a doctrine it supplies associational norms that give many individuals a purpose, but one cannot reasonably expect all citizens to accept the same religious doctrine; to do so would undermine individual autonomy to pursue a rational plan of life of their choosing. An individual must be free to share with a social group of her choosing a conception of

³⁷ Rawls, *Political liberalism*, p. 144.

³⁸ Rawls, *Political Liberalism*, p. 175.

³⁹ As we'll soon see, in his later essay "The Idea of Public Reason Revisited," he concedes that sometimes the introduction of comprehensive doctrines into politics is necessary for developing political values and the meaning of citizens' moral equality. He says nothing further on what he means by this. See this essay in *John Rawls: Collected Papers*. Samuel Freeman (Ed.). Cambridge and London: Harvard University Press, 1999.

the good life, or a worldview that reveals shared commitments about ultimate meaning.

As a model for grounding political claims, an overlapping consensus departs from – without altogether abandoning – Kantian formulation of the justification of political judgment.⁴⁰ An overlapping consensus of comprehensive and partially comprehensive doctrines sets fair and reciprocal terms of social cooperation, the normative basis of which is the moral interpretation of free and equal citizenship. An overlapping consensus is not itself grounded in any particular comprehensive doctrine. The grounding of justice must be political, and its articulation “self-standing” and “independent of [any particular] comprehensive religious, philosophical and moral doctrines.”⁴¹ When one acts from within the perspective of a comprehensive view, one still affirms the norms of public reason and confirms the shared ethos of one’s democratic culture, although the ‘ultimate’ meaning of an action will amount to different things for different people. For example, I might not harm another because I believe in the intrinsic dignity of our common humanity. Or, I might not do so because I believe human beings are made in god’s image. In either case, my values confirm the sanctity of human life – a norm enshrined in publically-accepted standards of political judgment. Because we share the moral power of citizenship to judge in a fashion that reflects a common sense of justice, Rawls does not believe that justice as fairness is a mere *modus vivendi*. Citizens are similarly motivated to identify with the intrinsic good of justice and participate in public procedures that adjudicate the common good.⁴²

Rawls’s conception of plurality is superior to Gilbert’s in at least two respects. First, comprehensive doctrines convey shared ways of life that emerge historically and bind individuals together in social practices. Seldom do individuals jointly and self-consciously

⁴⁰ Rawls holds that this later position on the overlapping consensus is consistent with his earlier position. Whether or not this is true is widely debated. For a helpful discussion of the topic, see Jeffrey Bercuson’s *John Rawls and the History of Political Thought: The Rousseauvian and Hegelian Heritage of Justice as Fairness*. New York: Routledge, 2014.

⁴¹ Rawls, *Political Liberalism*, p. 144.

⁴² Rawls, *Political Liberalism*, p. 213.

commit to founding a new religion or a way of life.⁴³ Furthermore, he does not appeal to individuals' pre-given interests. Political power is impersonal and should not be used as a mere means to realize private interests, whether jointly pursued or not. Second, he recognizes that no one legitimately owes allegiance to doctrines that reject widely accepted values expressing our moral equality as citizens, even if they might be meaningful for entire sections of the population. Yet, his account of plurality also fails to capture the normative significance of racial identity in general and black identity in particular. Given that, unlike Gilbert, his failure to capture black identity does not lie in his espousal of a strictly volitional view of social group formation, we must look elsewhere for the weakness in his view of plurality.

Even in light of citizens' different comprehensive views, citizens' core political values should still converge to define the terms of their social cooperation and basic moral equality.⁴⁴ Rawls introduces the political conception of the moral person to guide the convergence of comprehensive views in an overlapping consensus.⁴⁵ He ascribes two moral powers to citizenship. First, he posits the capacity to reason about a political conception of justice, which affirms a duty of civility for "persons engaged in social cooperation among equals."⁴⁶ Second, he underscores as a moral power of citizenship the capacity to pursue a rational plan of life, or a scheme of the good. Rawls assumes citizens' equivalent normative status – i.e., moral equality – as the departure point for theorizing justice as fairness. As he puts it, public reason "assigns to each person the same basic political position. In giving reasons to all citizens we don't view

⁴³ Of course, there are exceptions. Consider the founding of kibbutzes or cults. Even in these cases, one can argue that individuals are not inventing new social values whole cloth.

⁴⁴ Rawls connects the idea of public reason with Rousseau's conception of the general will. See Lecture V in his *Political Liberalism*, especially pages 219-20.

⁴⁵ I do not mean to suggest that the political conception of the person alone underpins an overlapping consensus. Rawls lists five elements that delineate the intrinsic "good" of political society, consolidating the political conception of justice as fairness. For my purposes in this chapter, it is enough to simply note that there are additional elements without further discussion. For further discussion, see his *Political Liberalism*, p. 176.

⁴⁶ Rawls, *Political Liberalism*, p. 48.

persons as socially situated or otherwise rooted, that is, as being in this or that class position, or in this or that property and income group, or as having this or that comprehensive doctrine.”⁴⁷ In this sense, justice as fairness is not “redress” justice.⁴⁸ The political conception of the moral person tackles “natural” contingency (i.e., differences in innate talents, returns on strategic investments, and being born into ‘less favored’ social position that just happen to exist in society.) Unlike comprehensive doctrines, these salient features that shape a modern citizens life are not “elected” but are nonetheless significant issues that a theory of justice ought to address.⁴⁹ Notably, the legacy of racial injustice falls under the banner of ‘natural’ contingency, when it is introduced as a public issue in democratic politics.⁵⁰ Stuck between the devil and the deep blue sea, Rawls’s political liberalism provides two avenues for realizing citizens’ moral equality: the pursuit of socially-elected comprehensive doctrines (inasmuch as citizens are rational) and mitigating natural contingency (inasmuch as citizens are reasonable).

In light of this framework, racial identity *prima facie* appears as an irrelevant feature in the public adjudication of the principles that ought to govern society, if possessing a racial identity does not negatively impact a person’s life prospects. That is, if a person is white, it does not factor into public political culture. Yet, if we are addressing the lived experiences—historical or contemporaneous—of citizens of color in the United States, then racial identity mediates an

⁴⁷ Rawls, John. “The Idea of Public Reason Revisited,” in *John Rawls: Collected Papers*. Samuel Freeman (Ed.). Cambridge and London: Harvard University Press, 1999. p. 607.

⁴⁸ Rawls, *A Theory of Justice*, p. 86.

⁴⁹ For this point, I am indebted to Elizabeth S. Anderson’s excellent essay “What is the Point of Equality?” *Ethics* 109.2 (1999): 287-337.

⁵⁰ He makes the dubious observation: “*The natural distribution is neither just nor unjust; nor is it unjust that persons are born into society at some particular position. These are simply natural facts. What is just and unjust is the way that institutions deal with these facts.*” *A Theory of Justice*. Revised Edition. Cambridge: Harvard University Press, 1999. p. 87. (My emphasis.) I am unsure how to interpret the modifier “natural” here, but it appears that his discovery of “natural facts” about the “natural distribution” of social stations reflects that justice as fairness is not redress justice.

unfortunate ‘natural’ contingency, which lowers a person’s life prospects and social standing.⁵¹ In this case, racial identity is relevant to the extent that it illustrates obstacles to civic enfranchisement. The realization of freedom and equality would result in the gradual elimination of categories of racial belonging.⁵² Yet, racial identity also contributes to democratic plurality in a substantive, purposive fashion that positively structures individuals’ experiences of the world, not just of the world’s injustice and cruelty toward them.⁵³

Race thus enters the Rawlsian framework as a constituent of democratic plurality. Unfortunately, Rawls’s conception of plurality also accommodates racial identity unconvincingly. One cannot call race a comprehensive doctrine. Racial identity does not correspond to a set of values, comparable to a religious doctrine or moral outlook; sharing a racial identity does not entail the collective espousal of a rational plan of life. Although a comprehensive doctrine does not characterize racial identity well, appealing to the lived experience of racial embodiment in calls for racial justice often “risks” introducing an overly ‘thick’ ideal into public political culture, which is perceived as a theory of the good. But, this reasoning is inconsistent: that something does not fall under an overlapping consensus does not

⁵¹ Shelby employs a Rawlsian framework to correct racial injustice precisely in such a fashion. See his, *We Who Are Dark*, chp. 6 and his “Racial Realities and Corrective Justice: A Reply to Charles Mills,” *Critical Philosophy of Race*, 1.2 (2013): 145–62.

⁵² In critical race theory, this popular position is known as racial eliminativism. It holds that in a free and just society racial identity would be as normatively irrelevant as eye color. Notable proponents include Haslanger, Sally. *Resisting Reality: Social Construction and Social Critique*. New York: Oxford University Press, 2012; Zack, Naomi. *Philosophy of Science and Race*, New York: Routledge, 2002; Appiah, Anthony. 1996, “Race, Culture, Identity: Misunderstood Connections,” in *Color Conscious*, Anthony Appiah and Amy Gutmann, Princeton, NJ: Princeton University Press.

Racial eliminativists tend to hold a political theory of race, that is, they define racial identity through a racist social hierarchy, which, once dissolved, results in the dissolution of categories of racial belonging. An exception to this pattern is Tommie Shelby who subscribes to a political theory of race, but includes voluntary racial affiliation in an ideal society.

⁵³ See for example Alcoff, Linda Martín. *Visible Identities: Race, Gender and the Self*. Oxford: Oxford University Press, 2006. and *The Future of Whiteness*. Cambridge and Malden: Polity Press, 2015.

mean it invokes a theory of the good.⁵⁴ As Charles W. Mills quite rightly points out, Rawls flags both the antislavery and civil rights movement as introducing comprehensive doctrines, undoubtedly valuable in retrospect from the point of view of justice as fairness, but nevertheless “comprehensive.”⁵⁵

Rawls describes racial identity as a social status one might be born into by a cosmic stroke of bad (or good) luck, or as a socially-affirmed comprehensive doctrine.⁵⁶ In either case, the details of the normative significance of racial difference and its historical sedimentation in public political culture give way under political indifference, invisibility, and neglect.

Tellingly, Rawls concedes that “in less good times” an imperfect ordering of norms in public reason warrants interpreting political values from the standpoint of comprehensive doctrines that could *develop* the moral ideal of civic equality; he cites the abolitionist movement as an example.⁵⁷ He writes, “To resolve these more particular and detailed issues *it is often more reasonable to go beyond the political conception and the values its principles express, and to invoke nonpolitical virtues that such a view does not include.*”⁵⁸ He fails to mention, however, that we have always been “in less good times” with respect to racial matters—that is a critical

⁵⁴ Consider recent attempts to in feminist ethics that bite the bullet and advance gender justice as a politically justifiable ‘comprehensive view’: S.A. Lloyd, “Situating a Feminist Criticism of John Rawls’s *Political Liberalism*,” *Loyola of Los Angeles Law Review* 28 (1995): 1319-44; Ruth Abbey, “Back Toward a Comprehensive Liberalism? Justice as Fairness, Gender, and Families,” *Political Theory* 35.1 (2007): 5-28.

⁵⁵ Mills, Charles W. “Rawls on Race/Race in Rawls.” *The Southern Journal of Philosophy* 47.1 (2009): 161-84. p. 167.

⁵⁶ Indeed, Rawls admits as much: “To model [...] equality in the original position we say that the parties, as representatives of those who meet this condition, are *symmetrically situated*. This requirement is fair because in establishing the fair terms of social cooperation [...] the only relevant feature of persons is their possessing the moral powers (to the sufficient minimum degree) and having the normal capacities to be a cooperating member of society over a complete life. Features relating to social position, native endowment, and *historical accident*, as well as to the content of persons’ determinate conceptions of the good, are *irrelevant*, political speaking, and hence placed behind the veil of ignorance.” *Political Liberalism*, p. 79. (My emphasis)

We might do well to recall Du Bois’s sardonic picture of a white supremacist with a conscience relating to people of color: “My poor, un-white thing! Weep not nor rage. I know, too well, that the curse of God lies heavy upon you. Why? That is not for me to say, but be brave! Do your work in your lowly sphere, praying the good Lord that into heaven above, where all is love, one day, be born – white!” “The Souls of White Folk,” in *W.E.B. Du Bois: Writings*. Nathan Huggins (Ed.) New York: Viking Press 1986. p. 924.

⁵⁷ Rawls, *Political Liberalism*, p. 252.

⁵⁸ Rawls, *Political Liberalism*, p. 230. My emphasis.

and longstanding feature of American modernity.⁵⁹ Rawls is unable to *anchor* the development of the political conception of justice to racial matters; the normative framework of his liberalism does not allow it. Consequently, on his model of justice, it appears as if the norms of public reason develop haphazardly, because of its inability to confront directly and incorporate on the basis of mutual respect and -understanding in the United States. The contemporaneous and historical experiences of denigrated racial groups just seem to pop up every now and again, culminating in wide-scale social movements that even political liberals agree amount to revolutions (i.e., Radical Reconstruction and the Civil Rights movement).⁶⁰

For a democratic polity to ignore a particular social group's historical experiences by chalking it up to the rather haphazard fashion political priorities are set, given reasonable disagreements, runs afoul of the ideals of justice. We require a conceptual apparatus that confers *political legitimacy* for giving "a particular primacy and weight" to collective experiences of racial embodiment, ones that carry an unavowed but unified ethical content. For, attending to these experience, Du Bois submits, could promote mutual respect and social cooperation in the concrete elaboration of the meaning of civic equality and the fair terms of social cooperation.⁶¹

Moreover, in might of the particular nature of American modernity, which coincides with the founding of chattel slavery, conferring primacy to racial matters in public political culture is not only *consistent* with the underlining ideals of public political culture, but *develops* them. Onora O'Neill underscores that the norms of public political culture are always "arbitrary" starting points for constructing a political conception of justice and that public reasoning is never "complete." Interrogating why the *existent* consensus in our public political culture ought to

⁵⁹ See Mills, Charles W. *The Racial Contract*. Ithaca: Cornell University Press, 1998 and Smith, Rogers M. *Civic Ideals: Conflicting Visions of Citizenship in U.S. History*. New Haven and London: Yale University Press, 1997.

⁶⁰ Danielle S. Allen. *Talking to Strangers: Anxieties of Citizenship Since Brown v. Board of Education*. Chicago: Chicago University Press, 2006.

⁶¹ Rawls, *Political Liberalism*, p. 59.

circumscribe our current and future political reasoning is necessary for any constructivist conception of political justification. She explains why that the inevitable “arbitrary” content in public reason will always requires further justification: “[W]hen all such ‘authorities’ are put into question, nobody will be told that some claim that they cannot but view as arbitrary constitutes a reason for them to believe or act.”⁶² She continues:

In a world of differing beings, reasoning is not complete, or we may say (and Kant said) not completely public when it rests on appeals to properties and beliefs, attitudes and desires, norms and commitments, *which are simply arbitrary from some points of view*. In some contexts *incompletely reasoned*, hence partly arbitrary, stretches of thought are enough for purposes at hand – but not always. When we seek deep justification that reaches others who are not already like-minded, we can be satisfied only with claims about what to believe and what to do which (responsibly judge) can be followed by those others. The only strategy that can count as a reason for all is that of rejecting arbitrary assumptions however respectable, well-trusted, or widely accepted they or their proponents may be.⁶³

My intention is not to defend a Kant’s political cosmopolitanism, which O’Neill sets out to do.⁶⁴

I propose instead something far less ambitious but yet far more controversial: to insert directly into public political culture the unsung historical legacy and ethical content carried of racial embodiment manifest in the historical memory of slavery and Jim Crow. In other words, I propose Du Bois’s racialism as a conceptual apparatus for more “completely” weeding out “arbitrary points of view” from public reason.

Du Bois’s racialism enables us to articulate the normative significance of racial identity and to assign weight to racial matters in a politically legitimate fashion, to which otherwise no priority is attached in liberal models of democratic plurality. Rawls defends moral equality, but

⁶² O’Neill, Onora. “Constructivism in Rawls and Kant,” *The Cambridge Companion to Rawls*. (Ed.) Samuel Freeman. Cambridge: Cambridge University Press, 2003. pp. 347–67. p. 359.

⁶³ O’Neill, “Constructivism in Rawls and Kant,” p. 359. My emphasis.

⁶⁴ Rawls, *Political Liberalism*, p. 137. The passage is instructive: “our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason. *This is the liberal principle of legitimacy.*” O’Neill seeks to push Rawls on this point in favor of a moral universalism that would underwrite a political cosmopolitanism.

not all equality is made the same, so to speak – some points of view warrant closer consideration, given a collective historical experience of injustice and trauma that has been shut out of public view to the stagnation of public reason. Political liberalism requires a conceptual apparatus for discerning the normative content not of a doctrine, but of *racial identity*. Moreover, racial matters should be central, rather than peripheral, in our moral imagination in adjudicating the common good, rather than as an occasional rupture impinging public political culture, when times are “less good.” Rawls admits that “we face great difficulties in setting priorities and making adjustments.”⁶⁵ I submit that Du Bois’s racialism could serve as a conceptual apparatus for setting priorities without skirting the basic normative commitments of political liberalism. In failing to make racial identity and racial matters central, establishing fair terms of social cooperation based on mutual respect and esteem – consistent with the formal demands of moral equality – has proven difficult in the public confrontation of the normative significance of racial difference.

Before proceeding to present Du Bois’s racialism in the context of democratic plurality, I would like to address dominant interpretations of Du Bois’s racialism as culturally pluralist.⁶⁶ The Du Bois scholars Manning Marable and, more recently, Chike Jeffers argue that Du Bois offers a cultural constructivist conception of racial identity. With respect to political conception of justice, he advances the moral equality of all citizens, but encourages racial affiliation in citizens’ “private” pursuits. To borrow a phrase from Rawls, racial difference characterizes a rational plan of life, but moral equality regulates the terms of public reason. Jeffers observes,

⁶⁵ Rawls, *Political Liberalism*, p. 57.

⁶⁶ Chike Jeffers points out that cultural pluralism and black cultural nationalism ought not to be conflated. Bernard Boxill argues that Du Bois is a black cultural nationalist akin to Marcus Garvey because he propounds black separatism and rejects assimilation. I follow Jeffers and accept that cultural pluralism is the sounder interpretation of Du Bois and must therefore be assessed. Boxill, Bernard. “Separation or Assimilation,” in *Campus Wars: Multiculturalism and the Politics of Difference*. John Arthur and Amy Shapiro (Eds). Boulder: Westview Press, 1995. pp. 235-249.

“Du Bois shows a commitment to unification of African Americans into US society on terms of fairness and equality. He combines this, however, with an equally strong commitment to the preservation and cultivation of black cultural difference.”⁶⁷ Similarly, Kwame Anthony Appiah writes that Du Bois was a “cosmopolitan nationalist,” avowing the “Negro national character and a Negro national destiny,” albeit one that is also “idealistic” and “ethical” in light of a commitment to moral equality.⁶⁸

I offer a friendly amendment to cultural pluralist interpretations of Du Bois. I am particularly sympathetic to Jeffers’s claim: “Du Bois demands that we pay greater attention to race’s cultural dimension [and that] this remains an important and fruitful demand.”⁶⁹ I also agree that “in speaking of the impact of race on our lives, we necessarily speak of the shaping of our lives by our socialization into particular ways of life where being this or that race is among the modes of identification that influence how we think and act.”⁷⁰ Racial identity is not simply a stigmatized social status, but carries a positive cultural significance that might warrant pride in group achievements and provide an existential rootedness.⁷¹

I assert that racial forms of socialization and the cultural practices Jeffers highlights also carry an ethical content that should be introduced, and anchored, in American public political culture. This I take to be part of the distinctive black ideal or message that Du Bois argues black

⁶⁷ Jeffers, “The Cultural Theory of Race,” p. 418-19.

⁶⁸ Appiah, *Lines of Descent*, p. 50, 94 & 113.

⁶⁹ Jeffers, “The Cultural Theory of Race,” p. 404.

⁷⁰ Jeffers, “The Cultural Theory of Race,” p. 420.

⁷¹ Given the distinctive ethical injury and collective trauma of exile and cultural annihilation, as well as of the displacement of refugees and undocumented migrant workers, oddly few philosophical accounts exist describing the normative homelessness and the lived experience of existential dislocation they produce. In *Political Liberalism*, Rawls briefly notes the intrinsic value of social rootedness, but simply takes it for granted; see Lecture V. See also Joseph Brodsky’s *On Grief and Reason: Essays*. New York: Farrar, Straus and Giroux, 1995; Jonathan Lear’s *Radical Hope: Ethics in the Face of Cultural Devastation*. Cambridge: Harvard University Press, 2006; and Susan Neiman’s *Evil in Modern Thought: An Alternative History of Philosophy*, Princeton and Woodstock: Princeton University Press, 2002, Chp. 4. These accounts each interrogate what it means to exercise moral agency and maintain a human personality when one cannot participate in a coherent system of values and social practices that one could interpret as one’s own. Maintaining one’s self-respect becomes exceedingly difficult. Consequently, one feels that one is “nowhere” and a “nobody” – an excrescence that just so happens to be a human being.

embodiment carries and whose successful delivery constitutes a “gift” to America and to the world. “[T]he historical memory of creating beauty in the midst of struggling to survive oppression can and should persist as a thing of value in black culture long after oppression has truly and finally been relegated to the past.”⁷² The historical memory of creating beauty in such circumstances contributes more than *aesthetic* value. The memory carries ethical weight that could promote a more egalitarian distribution of power in social and political institutions. This memory should not just abide in black communities as part of a cultural practice, but in American public political culture as part of the *Bildung* of a modern state. Thus, Du Bois’s racialism is not wholly reducible to a cultural pluralism.

Another important reason for resisting cultural pluralist interpretations of Du Bois’s racialism is that it risks collapsing his view into a multiculturalist variant of the ethics of recognition. Multiculturalism prizes cultural diversity without hierarchy. Diverse cultural groups have equal negative freedom in civil society and enter the political realm as ‘abstract’ moral equals. Nancy Fraser observes that, on the multicultural paradigm, “[t]he goal of [racial] struggle is, [then,] to create multicultural public forms, which recognize a plurality of different, equally valuable ways of being human. In such a society, today’s dominant understanding of difference as deviance would give way to a positive appreciation of human diversity.”⁷³ This move, however, neutralizes the distinctive contribution of the African American historical experience to public political culture that Du Bois has in mind. Under a multicultural view, appealing to its concrete elaboration runs the risk of undermining the political meaning of moral equality, where each group can flourish within its respective domain under a neutral state, so long as it does not attract too much power or attention. Such a view inadvertently empties racial matters from public

⁷² Jeffers, “The Cultural Theory of Race,” p. 422.

⁷³ Fraser, Nancy. *Justice Interruptus: Critical Reflections on the ‘Postsocialist’ Condition*. New York and London: Routledge, 1997. p. 184.

reason, whereas Du Bois believes that the normative significance of racial identity is bound up with the historical development of the meaning of civic equality in the United States.⁷⁴ Additionally, Du Bois argues that the distinctive contributions that black Americans have already made to the American polity have been denied, suppressed, and ignored. “America, Du Bois insists, is always already black.”⁷⁵ Publically vindicating—or denouncing—the racial formations that impelled the emergence of the American republic is a contribution that his racialism promises, if one employs it to theorize racial difference in a democratic plurality.

Recall that Rawls considers that social groups hold comprehensive doctrines for nonpublic reasons. Cultural practices, then, are pursued for ‘nonpublic’ reasons. One can choose to engage in culture any which way. If we accept a cultural pluralist interpretation of race, we are left with abstract moral equality in politics and the mere tolerance of nonpublic “difference” in civil society.⁷⁶ In pinpointing the distinct ethical content and the historical sedimentation of the meaning of racial embodiment, Du Bois hopes to establish fair terms of social cooperation that are based on mutual respect and esteem among citizens.⁷⁷ But this would transcend merely civil, nonpublic matters and render features of African American culture—as well as desecrating the historical legacy of “whiteness”—a legitimate element of public political culture. The realization of meaningful civic equality requires that American citizens confront directly and publically the racist legacy we inherit, and engage the history that has made us who we are – a racialized plurality.

⁷⁴ Danielle Allen notes that black American *sacrifice* has yet to be appreciated in the United States. I take it that Du Bois would include this feature under the banner of racial striving.

⁷⁵ Gooding-Williams, *In the Shadow of Du Bois*, p. 126.

⁷⁶ Thus, against Robert Gooding-Williams, I reject the claim that Du Bois’s view of black ideals in American modernity is ultimately “difference-erasing.” See his *In The Shadow of Du Bois*, p. 159.

⁷⁷ Rawls also concedes that for the sake of establishing stability for the ‘right’ reasons and avoiding ‘hostility and insecurity in political life’ certain content to justice must be considered ‘fixed’ and ‘settled,’ and should not be revisited and subject to further scrutiny in democratic debate. For further discussion, see his *Political Liberalism*, p. 150-2 and p. 161.

iii. Du Bois's Alternative: Racialism and Democratic Plurality

Rather than advance a model of plurality and superimpose it on racial identity – in unsatisfactory ways, as we've seen – I propose to use Du Bois's doctrine of racialism in order to model the nature of racial difference in the context of a democratic politics. In this section, I focus on the standpoint of the black historical experience, although I submit that the methodology I employ here is generalizable for theorizing the normative significance of other forms of racial difference. In the previous sections, I have argued that Gilbert's and Rawls's views on plurality fail to capture racial identity, which transcends individuals' private will and comprehensive schemes of socially-shared reasons. According to Du Bois, racial meaning unfolds along the following lines: 1) an "ideal" or "message," which he characterizes as ethical responses to the color-line, 2) the lived experience of visible embodiment, and 3) objective social location that carries differential access to basic liberties, resources, and opportunities.⁷⁸ I address 2) and 3), before proceeding to discuss 1)—that is, what the black racial ideal entails, if one construes it as a set of ethical responses to the color-line. I conclude by demonstrating that "black racial ideals" could facilitate social cooperation, as well as mutual respect and esteem, among citizens. I use the sorrow songs as an example of a cultural construct that carries historically-sedimented, ethical content that should be introduced into public political culture; its introduction would facilitate social cooperation and mutual understanding in a democratic politics, evincing a sensitivity to the normative significance of racial difference. In the final section, I address two objections to my presentation of Du Bois's racialism.

Du Bois famously writes that the problem of the 20th century is the problem of the color-

⁷⁸ He would agree with Linda M. Alcoff that "social identities have an effect in a manner well beyond individual control, even independent of self-ascription, because they have an effect on our immediate social and familial context and how we are treated by others throughout our lives." (*The Future of Whiteness*, p. 75.)

line. The normative basis of his critique of 19th and 20th c. American democracy focuses on the differences of the lived experiences of racial embodiment in the Jim Crow south. His racialism captures the distinct normative orientation of Americans in light of the racializing power of the color-line. A childhood experience of exchanging visiting cards with white children first pressed upon him that the color of his skin set him apart from the other children. A fellow playmate, a young white girl, has refused his card. “Then it dawned upon me with a certain suddenness,” he writes, “that I was different from the others; or like, mayhap, in heart and life and longing, but shut out from their world by a vast veil.”⁷⁹ He observes that certain “physical characteristics” carry “the stigmata of degradation.”⁸⁰ For, as Alcoff puts it, “race works through the domain of the visible,” creating a kind of “visual registry” that encourages judgment about “rational capacity, epistemic reliability, moral condition, and [...] aesthetic value.”⁸¹ In Jim Crow era, visible markers on the body locate where one stands in light of the color-line, entangled “behind” or blissfully “beyond” it. “Why did God make me an outcast and a stranger in mine own house?” asks Du Bois, “The shades of the prison-house closed round about us all: walls strait and stubborn to the whitest, but relentlessly narrow, tall, and unscalable to sons of night who must plod darkly on in resignation, or beat unavailing palms against the stone, or steadily, half hopelessly, watch the streak of blue above.”⁸² The “shades of the prison house” are a metaphor for the veil that “closed” on “all,” but informed the experiences of “the whitest” and “the sons of night” in widely divergent fashion.

Yet, in situating different experiences of racialized embodiment in relation to the color-line and the veil that it hangs, Du Bois aims to capture the collective striving of racialized groups

⁷⁹ Du Bois, *Souls*, p. 4.

⁸⁰ Du Bois, “On Being Ashamed of Oneself.” p. 1022.

⁸¹ Alcoff, Linda M. *Visible Identities*, p. 187 & p. 192.

⁸² Du Bois, *Souls*, p. 5.

in light of it. That is, the formation of subjectivity in light of racial situatedness is not inert, but enactive and purposive. He seeks to show the patterns that the exercise of collective practical agency took in light of the color-line, navigating the spaces – literal and figurative – enclosed by it. To this end, his emphasis on visible markers on the body, notably skin color, leads him to conclude that the meaning of racial identity transcends the physical body, even while reflecting its varied lived experiences.

But while race differences have followed mainly physical race lines, yet no mere physical distinctions would really define or explain the deeper differences—the cohesiveness and continuity of these groups. The deeper differences are spiritual, psychical, differences—undoubtedly based on the physical, but infinitely transcending them.⁸³

Physical differences marked by the color-line yield “deeper” “spiritual, psychical differences,” which are irreducible to “the physical” and do not causally emanate from it. He thus rejects classical racialism modeled on biological essentialism.⁸⁴ Whatever objective salience racial difference has, it is not based on a biological inheritance of intellectual and moral characteristics that track a fixed biological essence and render certain racial groups ‘metaphysically’ incapable of self-determination or of participation in free modern institutions.⁸⁵ As Ange-Marie Hancock puts it, “for [Du Bois], race was tied less to blood and instead inextricably bound to the sociopolitical significance attached to race and the material consequences of racial norms that were socially defined and most importantly, socially enacted at multiple levels of political

⁸³ Du Bois, “Conservation,” p. 818.

⁸⁴ Kwame Anthony Appiah spearheaded a debate spurred by his accusation that Du Bois upholds a notion of race grounded in biology. [I will not revisit this debate; I begin my argument from the existing consensus among critical race theorists that Appiah’s accusation is unfair inasmuch as denying the salience of race as a social construct undermines democratic political culture.] See Kwame Anthony Appiah. *In my Father’s House: Africa in the Philosophy of Culture*. New York: Oxford University Press, 1992. Lucius T. Outlaw, Jr. *On Race and Philosophy*. New York: Routledge, 1996. Tommy L. Lott. *The Invention of Race: Black Culture and the Politics of Representation*. Maldon: Blackwell, 1999. p. 47-66. Paul C. Taylor, “Appiah’s Uncompleted Argument: W.E.B. Du Bois and the Reality of Race,” *Social Theory and Practice* 26.1 (2000): 103-28.

⁸⁵ Kwame Anthony Appiah argues that Du Bois’s socio-historical conception of race betrays biologicistic commitments. I will not rehearse the debate that ensued among Du Bois scholars for the next decade. I simply take for granted that Appiah’s objectors prevailed. I especially like the counter-arguments and summaries of the debate advanced by Paul C. Taylor and Chike Jeffers.

power.”⁸⁶ A critical feature of racial identity, defined in terms of the color-line, is that in the color-line giving rise to racialized forms of striving, the color-line identifies the objective structure of racist social hierarchy. But it also is a social location that is “enacted at multiple levels of political power.” The historical legacy of racial striving comprises a set—a pattern—of ethical *responses* to the objective structure of a social world, which historically and contemporaneously distributes basic liberties, wealth, and opportunities along racial lines.⁸⁷ Du Bois’s early formulations of his racialist doctrine is consistent with his later claim that a black American “is a person who must ride ‘Jim Crow’ in Georgia.”⁸⁸ In his racialism, he conveys the burden of racial ascription with the enactment of purposive striving in the face of the obstacles the color-line imposes.⁸⁹ The color-line has been both *materially determinative* of the basic structure of modern American society and it has mediated the exercise of collective agency – both features constitute the normative significance of racial difference.

In my foregoing discussion, visible, racial embodiment and objective social location showcases that these features of racial identity prefigure, and, for Du Bois, often stifle and militate against, individuals’ personal ambitions and the adoption of comprehensive schemes of value.⁹⁰ That is, these features shed light on what it means to be ‘raced’ in the US in light of the obstacles that the color-line imposes. Yet, racial ideals are not “obstacles” in this sense, although they too arise in light of the color-line. They illustrate collective moral agency under the condition of racist oppression: in this sense, they are a set of ethical responses that are positive and contribute to norms guide the formation of subjectivity. One might then ask, however,

⁸⁶ Hancock, Ange-Marie. “Du Bois, Race and Diversity,” in *The Cambridge Companion to W.E.B. Du Bois*. (Ed.) Shamoan Zamir. Cambridge: Cambridge University Press, 2008. p. 88

⁸⁷ Paul C. Taylor is an exception in this regard. See chp. 4 in his *Race: A Philosophical Introduction*.

⁸⁸ Du Bois, *Dusk of Dawn*, p. 77.

⁸⁹ Du Bois, W.E.B. “The Conservation of Races,” *W.E.B. Du Bois: Writings*. Nathan Huggins (Ed.) New York: Viking Press 1986. p. 815

⁹⁰ Du Bois, “The Conservation of Races,” p. 815

whether adding racial ideals to uncover the socio-historical construction of racial difference essentializes categories of racial belonging? Robert Gooding-Williams, for example, asks, short of curating authentic expression of black folk-life, whether Du Bois's racialism does can provide a "veridical" account of racial difference, one that accommodates conflictual and heterogeneous voices about its significance.⁹¹ Indeed, talk of racial ideal at first blush appear to homogenize categories of racial belonging and the disparate individuals that fall under them.

It is best to approach the problem by interrogating the relation between history and the emergence of racial ideals. Du Bois conceives of "history" as "the unfolding of values."⁹² These "values" furnish a departure point for judgment and action, the normative basis of which is rationally-motivating – what we might call a "hermeneutic horizon."⁹³ "[P]roduced out of historical events," such a horizon furnishes "a backdrop and orienting perspective from which individuals make sense of new events."⁹⁴ Furthermore, on Du Bois's account, racial ideals are not just the historical 'stuff' of a habit and folkways, but an "achievement" and a "sense-making orientation" to which the idea of freedom is "pertinent."⁹⁵ Racial ideals are thus imbricated in the development—or frustration—of the political values. Du Bois situates African Americans and the historical legacy of black moral agency in entering public political culture at the center of American modernity and developing models for American democracy.

In his essay "The Conservation of Races," Du Bois employs his racialism to advance a philosophy of history that sanctions the modern idea of race as an "instrument of progress" in goading the nation to confront racial matters in its social and political institutions.

⁹¹ Gooding-Williams, *In the Shadow*, p. 150.

⁹² Kirkland, "Modernity and Intellectual Life in Black," p. 138.

⁹³ Alcoff, *Visible Identities*, p. 9. & *The Future of Whiteness*.

⁹⁴ Alcoff, *The Future of Whiteness*, p. 59.

⁹⁵ Kirkland, "On Du Bois's Notion of Double Consciousness: Some Hegelian Reflections." Unpublished. Cited with author's permission. p. 20. See also Taylor, Paul C. "W.E.B. Du Bois." *Philosophy Compass* 5.11 (2010): 909-15. On p. 905, Taylor addresses the notion of "ethical self-governance."

We [African Americans] are the first fruits of this new nation [US], the harbinger of that black tomorrow which is yet destined to soften the whiteness of the Teutonic today. We are that people whose subtle sense of song has given America its only American music, its only American fairytales, its only touch of pathos and humor amid its mad money-getting plutocracy. As such, it is our duty to conserve our physical powers, our intellectual endowments, our spiritual ideals; as a race we must strive by race organization, by race solidarity, by race unity to the realization of that broader humanity which freely recognizes differences in men, but sternly deprecates inequalities in their opportunities of development.⁹⁶

One reason black and brown racial identities must be ‘conserved’ is because the full impact of their latent ethical content and transformative potential has yet to be appreciated in the narrative of American modernity. This is part of the distinctive black ideal that Du Bois argues must be developed and whose successful delivery constitutes a “gift” to American citizens, and even to the world at large.

What form, precisely, does this gift take? In *Souls*, Du Bois answers, identifying the black historical experience with that of Native Americans,

Your country? How come it yours? Before the Pilgrims landed we were here. Here we have brought our three gifts and mingled them with yours: a gift of story and song – soft, stirring melody in an ill-harmonized and unmelodious land; the gift of sweat and brawn to beat back the wilderness, conquer the soil, and lay the foundations of this vast economic empire two hundred years earlier than your weak hands could have done it; and third, a gift of the Spirit. Around us the history of the land has centered for thrice a hundred years; out of the nation’s heart we have called all that was best to throttle and subdue all that was worst; fire and blood, prayer and sacrifice, have billowed over this people, and have found peace only in the altars of the God of Right. Nor has our gift of the Spirit been merely passive. Actively we have woven ourselves with the warp and woof of this nation, -- we fought their battles, shared their sorrow, mingled our blood with theirs, and generation after generation have pleaded with a headstrong, careless people not Justice, Mercy, and Truth, lest the nation be smitten with a curse. Our song, our toil, our cheer, and warning have been given to this nation in blood-brotherhood. Are not these gifts worth giving? Would American have been America without her Negro people?⁹⁷

Of the three gifts identified above – story and song, labor, and spirit – allow me to focus on the ‘gift’ of song. The sorrow songs, writes Du Bois in the concluding chapter of *Souls*, are “weird

⁹⁶ Du Bois, “Conservation,” p. 822.

⁹⁷ Du Bois, *Souls*, p. 215.

old songs in which the soul of the slave spoke to men. [I]t stands today not simply as the sole American music, but as the most beautiful expression of human experience born this side of the seas.”⁹⁸ He continues, “They are the music of an unhappy people, of the children of disappointment; they tell of death and suffering and unvoiced longing toward a truer world, of misty wanderings and hidden ways.”⁹⁹ Cautioning that although many mimic and consume the songs, few hear their “real” melody and understand its meaning. The songs articulate black striving from within the color-line, focusing on the feelings of enslaved Africans in particular. Their message – an ethical content often not even sung in English – “two hundred years [...] has travelled down to us and we sing it to our children, knowing as little as our fathers what its words mean, but knowing well the meaning of its music.”¹⁰⁰ The ‘real’ meaning of the song conveys the aspiration to freedom and justice that enslaved Africans held, giving us a kernel of their own interpretation of what had happened to them, how they had hoped for and suffered. An appreciation of the achievements of black moral agency must be coupled with an understanding of the unfulfilled hopes and stifled aspirations that are also inextricably embedded in the African-American historical experience.¹⁰¹ In his essay “Whither Now and Why,” Du Bois explicitly connects black identity to historical memory that must not be “degraded” by assimilation into white Anglo-American culture that encourages “forgetting the slave trade and slavery, and the

⁹⁸ Du Bois, *Souls*, p. 204-5.

⁹⁹ Du Bois, *Souls*, p. 207.

¹⁰⁰ Du Bois, *Souls*, p. 207.

¹⁰¹ Even in his much later work *Black Reconstruction*, published in 1935, Du Bois still upholds a version of the doctrine of racialism that connects dominant political values to racial identities, claiming that the notion of the “American Assumption” of rugged individualism was symbiotic with black slavery in the “Cotton Kingdom” and is “white” inasmuch as it catered exclusively to white interests. Inheriting and modifying Jefferson Davis’s white supremacist legacy, the industrial North and white labor brings into the world a civilization that is a “Frankenstein monster [...] [whose] factories veil from tender sympathy human distress [and] understanding. [Its creators] are but hideous, groping Hands, doing their bit to oil the raging devastating machinery which kills men to make cloth, prostitutes women to rear buildings and eats little children.” (*Dusk of Dawn*, p. 75.)

Additionally, Alcoff importantly notes that a hermeneutic horizon has “substantive content [...] such as the trauma of dislocation or slavery, the perpetual encounter with racist representations, or the memories of collective violence.” (*The Future of Whiteness*, 59) See also Kirkland, “Modernity and Intellectual Life in Black,” p. 156.

struggle for emancipation; [and] forgetting abolition[.]”¹⁰² These historical memories that outline the normative significance of racial difference should not be forgotten or marginalized in civil society, remember by the few, but should figure in public political culture, especially in weighing claims in the public adjudication of justice.

The ethical content of black identity must be identified and incorporated into the political will, healing an injury that has lingered and distended in unexpected ways, with hardly even a public memorial attesting to its very existence.¹⁰³ In articulating the common good and countering social inequality in black and brown communities, he emphasizes historical memories that foreground the institution of racial slavery and the genocide of Native Americans. The Sorrow Songs are a call to “reremember” those memories.

One might ask, what is the political payoff of such an exercise? And why suggest the sedimentation of those memories is implicated in racial identities now? Shamoan Zamir has observed that for Du Bois there is an “indissoluble link between memory and action” that must not be “severed.”¹⁰⁴ Attending to the historical memory of racial trauma would promote social cooperation and mutual respect, esteem, and understanding, as it would dramatically underscore just how longstanding the present disregard of black and brown citizens’ perspective in the public adjudication of the common good has been. It would facilitate a more egalitarian distribution of power in major social and political institutions, and render salient racial matters that would otherwise remain invisible. According to Chike Jeffers, Du Bois’s conception of

¹⁰² Du Bois, W.E.B. “Whither Now and Why?”

¹⁰³ *Politico* reports that in the US there is only one federal memorial to slavery in existence and it has fallen into disrepair. The report quotes the historian Eric Foner: “If the Germans built a museum dedicated to American slavery before one about their own Holocaust, you’d think they were trying to hide something.” <http://www.politico.com/magazine/story/2015/07/america-only-federal-slave-memorial-falling-apart-presidents-house-119731>

¹⁰⁴ Zamir, Shamoan. “The Souls of Black Folk: Thought and Afterthought” in *The Cambridge Companion to W.E.B. Du Bois*. Cambridge: Cambridge University Press, 2008. p. 12. Balfour, Lawrie, chp 1, *Democracy’s Reconstruction*; Margalit, Avishai. *The Ethics of Memory*. Cambridge: Harvard University Press, 2002.

racial identity presupposes a “new egalitarian ideal” in that “true civilization channels strength into the struggle for universal freedom and development.”¹⁰⁵ Jeffers argues that we can learn from the legacy of black suffering in order to “acquir[e] an egalitarian approach to human development.”¹⁰⁶ Lawrie Balfour adds: “[Du Bois’s] meditation on the Sorrow Songs shows how attunement to the culture of the slaves not only affirms African Americans’ aesthetic contribution but also deepens readers’ understanding of the concept of freedom.”¹⁰⁷ Listening to the message, we would educate moral perception of racial injustice. Such a disposition is encouraged by the duties of civility that Rawls outlines, for the moral meaning of citizenship cannot sustain the neglect of a longstanding ethical injury our fellow citizens have suffered and from which so many have profited. Duties of civility demand that a moral debt be repaid. Therefore, gaining comprehension of the black experience—learning to listen to the real melody of a Sorrow Song—is not elective but categorical because the demand issues from the moral meaning of citizenship.

Their results in the “los[s] from the world [of] an experience of untold value.”¹⁰⁸ The Sorrow Songs’ strife is still “hopeful.”¹⁰⁹ They “breathe a hope – a faith in the ultimate justice of things.”¹¹⁰ They show us why, in light of the experience of suffering, hope is not stupid, but an expression of rational faith and, with the emergence of mutual trust, is potentially justifiable as well. That the capacity for such a faith could still be intact might educate the (white) polity (and even benefit them) about the moral courage necessary to actualize a modern democracy. For, the realization of the ideal of American modernity would mean that a formerly enslaved people are

¹⁰⁵ Jeffers, Chike. “Black Ideals and Modern Civilization: Cultural Nationalism and Cosmopolitanism in Du Bois.” unpublished. (cited with author’s permission)

¹⁰⁶ Jeffers, “Black Ideals and Modern Civilization,” p. 23. Unpublished. (Cited with the author’s permission.).

¹⁰⁷ Balfour, *Democracy’s Reconstruction*, p. 13.

¹⁰⁸ Du Bois, W.E.B. *Darkwater: Voices from Within the Veil*. Mineola: Dover Publications, 1999. p. 144.

¹⁰⁹ Du Bois, *Souls*, p. 208.

¹¹⁰ Du Bois, *Souls*, p. 213.

still willing to participate in and develop habits of citizenship where mutual trust might still flourish in our democratic process, even when the Sorrow Songs are not sung and – if I may quote Toni Morrison again – so much “Life ha[s] rolled over dead.”¹¹¹

A *wholly* volitional account of black identity severs us from this historically-sedimented meaning of racial identity, “a kind of ‘raw material’ in our histories and lineages [that] are the product of mediated processes of interpretation, and yet they are not simply ours to choose or to interpret out of existence.”¹¹² In failing to articulate this raw material, the gravitas of the moral courage necessary to refine democratic politics also slips from view. Civic duty demands that citizens assume a determinant disposition that publically and collectively confronts the memory of the past – the legacy of black slavery, sorrow, sacrifice, and forbearing resistance – so it does not fall into oblivion. Even as identities are open to ongoing transformation, the longstanding neglect of this ‘raw’ material has ossified, making our democratic politics toxic and generating racialized forms of distrust, discomfort, and disrespect among citizens.

Danielle S. Allen identifies patterns of racialized distrust and domination that develop in light of the failure to recognize the innumerable sacrifices of African Americans in their attempts to participate in the American polity. Without sensitivity to the non-volitional, historically-sedimented normative significance of racial identity – something that I believe is best captured by Du Bois’s racialism – these patterns will continue to remain invisible to the public, even while they continue to be materially determinate of the basic structure of modern life, and remain reflected in the lived experiences of our racialized embodiment. An ethical injury is a wound that does not heal with the mere passage of time.¹¹³ A radical experiment in modern democracy that

¹¹¹ Morrison, *Beloved*, p. 129.

¹¹² Alcoff, *The Future of Whiteness*, p. 60.

¹¹³ With Hegel, I believe that “wounds of the spirit can heal” and “leave no scars behind” (*PhG* §360)—often, Du Bois conveys a similar sentiment.

began with Reconstruction is the historical context of myriad black hopes, half-realized and half-stifled, but is one that continues to frame the bounded filaments of our togetherness. New habits of citizenship are necessary.

Allen writes, “emotions register the effects of loss and sacrifice on politics.”¹¹⁴ And so, “It’s gonna hurt, now [...] Anything dead coming back to life hurts.”¹¹⁵ Racialized forms of sorrow and distrust, and a half-emergent triumph of democratic politics that is only actualizable with the settling of a moral debt that mayhap might begin to take shape by listening to two bars of a song:

“There’s a little wheel a-turnin’ in-a-my heart.”

“My soul wants something that’s new, that’s new.”

iv. Objections

One might object that I have revived Du Bois’s racialism only to make it a normatively toothless ethical argument advanced within the normative framework of political liberalism. My presentation of Du Bois’s racialism might appear to endorse the “thin” model of racial identity that Tommie Shelby outlines in his defense of pragmatic black nationalism. He argues that pragmatic black nationalism rejects “original identity” in favor of practical considerations of identity that could promote racial justice. He writes:

‘[P]ractical necessity’ – self-preservation and common defense – would be the social bonding agent among [a] newly emerging, anti-imperialist ‘colored’ people. Most importantly, this multiracial ‘nation’ would be committed to social equality, democratic citizenship for all, self-government, and the cultivation of a vigorous citizenry.¹¹⁶

Shelby continues:

¹¹⁴ Allen, *Talking to Strangers*, p. 150.

¹¹⁵ Morrison, *Beloved*, p. 42.

¹¹⁶ Shelby, *We Who Are Dark*, p. 51.

[T]he thin conception of blackness that I defend as the proper basis for black solidarity [...] is not a mode of cultural blackness at all, at least not if we are talking about expressive culture – such as art, language, style, social custom, ritual, or religion – as opposed to political culture, the values and practices that are directly concerned with the legitimate use of social power, especially state power.¹¹⁷

While Shelby's account shares Du Bois's emphasis on the ethical—rather than the cultural expressivist—value of black racial identity, against Shelby, Du Bois maintains that the shared experience of oppression is *identity-constitutive* in a substantive fashion. The normative resources that could inspire the “legitimate use of social power” and galvanize political solidarity also draw on social and cultural practices, which are associated with cultural blackness. The latter has wider ethical significance for reimagining social unity and civic community. Shelby, instead, interprets Du Bois's racialism as advancing a “classical” nationalism about the cultural construction of racial identity, to which is model of “pragmatic” nationalism in democratic politics is averse.¹¹⁸

Moreover, Du Bois does not posit that the dissolution of racial identity is desirable (or even feasible). He rejects both colorblindness and racial self-obliteration as goals of racial justice and democratic freedom. Rather, his account demonstrates the importance of understanding one's historical rootedness in the world that fosters not only a positive sense of self, but, ideally, self-confidence and –knowledge – of the kind that white Anglo-Saxons often take for granted. This rootedness captures the distinctive challenge (or lack thereof) of striving to achieve one's purposes, given the socio-historical location one departs from.¹¹⁹ A longstanding, racially demarcated practice of meaning-making in light of the color-line coalesces into a distinctive epistemic and ethical points-of-view. Because these viewpoints are also implicated in the ideals of American modernity, exploring their imbrication with democratic politics could chart a

¹¹⁷ Shelby, *We Who Are Dark*, p. 58.

¹¹⁸ Shelby, *We Who Are Dark*, p. 67.

¹¹⁹ Du Bois's notion of double consciousness is key in this regard.

normative orientation towards freedom.¹²⁰ On this reading, we gain insight that the possession of a racial identity is neither oppressive nor unethical, although racist conditions often are. Furthermore, undoing the conditions of racial oppression requires *close attunement* to the historical experience of racial formations.¹²¹ For the historical experiences of the trans-Atlantic slave trade and Jim Crow, as well as the concomitant social and cultural practices enclosed within the color-line, continue to inform the experience of racial embodiment. Du Bois “offers a counterhistory of the twinned development of modern democracy and racial slavery.”¹²² To this end, he asserts that racialized ideals will not suddenly dissolve even with the ongoing realization of racial justice. For, how can one tell when the narration of a counterhistory is complete and we can “retire” the concept of race?

Alternatively, one might object that I have presented a rarified, thick, – and perhaps even fetishized – conception of the non-volitional ethical significance of racial identity, and black identity in particular. My defense of racialism in the context of democratic plurality might suggest that a “tragic” conception of cultural blackness delineates a unique vantage point on democratic politics, ignoring intraracial differences in the black counterpublic. Du Bois never suggests that African Americans automatically possess an ethical acumen—by virtue of their racial identity—that grants them special access to the nature of modern freedom. Indeed, he worries that African-American youth are denied knowledge of their history that carries the non-volitional normative significance of their identity. Rather, in emphasizing the connection between racial ideals and the egalitarian development, he underscores that the black historical

¹²⁰ Du Bois’s prescription here on racial ideals is not unlike Hegel’s view of world history. For, as Hegel writes in his lectures on history, the freedom of spirit – a social group that shares an ethical life – demands that “spirit produce itself [and] make itself its own object, and gain knowledge of itself; in this way, it exists for itself.”

¹²¹ What might at first glance appear to be merely ‘social’ or ‘cultural’ practices in a racial community in civil society might turn out to be profoundly political, as in the case of the organization of black churches and colleges. See chapter 3 of this dissertation.

¹²² Balfour, Lawrie. *Democracy’s Reconstruction: Thinking Politically with W.E.B. Du Bois*. Oxford: Oxford University Press, 2011.

experience is merely “human” – an untold story about the preservation of dignity in social conditions fashioned to annihilate empirically the very idea that black people are human beings. Instead, the historical memories of racial embodiment demonstrate an unacknowledged moral power in the extension of civic community to black Americans.¹²³ Du Bois often avails himself of the opportunity to remind his reader that “[u]nder extraordinary provocation they [African Americans] had acted like decent human beings.”¹²⁴ He repeats in *Black Reconstruction* that his aim is “to tell this story as though Negroes were ordinary human beings.”¹²⁵ And again, in *Philadelphia Negro*, he writes:

The battle [of the Negro problem] involves more than a mere altruistic interest in an alien people. It is a battle for humanity and human culture. If in the hey-dey of the world’s civilizations, it is possible for one people to ruthlessly steal another, drag them helplessly across the water, enslave them, debauch them, and then slowly murder them by social and economic exclusion until they disappear from the face of the earth – if the consummation of such a crime be possible in the twentieth century, then our civilization is vain and the republic is a mockery and a farce.¹²⁶

Du Bois maintains that the unified content of a racial ideal prevails in light of intra-racial disagreement and does not ‘settle’ the social and political the meaning of black identity – a concern that compels Tommie Shelby to ascribe to Du Bois a ‘thick’ model of racial identity, and as I will detail in the 4th chapter, the same worry prompts Robert Gooding-Williams to charge Du Bois’s cultural expressivism with ignoring intraracial political disagreement and heterogeneity.

Implicit in the objection is a concern about protecting individuals’ negative liberty, whatever racial group they belong to. But as I have argued here, and discuss more fully in the

¹²³ Proficient in the moral philosophy of Immanuel Kant, one can discern a striking convergence with Du Bois and Kant: the capacity for rational self-determination, i.e., autonomy, is inextinguishable. Contrary to dominant racist stereotypes about blacks being incapable of participation in modern institutions, and even as they are subject to systematic discrimination and white violence, Du Bois illustrates the depth of black moral and political agency, which was invisible to the white American polity.

¹²⁴ Du Bois, *Black Reconstruction*, Chp on ‘Looking Forward’

¹²⁵ Du Bois, *Black Reconstruction*, p. xix, quoted from Neil Roberts’s *Freedom as Marronage*, p. 46.

¹²⁶ Du Bois, W.E.B. *Philadelphia Negro*. p. 269-70 quoted from Appiah, *Lines of Descent*, p. 36.

next chapter, racialism does not militate against individual autonomy. He advances the doctrine and defends African Americans' negative liberty and individual idiosyncrasy. In fact, on Du Bois's view, the doctrine holds the promise of the collective realization of freedom, that of social and political self-determination in the US. For Du Bois, attending to and engaging with—or, in Hegelian parlance 'mediating'—the given, non-volitional features that inform the socio-historical construction of the normative salience of racial identity is the keystone to modern freedom. Alcoff gives an instructive example of the way the historical memory of the Holocaust in Europe anchors difference as a social location of groups, who stand in a different relationship to the past, without foreclosing or narrowly demarcating subjectivity formation of a particular self:

The self carries with it always this horizon as a specific location, with substantive content—as, for example, a specifiable relation to the Holocaust, to slavery, to the encuentro, and so on—but whose content only exists in interpretation and in constant motion. The Holocaust is one dramatic example that exists as an aspect not only of every contemporary Jewish person's horizon but of every Christian European's. But there will be a difference in the way that these two groups are situated vis-a`-vis this narrative: the one as knowing that he or she could have been the target of the Final Solution, and the other as knowing that this event occurred within the broad category of their culture. Each must react to or deal with this event in some way, but to say this does not presuppose any pre-given interpretation of the event or of its significance in forming a contemporary identity. There is even a vibrant debate over the degree of significance the Holocaust holds for Jewish identity today. But obviously, for some time to come, it will remain a central feature of the map of our collective Jewish and Gentile horizons.¹²⁷

Given my presentation of Du Bois's racialism, Alcoff's illustrative method of modeling social difference opens a path for appreciating how historical memory situates persons within a racialized hermeneutic horizon, which while conditioning the self's practical agency, does not negate it or stipulate its political meaning. Du Bois thus meets the objection that his racialism fails to accommodate the disparate political outlooks of the individual members of a racial group. Although his conception of racial identity is far from 'thin,' one can have widely different views

¹²⁷ Alcoff, *Visible Identities*, p. 43.

about the meaning of the past, with the past conditioning the racialized horizon that shapes one's life all the same.

v. Conclusion

In conclusion, this chapter presents three features of Du Bois's racialist doctrine: the ethical contribution of a racial ideals, visible embodiment, and objective social location as determined by a racist social hierarchy. In this chapter, I have laid out the non-volitional normative salience of black identity. In the following chapters, I analyze the concrete manner in which black historical actors have interpreted their hermeneutic horizon and actively mediated its content and political significance, from Reconstruction onwards. Intra-racial disagreement about what the message of the Sorrow Songs means – making history a normative reference point of politics hardly determines what political claims particular historical actors would take up for the sake of collective emancipation. Yet, as I argue in the next chapter, for Du Bois, the modern democratic constitutional regime is the foundation of freedom, albeit one that is subject to intense political contestation. Yet, 'internal,' racially-demarcated practices of comportment and meaning-making have historically *intersected* with the ideals of modern democratic constitutional regime.

In advancing Du Bois's doctrine of racialism in the context of democratic plurality, we see that racial matters could foreground the political adjudication of claims in representational government, founded on major historical events that produced racial traumas that continue to inform the experience of racial embodiment. The failure to heed the normative salience of racial difference is a dereliction of civic duty and inevitably leads to the deformation of citizens'

freedom with respect to their objective social location (e.g., differential access to basic liberties, opportunities, and material resources) and lived experiences of visible embodiment (e.g., vulnerability of the black and brown body to random acts of violence).¹²⁸ Because the doctrine enables the delivery of this message about racial striving and trauma, it is a motor for the development of modern American democracy. The legacy of slavery and Jim Crow, Du Bois maintains, is evident in the continuing absence of interracial contact, sympathy and mutual understanding. Acknowledging and appreciating the black racial ideal amounts to a “generous acknowledgment of a common humanity and a common destiny.”¹²⁹

Finally, Du Bois would agree with Shelby’s key claim:

We can think through philosophical questions [...] by considering them in relation to the lives and experiences of black people or, better yet, by listening attentively, critically, but open-mindedly to black people themselves as they philosophize about these questions against the background of their history, practical concerns, and long-standing aspirations.¹³⁰

I present Du Bois’s racialism in the spirit of Shelby’s suggestion. Let’s now turn to the historical period of Reconstruction, when former slaves seized federal power and what that seizure meant to them, but should mean for our comprehension of the concept of freedom.

¹²⁸ Consider Rawls’s idea of the burdens of judgment in reasoning about the principles of justice for American politics.

¹²⁹ Du Bois, *The Oxford Du Bois Reader*, quoted from Gooding-Williams, *In the Shadow of Du Bois*, p. 102-3.

¹³⁰ Shelby, *We Who Are Dark*, p. 15.

Chapter II.

What does it mean to be an American?

Du Bois, Hegel, and the Making of the Modern

American State

“Reason [is not] content with that cold despair which submits to the view that in this earthly life things are truly bad or at best only tolerable, as though they cannot be improved, and this is the only reflection that can keep us at peace with the world.”

G.W.F. Hegel, *Philosophy of Right*, Preface §25

“...to the Negro ‘Freedom’ was God; to the poor white ‘Freedom’ was nothing – he had more than he had use for; to the planter ‘Freedom’ for the poor was laziness and for the rich, control of the poor worker; for the Northern business man ‘Freedom’ was opportunity to get rich.”

W.E.B. Du Bois, *Black Reconstruction*, p. 347

“A belief in spontaneous progress must make us blind to the role of government[.]”

Karl Polanyi, *The Great Transformation*, p. 39

I. Introduction

In the closing of chapter 1, I articulated W.E.B. Du Bois’s racialist doctrine in terms of collective striving that is mediated by the color-line, a kind of striving that appeals to, and develops, the underlining ideals of a modern constitutional democracy. This chapter shows that such a reconstruction of black striving, for Du Bois, presents a distinct model of freedom, one that highlights basic civil and political rights, as well as representational government, particularly the federal government in the postbellum U.S. In underscoring citizenship as the moral basis for belonging to a social whole—a view consistent with contemporary political liberalism—Du Bois

emphasizes black moral agency under conditions of extreme duress and underscores the resultant historical achievements. Endorsing a model of freedom grounded in free and equal citizenship, he uses it to draw attention to the collective historical experience of the African American community in particular. By underscoring a social group's particular perspective, he reformulates the ideals of American modernity and the contribution of black moral agency to restructuring the federal government. In this chapter, I argue that, according to Du Bois, the emergence of the modern centralized American state is an achievement of black collective striving during Reconstruction (1865-77). I thus enter a terrain seldom explored by contemporary political philosophers or by established Du Bois scholars. But, I believe that my unorthodox line of argument is crucial for appreciating the normative basis of Du Bois's political critique of late 19th- and early 20th American society, as it advances a conception of freedom that is grounded in an ethical function of the modern state and accentuates black collective striving in the realization of this end.

This chapter maps a conceptual space for capturing the African-American contribution to the historical development of American democracy as an achievement of black moral agency during Reconstruction—a point about which Du Bois was adamant throughout his storied career and formed a linchpin of his political critique. For him, the ethical function of the U.S. federal state during Reconstruction not only best captures the “spiritual” aims and achievements of emancipated slaves, but also amounts to a “social revolution” that radically democratized the American social fabric and strengthened—and in some cases, brought into existence—major, state-sponsored social institutions in support of the common good and of the most vulnerable members of American society, namely former slaves.¹ His political critique thus presupposes a normative theory of the modern American state. He argues that the historical period of

¹ Du Bois, W.E.B. *The Souls of Black Folk*. New York: Penguin, 1989. p. 25.

Reconstruction demonstrates that realizing the freedom of recently emancipated slaves necessitated a centralized government that could attend to their unprecedented integration into the American polity as free and equal citizens.² Du Bois comments that with Emancipation black freedmen became “the ward” of the federal government and shortly thereafter joined legislatures in every existent office of public political power.³ The expansion of centralized federal power coincided with the democratization and increased accessibility of political office, at least for a brief time.

In line with a flurry of recent Du Bois scholarship, my approach presents Du Bois’s view of freedom by highlighting his debt to late modern German social theory. Kwame Anthony Appiah and Robert Gooding-Williams mark the influence of Gustav von Schmoller, Max Weber, and G.W.F Hegel on Du Bois’s political thought. “Schmoller,” writes Appiah, “thought that the government ‘had a moral duty to alleviate undue hardships.’”⁴ The historian Axel Schäfer observes that Du Bois combined insights from Herder, Schmoller, and Hegel as a way of identifying the ethical content of racial identity, a unique refurbishing of the concept of the *Volk* that is central in modern German social thought:

Eager to interpret the black experience in America as an ethical awakening, Du Bois defined black history in those terms in his scholarly work. He presented black institutions, morals, and manners primarily as containing the germ of the ethical self-

² The historian Eric Foner observes that postbellum Black political culture showed a “renewed commitment” to the state. Foner, Eric. “Reconstruction Revisited,” *Reviews in American History* 10.4 (1982): 82-100. p. 91. Foner elaborates: “During the Civil War and Reconstruction [emerged] a national state possessing vastly expanded authority and a new set of purposes, including an unprecedented commitment to the ideal of a national citizenship whose equal rights belonged to all Americans regardless of race. Originating in wartime exigencies, the activist state came to embody the reforming impulse deeply rooted in postwar politics. And Reconstruction produced enduring changes in the laws and Constitution that fundamentally altered federal-state relations and redefined the meaning of American citizenship. Yet because it threatened traditions of local ‘autonomy’ [...] and was so closely associated with the new rights of blacks, the rise of the state inspired powerful opposition, which in turn, weakened support for Reconstruction.” *A Short History of Reconstruction, 1863-1877*. New York: Harper & Row, 1988. p. xvi.

³ Du Bois, *Souls*, p. 20. Du Bois comments that freedmen’s inclusion in the local and federal state at the height of Reconstruction remains unparalleled in American history – and to this day.

⁴ Appiah, Anthony Kwame. *Lines of Descent: W.E.B. Du Bois and the Emergence of Identity*. Cambridge and London: Harvard University Press, 2014. p. 32.

realization of blacks that would lead to the development of a broader moral vision.⁵

Others have underscored Du Bois's intellectual friendship with Max Weber, which began in the 1890s, when Du Bois was a graduate student in Berlin, continuing into their professional lives.⁶ However, Hegel's political philosophy provides the most comprehensive justification of the ethical function of the modern state that characterizes the purposive activities of an institution such as the Freedmen's Bureau and the radical normative reorientation of the postbellum American state that Du Bois applauds as the contribution of black ideals to public reason. To this end, I introduce Hegel's conception of ethical life (*Sittlichkeit*) and his defense of the ethical function of the modern state (*der moderne Rechtsstaat*). This interpretative move grounds Du Bois's emphasis on integrative and state-orientated black politics; and it justifies his claim that the Freedmen's Bureau is a benchmark of political progress and should have been made a permanent institution under the aegis of the U.S. federal government.⁷ The absence of a justification of the ethical function of the state is notable in Du Bois's political critique. Hegel's political philosophy fruitfully rectifies it.

In taking up the challenge of demonstrating the viability of an approach that stresses equitable participation in the modern state, I foreground features of the African-American historical experience that both political philosophers and Du Bois scholars have neglected, such as freedmen's efforts to establish, run, and personally fund, the Freedmen's Bureau and participate in the American polity as free and equal citizens during Reconstruction, perhaps one

⁵ Schäfer, Axel R. "W.E.B. Du Bois, German Social Thought, and the Racial Divide in American Progressivism, 1892-1909." *The Journal of American History* 88.3 (2001): 925-949. p. 937.

⁶ Chandler, Nahum Dimitri. "The Possible Form of an Interlocution: W. E. B. Du Bois and Max Weber in Correspondence, 1904-1905," *The New Centennial Review* 7.1 (2007): 213-72. Lewis, D. L. *W. E. B. Du Bois: Biography of a Race, 1868-1919*. New York: H. Holt, 1993. Good-Williams, Robert. *In the Shadow of Du Bois: Afro-Modern Political Thought in America*. Cambridge and London: Harvard University Press, 2011.

⁷ For further discussion of the intellectual history of Du Bois's relation to late modern German social thought, see Schäfer, Axel R. "Du Bois on Race: Economic and Cultural Perspectives," in *The Cambridge Companion to W.E.B. Du Bois*. Shamoan Zamir (Ed.). Cambridge: Cambridge University Press, 2008; pp. 102-16.

of the most contested periods of American history.⁸ Their efforts, Du Bois submits, challenged what it means to be an American by showcasing the centrality of black moral agency in the development of American modernity. Du Bois opens *Black Reconstruction*, published in 1935, with the stirring observation: “Easily the most dramatic episode in American history was the sudden move to free four million Black slaves in an effort to stop a great civil war, to end [a] bitter controversy, and to appease the moral sense of civilization.”⁹ This period witnessed the American state’s fortification of state-sponsored social institutions nationwide, but especially in the South, largely on the initiative of, and those in solidarity with, the African-American community.¹⁰ One Southern politician at the time complained about the federal government’s involvement in freedmen’s affairs, “That is more than we do for white men!”¹¹

Furthermore, an expansive sense of civic responsibility animated postbellum democratic politics in the black community. Du Bois’s analysis of Reconstruction praises the efflorescence of black political agency that brought about a modern American state to an increasingly racially-inclusive representational democracy, thus developing the underlining ideals of public reason and propelling forward American modernity. He counters the then dominant view among historians and in the popular imagination that propagated a degraded view of black citizenship,

⁸ The debate about the moral and political meaning of Reconstruction in American history continues. The Dunning School interpretation argued that the Reconstruction Amendments were a regrettable mistake that left white Southerners and the American nation ‘vulnerable’ to African-American exploitation and political ineptitude in political offices. For a streamlined discussion of the debate among historians, see the recent article: Gonchar, Michael. “Text to Text: ‘Why Reconstruction Matters’ and ‘Black Reconstruction in America.’” *The New York Times*. 9th December 2015. <http://learning.blogs.nytimes.com/2015/12/09/text-to-text-why-reconstruction-matters-and-black-reconstruction-in-america/?emc=eta1>

⁹ Du Bois, W.E.B. *Black Reconstruction in America: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860–1880*. New York, London, Toronto, and Sydney: The Free Press, 1998 [1935].

¹⁰ Foner describes the postbellum ramifications of black citizenship: “[P]olitics and government were the most integrated institutions in Southern life. Blacks and whites sat together on juries, school boards, and city councils, and the Republican Party provided a rare meeting ground for like-minded men of both races. Thus, [...] Reconstruction [...] established a standard of equal citizenship and a recognition of blacks’ right to a share of state services that differed sharply from the heritage of slavery [...] and from the state-imposed segregation that lay in the future[.]” Foner, *A Short History of Reconstruction*, p. 159.

¹¹ Foner, Eric. *A Short History of Reconstruction*, p. 134.

ignoring its inalienable dignity. In highlighting what Enrique Dussell calls the “underside of modernity,” we find an institution that many anti-racist progressive voices hesitate to include in an emancipatory ideal: the modern American state and black striving that gave an interpretation of the moral meaning of free and equal citizenship.¹² But, as Lawrie Balfour observes, “much of Du Bois’s writing can [...] be summoned in defense of American civic nationalism. Again and again, he returns to ‘the unifying principles of the great republic’ in order to defend the inclusion of nonwhite men and women within their purview.”¹³

In concluding my introduction, I would like to disarm from the onset two objections to my approach. First, one might object that my approach is a restatement of an old interpretive paradigm that has dominated Du Bois scholarship: Du Bois is an assimilationist, but one who also hopes to accommodate black self-assertion.¹⁴ This interpretation will not do. Short of appealing to notions of ‘authenticity’ and ‘expressivist’ conceptions of modern culture, the concepts ‘assimilation’ and ‘self-assertion’ – as they stand in the current literature – lack a clear articulation as to how their normative content relates to norms of modern freedom that promote collective self-determination within major social and political institutions.¹⁵ This chapter aims to

¹² Dussel, Enrique. *The Underside of Modernity: Apel, Ricoeur, Rorty, Taylor and the Philosophy of Liberation*. New Jersey: Humanities Press, 2007. Dussel concurs that exclusion from formal political institutions is an obstacle to emancipatory practices but stops short of ascribing to the modern state a positive and integrative ethical function in his philosophy of liberation:

Liberation Philosophy will ask itself always, first, who is situated in the Exteriority of the system, and *in the system* as alienated, oppressed. Within the regimes of “formal” democracy—bourgeois, and within the “late” capitalism of the center—it is asked after the rights of minorities. In reality, in the nations of peripheral capitalism, underdeveloped and exploited, the oppressed classes, the marginal ones, the ethnic groups and other groups constitute the greater “social block of oppressed,” the people. This “people” (as a political category) is excluded from the “formal” democracies (and it is the manipulated “majority” of an institutionalization of the State that makes do, in fact, without the popular will). p. 8.

¹³ Balfour, Lawrie. *Democracy’s Reconstruction: Thinking Politically with W.E.B. Du Bois*. New York: Oxford University Press, 2011. p 129.

¹⁴ Good-Williams, Robert. *In the Shadow of Du Bois: Afro-Modern Political Thought in America*. Cambridge and London: Harvard University Press, 2011. p. 1-18.

¹⁵ For example, Gooding-Williams holds the view that Du Bois expected black Americans to passively ‘assimilate’ to the ideals of American modernity, as if the latter were merely a ‘folkway,’ one fundamentally divergent from the self-directed norms of black striving and the goals embedded in the exercise of their political agency.

establish precisely such a connection by countenancing the imbrication of postbellum African-American political practices with the development of the U.S. federal government. In doing so, I sideline the longstanding debate of whether Du Bois is an assimilationist or a Black Nationalist. I concentrate instead on identifying the norms (of practical reason, if you will) motivating political action in the African-American community following the Civil War, revealing notable traces of both an assimilationist and a Black Nationalist outlook. The critical upshot of my approach uncovers that for Du Bois the ethical function of the modern state was actualized through the aspirations and achievements of the postbellum African-American community *in particular*. Or in Hegelian parlance, the ‘particular’ instilled substantive content into the ‘universal,’ thereby actualizing and developing it – although Hegel himself was blind to the racial dimension of the flowering of American modernity and largely omitted reference to the United States in his philosophical writings.¹⁶ In delineating Du Bois’s distinct contribution to Afro-modern political thought, we see that the ethical ideal of the modern American state, in stressing the African-American historical experience, unyokes whiteness from Americanness, white power from political power.¹⁷

Second, constructing the Hegel/Du Bois connection is still controversial in the current scholarship. Among critical race theorists Hegel holds a (justified) reputation for endorsing bigoted and imperialist views, as well as dismissing the struggle for freedom of black slaves,

¹⁶ In his lectures on history in 1830, Hegel states that the political character of the United States is just emerging and is – at least from his vantage point – too inchoate to judge: “America is therefore the land of the future.” Du Bois offers rich material for us to understand the concrete form that the struggle for the political character of the U.S. took both as historical fact and as the rationally effective reasons that impelled progressive political praxis. Hegel, G.W.F. *Introduction to the Philosophy of History*. Indianapolis: Hackett, 1988. p. 90.

¹⁷ For a similar argument presented from the Latin-American perspective, see Quijano, Aníbal. “Coloniality of Power, Eurocentrism, and Social Classification,” *Coloniality at Large: Latin America and the Postcolonial Debate*. Mabel Moraña, Enrique Dussel, and Carlos A. Jáuregui (Eds.). Durham and London: Duke University Press, 2008.

women, and colonized people of color.¹⁸ Whereas Du Bois scholars have more recently posited a fecund connection to Hegel, such a link is often couched in terms of Hegel's philosophy of history and the phenomenology of subjective spirit, especially as it pertains to the normative structure of interracial and intersubjective social relations.¹⁹ No scholar has attempted to connect Du Bois's political critique (of Reconstruction in the postbellum U.S.) with Hegel's political philosophy as Hegel presents it in his institutional model of objective freedom in *Elements of the Philosophy of Right*, which is what this chapter sets out to do. Without dismissing Hegel's chauvinism as peripheral to his philosophy, I nonetheless believe that its normative promise remains intact, even in light of his ignorant remarks about women, people of color, and the inhabitants of the Americas. Moreover, I argue that Du Bois's understanding of the interrelation between group identities, social practices, and institutions of political power reflects and broadens a Hegelian lens – in ways that Hegel, by his own admission, could not anticipate.

Finally, in closing my introduction, I note that an argument that expounds on the moral meaning of American citizenship within the modern American state in the aftermath of the Civil War need not suggest that over his lifetime Du Bois's rich political views were confined to U.S. national borders.²⁰ Du Bois founded the Pan-African movement and was involved in a variety of struggles about the imbrication of race and capitalist political economies worldwide. Neither does my argument deny that at different points in his career Du Bois voices a profound

¹⁸ Susan Buck-Morss. *Hegel, Haiti, and Universal History*. Pittsburgh: University of Pittsburgh Press, 2009. Tibebe, Teshale. *Hegel and the Third World: The Making of Eurocentrism in World History*. Syracuse: Syracuse University Press, 2010.

¹⁹ Frank M. Kirkland. "Kant on Race and 'Transition' & Hegel on Race and 'Development,'" in Linda Martin Alcoff, Paul Taylor, and Luvell Anderson (Eds.). *The Routledge Companion to the Philosophy of Race*. (forthcoming). Gooding-Williams, Robert. "Philosophy of History and Social Critique in *The Souls of Black Folk*," *Sur les Sciences Sociales* 26.1 (1987): 99-114. Shaw, Stephanie J. *W.E.B. Du Bois and The Souls of Black Folk*. Chapel Hill: The University of North Carolina Press, 2013. Zamir, Shamoan. *Dark Voices, W. E. B. Du Bois and American Thought, 1888-1903*. Chicago: University of Chicago Press, 1995.

²⁰ For more on this topic, see chp 6 of Balfour's *Democracy's Reconstruction*.

pessimism about the prospect of realizing racial justice in the U.S.²¹ In basing my analysis on the political critique he articulates primarily in his *The Souls of Black Folks* and *Black Reconstruction*, following Lawrie Balfour, I maintain that he continued to defend political virtues pertaining to civic community within U.S. national borders, which is embedded in the ethical view of the state that I present here. He consistently upheld the significance of black freedmen's political enfranchisement from the point-of-view of the development of freedom in the U.S. This commitment is evident even when he defended black-run institutions in civil society in the Jim Crow era, Pan-Africanism, and came to espouse an explicitly Marxian political analysis. In fact, the latter positions are *compatible* with the analysis of the modern American state I give here. Du Bois includes it in his recommendations for the goals of social movements in the 20th c. – hopefully, as chapters 2 and 3 will show – with good reason.

II. *Hegel's Justification of the Ethical Function of the Modern State*

In *The Souls of Black Folk*, published in 1903, approximately forty years after Emancipation, Du Bois assesses the meaning of freedom for former slaves:

Free! The most piteous thing amid all the black ruin of war-time, amid the broken fortunes of the masters, the blighted hopes of mothers and maidens, and the fall of an empire, -- the most piteous thing amid all this was the black freedman who threw down his hoe because the world called him free. What did such a mockery of freedom mean? Not a cent of money, not an inch of land, not a mouthful of victuals, -- not even ownership of the rags on his back. Free!²²

There is a number of ways one might interpret Du Bois's observations here. Most strikingly, his assessment of freedmen's circumstances following Emancipation is that the juridical rights of citizenship require some kind of substantive articulation through concrete social and political mechanisms that afford not only "ownership" of material goods, but institutional contexts for the

²¹ Taylor, Paul C. "What's the Use of Calling Du Bois a Pragmatist?" *Metaphilosophy* 32.1-2 (2004): 99-114.

²² Du Bois, *Souls*, p. 119-20.

realization of “blighted hopes” and social standing, such as access to meaningful work that challenges the organization of labor modeled on the slave plantation. The juridical status of ‘free’ and ‘equal’ amounts to very little, given a classical liberal interpretation of the moral meaning of citizenship that sanctions non-interference with basic rights and liberties – precisely the model of freedom that enjoyed popular support in the antebellum U.S. and maintains a foothold in the American polity.²³ To be sure, securing black juridical rights that would protect the ballot and black bodies from state violence, for example, is still an ongoing, precarious process. Granting that basic rights and liberties that secure legal personhood are necessary but insufficient for modern freedom, the question then presents itself: what form of institutional recognition and support does Du Bois have in mind, one which would make freedom for former slaves ‘substantive’ and ‘actual,’ rather than ‘piteous’ and ‘mocking’? Does negative freedom – or the freedom of non-interference – necessarily promote a ‘piteous’ freedom for the worst off in modern society, in this case, black freedmen? Furthermore, which institution(s) should be principally responsible for rendering the freedom of the most vulnerable members of American society ‘substantive’ and ‘actual’?

Changing conceptions of the role of the late 19th-c. American state rendered the inalienable dignity of black citizenship ‘substantive’ by taking federal measures to enfranchise former slaves in response to the nationwide political mobilization of the African-American community. Du Bois argues that the distinct contribution of African Americans to advancing democratic ideals in the U.S. attests to the ‘revolutionary’ normative restructuring of the ends of the American state.²⁴ “The abolition of slavery meant not simply abolition of legal ownership of the slave; it meant the uplift of slaves and their eventual incorporation into the body civil, politic,

²³ Du Bois’s racialist doctrine links the classical liberal idea of freedom and rugged individualism with the social construction of white racial identity.

²⁴ Du Bois, *Souls*, p. 25.

and social, of the United States.”²⁵ For, “slavery was not abolished with the passing of the 13th Amendment. There were four million freedmen and most of them on the same plantation, doing the same work that they did before emancipation.”²⁶ From being the night-watchman state of the Jacksonian era, when (white) yeoman farmers aspired to ‘self-sufficiency’ on scattered, isolated homesteads, the American state assumed a distinctly modern form in that it began to cater increasingly to the needs of *all* citizens.²⁷ It not only supported concrete social and political mechanisms for actualizing black freedom, such as the Freedmen’s Bureau, a national banking system, hospitals, and public school systems.²⁸

The expanded role the American state assumed in the Reconstruction era is precisely the view of the modern state Hegel justifies in his formulation of modern life as ethical life (*Sittlichkeit*). But in articulating the Hegelian ideal of the modern state, an examination of his conception of *Sittlichkeit* is in order, as his view of the state is embedded within it. In his introduction to *Elements of the Philosophy of Right*, Allen W. Wood describes ethical life in a fashion that accents institutions for making individuals free: “Modern individuals cannot be free in the Hegelian sense unless social institutions provide for subjective freedom in several ways.”²⁹ Ethical life aims to reconcile the perspectives of subjective and objective ‘freedom.’ Each kind of ‘freedom’ offers a set of distinctive ends that provide legitimate action-guiding norms, which Hegel views as comprising a comprehensive model of practical freedoms that are appropriate for

²⁵ Du Bois, *Black Reconstruction*, p. 189.

²⁶ Du Bois, *Black Reconstruction*, p. 188.

²⁷ Robert Smith, *Civic Ideals*, p. 198. Interestingly, Smith also notes that the historical period of Jacksonian era witnessed a highly active democratic citizenry. Of eligible voters – white males – the voter turnout for the 1840 presidential election was over 80%. Smith, *Civic Ideals*, p. 201. As Danielle Allen observes, focusing on racial pluralities helps illuminate that access to political power and the political construction of the common good – as exemplified in social welfare policies and access to social capital – centered on white interests and excluded non-white “strangers.” See Allen, *Talking to Strangers*, p. xv.

²⁸ Du Bois, *Black Reconstruction*, chps. 7, 14 & 15; Du Bois, *Souls*, chp. 2. The issue of a just distribution of land was never resolved. The theft of indigenous land and the relationship to American political power has also never been worked out in American political discourse and self-understanding as a modern state.

²⁹ Wood, Allen W. “Editor’s Introduction,” *Elements of the Philosophy of Right*. Cambridge: Cambridge University Press, 1991. p. xiv.

modern citizens. Subjective freedom (or reason) is protected by citizens' juridical status as rights-bearers and subsumed under 'Abstract Right.' It promotes two distinctive freedoms or ends: individuals' entitlement to a moral and a legal personality. Moral liberty empowers individuals to have a 'subjective' moral viewpoint that avows principled convictions. Hegel identifies moral liberty with Kantian morality, especially as it characterizes the modern phenomena of 'having a conscience.' A legal personality – protected by civil rights – allows individuals to pursue and set arbitrary ends in the institutional context of the free market in civil society. But these aspects of subjective freedom are only a part of the practical freedoms appropriate for modern citizens.

The development of this kind of unity between subjective and object freedom Hegel calls the 'Idea' of freedom; it is the regulative meta-principle of the progressive development of ethical life.

[T]he good lack[s] subjectivity and determination, and the determinant, i.e., subjectivity, lack[s] what has being in itself – they cancel themselves out [*sich aufheben*] and are therefore reduced to moments, to moments of the *concept* which becomes manifest as their unity and has attained *reality* through this very positing of its moments, so that it now exists as the *Idea*; this is the concept which has developed its determinations to reality and which is simultaneously present in their identity as their essence *which has being in itself* – That existence [*Dasein*] of freedom which was immediately present as right is determined in the reflection of self-consciousness as the good; the third stage, present here in its transition as the truth of this good and of subjectivity, is therefore also the truth of subjectivity and of right. (*PR* §141)

As a living 'Idea', freedom must be valued as a social practice that unfolds within a determinant cultural and historical context. Hegel continues:

Both principles [...] the abstract good and the conscience, lack their opposite: the abstract good evaporates into complete powerlessness which I can endow with any content whatsoever, and subjectivity of spirit becomes no less impoverished in that it lacks any objective significance. (*PR* §141 A)

Frederick Neuhouser observes that ethical life for Hegel "is characterized as a 'realm of

actualized freedom.”³⁰ Even subjective freedom must assume ‘objective significance’ in the external world that accommodates its exercise. Hegel argues that one must contextualize the Kantian insight that subjective conscience – or the rights of moral subjectivity – within historically emerging patterns of shared cultural practices and institutional arrangements, which are then internalized as meaningful, action-guiding norms for members of society that reflect social practices around love and work, for example. These features capture the *Dasein* of subjective freedom – its ‘being-there’ quality in the realm of “actualized freedom.” Given its *Dasein* quality that attests to its place in the realm of actualized freedom, subjective freedom exists in unity with objective freedom; and taken together, subjective and objective freedom comprise the self-sufficient social whole of ethical life itself: “the reflection of self-consciousness as the good” is identifiable with “the truth of subjectivity and of right.” For, “the unity of the subjective with the objective good which has being in and for itself is ethical life” (*PR* §141 A).³¹ The self-sufficient social whole of ethical life is the institution of modern state, taken not merely in its formal ‘political’ aspect, but as the institutional bedrock of an integrated social whole that is spurred by the immanent historical logic of the Idea.

Unlike moral liberty, objective freedom is the externalization of intersubjectively-constituted norms that guide social practices and identity formation. Hegel focuses on the family and civil society, as well as on the modern state. Each major social institution encourages norms that contribute to the development of an integrated self capable of assuming the responsibilities that come with living in a modern free society; they also provide meaningful social identities that

³⁰ Neuhouser, *Foundations of Hegel’s Social Theory*, p. 18.

³¹ A Hegelian analysis of freedom limited to the unity of subjective and objective rationality is incomplete. Hegel continues: “and the reconciliation which takes place in it is in accord with the concept” (*PR* §141 A). “The Idea” Hegel identifies with speculative freedom, or rational willing as such, which in its broadest formulation includes cultural practices, such as the arts, religion, and philosophy, and moves well beyond an individual’s self-conscious willing over and against the social world she confronts. See Neuhouser, *Foundations of Hegel’s Social Theory*, p. 20-1. Additionally, in the *Encyclopedia*, Hegel delineates the ‘logic’ of the concept as it unfolds historically and conceptual interrelation between social practices that foster meaningful social identities an individual possesses.

are intrinsically desirable from the standpoint of the “Idea” of freedom (explained below) and from the standpoint of individuals’ own interests that motivate such things as the desire to be a parent, a non-alienated laborer whose work is the object of social esteem, and a respected citizen.

Briefly put, in the family, one is the object of unconditional love and is radically dependent on a caregiver for the satisfaction of one’s basic needs. These formative experiences give an individual self-confidence and the capacity to trust her judgment, entering relationships founded on bonds of trust, feeling and respect. Formative experiences in the family not only foster an integrated sense of self but, eventually, a moral personality that reflects a civic concern about the social whole. Civil society, Hegel writes, is a “system of needs,” where pursuing one’s needs simultaneously satisfies the needs of one’s fellow citizens through free market exchanges (*PR* §182). Adam Smith influenced Hegel’s conception of civil society, although Hegel ascribes myriad ethical features to it beyond the pursuit of self-interest that, taken together, inadvertently yield a greater good, namely the universal satisfaction of needs. Additionally, he believes that labor is a critical form of self-realization. It should signify social standing and identity, and be the object of social esteem, even as it enables one to set and pursue arbitrary ends that satisfy whatever needs an individual might have. Given their positive contribution to practical freedom, ethically salient social identities should be increasingly affirmed and valued, and a harmonious ethical life would recognize their distinct contributions to practical freedom.³² The family and civil society both prepare citizens to assume a civic identity and duties. The idea of ethical life contains “the unity of the subjective with the objective good,” as individuals come to self-

³² The social identities Hegel has in mind are family membership, labor, religion, and citizenship in a nation (i.e., nationality). My project aims to open a space where the normative significance of gender and racial identity are amendable to a Hegelian framework and for any engagement with the conditions of modern freedom, especially in the U.S. Pelczynski, Z.A. “The Hegelian Conception of the State,” *Hegel’s Political Philosophy: Problems and Perspectives*. Z.A. Pelczynski (Ed.). Cambridge, London, New York, Melbourne: Cambridge University Press, 1971. p. 15.

consciously will the universal ends shaping the institutions they participate in, and ultimately of the social whole that they belong to – namely, the state itself. Even in accommodating subjective freedoms, Hegel argues that individuals “should pass over of their own accord into the interests of the universal, and [...] knowingly and willingly acknowledge this universal interest as their own substantial spirit, and actively pursue it as their ultimate end” (*PR* §260). The different forms rational willing takes in an increasingly free world could be endorsed and refined by its members as an instance of their rational self-determination, rather than being perceived as ‘external’ constraints, or obstacles to, practical freedom.

The common end a social institution *qua* social whole provides is reducible neither to any particular agent’s will nor to an aggregate of individual wills. The end of the social whole has teleological priority that shapes individuals from birth (in the institutional context of the family nested within the state). The ‘good’ of the social end it embodies transcends individuals’ particular conceptions of the good, except in the oblique fashion that increasingly free self-determination is ‘good’ for individuals, even though particular individuals might not recognize the value of substantive autonomy.³³ The teleological priority of social roles within ethical life (i.e., family member, civilian, and citizen) is meant to provide a comprehensive account of how participation in these institutions “educates” and “forms” moral subjectivity. Willing the collective ends of the social whole, Hegel believes is an indelible feature of practical judgment that “always involves a responsiveness to social norms,” and evinces the circumscription of private ends for the common good.³⁴ Identifying with the collective ends of a social whole gives individuals a meaningful social identity that they desire, as well as the lived experience of

³³ Ilting, K.-H., “Hegel on the State and Marx’s Early Critique,” *The State and Civil Society: Studies in Hegel’s Political Philosophy*. Ed. Z.A. Pelczyński. Cambridge: Cambridge University Press, 1984.

³⁴ Robert B. Pippin. *Hegel’s Practical Philosophy: Rational Agency as Ethical Life*. Cambridge: Cambridge University Press, 2008. p. 150.

normative integrity (i.e., the freedom *to* and the *pleasure of* being a good parent, a non-alienated laborer, and a respected citizen). Even the exercise of subjective freedom broaches the ‘substantive’ theory of a rational social order insofar as the means for promoting social welfare and schemes of self-realization are secured through shared social ends in the concrete institutional contexts of ethical life. Federal political power ultimately sanctions the various ends social institutions advance, impelling citizens to come to explicitly identify with the underlining principles of the civic community as an instance of their own self-determination.

A truly free society would give its members the experiential quality of being ‘at home’ in it, such that one would not be rationally compelled to reject any aspect of it in the name of freedom.³⁵ *Sittlichkeit* is meant to ground subjective will formation in a manner that one feels to be one’s “own” – that is, as identity-constitutive norms “closer” than “faith or trust,” comprising a “relationless identity” (*PR* §147). As a family member, civilian, and citizen, the external world sheds its alienating qualities through the gradual elimination of its contingent character, which prevents individuals from affirming its underlining principles, as if those principles emanated from their own autonomous judgment.³⁶ A more fully rational social world would become increasingly responsive to individuals’ ends, desires, and idealized projections of self, as individuals not only willfully identify with the common ends of the social whole, but the social whole comes to promote their welfare and incorporate their interests in the representation of the common good.

So much for my presentation of *Sittlichkeit* in (very) broad strokes. I’ll now turn to the unique role of the modern state within it. Hegel makes many dramatic claims about the state that

³⁵ This is the ‘infinite’ project of spirit, one that is never complete, as there is no ‘end’ to human history besides freedom and any human society could always be more satisfactorily and rationally arranged, and thus ‘freer.’

³⁶ Neuhouser, Frederick. *Foundations of Hegel’s Social Theory: Actualizing Freedom*. London and Cambridge: Harvard University Press, 2000. p. 22-3.

praise its “divine” character, signifying “the march of god in the world” (*PR* §258). I’ve no intention to defend wholesale his view of the state or his overblown remarks about it. I aim instead to illuminate critical details of it that reflect and broaden Du Bois’s assessment of American modernity, as it pertains to black political striving that engaged the U.S. federal government during the Reconstruction era. According to Hegel, the modern state alone allows citizens to *self-consciously* will and identify with the shared ends of their social world and to actualize a ‘universal’ effectively. On this ground, it is the most powerful human-made force to appear on earth – hence its “divinity.” Yet, it is the culmination of centuries of self-conscious willing immanent in social practices that aspired to a more rational organization of the most elemental dimensions of human life: reproduction, production, and government by consent (*PR* §258). The social union of the family is founded on a sexual bond sustained by the “immediate feeling” of love (*PR* §158), whereas civil society facilitates the mutual satisfaction of needs without the explicit conceptualizing of others as an object of ethical concern. In both institutional contexts, the mediation of the universal (e.g., the common good, personhood, and civic standing) is unconscious and the educative function of these institutions is implicit: it occurs passively through individuals’ pursuits of feelings, pleasures, and self-interests. The legislative procedures within the state, however, provide the sole self-conscious vehicle for intervening in the normative structure of the social institutions nested within it, namely the family and civil society. The ethical function of the modern state is to reconcile subjective and objective willing through engendering a harmonious unity among citizens, the norms of the background ethical culture (*Geist*), and the various institutions, social practices and customs (*Sitte*) of ethical life (*Sittlichkeit*).³⁷

³⁷ A higher level of rational reconciliation within Absolute Spirit that surveys the logic of the history of human self-understanding in religion, culture and philosophy is possible. I do not consider this high form of unified self-

Federal political power is thus the highest realization of modern freedom because “it is only in the political state that the form of social life becomes an object of rational human choice: Only there is it true that ‘the state knows what it wills, and knows it in its universality, as something thought’” (*PR* §270).³⁸ In the *Encyclopedia*, Hegel writes that “it is the universal (State, government, right) that is the substantial middle term within which the individuals and their satisfaction have and preserve their full realization, mediation, and subsistence” (§198). The complete articulation of ethical life reveals that even an individual’s acquisition of a moral personality reflects an implicit “unity of the individual and the universal” (*PR* §156), where a historically bounded ethical culture, delineated by a shared history, values, and self-understanding, is at hand in the charting of practical freedoms.³⁹

To be sure, such a model of individual will “unified” with a universal does *not* mean that the state ‘immediately’ subsumes subjective willing under its juridical apparatuses. This is a worry that Axel Honneth and other Hegel interpreters have about Hegel’s view of the state, as if it should legislate the will of all and provide instructions on what citizens should think and feel. Indeed, the objection ignores the critical Hegelian insight that the state as ethical life is not merely juridical. Like Rousseau and other liberal political philosophers, Hegel believes that modern freedom begins with citizenship. Unlike other liberal thinkers, he believes that actualizing the moral meaning of free and equal citizenship requires fulfilling our social roles and concomitant ethical standing as family members, civilians, and citizens. The state has both the effective power and ethical responsibility to integrate citizens into an objectively rational

understanding in my assessment of the state.

³⁸ Wood, Allen W. *Hegel’s Ethical Thought*. Cambridge: Cambridge University Press, 1990. p. 29.

³⁹ In light of the above discussion, we are in a good position to assess why Hegel’s longstanding reputation for defending a repressive state is mistaken. The accusation ignores the dialectical relation between subjective and objective reason. That subjective and objective reason stand in a mutually-constitutive, dialectical relation attests to the mistake of ascribing a ‘repressive’ quality to his view of modern ethical life. Such an interpretation privileges the point-of-view of Kantian moral subjectivity, and ignores the complex origin and conditions of subjective will formation.

social order. Furthermore, via concrete social and political mechanisms, the state establishes the social conditions for individuals' successful schemes of self-realization as an extension of its positive integrative power. Inasmuch as a civic ideal is necessarily in the offing in influencing citizens' various ethical standings attached to their social identities, the state determines (for better or worse) their relation to their external world *and* to each other.

The elimination of poverty and the positive affirmation of social identity fall within its ethical duties; in a civic community, there exists a legitimate political obligation to protect the most vulnerable members of society. The civic community must prevent the very formation of social locations that are inherently undignified and exploitative. Consider Hegel's discussion of the 'rabble' (*der Pöbel*) – a precursor of Marx's notion of the proletariat. Although he never offers a satisfactory solution, Hegel argues that the formation of the *Pöbel* is of critical *civic* concern. It is a systematically excluded and hyper-exploited social position that capitalist economic markets inevitably generate. In being disenfranchised and systematically excluded from the institutions of ethical life, the *Pöbel* is alienated from the social whole and experiences it to be hostile to its ends. In fact, Hegel argues that the emergence of the *Pöbel* skirts the norms of a fully free ethical culture, as it speaks to the inherently irrational tendencies of capitalist political economies:

Of course every individual is in one way independent, but he is also a member of the civic community. Insofar as every man has the right to ask maintenance from it, it must also protect him against himself. It is not simply that starvation must be guarded against. The wider view is that there never shall arise a rabble, or mass. Since the civic community is obliged to support individuals, it also has the right to insist that individuals [citizens] should care for its subsistence. (*PR* §240).

Note that for Hegel guarding against poverty is a right that laborers hold against their civic community; it is not a matter of personal responsibility, even in the cases of the dereliction of the duties of self-care (e.g., alcoholism, drug addiction, etc.). Indeed, poverty is an inevitable feature

of the structural inequalities of modern society based on capitalist political economies that subordinate labor to the accumulation of capital. The elimination of poverty is not simply a matter of an equitable distribution of food, but of the positive affirmation of poor folk's identity as citizens that would bolster self-determining political agency.⁴⁰

The condition [of poverty] exposes [one] to the wants of the civic community, which has deprived him of the natural methods of acquisition (§217), and superseded the bond of the family stock (§181). Besides, poverty causes men to lose more or less the advantage of society, the opportunity to acquire skill or education, the benefit of the administration of justice, the care for health, even the consolation of religion. Among the poor the public power takes the place of the family in regard to their immediate need [.] (*PR* §241)

Hegel's social theory does not offer a solution to poverty. But, his discussion shows that the state is the only institution that influences social forces in civil society, including economic markets, so that a conception of the moral meaning of free and equal citizenship could legitimately reconstitute the normative structure of *any* major social institutions, or, as in the case of Reconstruction, bring them into existence. Moreover, it can take over their particular ethical functions when they fall into disrepair, "supersed[ing] their bond" such that the satisfaction of "immediate need" becomes an explicitly political matter. The state is the 'end' of all other social institutions that carries the historically constituted norms of – to borrow a phrase from Arendt – 'human togetherness' that has become attached to norms of practical freedom (i.e., spirit) in a particular civic community. Its purpose is thus not to maximize individuals' arbitrary freedom; that kind of freedom is appropriate in the institutional context of civil society, but even there only to a limited extent. Civil society must retain an implicit ethical function for educating subjective wills to universality, as our material neediness forces us into cooperative relationships with others. Hegel's view of the state (as well as civil society) is normatively richer than liberal conceptions of it. It ought not merely to protect private property, provide security and enlarge

⁴⁰ For this reason, Hegel does not support the welfare state.

industry (*PR* §270). Following the ancient Greek model of the *polis*, Hegel contends that civic engagement is the most appropriate practical activity for human beings, but accommodates subjective freedom.⁴¹ The subjective willing of the universal Hegel identifies as “the vocation of individuals,” enabling them to lead “a universal life” (*PR* §258). He articulates a handful of political mechanisms within the (Prussian) state that are charged with maintaining “universal life.” Its essential function is to provide an institutional context for the reconciliation of subjective and objective rationality, but historically emergent social practices would determine the concrete form that progressive federal power takes, which would facilitate citizens’ participation in universal life. Hegel only limns that the modern state must foster self-conscious rational legislation – the ultimate end and “actuality” of the “ethical Idea” (*PR* §257, §267 A). The state, Hegel writes, is therefore the historical achievement of spirit, possessing an objective, inherent rationality, but like any social institution emerging from the unfolding of immanently rational social practices it acquires historical determinacy through self-conscious, political praxis.

The position of the *Pöbel* and black freedmen both underscore the positive integrative function of the modern state. With respect to the *Pöbel*, the inability of the modern state to find a satisfactory resolution to the contradiction between labor and capital illustrates the need for critical social theory to reimagine the nature of successful integration on the ideal of self-determination in the universal satisfaction of needs. Given an entirely different historical context, for Du Bois the failure to attend to freedmen’s needs results in the ‘re-enslavement’ of former slaves and their descendants because slavery did not end with the passage of the 13th

⁴¹ Unlike the ancient Greek model of the *polis*, Hegel believes that the activity of production, which is limited to the household (*eikos*) in the ancient Greek model, is infused with norms of rational self-determination that are subject to improvement and provide the conditions for a positive social identity integral to the modern human personality. The ancient Greek philosophical anthropological maintained that a viable notion of the ‘human’ must not depart from public membership in a democratic community.

Amendment. The emergence of a racialized position of economic and social vulnerability does not arise with the same 'necessity' as the capitalist exploitation of labor. A less racist social order is possible even in a capitalist mode of production. The vulnerability of each social location – that of the *Pöbel* and the freedmen – is complementary but distinct; and their juxtaposition is an exciting avenue for philosophical exploration. For the purpose of this paper, it is sufficient to note that in both cases the ethical ideal of the modern state is integral for a positive reconciliation against the destructive and alienating forces of civil society.

Before proceeding to a discussion of Du Bois on black political agency during Reconstruction, I will enumerate three critical details of Hegel's conception of the modern state that identify his contribution to a substantive emancipatory ideal and justify Du Bois's political prescriptions.

1. *The modern state must educate citizens toward political autonomy.* In his criticism of Jean-Jacques Rousseau's social contract theory, Hegel inverts the lexical order of the generation of the general will that the social contract tradition advances. The rational actuality of the state exists prior to a particular iteration of subjective willing. The state carries a legitimate power to educate citizens toward political autonomy; furthermore, it has a responsibility in the formation of moral subjectivity toward freer and more inclusive ends.

In opposition to the principle of individual will, we should remember the fundamental concept according to which the objective will is rational in itself, i.e. in its concept, whether or not it is recognized by individuals [*Einzelnen*] and willed by them at their discretion. [T]he subjectivity of freedom [...] embodies only one (consequently one-sided) moment of the Idea of the rational will, which is rational solely because it has being in and for itself [...] The state in and for itself is the ethical whole, the actualization of freedom, and it is the absolute end of reason that freedom should be actual. [...] Any discussion of freedom must begin now with individuality [*Einzelheit*] or the individual self-consciousness, but only with the essence of self-consciousness; for whether human beings know it or not, this essence realizes itself as a self-sufficient power of which

single individuals [*die einzelnen Individuen*] are only moments. (*PR* §258)

Numerous commentators have noted Hegel's debt to the Aristotlean model. They have drawn attention to education (*Bildung*) in ethical life, in which individual self-consciousness might be unaware that the "essence" of self-consciousness is "a self-sufficient power" in the external world. Wood argues that the background ethical culture of subjective will formation instill ethical "virtues" as intelligent "disposition (*Gesinnung*), trait (*hexis*), or habit (*ethos*) [...] to act for certain reasons, to be pleased or pained at certain things, to feel certain emotions."⁴² Benno Zabol concurs that Hegel "opposes both theoretical atomism as well as an undifferentiated conception of the common good. He chooses instead the Aristotelian ethos of an existing order in its twofold meaning as convention, place of living or custom [*Sitte*] and life-form, as the primary point of reference for a social theory of spirit."⁴³ The discharge of law and right is not 'coercive' inasmuch as it reflects a particular "life-form." "The formal character of the right as a duty and a law it feels as the letter, cold and dead, as a shackle. [...] Hence law [...] is par excellence the shibboleth which marks out these false friends and comrades of what they call the 'people.'"⁴⁴ State power need not be an external coercion, but ideally an individual should consider it as an end a self-reflective individual gives to herself (*E* §503A). Additionally, although Hegel does not theorize public school systems, as it is beyond his historical purview, note that given the state's role in educating to political autonomy, the establishment of a public school system for promoting citizens' democratic literacy and public opinion is legitimated by his account of the ethical function of the state (*PR* §315-17).

⁴² Wood, *Hegel's Ethical Thought*, p. 214.

⁴³ Zabel, Benno. "The Institutional Turn in Hegel's *Philosophy of Right*: Towards a Conception of Freedom beyond Individualism and Collectivism," *Hegel Bulletin* 36.1 (2015): 80-104. p. 84.

⁴⁴ Hegel, G.W.F. *Philosophy of Right*. Preface. T.M. Knox (Tr.). Oxford: Clarendon Press, 1952. p. 7.

2. *State power is not merely repressive, but enacts a positive ideal.* One might object, as Carole Pateman does, that an ethical view of the state – and any ideal one, for that matter – obscures an historically accurate picture of it, revealing its consistently repressive character.⁴⁵ Pateman and critics of the modern state fail to acknowledge, however, that even a repressive state is *necessarily integrative in light of some vision of the flourishing of the social whole*, though perhaps not a vision citizens could rationally endorse as an instance of their free self-determination. Nonetheless, one could always reconstruct the underlining principle for the state’s exercise of power and judge the principle’s reasonableness: who is included and who is excluded, who enjoys full civic standing and who does not. These details are not ‘accidental’ features of modern life, but express purposive institutional praxis. Robert Gooding-Williams observes that even the institution of slavery in the American South existed as a self-contained social whole, embedded in and reproduced by federal power. The state retains an ineradicable normative core that offers a positive standard for the exercise of power, even when modeled on racialized forms of systematic exclusion, exploitation, and denigration. State power is thus not merely negative but productive of ideals about what it means to belong to a social whole.⁴⁶ And these ideals could always be subject to revision and further rationalization.

One need not deny – as Hegel never did – the violent history of state repression. Hegel readily concedes that a state whose praxis does not *by normative design* negate subjective autonomy is a decidedly *new* and hence distinctly *modern* phenomenon.⁴⁷ Du Bois’s insight is that in American modernity, additional normative strictures emerge for the autonomous self-

⁴⁵ See Pateman’s illuminating exchange with Charles W. Mills in chp 1 of *Contract & Domination*. Malden: Polity Press, 2007.

⁴⁶ Michele Foucault analysis of the modern state in its relation to biopolitics reflects this Hegelian insight, although unlike Hegel, Foucault decenters power in way that minimizes the centralized power of the state. Furthermore, Hegel holds the optimistic view of the capacity for rational self-determination in mediating state power according to principles citizens could freely endorse.

⁴⁷ A fuller account of ethical life requires incorporating Hegel’s philosophy of history that accounts for the historical transformation of forms of ethical life.

determination of a social whole: The inescapable project of fully *democratically* establishing the norms of fair social cooperation in light of the historical experience of *racist* dispossession and expropriation. This was the mission of social reform that the Freedmen’s Bureau assumed. In the postbellum chaos, where white supremacy struggled to maintain its foothold within the federal government, eventually trumping progressive forces, the Reconstruction Amendments managed to foreground the black freedmen’s perspective, catered to their needs and political demands, and democratized offices of political power. According to Du Bois, this should be recognized as a positive achievement of black striving – a “gift” that contributed to the expansion of the ideals of American modernity. It attests to the development of a freer ideal that irreversibly transformed the political landscape; even in its failure, it left behind a kernel about what ‘real’ freedom would have to be in America.

The state is not a work of art; it exists in the world, and hence in the sphere of arbitrariness, contingency, and error, and bad behavior may disfigure it in many respects. But the ugliest man, the criminal, the invalid, or the cripple is still a human being; the affirmative aspect – life – survives [*besteht*] in spite of such deficiencies, and it is with this affirmative aspect that we are here concerned. (*PR* §258 A)

In propounding an idealized ethical function of the state as the bedrock of the meaning of freedom in American modernity, as taken from the point-of-view of freedmen, one must highlight Hegel’s distinction between the ‘being-there’ of an object and its concept.⁴⁸ Hegel admits that even in his own time “it has almost become dishonorable to continue to speak philosophically about the nature of the state” (*PhR*, Preface 17). In spite of its “affirmative aspect” (i.e., as the concept), that it is steeped in a particular civic community necessarily means it is not perfectly free and rational. In arising from a particular socio-historical context, it expresses “arbitrariness, contingency, and error,” but the former is also the inevitable departure

⁴⁸ Hegel, G.W.F. *The Encyclopedia Logic*. Indianapolis and Cambridge: Hackett, 1991. §91. E
Elements of Rawls’s view of the basic structure of the society and of a just state resemble Hegel’s view.

point for mediation via political praxis.⁴⁹ That the state exists as an empirical object does not justify all its purposive activities; it also does not merit its exclusion from the construction of emancipatory ideals. “Since the state is objective spirit, it is only through being a member of the state that an individual herself has objectivity, truth, and ethical life” (*PR* §258).

For most interpreters of Hegel’s political philosophy, the affirmative aspect of the concept of the state is lost. As it recedes from view, the institutional context of civil society assumes prominence in advancing emancipatory ideals – this is most notably the case with Karl Marx and the Frankfurt School, including Axel Honneth. Honneth, for example, criticizes the “over-institutional” dimension of ethical life, where objective freedom ‘totalizes’ potential intersubjective networks of social recognition.⁵⁰ He attempts to carve out a space for patterns of intersubjective recognition that are embedded neither in the state nor major social institutions. Similarly, Marx argues that under ideal utopian conditions the state withers away as emancipatory ideals arise ‘immanently’ and ‘organically’ from laborers’ social cooperation.⁵¹ The radical potential of Hegel’s view of the state – one that is pressing in Du Bois’s analysis – is that the integrative normative force of the state *is an inevitable feature of modern life*. Whether it serves the ideals of capitalist profit and white supremacist patriarchy or that of an increasingly racially-inclusive egalitarian democracy that protects the most vulnerable, *it necessarily serves some positive normative ideal*. The ideal effectuates “substantive social bonds and shared final

⁴⁹ Hegel admits that an ineradicable element of contingency factors in here, as in the case of the drawing of national boundaries and adjustment to various environmental pressures. The state has a quantitative (i.e., its expanse, territorial unity, etc.) and a qualitative (i.e., its circumscribed ethical life) “limit” that falls far short of the entire globe. Hegel’s *Lectures on History* and *The Encyclopedia Logic* §A108.

⁵⁰ Axel Honneth, *Freedom’s Right: The Social Foundations of Democratic Life*, New York: Columbia University Press, 2014. p. 63-7.

⁵¹ Even Hegel scholars share this apprehension about the positive character of the modern state. Wood and Neuhouser each privilege subjective will formation as the normative source for democratic legitimation of institutional norms. The “enjoyment” of practical freedom that affords way of being-with-oneself-in-another must privilege the modern state as the premier institution that has the most impact in the character, scope, and quality of citizens’ practical freedom.

ends.”⁵² What is more, it inevitably molds citizens’ political autonomy towards the ideal it upholds. That is the essential Hegelian insight that the gain and ultimate failure of Reconstruction makes manifest. According to Du Bois, it is also why black American political agency must seize state power.

3. *Habits of citizenship should encourage social cooperation and civic mediation as the end of political praxis.* For Hegel, citizens should eventually reconcile themselves to the political community to which they belong. This would require positive integration into the social whole, which encourages habits of citizenship that enable citizens to “personally adhere” to the ends of the political community without compromising their sense of justice or moral agency. Alfredo Ferrarin explains:

The will is finally realized, for citizens understand the state as their own product; institutions are no longer alienated from people who, rather than being subjects suffering laws they sense to be oppressive and limitative of their freedom, are citizens who enact them and strengthen them with their personal adherence in their everyday activities.⁵³

For Du Bois, during Reconstruction the “personal adherence in [citizens’] everyday activities” to a rational social order transformed it, inasmuch as black political agency challenged the norms of fair social cooperation within the American civic community. The nationwide political mobilization of the black community contested habits of citizenship that failed to problematize systematic, racist exclusion and the background ethical culture of white supremacy, which mediated the expression of social forces and the perception of political legitimacy of public claims. Progressive postbellum forces fortified a ‘black ideal’ that pressed the ends of the polity

⁵² Neuhouser, *Foundations of Hegel’s Social Theory*, p. 181.

⁵³ Alfredo Ferrarin. *Hegel and Aristotle*. Cambridge: Cambridge University Press, 2001. p. 362.

to reimagine schemes for the democratic distribution of power and of material resources.⁵⁴

Hegel defends a permanent body of civil servants to represent the ‘universal’ interest of the common good of ethical life. This class would have sufficient leisure and an impartial outlook for political judgment that instantiates universal life: “[T]hese individuals will not subordinate the universal interest to the particular interest of a community or corporation [i.e., union or civil society group]” (*PR* §309). A “universal” class of civil servants executes a public service based on trust that they will preserve the common good. Note that Hegel charges only a small fraction of the population – civil servants – with the task of explicitly engaging universal life in public offices. For the remainder of the citizenry, participation in ‘universal life’ is passive. It amounts to a patriotic outlook, comprehension of the law, and possession of an informed opinion about public policies. For Hegel, the mechanism for actualizing and preserving the civic community relies on the state and the civil servants it employs, rather than on social groups and social movements. Du Bois demonstrates that habits of citizenship that encouraged fair social cooperation as the end of political praxis was the “gift” of the postbellum black community to the U.S. polity, an institution hitherto derelict in its duties to all citizens, as the color-line demarcated the scope of civic concern. In fact, Du Bois argues that distinctly black ideals that were explicitly partial to the concerns of the postbellum black community were the only means for actualizing universal life in the U.S; and *all* citizens stood to gain from this partiality. “It can see to it that not only no action of this inner group is opposed to the real interests of the nation, but that it works *for* and in conjunction with the *best* interests of the nation.”⁵⁵ Lawrie Balfour captures Du Bois’s idea here well: “In other words, Du Bois insists

⁵⁴ The failure of the postbellum redistribution of land is a critical missed opportunity for realizing substantive freedom. Conceiving how to incorporate the ethical content of that call into contemporary justifications of reparations is a difficult but essential philosophical tasks.

⁵⁵ Du Bois, *Dusk of Dawn*, p. 108. My emphasis.

that much can be learned about the prospects for *all* citizens by understanding the lived meaning of democratic principles from the vantage point of society's most vulnerable members and acknowledging the *general* benefits that follow from policies that aim to improve the circumstances of particular groups.⁵⁶ With considerable rhetorical flourish, Du Bois confirms that, "If and when universal suffrage came to enforce this point of view, an entirely different development of American industry and American civilization must ensure."⁵⁷

III. *Du Bois on the Freedmen's Bureau: The Making of the Modern American State*

In transitioning to Du Bois's account of the political and moral significance of the Reconstruction era, and how it helps reformulate a philosophical definition of freedom, a restatement of my approach to conceptualizing Hegel's relation to Du Bois's political critique is helpful. Hegel's account of ethical life and the ideal of the modern state justify Du Bois's analysis of Reconstruction, given both philosophers' convergence on the three key positive contributions of a normative view of the state outlined in the previous section. His positive evaluation of the work of the Freedmen's Bureau, which I present later in this section, reflects the Hegelian view of the ethical function of the state. However, he significantly departs from the Hegelian framework for conceptualizing freedom on a couple of critical fronts. Although he claims that the emergence of the modern American state helps secure the foundation of substantive freedom for all citizens, his departure from Hegel's political philosophy is to be

⁵⁶ Balfour, *Democracy's Reconstruction*, p. 25.

⁵⁷ Du Bois, *Black Reconstruction*, p. 219. Due to space constraints and the already ambitious goals of this chapter, it excludes an *essential* element attesting to the promise of Du Bois's conception of modern freedom. A normative analysis of non-alienated labor from the black historical perspective is necessary, especially one that builds on the laboring conditions of emancipated black labor that necessitated the subordination of capital to the interests of black (and poor white) labor. See chp. 7 of *Black Reconstruction*.

expected, given that Hegel's political philosophy attends neither to the political morality of race *within* a particular modern polity nor to the specific historical details coeval with the emergence of American modernity.

The manner that Du Bois builds on a positive normative theory of the state yields at least two unique philosophical insights about the nature of modern freedom. I will spend the remainder of the chapter examining these insights, before concluding with a brief discussion of his view of leadership, which I argue has been unfairly characterized as 'elitist.' First, Du Bois shows that the progressive development of the social whole, while founded on the modern state, cannot rely on the state alone to actualize an inclusive civic community by 'self-generated' legislative initiatives. According to Du Bois, in expressing the black historical perspective and the political agency of black freedmen, a social movement spearheaded by a specific social group contributed to the actualization of the underlining norms of public reason, thereby reconstituting it. Second, he highlights that the historical emergence of major social and political institutions such as the Freedmen's Bureau and public school systems in the South arose from black political praxis, transforming the institutional structure of ethical life.

A model of modern ethical life confronting the legacy of state-sanctioned slavery cannot rely on the latent normative content of the basic structure of society. It must articulate how social groups, in spite of the intransigence of partial and exclusionary state power, came to participate in 'universal life,' agitating for positive social change that brings about a more rational, free, and inclusive social order whose underlining organizing principle *all* civic-minded (*gebildete*) citizens can freely will as an instance of their own self-determination. Thus, Du Bois shows that not only is the political morality of race pressing, taken as racial ideals that the color-line engenders, but he also notes that the political praxis of a social group (e.g., African Americans)

could provide a distinct insight into the immanent logic spurring the historical development of the Idea of freedom, one that Hegel could not anticipate. A ‘second-sight,’ so to speak, that offers a distinct vantage point on the irrationality of American society.⁵⁸

1. *Rethinking Progress.*

With respect to Du Bois’s account of progressive social change, it is critical to note that while he argues that a social movement spearheaded by a specific social group actualized the underlining norms of public reason, Du Bois accepts a positive normative theory of the state, which constitutes the telos of progressive social movements. He consistently stresses the meaning of freedom from the point-of-view of black freedmen, but nonetheless presents their interpretation of freedom in a manner that amplifies the bedrock values of American civic identity – that is, a principled commitment to freedom and equality.

From Du Bois’s early short essays to his later tomes on historical sociology, in privileging the point-of-view of black freedmen just emerging from slavery, numerous basic questions about democratic government and the normative reconstitution of the ends of the American social fabric loomed:

The true significance of slavery in the United States to the whole social development of America lay in the ultimate relation of slaves to democracy. What were to be the limits of democratic control in the United States? If all labor, black as well as white, became free – were given schools and the right to vote – what control could or should set the power and action of these laborers? Was the rule of the mass of Americans to be unlimited, and the right to rule extended to all men regardless of race and color, or if not, what power of dictatorship and control; and how would property and privilege be protected? This was the great and primary question which was in the minds of the men who wrote the Constitution [...] and continued in the minds of thinkers throughout the controversy. It still remains with the world as the problem of democracy expands and touches all races and nations.⁵⁹

⁵⁸ Du Bois, *Souls*, p. 5.

⁵⁹ Du Bois, *Black Reconstruction*, p. 13.

He employs the precarious social location of black freedmen to ask basic questions about what sorts of political demands and public policy proposals could be legitimated through more inclusive democratic procedures that incorporates their ‘second sight.’ He recognizes that the previous social order has crumbled, requiring the redrawing of the boundaries of legitimate political power and civic belonging.

He notes that the position of black slaves and free black citizens was not altogether unacknowledged by offices of political power prior to the ‘social revolution’ of Reconstruction. In fact, the potential political praxis of black Americans was a constant object of anxiety and fear throughout slavery and into the Reconstruction era. He demonstrates the emancipatory power of soberly and methodically incorporating, rather than ignoring or suppressing, black interests in the public formation of political will. Furthermore, the sole regulative concept for this procedure for reimagining the social union is the idea of freedom. In the aftermath of the civil war, Du Bois scrutinizes the social, economic, and political scene with an eye towards increasing the rationality of the social whole. He examines the modern American state’s integrative force in relation to freedmen – the most vulnerable members of 19th c. American society. “Suddenly, there was Reason,” he writes, “in all this mad orgy.” With Emancipation, “God had come to America.”⁶⁰ From the perspective of former slaves, Emancipation was “the coming of the Lord. It was the fulfillment of prophesy and legend.”⁶¹ And though “their condition was appalling, [...] they were possessed by the wildest notions of what liberty might mean.”⁶²

He writes that the historical experience of slavery instilled liberty as a social value that would continue to guide norms of social and political praxis in the postbellum black community. Given the historical context, we have some insight into why Du Bois believes that black

⁶⁰ Du Bois, *Black Reconstruction*, p. 126.

⁶¹ Du Bois, *Black Reconstruction*, p. 122.

⁶² Du Bois, *Black Reconstruction*, p. 70.

freedmen – refugees of the Civil War – were an impetus to the “social development of America.” Neither the ‘inherent’ rationality of the state nor the civil servants charged with interpreting the meaning of freedom nor white Americans who collectively profited from slavery offered a progressive vision of the flourishing of the social whole that included freedmen’s perspective.⁶³ “Of all that most Americans wanted, this freeing of the slave was the last.”⁶⁴ For, “Nothing that concerned the amelioration of the Negro touched the heart of the mass of Americans.”⁶⁵ But, the legacy of slavery and freedmen’s own position as refugees of the Civil War propelled them with the force of *necessity* to reimagine a social whole that definitively abolished *all* the conditions of racialized slavery that persisted *after* Emancipation – that is, to imagine what ‘real’ freedom in the U.S. would be, having suddenly arrived in the land of a biblical Jerusalem: “A great human sob shrieked in the wind, and tossed tears upon the sea, – free, free, free.”⁶⁶ This political force that black freedmen exercised transformed the very normative structure of the American state, whose previous institutional form was unable to accommodate the normative force of the black freedmen’s call for substantive freedom.

Consider how such an account of the ‘immanent’ social development of the U.S. departs from Hegel’s view. In his philosophy of history, Hegel argues that (European) people came to recognize freedom as the ultimate “good,” but a good “determined” by social practices that provide both a positive social identity and the freedom of abstract “negation” of the social locations they find themselves in (i.e., via the ends of subjective freedom). In light of a racist myopia shared by modern European philosophers, Hegel did not countenance how people of

⁶³ “When Union armies entered the South they became armies of emancipation. It was the last thing they planned to be. The North did not propose to attack property. It did not propose to free slaves. This was a white man’s war to preserve the Union, and the Union must be preserved.” (Du Bois, *Black Reconstruction*, p. 55)

⁶⁴ Du Bois, *Black Reconstruction*, p. 125.

⁶⁵ Du Bois, *Black Reconstruction*, p. 55. In *Souls*, Du Bois observes: “there was scarcely a white man in the South who did not honestly regard Emancipation as a crime, and its practical nullification as a duty” (p. 33).

⁶⁶ Du Bois, *Black Reconstruction*, 124.

color – and former slaves – engage in practices oriented toward the reconstitution of a civic community *within* the normative strictures of modernity. (That is, of spirit as such, rather than that of ‘natural spirit’).⁶⁷ Thus, for Du Bois, the ethical function of the modern American state is *foregrounded* in the emancipatory practices of the black American community in the Reconstruction era. The original Hegelian formulation of ethical life lacks an analysis of the political morality of race in the context of the exercise of civic power. Although both philosophers base their social critique on the evaluative category of freedom in relation to major institutions, Du Bois believes that in American modernity black racial identity determined the development of practical freedom, contributing to the democratization – “rationalization” in Hegelese – of the basic structure of American society. Additionally, Du Bois contends that what citizens perceive as legitimately obligating in a civic community is necessarily mediated by the color line. (White) resistance against actualizing “universal life” transpires as an antagonistic reaction against the inclusion of people of color in major social and political institutions. Such an inclusion is often perceived as an existential threat against the integrity of white racial identity.⁶⁸ Hence, Du Bois describes the bifurcation of double consciousness as a conflict between blackness and Americanness. To be sure, this ‘threat’ is fortified by white reluctance to redistribute property and material wealth accumulated from the racist exploitation of black labor, free and enslaved.⁶⁹ From slavery to Jim Crow, that is, for the vast stretches of American history, “the living together of black and white in America was unthinkable” and “democracy died save in the hearts of black folk.”⁷⁰

⁶⁷ Hegel argues in his philosophy of history that peoples living on the African continent ‘belong’ to natural spirit because they are human beings, but their normative practices are ‘natural spirit.’ For a highly original view about how Du Bois’ racist doctrine bears on Hegel’s philosophy of history, see: Kirkland, Frank M. “On Du Bois’ Notion of Double Consciousness: Some Hegelian Reflections” (unpublished).

⁶⁸ Du Bois, *Black Reconstruction*, p.

⁶⁹ Du Bois, *Black Reconstruction*, p. 590-91.

⁷⁰ Du Bois, *Black Reconstruction*, p. 4. & 30.

To begin with, progressive change in the U.S. began with slaves enacting their own freedom. Because the onslaught of the Civil War ignored the institution of slavery, slaves undertook a massive general strike. “It was a strike on a wide basis against the conditions of work [...] that involved directly [...] a half million people. They wanted to stop the economy of the plantation system, and to do that they left the plantations.”⁷¹ Black refugees enacted their own freedom, arriving in myriads at Union army encampments and, in effect, “declared themselves free.”⁷² Even as the Union army initially attempted to enjoin their servitude, the black refugees instead willingly agreed to serve as *soldiers*. In fighting to preserve the union, they took up arms against their former owners and changed the course of the war, ensuring Northern victory and their own liberty as American citizens.⁷³ “In proportion to the population, more Negroes than whites fought in the Civil War.”⁷⁴ The institution of slavery ended, Du Bois writes, with the federal government reluctantly conferring black citizenship with the passage of the Reconstruction Amendments (i.e., the 13th, 14th, and 15th Amendment in 1865-70). Resisting the prevailing juridical status that echoed the Aristotelian formulation of a slave as a voiceless tool, freedmen forcefully enacted a political will that felled a slavocracy and inaugurated themselves into the American civic community, their incorporation into which signaled a “national crisis,” one that had an existential dimension concerning the dramatically unsettled meaning of American civic identity and the political morality of whiteness.⁷⁵ “And now, suddenly, violently, they came into a new birthright, at a time of war and passion, in the midst of the stricken and

⁷¹ Du Bois, *Black Reconstruction*, p. 67.

⁷² Du Bois, *Souls*, p. 15.

⁷³ “With arms in their hands, Negroes would form a fighting force which could replace every single Northern white soldier fighting listlessly and against his will with a black man fighting for freedom” (Du Bois, *Black Reconstruction*, p. 80).

⁷⁴ Du Bois, *Black Reconstruction*, p. 716.

⁷⁵ Du Bois, *Souls*, p. 16; Du Bois, *Black Reconstruction*, p. 131-32; Alcoff, Linda M. *The Future of Whiteness*. Malden: Polity, 2015.

embittered population of their former masters.”⁷⁶

Neither the U.S. government nor the majority of the citizens imagined that they would have to chart norms of fair social cooperation within a civic community that incorporates the “striving” of former slaves as moral equals. Until his death, President Lincoln, writes Du Bois, still hoped that a recolonialization project would rid the U.S. of its black population;⁷⁷ some Southerners called for the genocidal mass murder of free black Americans following the end of the Civil War;⁷⁸ or else, as popular racist sciences foretold, as free, the black community would die out on its own accord because it was metaphysically incapable of existing as free. In short, the white community hardly imagined that it would need to confront the political judgment of former slaves or become reconciled to the black historical perspective, including acknowledging their treatment of communities of color since the founding of the republic. The postbellum black community pressed for the political mediation of racialized pluralities to reconstitute the norms of the American civic community, aiming to demolish the racial caste system along the way, as it still profoundly shaped the background ethical culture for the expression of political power. In order to realize substantive freedom for freedmen, black freedmen bifurcated whiteness and political power – their longing for freedom was strong enough to at least partially succeed in this formidable task.⁷⁹

Du Bois uses figurative language to describe this longing for freedom as a “song”:

⁷⁶ Du Bois, *Souls*, p. 20.

⁷⁷ Du Bois quotes at length Karl Marx’s letter to Lincoln on the heels of his 1864 reelection. In the letter Marx complains that in failing to address the needs of free black labor, the “workmen [...] of the North [...] allowed slavery to defile their own republic. [...] The workingmen of Europe felt sure that as the American War of Independence initiated a new era of ascendancy for the Middle Class, so the American Anti-Slavery war will do [*the same*] for the working classes. They consider it an earnest sign of the epoch to come to that it fell to the lot of Abraham Lincoln, the single-minded son of the working class, to lead his country through the matchless struggles for the rescue of the enchained race and the Reconstruction of a social world” (*Black Reconstruction*, p. 219; emphasis added).

⁷⁸ Du Bois, *Black Reconstruction*, p. 209.

⁷⁹ Thus, the historian Foner writes that what is noteworthy about the Reconstruction era is not its demise with the rise of the Southern ‘redemption’ movement and the withdrawal of federal support from freedmen’s initiatives. *The remarkable thing is that Reconstruction happened at all.*

A great song arose, the loveliest thing this side the seas. It was a new song. It did not come from Africa, though the dark throb and beat of that Ancient of Days was in it and through it. It did not come from white America. [...] It was a new song. [It] throbbed and thundered on the world's ears with a message seldom voiced by a man.

They sneered at it – those white Southerners who heard it and never understood. They raped and defiled it – those white Northerners who listened without ears. Yet it lived and grew; always it grew and swelled and lived, and it sits today at the right hand of God, as America's one real gift to beauty, as slavery's one redemption, distilled from the dross of its dung.⁸⁰

There is only one “redemption” for slavery: a kind of “freedom” that completely negates the conditions of racialized slavery, a freedom hardly intelligible to freedmen's fellow citizens who ignored their point-of-view, and indeed, feared their judgment.

The foregoing discussion has argued that the Hegelian view of objective rationality in ethical life is the most compelling account of what such substantive freedom would entail, with a significant modification about the vehicle for progressive change. As Honneth observes, echoing Du Bois without knowing it:

The motor and medium of the historical process of realizing institutionalized principles of freedom is not the law, at least not in the first instance, but social struggles over the appropriate understanding of these principles and the resulting changes in behavior. [W]e must instead take account of sociology and historiography, as these disciplines are inherently more sensitive to changes in everyday moral behavior.⁸¹

Du Bois's historical sociology of Reconstruction offers fertile philosophical insight for redefining liberty through considering the political objectives of former slaves.⁸² As already noted, Honneth like most critical theorist does not entertain the affirmative potential of the state in grounding the telos of social struggle. For the emancipatory ideal of carving out a social space for intersubjective patterns of recognition is quite a different matter from coming to wield federal

⁸⁰ Du Bois, *Black Reconstruction*, p. 125.

⁸¹ Honneth, *Freedom's Right*, p. 329.

⁸² In the chapter “The Propaganda of History,” Du Bois notes that states such as Florida and Alabama have destroyed all records from the Reconstruction era – thus proving how difficult it was to confront the black freedman as ‘a coworker in the kingdom of culture’ (*Black Reconstruction*, p. 721).

power directly. Consider the difference between former slaves conspiring in the fields as moral equals amongst themselves, but without any public recognition of their striving, to them showing up armed at the front steps of their former masters and demanding submission in the name of the new moral meaning of American civic identity.⁸³ Furthermore, freedmen's efforts were the impetus for the rise of new social institutions that contributed to a rational social order. For instance, the Freedmen's Bureau was a federally-sponsored social institution that functioned as a mechanism for positive integration into the American social fabric; it attested to the successful seizure of federal power in realizing the moral meaning of citizenship from the black historical perspective with the conclusion of the Civil War. "The whole moral fabric of the country was changed, not simply by the blood and cruelty, hate and destruction, of war, but by the prospect of a golden future."⁸⁴

2. Second Slavery & the Historical Emergence of the Freedmen's Bureau

"This tale of the dawn of Freedom is an account of that government of men called the Freedmen's Bureau," writes Du Bois, "— one of the most singular and interesting of the attempts made by a great nation to grapple with the vast problems of race and social condition."⁸⁵ The postbellum political organizing of the black community – or "black striving," Du Bois's preferred idiom – spearheaded the historical emergence of a social institution that contributed to the rationalization of the basic structure of American society during Reconstruction. It "grappled" with "social conditions" through foregrounding racial matters. Exemplifying an institutional expression of progressive historical change, black political actors

⁸³ Gooding-Williams favors the conspiratorial, "band-of-brothers" model of slaves' political resistance. With Honneth, he shares an anti-institutional skepticism about the emancipatory potential of a normative theory of the modern American state.

⁸⁴ Du Bois, *Black Reconstruction*, p. 211.

⁸⁵ Du Bois, *Souls*, p. 14.

and white Republican Reconstruction politicians closely allied with the postbellum black community led the effort to run the Freedmen's Bureau, which also oversaw the establishment of the first public school systems in the South.⁸⁶ Taken together, these federally-sponsored institutions educated vast sections of formerly excluded and systematically-disenfranchised citizens towards political autonomy; and these new institutions also enacted a positive ideal of social belonging, encouraging cooperative habits of citizenship – precisely the ethical function of the modern state that Hegel limns in the *Philosophy of Right*. For, the Reconstruction Amendments provided the first definition of American citizenship as *equal* treatment of everyone born within U.S. national borders, regardless of class or lineage.⁸⁷ It thus marks the first experiment of interracial democracy in the U.S., but one that attended to the social conditions shaping the living conditions of racial pluralities. An institution was called for that could integrate black citizens into American society and the polity on free and equal terms – something that remains historically unprecedented in the United States because of its concomitant concern with social conditions that drove political discussion about the massive redistribution of resources (including land) and the economic exploitation of (black) labor. The modern American state has yet to foster an inclusive social whole that enables each and every citizen to lead a fully self-determining life and enjoy the myriad privileges of a respected and socially-esteemed citizenry, although Du Bois argues that the struggle of black freedmen have planted the kernel of just such a vision within it in the postbellum re-founding of the republic. The Sorrow Songs, Du Bois writes, – songs about what freedmen meant to enslaved Africans and their descendants – continue to carry the kernel of such a vision. The philosophical

⁸⁶ Du Bois, *Black Reconstruction*, chp. 15. The antebellum South had been virulently resistant to establishing a public school system; for more on this point see Smith, *Civic Ideals*, p. 216.

The next chapter will focus on the political morality of race and public schools during the Jim Crow era.

⁸⁷ Women were excluded from the constitutional articulation of the meaning of equality – but Reconstruction provided the first legal precedent for inclusive citizenship interpreted as moral equality.

redemption of that vision is critical, given that the longtime neglect of the point-of-view of black freedmen has limited our articulation of racial justice.⁸⁸ Additionally, if not wholly ignored, our political imagination has only recently reinterpreted the Reconstruction era as a disastrous mistake of the federal government, which facilitated black ‘domination’ of Southern whites who experienced the exercise of black citizenship as ‘oppressive,’ especially targeting the Freedmen’s Bureau for demolishing and public ridicule.

In *Souls*, he identifies the Bureau as a “full-fledged government of men.”⁸⁹ Over thirty years later, with the publication of *Black Reconstruction* (1935), Du Bois repeats verbatim that it was a “full-fledged government of men.”⁹⁰ Rather than appealing to ethical life’s latent rational character, he points to the emergence of this new social institution for the promotion of the harmonious reconciliation of ‘subjective’ and ‘objective’ practical freedoms, that is, establishing the social conditions for individuals to pursue idiosyncratic personal and social interests. Of course, the Freedmen’s Bureau emerges in a specific historical context that responded to a cluster of distinct political, social, and economic circumstances. The purpose of providing a philosophical justification for it is not to renew an anachronistic call for its reestablishment. Rather, it is to highlight the role of the state in the herculean task of social reform that began with the dismantling of racialized slavery, amounting to a “social revolution by reasoned leadership” with the aim of equal representational governance and the establishment of social conditions that promote the self-determination of the citizenry, conceived as racialized pluralities.⁹¹ The Bureau thus highlights a critical aspect of American modernity that

Hegel’s original formulation of

⁸⁸ Consider how the argument for reparations is often couched in terms of progressive tax schemes, rather than in terms of robust social policies that support public institutions. Though the two argumentative lines are broadly compatible, the latter suggests a vision of a certain kind of civic community and duties of race-based civility that are not accented in the former account.

⁸⁹ Du Bois, *Souls*, p. 24.

⁹⁰ Du Bois, *Black Reconstruction*, p. 219.

⁹¹ Du Bois, *Black Reconstruction*, p. 219.

modern (European) ethical life misses. Du Bois countenances the historical emergence of major social institutions under the guidance of a disenfranchised social group for ensuring the flourishing of American civic life.⁹² He regrets that after its emergence it was not made a permanent institution of the American state.

To be sure, for Hegel, the modern state and its juridical apparatus emerge from social practices and socially-shared reasons that with time come to uphold the Kantian “rights” of moral subjectivity, but themselves remain embedded in a distinctive ethical community whose boundaries are delineated by shared history, values, and a collective self-understanding (‘Spirit’ or *Geist*). “States, peoples and individuals involved in this concern of the world spirit emerge, each with its own particular and determinate principle, which has its interpretation and actuality in a constitution.”⁹³ In support of this *prima facie* counterintuitive insight, consider Hegel’s description of the emergence of the modern constitutional state:

For [even] the constitution is not simply made: it is the work of centuries, the Idea and consciousness of the rational (insofar as that consciousness has developed in a nation). No constitution can therefore be created purely subjectively [*von Subjekten*]. [...] The constitution of a nation must embody the nation’s feeling for its rights and [present] condition; otherwise it will have no meaning or value, even if it is present in an external sense. (*PR* §274)

Hegel does not believe that normative principles have categorical validity that warrant imposing them on a social whole; rather they should emerge immanently from within it. Subjective and objective reason stand in a mutually-constitutive, dialectical relation with one another, as social norms and institutions are a historical byproduct of subjective will formation, which is formed and educated (*gebildet*) by the social institutions it partakes of. However valid they might be

⁹² Many Hegel scholars have noted that Hegel’s reluctance to affirm the progressive potential of social movements is based in his critical estimation of the Terror following the French Revolution. Du Bois’s analysis illustrates that a different historical context – that of the postbellum U.S. – warrants a more charitable assessment of the positive normative contributions of at the very least black political agency.

⁹³ Wood, *Hegel’s Ethical Thought*, p. 221 & *PR* §344.

from a philosophical point-of-view about what the concept of freedom entails, categorical moral truths, grounded in subjective practical reason, cannot alone effectuate practices in the external world without first assuming widespread social significance. But, Du Bois shows that it was on the initiative of black political actors that fostered a social revolution that the U.S. federal government came to define citizenship in terms of the moral equality of all and at least for a brief period supported the emergence of a new social institution that would provide the conditions for substantive self-determination of all citizens. The American state was subject to ‘external’ pressures to actualize universal life, although such pressure erupted from within the whole of ethical life, as it was grounded in the black postbellum community.

In line with Hegel, Du Bois maintains that it is the prerogative of the modern state to assume primary responsibility for the most vulnerable members of society during Reconstruction.⁹⁴ There was no other entity black freedmen could reasonably appeal to.⁹⁵

Southern whites, both

⁹⁴ My argument proceeds by inference based on Du Bois’s remarks about the Freedmen’s Bureau in *Souls*; on the whole, Du Bois’s writings display inconsistency, which is why I present, first, a philosophical justification of the ethical function of the modern state before proceeding to employ it as an analytic lens for interpreting Du Bois’s political critique.

After Emancipation, it was the plain duty of someone to assume this group leadership. I will not stop here to inquire whose duty it was, -- whether that of the white ex-master who had profited by unpaid toil, or the Northern philanthropist whose persistence brought on the crisis, or the National Government whose edict freed the bondmen; I will not stop to ask whose duty it was, *but I insist that it was the duty of someone to see that these workingmen were not left alone* and unguided, without capital, without land, without skill, without economic organization, without the bald protection of the law, order and decency, -- left in a great land, not to settle down to slow and careful internal development, but destined to be thrown almost immediately into relentless and sharp competition with the best of modern workingmen under an economic system where every participant is fighting for himself, and too often utterly regardless of the rights or welfare of his neighbor. (*Souls*, p. 137.)

In *Black Reconstruction*, published roughly three decades after *Souls*, Du Bois explicitly calls on the national government’s obligation to complete and maintain the freedom of black freedmen:

The Negroes had been freed by proclamation, law, and force, and their freedom must be maintained. They were freed through selfish motives, to weaken the enemy. It would be the depths of meanness to let them now grope their way without guidance or protection. *The President, by proclamation, had pledged the maintenance of Negro freedom, and Congress had recognized its obligations to secure employment and support of Negroes on abandoned lands.* Negroes were now oppressed by Southerners and Northern harpies. Further legislation was imperatively demanded. (*Black Reconstruction*, p. 220)

⁹⁵ Eric Foner writes: “The rise of the state was so closely associated with the new rights of blacks, the rise of the state inspired powerful opposition, which, in turn, weakened support for Reconstruction,” *Reconstruction: America’s Unfinished Revolution*, p. 25.

ex-masters and poor whites, were resentful of their newfound civic status. Though the free African-American community and various philanthropic organizations in the North that had supported abolition efforts aided their cause, without federal support freedmen's civic standing as right-bearers remained nominal, as they were subject to unrestrained exploitative forces of a white supremacist civil society, including the labor market.

It must be remembered and never forgotten that the civil war in the South which overthrew Reconstruction was a determined effort to reduce black labor as nearly as possible to a condition of unlimited exploitation and build a new class of capitalists on this foundation. The wage of the Negro worker, despite war amendments, was to be reduced to the level of bare subsistence by taxation, peonage, caste and every method of discrimination.⁹⁶

In order to better understand the exploitative forces of civil society that freedmen faced and the countervailing efforts of the Freedmen's Bureau, consider Du Bois's analysis of 'second slavery.' While the passing of the 13th, 14th, and 15th Amendments ended juridical slavery and secured a schedule of basic rights and liberties for black freedmen as American citizens, Du Bois stressed that preventing "second slavery" should have become the next political priority.

What could it mean to prevent a second slavery *after* one has become a 'free' citizen? Prior to Emancipation, "political power was [...] confined to property holders and an aristocracy of birth and learning" inasmuch as "America [was] a commercial, white republic" that Jacksonian Democrats "defended chiefly in terms of racial superiority [and] white Christian male dominance."⁹⁷ Given this historical context, Du Bois remarks on the progressive gains of Reconstruction: "with perplexed and laggard steps, the United States government followed in the footsteps of the black slave."⁹⁸ His formulation of second slavery demonstrates that "the flight

⁹⁶ Du Bois, *Black Reconstruction*, p. 670.

⁹⁷ Du Bois, *Black Reconstruction*, p. 6.

⁹⁸ Quoted from Foner, *Reconstruction*, p. 3.

from slavery as a continual process of release from bondage.”⁹⁹ In order to prevent second slavery, the passage of the bill to create the Freedmen’s Bureau was necessary:

The war cloud had thinned enough to allow a clearer conception of the work of Emancipation. The champions of the bill argued that the strengthening of the Freedmen’s Bureau was still a military necessity; that it was needed for the proper carrying out of the Thirteenth Amendment, and was a work of sheer justice to the ex-slave, at a trifling cost to the government. The opponents of the measure declared that the war was over, and the necessity for war-measures past; that the Bureau, by reason of its extraordinary powers, was clearly unconstitutional in time of peace, and was destined to irritate the South and pauperize the freedmen, at a final cost of possibly hundreds of millions. These two arguments remained unanswered, and indeed unanswerable: the one that the extraordinary powers of the Bureau threatened the civil and political rights of all citizens; and the other that the government must have the power to do what manifestly must be done, and that present abandonment of the freedmen meant their practical re-enslavement. The bill passed[.]¹⁰⁰

Operative from 1865-72, with the Freedmen’s Bureau “the United States government definitely assumed charge of the emancipated [slave] as the ward of the nation;” the Freedman’s Bureau was an organized apparatus for assuming this charge.¹⁰¹ Countering “practical re-enslavement,” the Freedmen’s Bureau – the “Bureau of Emancipation”¹⁰² – served as an institutional mechanism creating the “social conditions” for “the improvement, protection, and employment of refugee freedmen,” as well as their “general welfare.”¹⁰³ It was “the most extraordinary and far-reaching institution of social uplift that America has ever attempted.”¹⁰⁴ Although the Reconstruction Amendments targeted black freedmen, they also helped ‘uplift’ poor whites, who like black Americans lacked adequate access to basic resources and were excluded from opportunities to exercise meaningful civic power.¹⁰⁵ The black community seized the opportunity

⁹⁹ Roberts, *Freedom as Marronage*, p. 56.

¹⁰⁰ Du Bois, *Souls*, p. 23.

¹⁰¹ Du Bois, *Souls*, p. 20.

¹⁰² Du Bois, *Souls*, p. 18.

¹⁰³ Du Bois, *Souls*, p. 14 & 18.

¹⁰⁴ Du Bois, *Black Reconstruction*, p. 219.

¹⁰⁵ Du Bois notes that with the demolishing of Reconstruction, poor whites gave up even a more equitable distribution of material resources based on norms of civic reciprocity in exchange for exercising untrammelled white power over black citizens.

it, leading their own positive integration into the social whole.¹⁰⁶

Du Bois details the Bureau's responsibilities:

[T]he new government – for a government it really was – issued its constitution; commissioners were to be appointed in each of the seceded States, who were to take charge of all ‘subjects relating to the refugees and freedmen,’ and all relief and rations were to be given by their consent alone. The Bureau [...] declared: ‘It will be the object of all commissioners to introduce practicable systems of compensated labor,’ and to establish schools [...] They were to [...] make the destitute self-supporting; act as courts of law where there were no courts, or where Negroes were not recognized in them as free; establish the institution of marriage among ex-slaves, and keep records; see that freedmen were free to choose their employers, and help in making them fair contracts for them; and finally, the circular said: ‘Simple good faith, for which we hope on all hands for those concerned in the passing away of slavery, will especially relieve the commissioners in the discharge of their duties toward the freemen, as well as promote the general welfare.’¹⁰⁷

Freedmen's social welfare required the allocation of material resources, a procedure which included in the Bureau's administrative operations: “The Bureau was empowered to distribute clothing, food, and fuel to destitute freedmen and oversee ‘all subjects’ relating to their condition in the South.”¹⁰⁸ For the first time, as ‘civilians,’ Blacks became entitled to a wage contract. The Bureau catered to the satisfaction of black labor's interests, including settling contract disputes between black employees and white employers, fixing fair wages, representing Blacks in court, and collecting taxes – just to name a few of its roles. Its operational logic evinced that the accumulation of capital must be subordinated to the needs of labor.¹⁰⁹ In identifying the

¹⁰⁶ Du Bois, *Black Reconstruction*, p. 70.

¹⁰⁷ Du Bois, *Souls*, p. 21.

¹⁰⁸ Foner, *A Short History of Reconstruction*, p. 31.

¹⁰⁹ Du Bois writes in *Black Reconstruction*:

At the time of the Civil War, it was perfectly clear [...] that freedom in order to be free required a minimum of capital in addition to political rights and that this could be insured against the natural resentment of the planters only by some sort of dictatorship. Thus abolition-democracy was pushed towards the conception of a dictatorship of labor, although few of its advocates wholly grasped the fact that this necessarily involved dictatorship by labor over capital and industry.

On the other hand, industrialists after the war expected the South to seize upon the opportunity to make increased profit by a more intelligent exploitation of labor than was possible under the slave system. They looked upon free Negro labor as a source of profit, and considered freedom, that is, legal doing away with

Freedmen's Bureau as a government of men, Du Bois assents that the Bureau aimed to represent the common good by attending to *black* interests specifically, such that a conception of the common good is no longer "measured in relation to whites,"¹¹⁰ but to the extent that it "acts as a friend" to black freedmen.¹¹¹ On his view, the Bureau temporarily protected Blacks from white reactionary violence, inasmuch as it militated against the dawning of Jim Crow and served as a buffer against the rising tide of lynching and racist brutality.¹¹² Du Bois thus considers the Freedmen's Bureau "a great landmark of political and social progress" and propounds its role of fulfilling the promise of emancipation.¹¹³

Du Bois observes that there was considerable resistance to the Freedmen's Bureau Bill. Note that the argument in favor of dismantling the Bureau is based on a narrow interpretation of the meaning of freedom:

'It is earnestly hoped for that, instead of wasting away, they [black freedmen] will, by their own efforts, establish for themselves a condition of responsibility and prosperity. It is certain that they can attain that condition only through their own merits and exertions.'

This was the answer of Andrew Johnson [...] to the Freedmen's Bureau Bill. Practically, it said that the Negroes do not need protection. They are free. Let them go to work, earn wages, and support their own schools. Their civil and political rights must depend entirely on their former masters, and the United States has no constitutional authority to interfere to help them. [...]

It was an astonishing pronouncement. It was the American Assumption, of the possibility of labor's achieving wealth, applied with a vengeance to landless slaves under caste conditions. The very strength of its logic was the weakness of its common sense.¹¹⁴

Southern politicians, including President Andrew Johnson (in office 1865-1869), had argued in favor of the "American Assumption" that the Freedmen's Bureau was unconstitutional,

individual physical control, all that the Negroes or their friends could ask. They did not want for Negro labor to have any special protection or political power or capital[.] (p. 185.)

¹¹⁰ Alcoff, *The Future of Whiteness*, p. 112.

¹¹¹ Du Bois, *Souls*, p. 19.

¹¹² For a detailed, harrowing description of the racist violence that befell the postbellum black community, see chp. 16 of *Black Reconstruction*.

¹¹³ Du Bois, *Souls*, p. 21.

¹¹⁴ Du Bois, *Black Reconstruction*, p. 277.

unnecessary and extra-juridical because it suppressed the civil rights of “all citizens.”¹¹⁵ In other words, he perceived a social institution that secured blacks’ wage contract, property rights, and social welfare to simultaneously *infringe upon* those very same rights as held by Whites.¹¹⁶ The backlash against the expansion of federal power to protect black freedmen’s (and poor whites’) welfare argued in favor of the free reign of market forces and of white supremacist doctrine. With the withdrawal of the federal government in 1877 the backlash prevailed, as the rights of black citizenship were left unprotected.

Du Bois responded by pointing out that postbellum historical conditions necessitated that “the [U.S.] government must have power to do what manifestly must be done.”¹¹⁷ This was not an empty pronouncement: former slaves participated in the programs the Freedmen’s Bureau administrated, seizing the opportunity to exercise political power via a newfound civic standing. Thus, apropos Hegel, “public rights [were] actualized in two ways; in the social institutions which administer [to] particular interests [...] insofar as [individuals] see themselves represented in these institutions; to the extent that they are actively engaged in these institutions, they receive, in addition, the opportunity of ‘an occupation and activity directed on a universal end.’”¹¹⁸ Du Bois maintains that though the freedom of non-interference guaranteed by basic rights and liberties is an essential aspect of modern freedom, it is wholly insufficient for actualizing a ‘substantive’ freedom that is appropriate for modern citizens in general and for black freedmen in particular. For him, the passage of the Reconstruction Amendments was insufficient to prevent Blacks’ ‘practical’ re-enslavement. In focusing on the plight of freedmen, his analysis throws into stark relief the inadequacy of the freedom of non-interference at the

¹¹⁵ Du Bois, *Souls*, p. 24.

¹¹⁶ Du Bois, *Souls*, p 23.

¹¹⁷ Du Bois, *Souls*, p 23.

¹¹⁸ Iltting, K.-H., “Hegel on the State and Marx’s Early Critique,” *The State and Civil Society: Studies in Hegel’s Political Philosophy*. Ed. Z.A. Pełczyński. Cambridge: Cambridge University Press, 1984. P. 102.

heart of the “American Assumption” for integrating black freedmen into the American social and political fabric.¹¹⁹ Such a view left them alone to contend with the chaotic forces of a capitalist economic market; and it locked them into stultifying social and laboring positions shaped by a racial caste system rooted in slavery, one that compelled black freedmen to once again take up a hoe, only this time for a pittance wage.¹²⁰

Furthermore, the argument in favor of the American Assumption ignored the background ethical culture that consistently undermined black will formation or “striving”: juridical right, social standing, ambitions, and civic identity. When agents of the Freedmen’s Bureau negotiated civil disputes, they had to bear in mind the racialized manner that social forces operated in the postbellum South. They directly confronted the South’s background ethical culture, as proffering a kind of political indoctrination into a racial caste system whose ends that must be expressly challenged. Note that unlike a liberal viewpoint, for Du Bois, ‘personal’ racist commitments should not be tolerated for the sake of freedom, but upbraided – for the sake of ‘actual’ freedom. Such commitments are subject to legitimate public scrutiny because they help shape the exercise of juridical right and social cooperation:

Again we decry color-prejudice [...], yet it remains a heavy fact. Such curious kinks of the human mind exist and must be reckoned with soberly. They cannot be laughed away, nor always successfully stormed at, nor easily abolished by act of legislature. And yet they must not be encouraged by being let alone. They must be recognized as facts, but unpleasant facts; things that stand in the way of civilization and religion and common decency. They can be met in but one way, -- by the breadth and broadening of human reason, by catholicity of taste and culture. [...] [S]uch human training as will best use the labor of all men without enslaving or brutalizing; such training as will give us poise to encourage the prejudices that bulwark society, and to stamp out those that in sheer

¹¹⁹ Neil Roberts defends a similar methodology for theorizing autonomy. See his *Freedom as Marronage*. Chicago: Chicago University Press, 2015.

¹²⁰ How to understand the normative significance of a black freedmen’s first receiving a wage is seldom explored by political philosophers. Frederick Douglas provides a stirring phenomenological account of it, as he describes the exhilaration of receiving his first dollar for his work and the autonomy it afforded him. Du Bois, among other historians, shows that white employers deeply resented even paying a pittance wage to black citizens, while also illustrating the inadequacy of a conception of freedom modeled on the wage contract, given the prevailing structural inequalities of postbellum U.S.

barbarity deafen us to the wail of prisoned souls within the Veil[.]¹²¹

A more complex, comprehensive model illustrates that political rights are embedded within a social whole, where racialized forms of social power delineate civic concern, social conditions, and perceptions of political legitimacy. Such a model highlights the dialectical mediation of three key elements: 1) the exercise of political power by American citizens (conceptualized as a *racialized* plurality), 2) the background ethical culture¹²² that demarcates expressions of political power – what Du Bois refers to as the problem of racial caste; and, 3) major social and political institutions that systematically generate patterns of recognition and exclusion, confirming or contesting iterations of 1) and 2). In outlining a substantive account of modern American freedom, Du Bois’s characterization of the emergence of the Bureau captures well the imbrication of these three factors.

Du Bois models the institutional basis of modern freedom to complete black emancipation, as well as to avow the obstacles to fully realizing substantive, non-piteous, and non-mocking freedom for black refugees and their descendants. An account of freedom that neglects the ethical role of the modern state does not ward off the threat of second slavery. But he adds that the emergence of a state-supported social institution contributed to the realization of the ethical role of the American state.¹²³ Leaving freedmen to contend with

the contingent forces

¹²¹ Du Bois, *Souls*, p. 76.

¹²² To borrow a term from Charles Mills, “white supremacist patriarchal polity” best describes the racial caste system that organizes the background ethical culture of the U.S. Mills, Charles W. and Pateman Carol. *Contract & Domination*. Malden: Polity Press, 2007. p. 173.

¹²³ Consider the historian Eric Foner’s contention: “A considerable literature was produced in the 1970s on the reasons for the economic retardation of the postbellum South, and the dire poverty of southerners, especially blacks. One school of thought, applying neoclassical economic theory to southern development, *solved the problem by concluding that there was no problem*. In a competitive market place in which rational, calculating self-interest determined the behavior of blacks and whites alike, the market produced the optimal possible result, given the economic resources of the South. By assuming what ought to be the subject of investigation – how men and women did [or should] in fact respond to an expanding market – these writers portrayed sharecropping as a rational choice serving the interests of both tenants and landlords, freely entered into by individuals from both groups, rather than the outcome of the changing relationships of class and social power.” *Reviews in American History* Vol 10.4 (1982): 92. Emphasis added.

of a white supremacist civil society led to a second slavery. His view of freedom begins with the premise “the advance of all depends increasingly on the advance of each;”¹²⁴ and he cannot “endorse the doctrine of laissez-faire and accept the justice of [...] market distributions.”¹²⁵ Negative freedom – the “freedom from” position that minimizes the ethical function of the modern state – could not accommodate black striving, which posited a positive view of the social whole, rather than an atomized conception of the satisfaction of individual pursuits. In line with Hegel, postbellum substantive freedom “is fully realized only insofar as *each* social member takes the universal ends of his institutions as his own: ‘The state...is the actuality within which the individual has and enjoys his freedom, but [only] by knowing, believing in, and willing the universal’” (*Ph.* §38).¹²⁶

Du Bois further elaborates that the institutional expansion of federal power was a “great school of prospective citizenship.” Allow me to again quote at length:

Had political exigencies been less pressing, the opposition to government guardianship of Negroes less bitter, and the attachment to the slave system less strong, the social seer can well imagine a far better policy, -- a permanent Freedmen’s Bureau, with a national system of Negro schools; a carefully supervised employment and labor office; a system of impartial protection before the regular courts; and such institutions for social betterment as savings-banks, land and building associations, and social settlements. All this vast expenditure of money and brains might have formed a great school of prospective citizenship, and solved in a way we have not yet solved the most perplexing and persistent of the Negro problems.¹²⁷

Not only does Du Bois describe the Bureau as a school of prospective citizenship, but he also identifies it as an “instrument of social regeneration,”¹²⁸ although it ultimately “failed to begin

¹²⁴ Du Bois, W.E.B. “The Development of a People,” in *The Problem of the Color Line at the Turn of the Twentieth Century: The Essential Early Essays*. Ed. Nahum Dimitri Chandler. New York: Fordham University Press, 2013. p. 244

¹²⁵ Freeman, Samuel. “Illiberal Libertarians: Why Libertarianism is not a Liberal View,” *Philosophy and Public Affairs*, 30.2 (2001): pp. 105-51. p. 106.

¹²⁶ Neuhouser, *Foundations of Hegel’s Social Theory*, p. 202.

¹²⁷ Du Bois, *Souls*, p. 34.

¹²⁸ Du Bois, *Souls*, p. 25.

the establishment of good-will between ex-masters and freedmen.”¹²⁹

Throughout this chapter I have argued that the postbellum black community “spearheaded” the effort to rationalize the basic structure of modern American society. In closing, I will (briefly) consider Du Bois’s view of black leadership. The foregoing arguments have provided sufficient textual support and philosophical justification favoring the “reasoned emancipation” that the Bureau made possible under the aegis of a great school of prospective citizenship undertaken on a black political initiative.¹³⁰ In defending an inclusive ethical ideal of the modern American state to which the Bureau attests, articulating the normative basis of political leadership during the Reconstruction era throws a more charitable light on Du Bois’s formulation of black leadership. Without political leaders who possess a lucid understanding of the normative principles guiding political action and the obstacles to creating an inclusive civic community “new ideals will become formulated by ideologues and demagogues [...] In such circumstances the resort to state power is the only satisfactory way to get rid of the ballast of the past, and to give actuality to new ethical concepts or principles.”¹³¹

IV. *Black Citizenship and the Normative Basis of Political Leadership*

My analysis of Du Bois’s conception of leadership challenges two interpretive lines current in Du Bois scholarship. First, a conception of freedom rooted in the ethical function of the modern state challenges his longstanding reputation as an elitist advancing a model of black leadership aiming to ‘uplift’ the ‘backward masses,’ a view most cogently advanced by the eminent Du Bois scholar Robert Gooding-Williams. In ignoring Du Bois’s emphasis on

¹²⁹ Du Bois, *Souls*, p. 31.

¹³⁰ Du Bois, *Black Reconstruction*, p. 219.

¹³¹ Pelczynski, Z.A. “The Hegelian Conception of the State,” *Hegel’s Political Philosophy: Problems and Perspectives*. Z.A. Pelczynski (Ed.). Cambridge, London, New York, Melbourne: Cambridge University Press, 1971. p. 19. & p. 21.

governance for the promotion of fair norms of interracial social cooperation, Gooding-Williams argues that Du Bois assumes the perspective of freedmen in order to galvanize their sentiments by way of empowering elite “race leaders” to “authentically” curate black “expressive self-realization.”¹³² Second, my view of Du Boisian freedom resists portraying his account of black political leadership as facilitating the assimilation of the black community to Protestant, middle-class folkways. Both depictions of Du Bois’s account of black leadership neglect to theorize a meaningful link between his political critique and the emancipatory ideals of American modernity. They also miss the distinctly *black* contribution to the development of the ideals of American modernity on the normative basis of the moral meaning of free and equal citizenship – a point about which Du Bois was adamant. My interpretation presents Du Bois’s view of black leadership in an alternative, more charitable light: Concerned not with leaders simply amassing power and authority for some unspecified purpose, he aims to actualize the ideals of a modern constitutional democracy.

With respect to the first point, in arguing in favor of Du Bois’s commitment to the elitist uplift of the black masses, Gooding-Williams adds that Du Bois’s “political expressivism” is “neither about a modern African-American state nor about the leaders of such a state.”¹³³ On the contrary, Du Bois’s analysis evinces a normative commitment to democratic politics and to centralized representational government that might effectuate substantive freedom for the worst off, namely former slaves. He is also cognizant that the changes in public policy introduced by the Reconstruction Amendments greatly benefited poor white yeoman farmers, as it constituted a

¹³² Gooding-Williams, *In the Shadow of Du Bois*, p. 14.

¹³³ Gooding-Williams, *In the Shadow of Du Bois*, p. 14. I provide a more detailed and thorough critique of Robert Gooding-Williams in chapter 4 of this dissertation.

radical restructuring of the normative orientation of the American state.¹³⁴ Pace Gooding-Williams, Du Bois's political critique underscores the ethical function of the modern state and the potential leaders of such a state, as his view of black leadership was at least in part attached to democratically-elected offices of representational government and advocated for equitable black participation in such offices, especially during Reconstruction.¹³⁵ Du Bois is not a political 'self-expressionist,' as much as he is an advocate of emancipatory ideals that motivated black democratic participation in major modern political institutions in the U.S.; a more charitable interpretation of Du Bois's view of leadership focuses not on the 'masses,' but on African-American citizens who saw themselves as exercising political power as American citizens. During Reconstruction, the American state for the first time catered to black Americans' substantive interests, as free and equal citizenship assumed currency for legitimating political action and public policy; freedmen interpreted on their own terms the moral meaning of such a reformulation of the shared ends of the American polity.

Du Bois is often accused of elitism because of his defense of the idea of the talented tenth in his early writings. Unquestionably, the accusation is at least in part true inasmuch as the notion has elements of snobbery, condescension, and the exaltation of middle-class mores. His recommendations about black women's sexual purity, moral vice, and hygiene are just some trenchant illustrations of this. Moreover, he prefers well-educated African Americans as potential

¹³⁴ The Black 'spiritual' achievement of equal representational government during Reconstruction is thrown in sharp relief in light of Rogers M. Smith's observation that the antebellum Jacksonian era (1829-56) catered to the white "American farmer-laborer who in his heart dreamed of becoming a capitalist," and, as Du Bois elaborates in *Black Reconstruction*, a "slaveowner," but who in the South did not succeed to secure political power in the reigning slavocracy, languishing instead in poverty, illiteracy, and political inconsequentiality. Smith, Rogers. M. *Civic Ideals: Conflicting Visions of Citizenship in U.S. History*. New Haven and London: Yale University Press, 1997. p. 198.

¹³⁵ The next chapter will examine the implicit ideals underpinning Black leadership in non-elected offices of major social institutions, such as schools and churches. Additionally, and rather ironically, the black political leaders Gooding-Williams contrasts with Du Bois as non-elitist were Reconstruction politicians: Frederick Douglas and Martin Delany. For Du Bois's attempt to legitimate black leadership justifies Douglas's and Delany's political ascension.

race leaders inasmuch as in his initial formulation he hardly envisions poor Blacks as race leaders. But, he later parts with the notion of the Talented Tenth on account of its implicit classism. Because of the mercantile interests prevailing among the small number of upwardly-mobile Blacks in the mid 20th century, he grew skeptical they would serve the interests of the civic community.¹³⁶ There thus remains the valid technical question about who Du Bois imagines to be best qualified to occupy a position of leadership. Possessing an education was initially a requisite, but Du Bois later broadened his view over concern about the preservation of the civic community. Nevertheless, he remained insistent that black political leadership must serve the interests of the social whole, ideally in formal offices of political power.

Gooding-Williams rather unconvincingly equates representational governance with an antidemocratic orientation. Given such a theoretical departure point, Du Bois's model of black leadership appears as an elitist rule of the 'talented tenth' over black 'masses':

Reviving the suspicion of the demos, Du Bois suggests that where demagogues rule, there is, strictly speaking, no rule. In his view, there is no difference between a rabble headed by demagogues and a 'headless misguided rabble.' ... Du Bois yet again implies that genuine rule requires the rule of talented rulers distinguished by training as well as by ability and virtue (character).¹³⁷

While it is true that Du Bois's critique aims to establish a rational social order in the ashes of slavery, his view of black leadership endorses a "reasoned emancipation" that prevents the rise of a second slavery for black refugees. Even with the dismantling of the Reconstruction Acts in 1877, black-led reasoned emancipation "acquired enough leadership and knowledge to thwart the worst designs of the new slave drivers."¹³⁸ The political alternative to a "reasoned emancipation" model of governance, as exemplified by the administrators of the Freedmen's Bureau, would

¹³⁶ Du Bois, W.E.B. *Dusk of Dawn* in *W.E.B. Du Bois: Writings*. Nathan Huggins (Ed.) New York: The Library of America, 1986. p. 692-3.

¹³⁷ Gooding-Williams, *In the Shadow of Du Bois*, p. 33.

¹³⁸ Du Bois, *Black Reconstruction*, p. 667.

have left unchecked the chaos of white supremacist violence and the hyper-exploitative forces of civil society. This is precisely why he bemoans the dismantling of the Bureau as eventually leading to the dawn of Jim Crow, buttressed by “demagogues,” “misguided rabble,” and the violent chaos of white mob rule. Gooding-Williams fails to appreciate that Du Bois’s leaders’ “sensitivity to suffering” is not a manipulative ploy for more effectively “issuing commands or injunctions for the members of [African American] communities to obey.”¹³⁹ Realizing the underlining ideals of American modernity required rational self-determination within the basic institutional structure of a racially-inclusive social whole.

With respect to the issue of assimilation, the goal of black leadership was not – or at least not, mainly – to promote assimilation to American 20th-century, middle-class Protestant folkways. Neither does it presuppose a rarefied ethos of authentic racial identity that all African Americans must share and that a charismatic leader – in the Weberian sense – marshals for unclear purposes. After all, save for bald-faced and callous self-interest, what would be the purpose for assuming political leadership in the first place, if not for the sake of “imagining a new form of citizenship”?¹⁴⁰ Black politics during Reconstruction was about the amplification of freedom for former slaves in order to prevent second slavery. One can therefore soundly interpret black leadership as playing a critical role in resolving the social, political and economic problems emerging after Reconstruction that is not simply an attempt at the “administration” and “uplift” of “backward” sections of black life. Rather, their function was to render substantial the moral rights of citizenship to former slaves, thereby channeling black interests into conceptualization of the common good, one that begins with the point-of-view of those worst off

¹³⁹ Gooding-Williams, *In the Shadow of Du Bois*, p. 32.

¹⁴⁰ Gooding-Williams, *In the Shadow of Du Bois*, p. 16.

in American society.¹⁴¹ To this end, Du Bois writes, “[t]alented, unselfish [...] men and women” must prepare “to fight an army of devils.”¹⁴² Political leaders “in the political state [...] voluntarily transcend the individualistic viewpoint which civil society fosters and achieve self-realization as self-conscious members of the national community.”¹⁴³ Black political leaders did not simply target poor black masses for “uplift.” They acted on principles that the latter could ideally affirm for themselves on their interpretation of what it means to be Black and American, simultaneously.

Du Bois expected that African-American leaders focus on the following questions: What were the expectations of freedmen? What provisions were necessary to eliminate their vulnerability and exploitation? The affirmation of black citizenship illustrates that each particular freedman had a stake, and in the long view of political progress, must eventually become active participants, in the reinterpretation of the ideals of a modern democratic constitutional regime, which furnishes the motivation for sustained political engagement in the American polity. Du Bois rejects the then prevailing consensus that the failure of Reconstruction could be attributed to freedmen’s moral failings. He attempts to show that the failure is *institutional* – one of governance and public policy – and does not emanate from Blacks’ ignorance about practices of citizenship nor from a lack for the moral capacity for judicious government. Indeed, Du Bois expresses continuous praise for how much a systematically exploited, disenfranchised, and largely illiterate group of people were able to accomplish on their own in a very short period of time. Motivating his political philosophy is the hope that blackness and Americanness would no longer be warring ideals, but reconciled in a single breast and a single polity.

¹⁴¹ Marable too links black leadership to the political construction of the common good but does not elaborate. See Marable, Manning. *W.E.B. Du Bois: Black Radical Democrat*. Boston: Twayne, 1986. p. 51.

¹⁴² Du Bois, “Conservation,” p. 824.

¹⁴³ Pelczynski, Zbigniew, “Freedom in Hegel,” *Conceptions of Liberty in Political Philosophy*. Zbigniew Pelczynski and John Gray (Eds.) New York: St. Martin Press, 1984. p. 166.

In other words, in light of the ethical function of the modern state, he shifts responsibility on the shoulders of the American federal government for the failure of Reconstruction, rather than blaming black political actors for 19th and 20th c. social ills.

In no other civilized and modern land has so great a group of people, most of whom were able to read and write, been allowed so small a voice in their own government. [...] In the former slave states [...] there are no Negro state officials; no Negro members of legislatures; no judges on the bench; and usually no jurors. There are no colored county officials of any sort. In the towns and cities, there are no magistrates, no constables, and very seldom even a policeman. In this way, at least eight million Negroes are left without effective voice in government, naked to the worst elements of the community.¹⁴⁴

Du Bois continued to hope that the U.S. state would realize the full promise of black citizenship without leaving the Blacks “naked” to the “worst elements” of the community. He maintained that, *ideally*, the state and its leaders ought to alleviate the burden placed on disenfranchised communities of former slaves, rather than have them resort to the institutions of civil society in order to achieve their interests, securing the necessary social conditions for their striving. The next chapter discusses black-run institutions in civil society, when the federal government failed to realize this promise during the Jim Crow era, when the black church and schools emerged as loci for political agitation in the name of the unfulfilled promise of realizing the dignity of black citizenship.

iv. Conclusion

I have argued that Hegel’s view of the ethical function of the modern state has three positive contributions to theorizing ‘substantive’ freedom that justifies Du Bois’s political critique of Reconstruction: 1) education towards political autonomy, 2) a positive normative ideal enshrined within the background ethical culture (however imperfectly rational) and 3) the modern state as the object of political mediation on account of the moral meaning of citizenship

¹⁴⁴ Du Bois, *Black Reconstruction*, p. 694.

and the promotion of harmonious social integration and cooperation. Furthermore, I have argued that while Du Bois's view reflects the Hegelian model of objective freedom in ethical life, he propounds two unique insights about the nature of modern freedom in the U.S.: 1) a social movement led by black political actors, rather than civil servants, promoted progressive ends that contributed to the creation of a rational social order enabling systematically-disenfranchised citizens to participate in 'universal life,' and 2) the Freedmen's Bureau exemplifies the historical emergence of new social institutions for the effectuation of the ideal of ethical life. Du Bois provides a historical example that elucidates how formal, legal freedom – or the freedom of personhood – must be rendered 'substantive' through such institutions, if 're-enslavement' were to be avoided. His defense of the Freedmen's Bureau validates Hegel's argument concerning the ethical role of the state, but he does not rely on the state's 'self-positing' initiative to disrupt the social conditions of second slavery. Instead he marshals collective black striving to exert pressure on the federal judiciary. Thus, Du Bois not only employs, but also develops Hegel's model of freedom as ethical life. Because he considered Reconstruction a period when racist background conditions of civil society were brought to light and explicitly challenged by political actors *with access to state power*, my interpretation of his view of modern freedom has considerable implications for his conception of black leadership. He was primarily concerned that the postbellum black community realizes effective civic standing, which was a legitimate normative principle motivating social 'uplift.'

The upshot of the argument I present in this chapter is that black politics that does not aim at federal governance, founded in a model of free and equal citizenship that galvanizes the re-founding of the American polity, is undesirable. Furthermore, the view of modernity relevant for my interpretation of Du Bois's political philosophy does not necessitate a break with the past,

but an understanding of how the past – namely, the historical experience of slavery – continues to shape identities, as well as our social and political world. It evinces “black slaves’ efforts to constitute and reconstruct freedom in the American republic, signaling the virtues of learning from the humanity of slaves and the world the slaves made.”¹⁴⁵

The teleological primacy that the state maintains over social formations and participation in social institutions is grounded in the radical normative dislocation witnessed in the historical experience of American slavery, as well as in the contemporary experiences of ‘illegal’ migration and of global refugees. With the loss of work and family, one usually does not also lose access to institutional contexts for lobbying for one’s interests as a citizen. The devastating consequence of the loss of citizenship and a homeland, political standing, and the capacity to navigate a political culture in the absence of an intelligible civic standing enables the racist juridical exclusion that Charles Mills identifies in the racial contract. The notion that one is Un-American – that one does not belong ‘here’ – attests to a civic death amounting to the demand that people just float out into outer space or disappear somehow, rather than one that soberly and methodically incorporates folks into the social whole on the moral basis of freedom and equality. That way, one need not broach the topic of how to rethink norms of social cooperation within a civic community. In *Souls*, Du Bois punctuates this point in the common view that Blacks and descendants of African slaves are not Americans; this existential bifurcation of civic and racial identity impels the experience of alienation from one’s own standing as a rights-bearer in the U.S. that he describes as double consciousness.

The Du Bois scholar Chike Jeffers surmises that “a new egalitarian ideal” is in the offing in Du Bois’s political critique. Defending a racially-inclusive state requires undertaking the unprecedented effort of engaging in “compassionate solidarity” with former slaves and

¹⁴⁵ Roberts, *Freedom as Marronage*, p. 44.

adjudicating political interests from a the point-of-view of the worst off, revised conception of citizenship that includes the black historical experience.¹⁴⁶ Such an effort would actualize the ideal function of the modern state, serving its “*best* interests”: “It can see to it that not only no action of this inner group is opposed to the real interests of the nation, but that it works *for* and in conjunction with the *best* interests of the nation.”¹⁴⁷ The onset of black civic power began even before the passage of the 13th Amendment, when slaves held a general strike, stopped working, and simply walked off plantations in the thousands to join the occupying Union forces, thereby changing the course of American history and initiating the radical normative restructuring of the basic structure of 19th c. American society. Yet, “the work of freeing the former slaves and their descendants remain[s] unfinished.”¹⁴⁸

¹⁴⁶ Kirkland, Frank. M. “Modernity and Intellectual Life in Black,” *Philosophical Forum* 24.1-3 (1993): 159.

¹⁴⁷ Du Bois, *Dusk of Dawn*, p. 712. My emphasis.

¹⁴⁸ Balfour, *Democracy's Reconstruction*, p. 17.

CHAPTER 3.

Du Bois, Rawls, and Honneth:

On the Civic Function of Black Church and School in the Jim Crow Era

“As I have said elsewhere: ‘Most men are colored. A belief in humanity is a belief in colored men.’ If you cannot get on with colored men in America you cannot get on with the modern world; and if you cannot work with the humanity of this world, how shall your souls every tune with the myriad sided souls of the worlds to come?”

W.E.B. Du Bois¹

i. Introduction

In the previous chapter, I argued that Du Bois’s critique of Reconstruction presupposes a Hegelian conception of the ethical function of the modern state. The end of Reconstruction coincides with the U.S. federal government skirting its ethical obligation to integrate freedmen on the normative basis of free and equal citizenship. The dismantling of Reconstruction policies coincides with the emergence of Jim Crow.² In the 1896 Supreme Court ruling in the case of *Plessy v. Ferguson*, the court upheld the doctrine of “separate but equal” as the law of the land. It argued that race-based institutional segregation does not violate the 14th Amendment, which

¹ Du Bois, W.E.B., “Religion in the South,” in *Du Bois on Religion*. (Ed.) Phil Zuckerman. New York: Rowman & Littlefield, 2000. pp. 69-89. p. 89.

² In a short essay prepared for the National Lawyers Guild in 1946, Du Bois explains the transition:

“The counter revolution came in 1876, and from 1875 to 1883 we have a new era. Delaware in 1873 and Tennessee in 1875 tried to take away most civil rights, and all Southern States practically nullified enfranchisement by lawlessness and intimidation. Here arose the new problem of lynching. Mob murders reached their climax in 1892 and the helplessness of the federal government under law and decision was clear. Between 1883 and the early part of the twentieth century, the Civil Rights Bills passed by the Reconstruction Administrations in the South become inoperative or were repealed. The 14th Amendment was emasculated in 1872. The federal Civil Rights Bill of 1875 was declared unconstitutional in 1883.”

Du Bois, W.E.B. “Civil Rights Legislation Before and After the Passage of the 14th Amendment,” *Lawyer's Guild Review* 6.6 (1946):640-42.

protects the rights and privileges of American citizenship. In effect, it declared that the formal principle of legal equality legitimates racial segregation in civil society and major institutions of political power. State enforcement of the separation of citizens according to racial categories – namely, whites and non-whites – was interpreted to be consistent with formal legal equality, to which all citizens are morally entitled.

The ruling crippled the moral spirit of American democracy. It formalized a new racial caste system, positing that the white polity nominally “respects” a person of color as a legal equal, while categorically refusing to engage with non-whites in establishing fair terms of social cooperation as fellow citizens.³ The ruling thus formalized white supremacist doctrine – that is, systematic race-based social domination⁴ – in all major governmental institutions by circumscribing the American civic community as a white racial polity. It also threw light on the moral hollowness of formal legal ‘equality’ in the context of the derogation of citizens as moral equals in a civic community. Realizing the latter necessitates the ongoing, racially-inclusive, and public adjudication of the fair terms of social cooperation. A condition of meaningful legal equality is engagement with the first-person perspective of citizens as moral equals in a civic community.⁵

In the absence of a background ethical culture characterized by good will, reciprocity, and mutual respect in the inclusive public adjudication of the terms of social cooperation, one’s

³ The author of the majority opinion, Justice Henry Billings Brown, states that while the intent of the 14th Amendment was to establish absolute equality, “*in the nature of things* it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a *commingling of the two races* unsatisfactory to either.” “*Plessy v. Ferguson*.” Oyez, <https://www.oyez.org/cases/1850-1900/163us537>. Accessed 12 Apr. 2017. Emphasis added.

⁴ See Charles W. Mills, *The Racial Contract*. Ithaca: Cornell University Press, 1997. See chp. 1 for a comprehensive definition of white supremacy. There Mills writes: it “is itself a political system, a particular power structure of formal or informal rule, socioeconomic privilege, and norms for the differential distribution of material wealth and opportunities, benefits and burdens, rights and duties.” (7).

⁵ As part of his abstract conception of moral personhood, citizens have an original relation to the values of public political culture; these values carry justificatory moral force that circumscribes legitimate interpretations of what legal equality and respect for basic rights amounts to by embedding citizens in a moral community as civic equals. Rawls thus hopes to morally discredit rulings such as *Plessy v. Ferguson*.

standing as a citizen with equal moral value is neither recognized by the state, major social and political institutions, nor one's fellow citizens interpersonally. Basic civil and political rights are not secure and persons of color are not recognized as sources of moral value and moral interpretation in the American civic community. Du Bois develops potent imagery to describe segregation: it cast a "veil" over black American life, as America withdraws its recognition of the moral standing of African American citizens as "co-worker[s] in the kingdom of culture" and as moral equals in a civic community, leaving black citizens struggling "to escape both death and isolation, to husband and use [their] best powers and latent genius."⁶ Du Bois argues that manifest in the lived experience of black embodiment in Jim Crow is a festering doubt about whether black citizens are even really Americans. With the withdrawal of recognition of the dignity of black citizenship, the federal state formalized racist exclusion from institutions of social and political power. It thus flouted its ethical obligation to reinforce the moral meaning of free and equal citizenship for all inasmuch as it must foster a background ethical culture of reciprocity and mutual respect – indeed, for Du Bois, this demonstrates the revolutionary character of Radical Reconstruction policies.

And yet, the dignity of black citizenship remained inviolable in its moral status and the major social institutions in the black community continued to labor "in conformity to the greater ideals of the American republic," to which the nation must appeal to legitimate its institutional arrangements.⁷ Instead, major black social institutions appealed to the public values of freedom and equality, which motivated social and political praxis predicated on the inviolable dignity of black citizenship in the segregated black community. These institutions promulgated fair terms of social cooperation that were otherwise not in the offing in public political culture and

⁶ Du Bois, W.E.B. *The Souls of Black Folk*. New York: Penguin, 1996. p. 5.

⁷ Du Bois, *Souls*, p. 11.

attempted to recognize the unacknowledged moral status of African Americans as equal citizens, who were not embedded in major institutions of social and political power controlled by whites in the white racial polity. The moral duty, which transcends positive legalistic interpretations of public values, to restructure relations of power among citizens and their institutions impelled black democratic agency. According to Du Bois, in the Jim Crow era, the black church and schools emerged as prominent social institutions that galvanized the exercise of the moral rights of citizenship and pressed for the recognition – and actualization – of the moral status of black citizenship.⁸ These institutions thus spurred the development of American modernity and germinated what historians refer to as the Second Reconstruction – the Civil Rights Movement, compelling the state to fulfill its ethical obligation to protect the moral standing of all citizens.⁹

The Du Bois scholar Lawrie Balfour ascribes to Du Bois’s political outlook a commitment to what she empirically identifies as civic nationalism.¹⁰ I instead advance the normative idea of the moral rights of citizenship to ground his critique, although he does not provide a comprehensive definition of the concept. The moral rights of citizenship, as John Rawls defines it, are moral duties of civility that assert “the liberal principle of legitimacy,” as they expand the scope and substantive meaning of civic equality for all citizens in the American civic community:

And since the exercise of political power itself must be legitimate, the ideal of citizenship imposes a moral, not a legal, duty – the duty of civility – to be able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason. This duty also involves a willingness to listen to others and a fairmindedness in deciding when accommodations to their views should reasonably be made.¹¹

⁸ I use Rawls’s definition of the “moral rights of citizenship,” which I give below.

⁹ Marable, Manning. *Race, Reform, and Rebellion: The Second Reconstruction and Beyond in Black America, 1945–2006*. Jackson: University Press of Mississippi, 2007.

¹⁰ Balfour, Lawrie. *Democracy’s Reconstruction: Thinking Politically with W.E.B. Du Bois*. Oxford: Oxford University Press, 2011. p 129.

¹¹ Rawls, John. *Political Liberalism*. New York: Columbia University, 2005. p. 217.

Rawls elaborates that “reasonable persons” have a civic responsibility to carry “burdens of judgement” for establishing fair terms of social cooperation. He writes, “Reasonable persons [...] desire for its own sake a social world in which, they, as free and equal, can cooperate with others on terms all can accept. They insist that reciprocity should hold within that world, so that each benefits along with others.”¹² The moral rights of citizenship are thus linked to the self-conception of citizens “as self-authenticating sources of valid claims” in the ongoing public adjudication of terms all could reasonably accept.¹³

To assert that African American citizens remained self-authenticating sources of valid claims requires articulating the status of those claims in a white racial polity structured to blot them out as sources of moral value and interpretation. Besides a “willingness to listen to others” and “fairmindedness,” the civic orientation of the black church and school evinced an uncompromising affirmation of black Americans as sources of moral value and interpretation. According to Du Bois, the ethical work that black-led social institutions undertook in segregated black communities elucidates a unique normative orientation. “[T]he Negro church today,” writes Du Bois in *Souls*, “reproduced in microcosm, all that the great world from which the Negro is cut off by color-prejudice and social condition.”¹⁴ In addressing the concrete needs and vulnerabilities of the black community, these institutions succeeded in preserving the dignity of black citizenship under conditions of extreme duress and racist exclusion from major institutions of social and political power in the white racial polity. The universal category of citizenship was protected through a determinant relation to the particular needs and vulnerabilities of the black community.

¹² Rawls, *Political Liberalism*, p. 50.

¹³ Rawls, John. *Justice as Fairness: A Restatement*. (Ed.) Erin Kelly. Cambridge: Belknap Press, 2001. p. 23.

¹⁴ Du Bois, *Souls*, p. 158l

The institutions' significance, Du Bois observes, illustrates that black social institutions, such as the black church, were "social settlements" that provisionally functioned as "governments of men" in the context of the systematic derogation of black citizenship and of African Americans as moral agents.¹⁵ The activities of the church concretely showcase its civic function, including the advocacy of democratic literacy about basic rights and voter registration; it organized the federally-neglected public school system, to which it too imparted a civic bent through instruction on "the wise administration of citizenship."¹⁶ The black church established orphanages and retirement homes, as well as social welfare programs for childcare and poverty relief, administering meal and clothing subsidies.¹⁷ Black social institutions shouldered the moral responsibility of enacting the privileges and protections appropriate to the moral status of citizenship, which was not in the offing in any major institutions of political power, given *de jure* segregation. Indeed, their operations were "governmental."

In this chapter, I assess Du Bois political critique of Jim Crow, focusing on the following questions: What sort of conceptual apparatus could help philosophers appreciate the accomplishments and normative significance of the black church and school in the Jim Crow era? Moreover, how does such a conceptual apparatus challenge models of civic belonging and moral development in political philosophy? As it turns out, understanding and appreciating the "spiritual" accomplishments of the black church and school challenges political philosophy to

¹⁵ Du Bois, *Souls*, p. 158. In part, Du Bois illustrates the black experience of the world in light of the ascription of 'subperson.' The white polity attempted to neutralize the value of black life and civic standing, but from the standpoint of the African-American community, the ascription that was never accepted. Departing from Mills, I should that Du Bois articulates the enactment of black moral agency as citizens in a constitutional democracy that does not recognize or respect them. The category of a 'sub-persons' is neither fixed nor passive, even in the face of white supremacy. I return to the difference between Charles Mills and W.E.B. Du Bois in the conclusion of the monograph.

¹⁶ Du Bois, W.E.B. *Black Reconstruction in America: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860–1880*. New York: Free Press, 1992. p. 666.

¹⁷ Higginbotham, Evelyn Brooks. *Righteous Discontent: The Women's Movement in the Black Baptist Church 1880-1920*. Cambridge: Harvard University Press, 1993. p. 2.

revise its account of the interaction between citizens and their social institutions in the struggle for freedom and equality.¹⁸ The reconstruction of a Du Boisian model of freedom as civic enfranchisement requires elucidating the provisional institutional spaces that necessarily arise in the face of racial groups' systematic racist disenfranchisement from the basic structure of a white racial politics. Specifically, in this chapter, I focus on why the liberal political philosophies of John Rawls and Axel Honneth fail to accommodate the Du Boisian formulation of the black struggle during Jim Crow, where the black church and school were loci for the social and political self-determination of the segregated black community.

To be sure, there is cause for situating Du Bois's critique within the framework of political liberalism. Charles Mills explains how Du Bois's political theory engages political liberalism:

[Du Bois] is placing liberalism in its actual racialized context and recognizing what has to be done to realize liberal ideals in a society where white liberals fail to treat their black co-citizens with 'color-blind' racial respect. Black group organizations to achieve these ends is not only not *prohibited* by a liberalism sensitized to racial realities, but (more strongly) it is arguably *mandated* by any objective apprehension of the actual racial dynamics of the society, one in which [...] liberalism – from the Founders on – has been deeply racialized.¹⁹

¹⁸ By "spiritual," I take Du Bois to mean normatively significant from the standpoint of advancing civic equality in a racial plurality.

¹⁹ Mills, Charles. "W.E.B. Du Bois: Black Radical Liberal," in *A Political Companion to W. E. B. Du Bois*. (Ed.) Nick Bromell. Lexington: University Press of Kentucky, forthcoming. p. 29. Mills captures the substance of Du Bois's political philosophy. In the words of Du Bois:

Considering this whole matter [of the meaning of equality], we are faced by several considerations: how far can a nation maintain a high ideal of political and social action, when the majority of persons in that nation are disinclined to its application in particular cases? This is primarily a matter of education and of advance in ethical standards. It calls for careful consideration on the part of the nation as to just how far its ideals are worthwhile. Do we want democracy in the United States, and if so what are we willing to pay for it?

For a long time the idea was prevalent that while we wanted and were determined to have democracy, it was impossible that Negroes should be a part of it, because of their low level of education and, as most people thought, of ability and character. Therefore we could only have democracy when we got rid of the Negro population.

It may be said that during the first three quarters of the nineteenth century, this was a dominant thought among Americans who realized the contradiction in our basic philosophy. One of the greatest advocates of the migration of the Negroes was Abraham Lincoln and he was preceded by many great Americans back to the time when the brother of George Washington became first President of the American Colonization Society. [...] The other consideration which runs parallel to this was the fact that Negroes themselves recognized that their chief and strongest demand for equality lay in the raising of their own status through effort to achieve education and social efficiency; *and their conception of their duty to teach the nation the value of its own ideals*. [...] Beyond this is a clear call for positive federal law against

If liberalism – and the “greater ideals of the republic” – were true to its ideals to secure freedom and equality for all, then liberalism itself provides the normative resources that justify – indeed, “mandate” – the civic orientation of black social institutions through the enactment of the moral rights of citizenship. Indeed, the self-organization of the black church and school illustrates the concrete actualization of this mandate, as black citizens strove to actualize their civic standing by assenting to rationally-motivating grounds oriented to civic enfranchisement, which the normative framework of liberalism “mandates” and the Jim Crow South rebuked.

Du Bois’s account of the black church and school shares normative commitments with a liberal view that *broadly* tracks with John Rawls and Axel Honneth’s political philosophies, such as their defense of basic civil and political rights and equal moral standing in the democratic public sphere. Additionally, both philosophers highlight major social institutions outside the federal state that afford the social conditions of freedom and equality. However, neither Rawls nor Honneth attach the exercise of moral agency, rooted in the moral rights of citizenship, to immanently-developing social practices and institutions under conditions of racist oppression in marginalized racial communities. Those with subordinate standing – living under the strain of the necessity of establishing institutional contexts that preserve their moral status as citizens – have a more urgent and enmeshed relationship to the moral ideals of citizenship. This feature of the black historical experience, as laid out by Du Bois’s characterization of the civic function of the black church and school in the Jim Crow era, neither Rawls or Honneth can accommodate. They do not focus on what it means to enact equal civic standing of members of derogated racial communities in an imperfect constitutional democracy – that a particular community realized a

lynching, against discrimination in work and education and against disfranchisement. The restoration of the 14th Amendment and further laws based on its original meaning are demanded.

Du Bois, “Civil Rights Legislation Before and After the Passage of the 14th Amendment,” p. 642. Emphasis added.

moral universal.

In this chapter, in establishing the civic function of the black church and school, I illustrate the inadequacy of (1) John Rawls's explanation of moral persons and moral education, construed as citizens' passive participation in the institutions that comprise the basic structure; the exercise of the moral rights of citizenship is generalized to the polity, of which each individual is an abstract member, and (2) Axel Honneth's model of the struggle for social recognition for the satisfaction of basic psycho-social needs in contexts of intersubjective social relations. I show that both accounts fail to capture how a vulnerable racial group exercises the moral rights of citizenship and acts as an impetus for political progress. Rawls and Honneth fail to chart how – and why – 'private' social institutions come to assume an explicitly civic bent, one that shapes the political will of the members of a vulnerable racial community. Because they neglect to theorize the historical experience of racial subordination, their views of freedom omit a formulation of social cooperation guided by the notion of the civic in a social whole bifurcated by the color-line. Consequently, they cannot account for the civic function of the black church and school during the Jim Crow era, when the federal government skirted its ethical obligation to affirm the moral status of all citizens as full members of the American civic community. Neither Rawls nor Honneth have the normative resources to articulate the manner black social institutions in the Jim Crow era functioned as sites for the collective aspiration to civic equality in light of the moral delinquency of the federal government.

Finally, in delineating the normative structure of major black social institutions in the Jim Crow era, I do not intend to posit a fictive model of black political homogeneity or to suggest that the black church and school were monolithic in their political message and social organization. Nor do I wish to discount the religious heterogeneity of the black community

during this or any other historical period. Rather, in this chapter, I accept Du Bois's claim that the American polity has not fully appreciated or learned from the black historical experience. I focus specifically on the normative significance of the black church and school, whose ethical work is ignored in white mainstream political philosophy and corroborates Du Bois's speculation that something normatively unique transpired there, even though its significance has yet to be fully understood and appreciated by white mainstream political philosophers.

ii. Contemporary Institution-Based Models of Freedom:

a. John Rawls

In this section, I present John Rawls's account of the moral powers of citizenship that guides his theory of moral development. While Rawls defends the idea of the moral rights of citizenship, he does not give an account of how a particular social institution assumes an explicitly civic function that encourage the exercise of the moral rights of citizenship in light of the racist derogation of civic standing. Rather, on his view, citizens equally develop their moral powers through passive participation in the institutions that comprise the basic structure of their society. They have a duty to exercise the moral rights of citizenship over the course of a complete life in the form of carefully weighing the burdens of judgment, and, when necessary, engaging in acts of civil disobedience. Regardless of their status in civil society or their relation to major institutions of political powers, all citizens are similarly-situated with respect to the acquisition and enactment of the moral rights—and powers—of citizenship.

Rawls employs a social contractarian conception of moral persons to guide his formulation of responsible citizenship and of their moral development through interaction with the basic structure. Specifically, his theory of justice presupposes a moral idea of the person as

reasonable and rational.²⁰ He claims that citizens equally share in the motivation to revise the prevailing norms of public reason in the face of civic duties that are attached to the abstract model of the citizen as a moral person. The two basic moral powers that citizens possess that enable them to assume a responsible civic identity are the following:

- (i) One such power is the capacity for a sense of justice: it is the capacity to understand, to apply, and to act from (and not merely in accordance with) the principles of justice that specify the fair terms of social cooperation.
- (ii) The other moral power is a capacity for a conception of the good: it is the capacity to have, to revise, and rationally to pursue a conception of the good. Such a conception is an ordered family of final ends and aims which specifies a person's conception of what is of value in human life, or, alternatively, of what is regarded as a fully worthwhile life. The elements of such a conception are normally set within, and interpreted by, certain comprehensive religious, philosophical, or moral doctrines in the light of which various ends and aims are ordered and understood.²¹

Ascribing to citizens the capacity for a sense of justice assumes that they are fundamentally reasonable. A person's rationality, on the other hand, is manifest in her pursuit of a good life, which motivates her to act on self-interests and socially-shared, nonpublic reasons that give her life a sense of purpose.

A reasonable and rational adult citizen has a civic duty to assume the burdens of judgment and direct her will towards an increasingly reasonable status quo. "[A]mong equals[,] they [citizens] are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so."²² The burden of judgement must "direct the legitimate exercise of political power," revising unfair norms of social cooperation, thereby exercising the moral rights of citizenship whenever they see fit.²³ Rawls connects the idea of the reasonable to "a political ideal of democratic citizenship that

²⁰ Rawls, *Political Liberalism*, p. 48.

²¹ Rawls, *Justice as Fairness*, p. 18-19.

²² Rawls, *Political Liberalism*, p. 49.

²³ Rawls, *Political Liberalism*, p. 54.

includes the idea of public reason. The content of this ideal includes what free and equal citizens as reasonable can require of each other[.]”²⁴ Assuming the burdens of judgment as part of the exercise of the moral rights of citizenship define what it means to be a reasonable democratic agent capable of autonomous self-determination in a society governed by a constitution and by reasonable principles all could accept.

As rational persons, however, citizens have the prerogative to pursue their self-interests; yet, in actualizing this moral power, they need not only employ instrumental rationality. They “are not limited to means-ends reasoning, as they may balance final ends by their significance for their plan of life as a whole[.]”²⁵ A rational plan of life gives them the freedom to satisfy their needs and to actualize their ends as purposive agents, without undermining the stability of the social order. Taken together, a theory of persons as reasonable and rational is a linchpin to Rawls’s theory of justice because it models the idea of responsible citizenship and the duties we owe each other, as well as persons’ entitlement to satisfy self-interests.

While people’s capacity to pursue socially-shared interests without undue impediments is uncontroversial, their capacity to be reasonable in an imperfect democracy – and thus augment the substantive meaning and conditions of civic equality – requires a social theory and additional normative grounding. Rawls is aware of this and attempts to substantiate his moral faith in people’s reasonableness in a variety of ways; his abstract conception of moral persons as having two moral powers captures his intention.²⁶ Notably, however, he also introduces a social theory

²⁴ Rawls, *Political Liberalism*, p. 62.

²⁵ Rawls, *Political Liberalism*, p. 51.

²⁶ In the second (1995) introduction to *Political Liberalism*, Rawls remarks that his conception of moral personhood is deliberately abstract and that he makes no apologies for it. In its greater context, the passage is moving and reveals his reasoning on the necessity of possessing moral faith. Allow me to quote the passage at length:

If a reasonably just society that subordinates power to its aims is not possible and people are largely amoral, if not incurably cynical and self-centered, one might ask with Kant whether it is worthwhile for human beings to live on earth? We must start with the assumption that a reasonably just political society is possible, and for it to be possible, human beings must have a moral nature, not of course a perfect such nature, yet one that can understand, act on, and be

about the way institutions function in an imperfect, nearly just constitutional democracy. He ascribes to them the role of shaping the subjective will of citizens, although he does not identify his theory of justice as advancing a social theory of institutions.²⁷ His most worked-out model of the formative role of social institutions is found in his philosophy of moral education that he sketches in *A Theory of Justice*. There he outlines the development of citizens' moral powers – especially, the capacity for justice and to be reasonable – through their participation in the basic structure. While he does not return to theorizing social institutions' role in moral education, in his later works, he maintains that “the institutions of the basic structure have deep and long-term social effects and in fundamental ways shape citizens' character and aims, the kind of persons they are and aspire to be.”²⁸ He thus remains committed to the view that the capacity for justice is shaped by citizens' participation in the institutions that constitute the basic structure of modern society.

On Rawls's view, interaction with the basic structure inculcates into citizens a sense of justice that prepares them to execute the civic obligation of monitoring the justness of their society, whatever their social standing, race or social identity. The basic structure is the primary subject of justice, such that individuals come to revise their considerate judgments through their participation in it, which shapes both their moral powers as citizens. Each stage of moral development corresponds to a unique set of norms that structure social relations among citizens. His philosophy of moral education does not include a no singular institution that mediates the subjective will formation towards a more reasonable status quo. Instead, as autonomous moral

sufficiently moved by a reasonable political conception of right and justice to support a society guided by its ideals and principles. [...] [C]itizens need to be conceived to construct those more reasonable conceptions, and what their moral psychology has to be to support a reasonably just political society over time. (p. lx)

²⁷ It is a matter of debate among Rawls scholars about whether schools and families are part of the basic structure of society. See Hodgson, Lousie-Phillipe. “Why the Basic Structure,” *Canadian Journal of Philosophy* 42.3/4 (2012): 303-34.

²⁸ Rawls, *Political Liberalism*, p. 68.

agents, adult citizens in an imperfect, but nearly just, democratic society, who have interacted with the basic structure, acquire two moral powers that enables them to share equally the capacity to act on the basis of justice, spontaneously – that is, whenever they see fit – over a complete lifetime.

Rawls describes three stages of moral development. He believes that one stage “quite naturally” follows another.²⁹ Like G.W.F. Hegel in the *Philosophy of Right*, he begins with the family, where we learn moral principles from authority and, more specifically, our parents’ (hopefully) unconditional love for us.³⁰ The next stage of moral development is the morality of association. Through participating in various associations in civil society and the workplace, we learn “the art of perceiving the person of others, that is, the art of discerning their beliefs, intentions, and feelings.”³¹ Rawls is confident that the “art of perceiving the person of others” would be sufficient for us to enter the next state of moral development: the morality of principle. At this critical stage, citizens learn to use the principles of justice that underlie the ideals of public political culture and begin to exercise the moral rights of citizenship, in whatever institutional context they might find themselves in.³² Rawls does not posit a social institution for guiding the transition from Stage 2 to Stage 3 – the morality of association to the morality of principle; he does not countenance the necessity for such a singular institution to educate subjective will towards a moral interpretation of citizenship in light of the widespread undermining of equal civic standing. Rather, engagement with public political culture should sufficiently prepare citizens to judge responsibly and motivate the defense of the civic standing of all.

²⁹ Rawls, John. *A Theory of Justice*. Cambridge: Harvard University Press, 1999. p. 370.

³⁰ For a feminist critique of Rawls on the family, see the pioneering work of Susan M. Okin, *Gender, Justice and the Family*. New York: Basic Books, 1989.

³¹ Rawls, *A Theory of Justice*, p. 469.

³² Rawls, *A Theory of Justice*, p. 323.

Figure 1. The Stages of Rawls’s Theory of Moral Development

Stages	Milestones of Moral Development	Institutional Instructors	Moral Skill Set
Stage 1	Morality of Authority	Parental Figures	Capacity for affective bounds, self-confidence, and compliance
Stage 2	Morality of Association	Civil associations and the workplace in civil society	Instrumental reasoning
Stage 3	Morality of Principle	Public political culture?	Reasoning on the basis of the moral meaning of citizenship

At the final stage of moral development, citizens must assume the burdens of judgment and engage in acts of civil disobedience, when called for. Civil disobedience appeals to the public sense of justice and “declares in one’s considered opinion the principles of social cooperation among free and equal men are not being respected.”³³ It is grounded in a political conception of justice, rather than in comprehensive or “religious conceptions,” which are not “essential” to motivating justice.³⁴ As a mature adult, everyone in Rawls’s modern society has the “natural” duty to engage in civil disobedience and a “civic” duty to assume the burdens of judgment; the education of moral perception instills the necessary discretion to perform each duty.

If public reason is the chief instructor – and a kind of institutional gateway – for citizens to enter the final stage of moral development, what challenges would they face in becoming autonomous and morally responsible citizens in a polity informed by de jure white supremacy, as was the case during the Jim Crow era? The moral ideal of citizenship offers an alternative interpretation of public values that transcends the existent terms of social institutions and of

³³ Rawls, *A Theory of Justice*, p. 320.

³⁴ Rawls, *A Theory of Justice*, p. 337.

public political culture. If the state supports a basic structure and a public political culture disposed toward the derogation of members of marginalized racial communities, what opportunities would people of color have at their disposal to discern the moral status of their equal civic standing or even learn that they have such a status, rather than accept self-abasing disrespect? Rawls is correct that actions undertaken for the sake of the dignity of citizenship must be institutionally embedded to motivate social cooperation and mutual respect. But there was hardly recourse available for actualizing moral status in the absence of the recognition of the federal governmental, which circumscribed the American civic community as a white racial polity. The recourse was to resist racist exclusion by invoking the republic's 'higher' moral ideals and institutionally embedding them through social practices that explicitly confirm the dignity of black citizenship. These institutions, i.e., the church and school, are not even included in what Rawls describes as the basic structure, which educates the will toward the morality of principle.

Rawls also does not imagine how, on the initiative of disenfranchised citizens, racist exclusion is counteracted by the reorganization of social institutions behind the color-line. Indeed, he maintains that abiding by fair terms of social cooperation is an obligation, "provided that others also accept those terms."³⁵ In the extreme cases of failed states or thoroughly illiberal institutions, he provides no guidance to citizens and simply assumes that a "nearly just" society would morally educate citizens in a fashion that reliably imparts appropriate normative bearings. His model of moral education is thus rather claustrophobic: either accept the terms all the way down or that society has unraveled, in which case the acceptance of any terms at all makes no sense. For Du Bois, on the contrary, as a matter of *necessity* for both the preservation of the moral spirit of American democracy and the survival of black communities, black social

³⁵ Rawls, *Political Liberalism*, p. xlii.

institutions came to have the ‘right of way’ for developing the values of public reason and educating citizens for the appropriate revisions to the terms of social cooperation. These were institutions that existed outside of the basic structure, but were nonetheless normatively-oriented toward reimagining the terms of social cooperation in the American civic community, while refusing to accept the prevailing interpretation of those terms, which reproduced formally and informally racial domination. The black church thus conditionally functioned as a ‘government of men,’ evincing a tenacious normative commitment to the ideal of a racially-inclusive and egalitarian civic community. It strove to actualize African Americans’ moral standing as citizens in the absence of the support of the federal government or a public political culture that did not even have in the offing an ideal of racially-inclusive democracy.

Although Rawls provides a theory of moral development that encourages citizens to exercise the moral rights of citizenship over a complete life, he does not discern the potential role of social institutions in civil society as a crucial step in the education of reasonable will formation that could underwrite the moral status of racially-marginalized groups in an imperfect constitutional democracy, such as the Jim Crow era in the U.S.³⁶ Instead, rather naively, he assumes that regardless of groups’ experiences of marginalization or the particular nature of their subordinate relation to major social and political institutions, each adult citizen acquires a sufficient democratic literacy and rational motivation to assume the burdens of judgment (and even engage in acts of civil disobedience in circumstances that warrant them).³⁷ Nor does he

³⁶ M. Victoria Costa argues that Rawls’s theory of moral education does not ascribe to social institution the explicit function of educated citizens in the exercise of morality of principle. She submits that passive participation in public political culture hardly results in moral maturity necessary to be a responsible citizen. I am building on her claim to argue that a social institution that Rawls does not theorize is part of the basic structure assumes this educative role. Costa, Victoria M. *Rawls, Citizenship, and Education*. New York: Routledge, 2010.

³⁷ Conceptions of the formation of moral subjectivity in critical social theory evince that passive participation in the basic structure of modern society reliably results in ideological indoctrination. See Marcuse, Herbert. *One Dimensional Man: Studies in the Ideology of Advanced Industrial Society*. Boston: Beacon Press, 1964. Habermas, Jürgen. *Structural Transformation of the Public Sphere*. Cambridge: MIT Press, 1991.

speculate how much systematic institutional failure, dysfunction, and irrationality a ‘nearly just’ society could withstand. For the duty to exercise the moral rights of citizenship when appropriate is founded on the social contractarian theory of the modern citizen as a moral person. That conception of the moral person entails that a particular citizen possesses the capacity for impartially judging the status quo using the norms of public reason. The structure of a modern citizens’ practical reasoning sustains her capacity to ‘spontaneously’ engage in the moral reasoning requisite for fighting for civic equality in an imperfect democracy – that is Rawls’s residual Kantianism and the moral faith underlining his theory of justice and our natural duty to fight for it. We just have to look deep within ourselves to find the abstract moral person hidden there.

While Rawls countenances the obligation of individuals to make political claims for the sake of civic equality, he grounds such assertions in a duty that all citizens share as responsible adults, similarly-situated in the basic structure. He believes that citizens are “symmetrically situated” in both the rational decision procedure that establishes the principles of justice and with respect to the duties and moral powers that shape public reason.³⁸ Even though he affirms that citizens’ participation in the institutions that constitute the basic structure of society inculcate a sense of justice into them, he ignores the extent to which in an imperfect constitutional democracy certain social institutions and social practices have assumed *a greater burden* in *shaping* the aspiration towards freedom and the exercise of the moral rights of citizenship in the context of civil society. In light of Jim Crow segregation, the moral economy necessary to resist white supremacy required African Americans to assume an active civic identity that challenged existent norms in public political culture, rather than passively accept the latter in guiding social and political praxis, just to be able to maintain a dignified self-conception as a moral person.

³⁸ Rawls, *Justice as Fairness*, p. 20.

This moral economy issued not from the spontaneous manifestation of an abstract moral personality, but was the result of the grassroots education initiative of black social institutions.

So far, I have argued that Rawls has the moral faith that the average American adult, regardless of her standing vis-à-vis the basic structure and the particular racial communities she belongs to, shares with her fellow citizens the same structure of practical reason that enables – and motivates – her to engage in the moral reasoning necessary to defend the civic equality of all. His theory of citizens as persons with two moral powers asserts that any particular person is, in principle, similarly situated – and motivated – to judge and correct violations of justice in an imperfect constitutional democracy. This normative reflexivity is built into the idea of justice as fairness, for it “models the idea that when citizens are fairly situated with respect to one another, it is up to them to specify the fair terms of social cooperation in light of what they each regard as to their advantage, or good.”³⁹ As I will show shortly, Du Bois does not wholly reject a Rawlsian model of practical reason, but he highlights the social practices and institutions in the segregated black community that came to foster democratic literacy and political autonomy in the defense of civic equality, when no other major institutions endorsed these norms of government or proffered such terms for civic belonging. The institutions of the black church and school educated subjective will, such that respect for normative principles resulted from the concerted exercise of the moral rights of citizenship in an institutional context that conferred the dignity of black citizenship among similarly-situated persons, subject to Jim Crow segregation. Moreover, given the denigration of black citizenship in the Jim Crow era, its collective assertion was expressed not in iterative acts of civil disobedience, but embedded in informally institutionalized social practices as a matter of necessity, actualizing the dignity of black citizenship in a white racial polity predicated on its systematic deprecation.

³⁹ Rawls, *Political Liberalism*, p. 73.

A citizen's passive interaction with the basic structure is insufficient to educate the will towards more reasonable ends that could shape a citizen's political autonomy and prepare them to establish fair norms of social cooperation in a white supremacist society. As we shall see, in the case of the systematic derogation of black citizenship in major social and political institutions during Jim Crow, for a singular social institution to assume an explicitly educative function, with a civic normative orientation, was necessary to preserve the dignity of black citizenship in the context of juridical exclusion. The implication is that in an imperfect, nearly just constitutional democracy institutional social spaces in excluded racial communities have carried a greater burden for recognizing and enacting norms of freedom and equality in light of the federal government's dereliction of its ethical responsibilities. Thus, Du Bois calls on America to understand and appreciate the 'spiritual' work of the black church in articulating the contribution of the black historical experience to the development of American modernity. Yet, these black institutional spaces have also tended to remain invisible and unacknowledged in their efforts, especially as they pertain to shaping major social and political institutions in the U.S. towards more reasonable ends.⁴⁰

ii. *Contemporary Institution-Based Models of Freedom*

b. Axel Honneth

This section focuses on Axel Honneth's philosophy of "social freedom" and the struggle for recognition that motivates its historical development.⁴¹ I argue that Honneth fails to posit the

⁴⁰ Allen, Danielle S. *Talking to Strangers: Anxieties of Citizenship since Brown v. Board of Education*. Chicago and London: Chicago University Press, 2004.

⁴¹ I will focus on his *Freedom's Right: The Social Foundations of Democratic Life*. New York: Columbia University Press, 2014. There Honneth gives his most elaborate statement on social freedom. He borrows the concept from Frederick Neuhouser's influential book on G.W.F. Hegel, *Foundations of Hegel's Social Theory: Actualizing Freedom*. Cambridge: Harvard University Press, 2000. I take it that Honneth's earlier works, to which I also refer in this section, are consistent with *Freedom's Right*. Honneth, Axel. *The I in We: Studies in the Theory of Recognition*.

exercise of the moral rights of citizenship as normative grounds guiding emancipatory praxis and shaping the normative character of social institutions. For Honneth, the state's ideal ethical function is to act as a coercive entity that secures negative freedom by using the law to remove obstacles to individuals' pursuits. His philosophy of freedom thus fails to capture a salient feature of the African-American historical experience, as articulated by Du Bois, inasmuch as he rejects the moral ideal of citizenship as an impetus for political action or social organization.

Honneth argues that intersubjective norms of recognition immanently develop through social practices, unleashing "potentials for subjectivity."⁴² The failure to satisfy three distinctive kinds of basic psycho-social needs results struggle for recognition. The satisfaction of these basic needs should be successfully embedded in social institutions, which, taken together, comprise the extra-legal preconditions of individuals' "social freedom" and normatively structure intersubjective social relations. Namely, the basic needs for love and intimacy in interpersonal relationships, for social esteem in civil society, and for equal legal rights in "the democratic public sphere" motivate the struggle for recognition. In advancing a scheme of basic psycho-social needs, he provides a philosophical anthropology of the formal conditions of human flourishing. His political theory articulates the normative grounds of emancipatory praxis by reflecting on striking features of our shared moral experiences that function as the preconditions for the exercise of individual autonomy and successful subjectivity formation.

His scheme aspires to keep an "empirical foothold in social reality."⁴³ Seeking a "categorical opening to the normative standpoint from which subjects themselves evaluate the social order," his tripartite scheme of needs gives his political theory a vantage point that is not

Malden: Polity, 2014 and *The Struggle for Recognition: The Moral Grammar of Social Conflicts*. Cambridge: Polity Press, 1995.

⁴² Honneth, *The Struggle for Recognition*, p. 169.

⁴³ Petherbridge, Danielle. "Introduction: Axel Honneth's Project of Critical Theory," in *Axel Honneth: Critical Essays*. (Ed.) Danielle Petherbridge. Boston: Brill, 2011. pp. 1-30. p. 1

“cut off from [...] social discontent.”⁴⁴ However, he does not countenance that – with respect to the development of American modernity – reconstructing the rationally-motivating grounds of emancipatory praxis would disrupt the recognitive scheme he proposes.⁴⁵ In spite of his aspiration to identify the formal conditions of human flourishing, he reconstructs the normative legacy of European modernity. If he were to address the distinct contributions of the African-American historical experience to the rationally-motivating grounds of emancipatory praxis, he would find that the moral meaning of free and equal citizenship is paramount in the historical struggle for freedom, inasmuch as it characterized the normative orientation of black-led social institutions under longstanding social conditions of racist oppression and *de jure* segregation. Yet, he rejects the very idea that the exercise of the moral rights of citizenship could be a shared moral experience. The moral meaning of free and equal citizenship was the impetus for emancipatory praxis in the African-American community during Jim Crow, at least according to my presentation of Du Bois’s political philosophy. So, what of the exercise of the moral rights of citizenship in Honneth’s account of social freedom?

Honneth’s account includes the state, but its ethical function is not to bolster civic community, as social institutions cannot plausibly assume a ‘civic’ normative orientation. He construes the ethical function of the modern state narrowly: it is a legal institution that protects negative liberty by removing obstacles to the fulfillment of individuals’ ends in civil society. While he supports the negative freedom that legal rights provide, he believes that normative political theory and theories of justice focus too much on the modern constitutional state as the

⁴⁴ Nancy Fraser & Axel Honneth. *Redistribution or Recognition: A Political-Philosophical Exchange*. New York: Verso, 2003. p. 134.

⁴⁵ Rogers, Melvin, “Rereading Honneth: Exodus Politics and the Paradox of Recognition,” *European Journal of Political Theory* 8.2 (2009): 183-206. In the next chapter, I focus on Rogers’s argument that black slaves’ religious life and imagination as provided an alternative way to enact moral agency against racist misrecognition. His criticism of Honneth, however, does not focus on the state, but on the tripartite recognitive scheme Honneth advances.

institutional precondition of individual autonomy. Advancing a standard liberal view of the state as a coercive institution, he justifies its coercive powers inasmuch as it establishes the institutional conditions of citizens' mutual independence and non-interference in one another's lives.⁴⁶ In devising his model of social freedom, he seeks to locate the conditions of individual freedom beyond the purview of legal institutions and the state's protection of basic rights. Social freedom justifies not just the removal of obstacles to individual autonomy, but the establishment of positive social relations that constitute and mold subjectivity. The struggle for recognition intervenes in social relations that undermine or fail to promote successful subjectivity formation; the latter ideally culminates in the expression of individual autonomy in major social and political institutions, namely, civil society and the democratic public sphere. Guided by the "moral sentiments" of self-confidence, self-esteem, and self-respect, social relations enliven critical dimensions of subjectivity, which must be confirmed intersubjectively. For example, Honneth argues that being subject to a caregiver's unconditional love from birth instills the self-confidence necessary for an adult to determine her own ends and to participate in the democratic life of the polity.

Moral sentiments are the "categorical openings" that illustrate a first-person perspective on the way people make sense of, and alter, their imperfectly just world. The frustrated experience of these moral sentiments in social relations instigates the struggle for recognition – not the concerted exercise of the moral rights of citizenship. Honneth is skeptical that an abstract category such as civic belonging normatively binds citizens into relations of solidarity or provides a normative orientation that is sufficiently robust to stir a shared moral experience. Hence, he emphasizes extra-legal organizations and institutions that can satisfy individuals'

⁴⁶ For a clear presentation of the liberal view of the state, see Pallikkathayil, Japa. "Neither Perfectionism nor Political Liberalism," *Philosophy & Public Affairs* 44.3 (2016): 171-96.

needs as social agents. Contra Rawls's account of moral education, for Honneth, the development of subjectivity must successfully embed individuals in social relations that lead to the satisfaction of their basic psycho-social needs, and, ideally, shores up "surplus validity," which unleashes latent potential of subjectivity by amplifying the subject's experience of self-confidence, self-esteem, and self-respect in intersubjective social relations.⁴⁷ Consequently, he defends the expansion of intersubjective communicative relations in the democratic public sphere, as well as the establishment of "pre-state" or "non-state" actors and organizations, which would channel "surplus validity" into as-of-yet unarticulated arcs of subjective experience. These arcs bend neither toward the state nor the civic community, even though – by definition – the moral ideal of citizenship advances a normative ideal that is "non-state," that is, it transcends the existent normative structure of the relation of citizens to their institutions. For the remainder of my discussion of Honneth, I will focus on why he excludes the exercise of the moral rights of citizenship in his account of social freedom and its development. I discuss, first, his presentation of the democratic public sphere and, second, the sociology of European constitutional patriotism he presents. On his view, progressive movements that create "surplus validity" need not even result in *institutionalization* – state or otherwise – nor revise the prevailing interpretations of public values that define civic belonging.

According to Honneth, the democratic public sphere is not the same thing as the state. As a legal entity that protects legal rights, the state sanctions individuals to reject claims the social world makes on them.⁴⁸ It gives them the capacity to experience self-respect, carving out a domain of negative liberty that protects individual autonomy. Focusing on the conditions for becoming a full participant in democratic will formation, he assigns the state the "tasks of

⁴⁷ Fraser and Honneth, *Redistribution or Recognition?*, p. 186

⁴⁸ Honneth, *The I in We*, p. 39.

protecting and respecting public will-formation.”⁴⁹ Democratic agency yields self-respect. In challenging the boundaries of the democratic public sphere – as part of his formulation of the concept of ‘social freedom’ – he appeals to extra-legal and extra-judicial norms, actors, and organizations. This feature of his project he believes is its distinctive contribution, one that establishes its superiority over Rawls’s institution-based conception of justice. The development of social freedom “largely evade[s] legal and constitutional categories.”⁵⁰ Identifying a “web” of “weakly institutionalized practices and customs that give us social confirmation to express ourselves freely,” a sufficiently robust democratic public sphere can ultimately render “superfluous” state protection and the state’s moral obligations to its citizens.⁵¹ In fact, Honneth postulates the “transnationalization of public self-legislation,” which would globalize the democratic public sphere, such that democratic ties extend “beyond the cultural space of the ‘nation.’”⁵²

Public forums might emerge in a particular civil society that advocate the recognition of basic rights or push social relations to incorporate social esteem. Even in these forums, however, Honneth omits the civic moral reinterpretation and redirection of the ends of political power – indeed, the ends are prescribed as the satisfaction of basic psycho-social needs in a global setting. He identifies public forums for “unforced will-formation” as essential for constituting the “We” of democratic politics, but he vaguely intimates the public values, interests, and scope of this “We.”⁵³ He elaborates the normatively under-determined character of democratic public forums by appealing to John Dewey:

[T]he formation of a public [...] would require that a group of people, brought together

⁴⁹ Honneth, *Freedom’s Right*, p. 307.

⁵⁰ Honneth, *Freedom’s Right*, p. 67.

⁵¹ Honneth, *Freedom’s Right*, p. 67 & p. 329.

⁵² Honneth, *Freedom’s Right*, p. 288-90 & p. 327-28.

⁵³ Honneth, *Freedom’s Right*, p. 272.

by the interdependence of their individual actions, reach an understanding about the ‘consequences’ of their ‘associated activities’ and thus about which of these they take to be desirable. Only if such a communicative understanding about the consequences of their associated action in the group comes about can we speak of the ‘We’ of the public. [...] Dewey uses the term ‘democratic public’ to describe the totality of all the communicative processes that enable the members of ‘large societies’ [...] to take up the perspective of such a ‘We’ while judging the consequences of their actions. It constitutes a form of social freedom by enabling individuals, in communication with all the members of society, to improve their living conditions.⁵⁴

Note that for a democratic public to assume the perspective of a ‘We,’ it looks for “desirable” consequences that “improve living conditions.” But in reaching an “understanding about the consequences” of its “associated activities,” Honneth does not articulate the normative basis of public political judgment.⁵⁵ Short of free and open discussions that “clarify and realize [...] political intentions in an unforced manner and by reciprocally taking up the role of speaker and listener,” Honneth does not provide additional normative grounds for guiding public will formation or how one ought to engage “the public exchange of experiences.”⁵⁶ Consumption of print media, the telegraph, and the telephone are extensions “within” the democratic public sphere.⁵⁷ To his great credit, however, he necessitates “concrete interactions” and “voluntary services needed for the material preparation and execution of actual events.”⁵⁸ Presumably, this would shore up surplus validity from the inside-out – that is, immanently – imbuing the social world with a new normative order.

A concept akin to the moral rights of citizenship that Honneth introduces for motivating democratic agency is “constitutional patriotism” (*Verfassungspatriotismus*).⁵⁹ He defines the

⁵⁴ Honneth, *Freedom’s Right*, p. 274.

⁵⁵ Likely, Honneth presupposes the validity of Habermas’s discourse ethics for the free and open establishment of democratic norms, but it is unclear whether or not Habermas presupposes constitutional patriotism in describing the ideals of democratic deliberation. See Henricks, Todd. “Coping with Constitutional Indeterminacy: John Rawls and Jürgen Habermas,” *Philosophy & Social Criticism* 36.2 (2010): 183–208.

⁵⁶ Honneth, *Freedom’s Right*, p. 269.

⁵⁷ Honneth, *Freedom’s Right*, p. 270.

⁵⁸ Honneth, *Freedom’s Right*, p. 292.

⁵⁹ Honneth, *Freedom’s Right*, p. 266.

concept: “By viewing the constitution of their democratic community as an inspiration to realize and perfect the universal moral principles contained in these documents in light of their own historical experiences, citizens can gain confirmation of their political cohesion and emotional connection to one another.”⁶⁰ In place of a moral interpretation of civic belonging as guiding the fair terms of social cooperation, constitutional patriotism is an “emotionally anchored commitment to the good of the community.”⁶¹ To this end, his description of how “constitutional patriotism” has been rationally-motivating in political praxis focuses on 20th c. European politics, where this sort of “emotionally anchored commitment” and “political cohesion” had often gone awry and subordinated moral values to an exclusionary ethno-nationalism.

The idea of constitutional patriotism [...] continues to have little attractiveness[.] It lacks historical concretion, a narrative of collective triumphs and defeats in the light of which citizens can view themselves as sharing a common destiny and commit to mutual support. Therefore, at the end of our treatment of the socialization of legal, moral and social freedom, we are faced with the question of where to obtain the moral resources that could enable a democratic citizenry to withstand in solidarity [...] various misdevelopments[.]⁶²

To the extent that constitutional patriotism has been rationally-motivating, it espouses ethno-nationalism and fails to guide a “democratic citizenry” through “various misdevelopments.” Constitutional patriotism, for Honneth, endorses ethno-nationalism, rather than ethno-nationalism preventing the normative efficacy of constitutional patriotism.

His skepticism about moral ideals galvanizing masses is grounded in his rejection of the abstract social contractarian model of moral persons. He reasons that constitutional patriotism presupposes a social contractarian model of the citizen as a reasonable and rational person, who has a civic duty – and an acquired capacity – to make universal judgments. Yet, he believes that in practice, in concrete social relations, these judgments are often misguided and

⁶⁰ Honneth, *Freedom's Right*, p. 267.

⁶¹ Honneth, *Freedom's Right*, p. 266.

⁶² Honneth, *Freedom's Right*, p. 328.

“indeterminate.”⁶³ Unsurprisingly, on his view, when the moral ideal of citizenship guides praxis it tends to devolve into ethno-nationalist fervor. The Rawlsian moral imperative commands that citizens regard themselves as self-authenticating sources of valid claims who direct the principle of political legitimacy through the enactment of duties of civility. Honneth consider such a moral characterization of persons highly speculative; at times, he even suggests that assuming the orientation is ‘ontologically’ impossible, given the way individuals must be embedded in social relations in order to find their normative bearings. Yet, in highlighting the naivety of Rawls’s abstract conception of the moral person, he endorses the rather cynical view that democratic agents are normatively impotent and unmotivated to fight for robust moral ideals in the struggle for actualizing civic equality: “To want to detach ourselves [from existent relations of recognition] in order to get sight of them is to entertain an illusion that is just as empty and idle as the desire to shape them as we please.”⁶⁴ He thus considers the moral ideal of citizenship an implausible normative basis for entering into positive relations with others without degenerating into pernicious ethno-nationalism.

His denial of constitutional patriotism and similar moral ideals of citizenship centers on such ideas’ causal-efficacy for guiding the norms of immanently-emerging social and political praxis. “This [...] demonstrates why a reconstructive theory of justice is generally more skeptical than its proceduralist alternatives, because it does not trust a *fictional* procedure of agreement to inform us realistically about principles of justice. *It will always be doubtful whether these principles overtax existing social relations.*”⁶⁵ But, historically, the exercise of the moral rights

⁶³ Pensky, Max. “Social Solidarity and Intersubjective Recognition: On Axel Honneth’s *Struggle for Recognition*,” in *Axel Honneth: Critical Essays*. (Ed.) Danielle Petherbridge. Boston: Brill, 2011. pp. 125-53. p. 140.

⁶⁴ Honneth, *The I in We*, p. 42.

⁶⁵ Honneth, *The I in We*, p. 48. Emphasis added. It is instructive to read the passage from which I pull this quote:

Compared to proceduralist approaches, this type of reconstructive theory of justice is both more trustful and more skeptical of historical reality. It is more trustful because it sees within already established relations of communication

of citizenship proved to be a shared moral experience; furthermore, it was not an impracticable “impartial” standpoint divorced from disempowered racial groups’ self-conception as moral persons. Furthermore, rather than “overtaxing social relations,” it provided unique insight into the grounds motivating political praxis from the standpoint of the collective moral experience of oppression and subordination. He dismisses the possibility of immanently developing moral ideals that, while reflecting particular experiences and an embedded social location, actualize civic virtues and develop the norms of public political culture:

But the skepticism reaches even further. There might be hopes that in the course of this normative reconstruction, we will come across *an historically existent discursive method* – the very same method appealed to *fictitiously* by proceduralists. If that were the case, we could discern *a special relation of recognition in modern social reality, one in which citizens achieve autonomy by participating in democratic processes of will formation, thereby defining together the principles of social justice*. Under these circumstances, the theory could pull out of the business of determining principles of social justice, for it need only distill the normative preconditions under which the discursive results of the already existing procedure could count as justified. The reason why I distrust such an historically situated form of proceduralism is that individual autonomy demands more and other forms of social recognition than are guaranteed by participation in public processes of will formation.⁶⁶

He thus refuses countenance how marginalized racial groups struggle for social and political power on the revised terms of civic belonging. Not only pressing for rights and esteem, black social institutions reimagine the very nature of public goods, what constitutes the basic structure, and how we conceive citizens as moral persons (i.e., whether they are part of a racial plurality or not). Surely, these are ‘extra-legal’ conditions – in his sense of the term – that enable individual’s autonomous self-realization as ‘social’ agents. But, in seeking to avoid institutional over-

the normative principle that underlie demands for social justice. It can therefore restrict itself to explicating the principles that socialized subjects are already guided by in their relationships of recognition. However, *if these preconditions are absent* – that is, *if we are dealing with ethically damaged and demoralized social relationships* – this theory of justice will be relatively powerless. It, too, *will have to resort to an impartial standpoint in order to not wholly lose sight of the principles of social justice*. This extreme case also demonstrates why a reconstructive theory of justice is generally more skeptical than its proceduralist alternatives, because it does not trust a fictitious procedure of agreement to inform us realistically about principles of justice. *It will always be doubtful whether these principles overtax existing social relations.*

⁶⁶ Honneth, *The I in We*, p. 48. Emphasis added.

determination at the state-level that curtail “freely-formed” ties of democratic “solidarity,” he misses the opportunity to theorize social freedom in the context of the expanding scope and ends of a civic community, whose normative reference point is developing notions of civic belonging in a modern state.

Yet, following Du Bois, I submit that outside the debate between transcendentalism and institutionalism, normative idealism and social theory, black people in America were fighting for freedom under longstanding conditions of racist oppression and exclusion.⁶⁷ Honneth is unable to explain what preserving the dignity of black citizenship under these conditions meant or how to rationally reconstruct the normative orientation of segregated social institutions. To put it bluntly, he is unable to explain what these institutions were doing. Given their aims and concrete activities, it is implausible to assert that pressing for legal protection and social esteem exhausted their function. For, they articulated claims that were yet to be recognized as rights; and, they challenged the legitimacy of the prevailing interpretation of constitutional rights, the existent terms of social belonging, and what even constitutes a public good – (i.e., are hospitals, school systems, orphanages included?) in a white racial polity. On his model, the exertion of black political will would be interpreted as a struggle to gain legal protection or social esteem, rather than as a challenge to the prevailing consensus on what is political legitimate in a white supremacist status quo, which does not believe it has flouted the values of freedom and equality. The actualization of the moral powers of citizens posited determinations of the substantive conditions of civic equality that are “civil, political, and economic,”⁶⁸ thereby instilling a new meaning into what it means to extend legitimate state power and esteem towards one’s fellow

⁶⁷ Honneth, *Freedom’s Right*, p. 42.

⁶⁸ Du Bois, *Souls*, p. 164.

citizens.⁶⁹

Describing the political disenchantment of the 20th c. Western Europe, Honneth writes that the “public [...] turns away from state-mediated politics. [T]he peoples of Western Europe have [...] muted moods of ‘disenchantment’ with politics [*Politikverdrossenheit*] – a diffuse mistrust in [the state].”⁷⁰ He continues, “the only way out of this crisis of the democratic constitutional state would be to bundle the public power of organizations, social movements, and civil associations in order to put coordinated and massive pressure on the parliamentary legislature, forcing it to take measures to ensure social re-embedding of the capitalist market.”⁷¹ However, he observes that “the necessary resources provided by a common background culture are gradually beginning to dry up.”⁷² He thus offers little by way of reinvigorating the normative grounds that could motivate action and revamp “the cohesion of citizens.”⁷³

Perhaps Du Bois can dispel his somber mood and undue cynicism. The exercise of the moral rights of citizenship from behind the Jim Crow color-line amounted not only to a defense not of freely-formed ties of democratic solidarity, but invoked the failure of the modern state to discharge its integrative ethical function. It affirmed the moral status of citizens of color to participate in the establishment of the fair terms of social cooperation that should ultimately revise the ends of the state. For Du Bois, the idea of civic community does not endorse ethno-nationalism nor “overtax” social relations, but functions as a causally-efficacious moral ground

⁶⁹ Du Bois challenges us to be specific about what it means to recognize the value of our fellow citizens in civil society. Rather than press for a general category of esteem, he advocates focusing on particular issues such as recompense in labor, familial organization, policing policies, intimate relations, views on beauty and pain, to name a few, to collapse these considerations under the banner of ‘esteem’ empties the issues of their normative force and specificity. When one is denied a fair wage, it is an injustice that is stronger than a failure to confer ‘esteem.’ When one’s family unity is attacked, again, it is an injustice stronger than a withdrawal of esteem.

⁷⁰ Honneth, *Freedom’s Right*, p. 325.

⁷¹ Honneth, *Freedom’s Right*, p. 326.

⁷² Honneth, *Freedom’s Right*, p. 327.

⁷³ Honneth, *Freedom’s Right*, p. 288. I omit discussion of the ethical significance of love as the social condition of social freedom, although Honneth includes it as a critical element of social freedom.

for injecting a *radically new* interpretation of political values into the white polity and for restructuring the existent social relations between citizens who are members of different racial groups. The category of civic belonging can disrupt the normative structure of the given interracial social relations; it challenges the racist social exclusion in the American polity, as it is reflected in civil, economic, and political life.⁷⁴ Du Bois's critique of Jim Crow reimagines the scope, form, and substantive commitments of the American civic community.

⁷⁴ Tellingly, Honneth writes that the impetus for social struggle is the experience of disrespect, a moral feeling that arises with the violation of established conventions of social engagement: “[S]uch expectations are the product of the social formation of a deep-seated claim-making potential in the sense that they always owe their normative justification to principles institutionally anchored in the historically established recognition order.” Fraser and Honneth, *Redistribution or Recognition?*, p. 137.

Figure 2. "Jesus Christ in Baltimore" *Crisis* 1(3): January 1911

JESUS CHRIST IN BALTIMORE.

IT seems that it is not only Property that is screaming with fright at the Black Spectre in Baltimore, but Religion also. Two churches founded in the name of Him who "put down the mighty from their seats and exalted them of low degree" are compelled to move. Their palatial edifices filled with marble memorials and Tiffany windows are quite useless for the purposes of their religion since black folk settled next door. Incontinently they have dropped their Bibles and gathered up their priestly robes and fled, after selling their property to colored people for \$125,000 in good, cold cash.

Where are they going? Uptown. Up to the wealthy and exclusive and socially select. There they will establish their little gods again, and learned prelates with sonorous voices will ask the echoing pews: "How can the Church reach the working man?"

Why not ask the working man? Why not ask black people, and yellow people, and poor people, and all the people from whom such congregations flee in holy terror? The church that does not run from the lowly finds the lowly at its doors, and there are some such churches in the land, but we fear that their number in Baltimore is not as great as should be.

iii. *The Civic Function of the Black Church and School during Jim Crow*

In the previous sections, I have argued that Rawls and Honneth fail to provide an account of the civic function of social institutions, which was manifest in the 20th c. black historical experience of Jim Crow. These institutions fostered and formed black moral agency in the struggle for civic equality. I have argued that while Rawls shares Du Bois's normative commitment to the moral ideal of citizenship, he does not countenance how the organization of institutions in a particular marginalized racial community could be founded on habits of citizenship that ensure both the community's (contested) moral standing as a full member of the American civic community and its survival under persistent attack and longstanding federal neglect. He instead believes that all citizens are "similarly-situated" in relation to the basic structure, such that a section of civil society need not assume an explicitly civic function, given a "basically" just constitutional democracy. Honneth, on the other hand, rejects the moral ideal of citizenship in favor of extra-legal and extra-judicial social relations that fill essential features of flourishing subjectivity. He favors immanently-developing social norms that amplify individual autonomy by expanding the scope and depth of shared moral experiences, but is highly skeptical that the exercise of the moral rights of citizenship could qualify as a shared moral experience.

In this section, I present Du Bois's conception of the civic function of black social institutions during the Jim Crow era. I argue that Du Bois presents an alternative view of the imbrication of moral ideals, citizens, and their social institutions – a third way, so to speak. He endorses the moral ideal of citizenship, but argues that its normatively-robust proposals, which offer a substantive interpretation of the meaning of freedom and equality, arise from immanently-developing social practices tied to a particular set of social institutions that reflect a shared moral experience, namely that of the lived experience of black racial embodiment, needs,

and collective vulnerabilities in a racial caste system.

Du Bois describes the black church and school as “social settlements” that operated as “governments of men,” carrying “the inner ethical life of a people.”⁷⁵ He ascribes to these institutions the following goals: 1) to recognize and 2) to actualize the full moral standing of black citizens in a white racial polity that systematically denigrated the dignity of black citizenship.⁷⁶ These institutions, in Du Bois’s view, not only carried the ethical spirit of a people from behind the color-line, but imparted – however, imperfectly – that spirit into the polity. From behind the color-line, that is, from a vantage point of civil, economic, and political marginalization, the immanently-developing norms that guided the activities of the black church and school not only appealed to the principles of freedom and equality, but challenged the prevailing interpretations of these values for legitimatizing racist exclusion. For Du Bois, these social institutions pursue a critical role in light of the federal government’s refusal to represent black interests with the dismantling of Reconstruction policies. Yet, the normative significance of American citizenship guided their organizational activities, even as they were stationed ‘outside’ the formal domains for exercising social and political power; their moral powers as members of the American civic community were nonetheless in full force and politically legitimate.

In 1) *recognizing* that black persons are full members of the American civic community, these institutions centered on the unacknowledged status of black citizens as sources of moral value and moral interpretation with respect to establishing the terms of civil, economic, and political life – or to use the more abstract Rawlsian phrase, “the fair terms of social cooperation.” Affirming their contributions in adjudicating the fair terms of social cooperation, Du Bois refers

⁷⁵ Du Bois, *Souls*, p. 161.

⁷⁶ Du Bois, *Souls*, p. 86-87, 90. Du Bois, *Black Reconstruction*, p. 621 & p. 667.

to black “striving” behind the veil after “ideals” that capture a racially-inclusive interpretation of the substantive meaning of freedom and equality, propounding “not antagonistic ideals but [norms that are] part of one ideal; [ones that] did not increase segregation, but [emerged in light of] segregation [that] was there and would remain for many years.”⁷⁷ To be sure, the proffered terms challenged the distribution of social and political power; the organization of the basic structure – particularly, what ought to count as a public good or a public institution that serves the common good. For example, Du Bois questions whether private ‘associational’ institutions in civil society must become essential contexts for receiving a civic education and imparting civic virtue in an “imperfect” society founded on the civic inconsequentiality of black people.⁷⁸ Furthermore, black institutions advanced informal social welfare policies that treated housing, food, education, medical services, and childcare – just to name a few – as public goods funded by an informal tax system (progressive developments slow to win wider appeal in the national polity.) And finally, formulations of the fair terms of *interracial* social cooperation, emerging from black social institutions, that challenged conceptions of *who* is a citizen and what obligations that should carry.

Of course, highlighting these challenges to American social and political culture does not establish them as a priori valid, but it does elucidate the substantive meaning of freedom and equality from the elided black perspective, whose moral value was not recognized. For, “even the invisible never leave politics; they remain always actively engaged in their polities, even if no one notices.”⁷⁹ The moral powers of citizenship are thus constructed in a racialized plurality, where notions of political legitimacy reflect evaluative judgments about the status and lived experience of black racial embodiment, the latter being denigrated and “veiled” in the Jim Crow

⁷⁷ Du Bois, *Dusk of Dawn*, p. 777.

⁷⁸ Du Bois, *Black Reconstruction in America*, p. 621.

⁷⁹ Allen, *Talking to Strangers*, p. 103.

era.⁸⁰ To be sure, Du Bois does not believe in the moral superiority of oppressed black people as sources of moral value and interpretation, but he does submit that incorporating their input would dramatically revise the normative structure of social and political culture.⁸¹ As Danielle Allen elaborates, “autonomy no more consists of getting one’s own way all the time in the political realm than in the sphere of friendship. It consists instead of getting one’s way in concert with others, and as modified by them.”⁸²

In 2) *actualizing* black persons as full members of the American civic community, these social settlements were “a great school of prospective citizenship.”⁸³ And their organizers – preachers, regular church-goers, and teachers – were “ethical and social leaders” of the black community and, ultimately, for Du Bois, of the nation as a whole, although the nation hardly recognizes their sacrifices for the preservation of the moral spirit of the republic.⁸⁴ In *Souls*, he even refers to the preacher and the teacher as a sort of “politician” working in the “social, intellectual, and economic centers” of the segregated black community.⁸⁵ In Du Bois’s estimation, they inculcated civic virtues in defense of the common good, democratic literacy, and reimagined the American civic community in racially inclusive terms – moral ideals hardly in the offing elsewhere in the U.S. at the time. Of course, inasmuch as African Americans are not recognized as full members of the American civic community and do not partake in the public adjudication of the fair norms of social cooperation in the wider polity, their civic standing is not fully actualized.

⁸⁰ For my definition of a racialized plurality, see chapter 1. Additionally, see Charles Mills on racial ideology for a detailed explanation about how the status of racial embodiment is reflected in evaluative judgments pertaining to political legitimacy.

⁸¹ Du Bois consistently refers to historical moments that witness the incorporation of black input in the organization of society as “revolutionary” or as “social revolutions.”

⁸² Allen, *Talking to Strangers*, p. 133.

⁸³ Du Bois, *Souls*, p. 34.

⁸⁴ Du Bois, *Souls*, p. 163; Du Bois, *Dusk of Dawn*, p. 712-15; Allen, *Talking to Strangers*, p. 114.

⁸⁵ Du Bois, *Souls*, p. 155.

Du Bois's political critique of Jim Crow presents a philosophical challenge. On the one hand, Jim Crow segregation constitutes racist oppression. On the other hand, it conditions the exercise of the moral autonomy of black citizens that resulted in a "second sight," revealing habits of citizenship that delineate a substantive, but politically legitimate, interpretation of the meaning of freedom and equality from the elided black perspective.⁸⁶ With the rise of segregation, Adolph Reed argues that "in Du Bois's view, simple good judgment called for fortifying [...] black institutions as existed behind the walls of segregation."⁸⁷ In highlighting a prudent political strategy for navigating racist oppression, Reed interprets the activities of black social institutions as evincing "a necessary *concession* to the reality of segregation."⁸⁸ Du Bois, however, illustrates that the "necessary concession" was suffused with a moral interpretation that impelled a new developmental arc in the struggle for civic equality.

Even with the withdrawal of federal support, the concrete activities of black institutions remained grounded in the public values of freedom and equality, illustrating that the ideal of citizenship imposes a moral, not a legal, duty; of course, inasmuch as the existent laws were unjust, the ideal is necessarily moral, as it transcends the existent normative structure of social and political culture and rallied against the civic inconsequentiality of black people.⁸⁹ For "the law is not an *artifact*, or made object, that embodies the will of the people once and for all, but a *practice* in which any and every citizen may be involved at any moment, through deliberation,

⁸⁶ Du Bois, *Souls*, p. 8; Allen, *Talking to Strangers*, p. 114.

⁸⁷ Reed, Adolph Jr. *W.E.B. Du Bois and American Political Thought*. p. 74. Reed, however, is certainly correct in that for Du Bois legally-sanctioned segregation called for a different kind of black politics, one that began to resemble black nationalism in its appeal to black self-determination behind the "veil," so to speak, and functionally independent of white-controlled social and political institutions. In 1935, Du Bois observes: "The colored people of America are coming to face the fact quite calmly that most white Americans do not like them, and are planning neither for their survival, nor for their definite future if it involves free, self-assertive modern manhood." Quoted from Marable, *W.E.B. Du Bois: Black Radical Democrat*, p. 147.

⁸⁸ Reed, Adolph Jr. *W.E.B. Du Bois and American Political Thought*. p. 77.

⁸⁹ In his exchange with Booker T. Washington, Du Bois clarifies that Washington's style of concessionist politics leads to the civic death of black people in America. While Du Bois had a sober understanding of the realities of segregation, he never advocated black folk's foregoing the exercise of civic virtues or their claim to equal moral standing in the American civic community.

legislation, or enforcement.”⁹⁰ The black church and school assumed an explicitly civic function, but one that carried on the normative legacy of Reconstruction through grassroots initiatives, as well as social practices and the daily interactions of black citizens. Du Bois thus links the historical sociology of the black church and school to the Freedmen’s Bureau, which he also identifies as a ‘government of men.’ With the dismantling of the Freedmen’s Bureau and the termination of Radical Reconstruction policies enabling states to reintroduce *de jure* white supremacist policies such as the Black Codes – culminating with the *Plessy* decision by the Supreme Court – black social institutions filled a void. They intervened in the reestablishment of a racial caste system. Moreover, Du Bois believes they emerged from the bottom-up. “The upper class Negro [...] has never planned or thought of a Negro state or a Negro church or a Negro school. This solution has always been a thought up-surg-ing from the mass, because of pressure which they could not withstand and which compelled a racial institution or chaos.”⁹¹ In order to avoid chaos, these institutions assumed a civic function with a far-reaching ambition, scope, and administrative prowess.

a) The Black Church

According to Du Bois, freedom for African Americans often bore a religious connotation.⁹² The black interpretation of political values was suffused with religious metaphor.⁹³ Emancipation was “the literal Coming of the Lord” for freedmen and black refugees of the Civil War.⁹⁴ But “the white Christian church [from Reconstruction to Jim Crow] accepted the program of caste for Negroes,” writes Du Bois. The breaking away of the black church from

⁹⁰ Allen, *Talking to Strangers*, p. 170.

⁹¹ Du Bois, *Dusk of Dawn*, p. 9. 305. Quoted from Reed.

⁹² Du Bois, “Religion in the South,” p. 69.

⁹³ Glaude, Eddie S., Jr. *Exodus! Religion, Race, and Nation in Early Nineteenth-Century Black America*. Chicago and London: The University of Chicago Press, 2000. chp. 5

⁹⁴ Du Bois, *Souls*, p. 164.

denominations controlled by whites signified the rejection of the Christian doctrine of submission and humility in light of racist oppression. Because “the Negroes had no Zion,”⁹⁵ a new religious ideal emerged: “Some day the Awakening will come, when the pent-up vigor of ten million souls shall sweep irresistibly toward the Goal, out of the Valley of the Shadow of Death, where all that makes life worth living – Liberty, Justice, and Right – is marked ‘For White People Only.’”⁹⁶ In divining a “new Zion,” the black church would forge to make a new world here on earth – in the United States, of all places – where “liberty, justice, and right” would enfold the actual experiences of black Americans.

The “Awakening” spelled the expansion of the democratic public sphere into the black church. Eddie Glaude observes that the church “represents the first national forum for civic activity among African Americans...[It] provided, along with the black newspaper, a national public forum for civil debate about the well-being of the community.”⁹⁷ Evelyn Brooks Higginbotham confirms that “the church itself became the domain for the expression, celebration, and pursuit of black collective will and identity. *At issue here is the public dimension of the black church, not the religious dimension of the public realm.*”⁹⁸ The walls of segregated black institutions provided an opportunity to exercise democratic agency without the risk of public humiliation, violence, or death. For, as Du Bois puts it, “a proscribed people must have people must have a social center.”⁹⁹

Du Bois claims that the black church was “a social institution first, and religious

⁹⁵ Du Bois, *Dusk of Dawn*, p. 777.

⁹⁶ Du Bois, *Souls*, p. 168.

⁹⁷ Glaude, *Exodus!*, p. 17-18.

⁹⁸ Higginbotham, Evelyn Brooks. *Righteous Discontent: The Women’s Movement in the Black Baptist Church, 1880–1920*. Cambridge: Harvard University Press, 1994. p. 10.

⁹⁹ Du Bois, *Souls*, p. 158.

afterwards.”¹⁰⁰ There “the race problem in all its phases is continually being discussed, and indeed, from this forum many a youth goes forward inspired to work.”¹⁰¹ He even adds that “purely spiritual aims [...] suffer somewhat” because the church “is more than a church, it is a government of men.”¹⁰² In my discussion of Honneth, I have argued that the notion of civic belonging carries greater normative force than that of the democratic public sphere, although conceptions of civic community include free and open democratic deliberation. A civic normative orientation redirects social and political power by assailing the “dead weight of social degradation;”¹⁰³ it does not merely establish legitimate norms, but undertook the task of “social regeneration” without the support of the federal government. It “reproduced in microcosm, all that great world from which the Negro is cut off by color-prejudice and social condition.”¹⁰⁴ In executing its civic function, the church did not simply reimagine what constitutes public goods and the basic structure, as well as racializing conceptions of moral personhood in a racial plurality. It effectively *actualized* the moral status of black persons by challenging the reemergence of a de jure racial caste system through the *administration* of public goods and the *provision* of basic social welfare services that alleviated pressing social need and distress. There wasn’t just talking – there was doing.

In the context of Jim Crow segregation, the moral ideal of citizenship thus demanded the assistance of the worst off in the community. Reallocating resources volunteered by black people, mostly poor, these institutions promoted a minimum basis for the common good, administrating basic social welfare provisions that included but were not limited to: education,

¹⁰⁰ Du Bois, W.E.B. *The Philadelphia Negro* in *Du Bois on Religion*. (Ed.) Phil Zuckerman. New York: Rowman & Littlefield, 2000. p. 35.

¹⁰¹ Du Bois, *On Religion*, p. 36.

¹⁰² Du Bois, *On Religion*, p. 37.

¹⁰³ Du Bois, *Souls*, p. 9.

¹⁰⁴ Du Bois, *Souls*, p. 158.

healthcare, and rudimentary anti-poverty measures. For, besides advocating blacks' political literacy and inculcating civic virtue, the church helped organize – and in some cases, directly provide – childcare, domestic services, the distribution of housing stock, food, and clothing. As I will discuss in the next subsection, the black church also worked to increase adult and children's literacy, primarily through bible circles, makeshift schoolhouses, and financing schooling at all levels. Higginbotham observes that the black Baptist church conventions even ran committees that issued statistical reports on child welfare, nutrition, mortality, and life expectancy rates, and reported the prevalence of various diseases (including an open discussion of venereal disease), as well as pioneering methods for teaching and rearing children.¹⁰⁵

The administration of public goods and social welfare policies was made possible by volunteer labor and donations. Du Bois illustrate black sacrifice to increase the welfare of more vulnerable members of the community, although many hardly earned enough for their own subsistence. The vast informal social welfare policy to aid the poor and working class who were neglected by state and federal governments functioned as an epistemic conduit to how “the other half” was living and strengthened the cohesion of citizens.¹⁰⁶ The Du Bois scholar Lawrie Balfour observes that civic power assumed a distinctly gendered form in black social institutions. Du Bois “both advocates the inclusion of African American women as full citizens and acknowledges their historical importance as political actors, even in the absence of recognition by the polity.”¹⁰⁷ She continues, Du Bois “gestures toward what Hortense Spillers calls ‘the insurgent ground’ of an alternative female subjectivity, and with it, alternative possible

¹⁰⁵ See Higginbotham, Evelyn Brooks. *Righteous Discontent: The Women's Movement in the Black Baptist Church 1880-1920*. Cambridge: Harvard University Press, 1993. p. 178-80.

¹⁰⁶ Du Bois, *On Religion*, p. 41.

¹⁰⁷ Balfour, *Democracy's Reconstruction*, p. 100.

conceptions of democratic citizenship.”¹⁰⁸

Black women (and women whose grandmothers were black) are today furnishing our teachers; they are the main pillars of those social settlements which we call churches; and they have with small doubt raised three-fourths of our church property. If we have today, as seems likely, over a billion dollars of accumulated goods, who shall say how much of it has been wrung from the hearts of servant girls and washerwomen and women toilers in the fields.¹⁰⁹

This volunteer labor force accomplishing the civic function of the black church was thus dominated by black women. It was “largely through their efforts” that the dignity of black citizenship was actualized under extreme duress: “Largely through the efforts of women, the black church built schools, provided clothes and food to poor people, established old folks’ homes and orphanages, and made available a host of needed social welfare services.”¹¹⁰ Du Bois comments, “one can see in the Negro church today, reproduced in microcosm, all that great world from which the Negro is cut off by color-prejudice and social condition.”¹¹¹ One can specify that *women* “reproduced in microcosm” a “great world.” What was reimagined as public goods alleviated the burden typically shouldered by women. Unfortunately, seldom did their sacrifices lead into “entrance into American national life” for black citizens or for their substantive interpretation of public values that, for example, encompassed childcare as a public good.¹¹²

Du Bois held a nuanced position on the fact that entrance into national life was not won inasmuch as he had a long view of what the realization of civic equality entailed. He maintained

¹⁰⁸ Balfour, *Democracy’s Reconstruction*, p. 100.

¹⁰⁹ Du Bois, W.E.B. *Darkwater*, p. 104. quoted from Balfour, *Democracy’s Reconstruction*, p. 109.

¹¹⁰ Higginbotham, Evelyn Brooks. *Righteous Discontent: The Women’s Movement in the Black Baptist Church 1880-1920*. Cambridge: Harvard University Press, 1993. P. 2.

What is more, a civic-minded congregation in Massachusetts and Connecticut pooled funding that allowed Du Bois to go to college at Fisk University in Nashville, Tennessee. Du Bois’s mother was a domestic worker who passed away when he was sixteen years old.

¹¹¹ Du Bois, *Souls*, p. 158.

¹¹² Du Bois, W.E.B. “On Being Ashamed of Oneself,” in *W.E.B. Du Bois: Writings*. New York: Viking Press, 1986. p. 1024. Emphasis in the original.

that black social institutions must confront the color-line and advocated basic civil and political rights. Yet, he also assented that from behind the color-line black civic power could be, at times, more effectively fortified than through integration into a white world unwilling to recognize African Americans as moral equals in the adjudication of the terms of social cooperation – even when the state legally compelled integration. He was accused by NAACP leaders to endorse black nationalism and accept segregation. This is not quite fair to his view. Preserving the integrity of black citizenship was his priority and, in light of the problem of the racial caste system, achieving it would pose difficulties in light of hostile, ignorant, and resentful whites. Effective integration – one that recognized and actualized black standing as moral equals in the American civic community – requires the concomitant “revolutionary” restructuring of the white racial polity.¹¹³ Until then, Du Bois observes, “cooperation with the white South means in many cases the surrender of the very foundations of self-respect.”¹¹⁴ And so, on his view, Jim Crow segregation also afforded “a special chance for a new trial of democratic development without force among some of the worst victims of force.”¹¹⁵ To be sure, Du Bois never gave up the hope that the color line would eventually disappear in the United States.¹¹⁶ However, on account of its continued existence, both formally and informally, he expressed concern that the dismantling of black institutions with an explicit civic function and administrative prowess sensitive to black needs would negatively impact the struggle to realize civic equality. Moreover, from behind the color-line, certain public goods were often also more likely to be in the offing for black citizens. For example, Du Bois criticized the dismantling of excellent black schools with the *Brown vs.*

¹¹³ My presentation of Du Bois’s view on black nationalism shares features of what Tommie Shelby describes as “pragmatic nationalism.” See chapter 6 of his *We Who Are Dark: The Philosophical Foundations of Black Solidarity*. Cambridge: Harvard University Press, 2005.

¹¹⁴ Du Bois, W.E.B. “Negro Education,” in *W.E.B. Du Bois: Writings*. New York: The Library of America, 1986. p. 875.

¹¹⁵ Du Bois, *Dusk of Dawn*, p. 714.

¹¹⁶ Du Bois, *Dusk of Dawn*, 9. 309-10. Quoted from Reed.

Board of Education decision. He believed that black children— first and foremost – should be able to receive a quality education, but worried this would be unavailable in integrated schools, largely controlled by resentful whites and ignorant of the black historical experience. Even as Du Bois advocated the protection of basic rights, he articulated the institutional conditions that would effectively realize black self-respect as a precondition of political autonomy, secure basic goods, and confirm blacks’ sense of their own inviolable dignity as American citizens. In the context of a hostile and violent Jim Crow society, perhaps black institutions were better structured to achieve some of these goals. This presents a special challenge to theorizing how the wider polity and the federal government should responsibly discharge its ethical obligation to actualize the moral powers of all citizens and support the black community. For, Du Bois believed that ultimately black social institutions carried too great a burden to actualize civic equality and ultimately must be re-embedded into the social and political culture on fair terms all could reasonably accept.

b) The Black School and University

Although Du Bois does not claim that the black college is a ‘government of men,’ in an essay on education, he claims that a school is a “fraud,” if it does not have for “its object” the “needs of the pupils and the community.”¹¹⁷ In rejecting civic inconsequentiality and assailing the dead weight of social degradation, the struggle for democratic literacy and effective civic power was imbricated with the struggle for actual literacy. The history of the emergence of black schools and churches are thus intertwined. Schools were often housed inside churches, and

¹¹⁷ Du Bois, W.E.B. “Negro Education,” *W.E.B. Du Bois: Writings*. Nathan Huggins (Ed.) New York: The Library of America, 1986. p. 870.

organized and funded by churches.¹¹⁸ “In the midst of reaction and disenfranchisement, of poverty and growing caste, [schools] became centers of a training of leadership and ideals for the whole Negro race, and the only fine and natural field of contact between white and black culture,” writes Du Bois.¹¹⁹ He kept track of the teachers and preachers black schools and universities trained, who would become the ethical and social leaders of the community, contending that black schools were integral for providing a civic education and imparting civic virtues that are attentive to the black historical experience and instill determination to confront the obstacles imposed by the color-line. The quality and type of schooling also reflected assumptions about the status of black persons as free agents. That is, whether American society welcomed black professionals or pushed them into unskilled menial labor reflected assumptions about the value of black life. The organization of labor thus functioned as a cite for the reproduction of a racial caste system. Diminishing opportunities for meaningful economic self-determination tracked the diminishing of civic standing inasmuch as black citizens were not considered autonomous agents but objects to be controlled and exploited for whites.

Du Bois describes the connection between economic self-determination and civic standing in sketching the role of schools and universities:

Many [whites] began to express a fear lest the Negro become ‘overeducated’ and too ambitious, and America began to face frankly the problem as to just what it wanted the Negro to be. Was he to be trained as a free citizen, economically and socially equal to other Americans, or was he to be trained as a servile caste, the recipient of charity and good will, but not a full-fledged member of American democracy?¹²⁰

He argues that schools should not only educate students well. He was emphatic that black students have the opportunity to pursue a liberal arts higher education that broadened the intellect

¹¹⁸ Du Bois, *On Religion* (from *Philadelphia Negro*), p. 36.

¹¹⁹ Du Bois, *Black Reconstruction*, p. 665.

¹²⁰ Du Bois, W.E.B. “Will the Church Remove the Color Line?,” in *Du Bois on Religion*. (Ed) Phil Zuckerman. New York: Rowman & Littlefield, 2000. pp. 173-80. p. 176.

and articulated an alternative vision of black life in non-menial and non-vocational professional settings, which he believed confirmed social domination and degrading stereotypes. As an institution with a civic function, he contends that notions of education reflect assumptions about where one belongs in civil society and in the wider polity. In order to be effective, black schools had to challenge these assumptions.

Furthermore, in a speech delivered in 1933 at his alma mater, Fisk University, he adds that localized knowledge about one's identity, the black historical experience, and the obstacles the color-line imposes should be transmitted through higher education. Allow me to quote at length:

[T]he American Negro problem is and must be the center of the Negro American university. *It has got to be.* You are teaching Negroes. There is no use pretending that you are teaching Chinese or that you are teaching white Americans or that you are teaching citizens of the world. You are teaching American Negroes in 1933, and they are the subjects of a caste system in the Republic of the United States of America and their life problem is primarily this problem of caste.

Upon these foundations, therefore, your university must start and build. Nor is the thing so entirely unusual or unheard of as it sounds. A university in Spain is not simply a university. It is a Spanish university. It is a university located in Spain. It uses the Spanish language. It starts with Spanish history and makes the conditions in Spain the starting point of its teaching. Its education is for Spaniards, -- not for them as they may be or ought to be, but as they are with their present problems and disadvantages and opportunities.

In other words, the Spanish university is founded and grounded in Spain, just as surely as a French university is French. There are some people who have difficulty in apprehending this very clear truth. They assume, for instance, that the French university is in a singular sense universal, and is based on a comprehension and inclusion of all mankind and of their problems. But it is not so, and the assumption that it is arises simply because so much of French culture has been built into universal civilization. [...]

In the same way, a Negro university in the United States of America begins with Negroes. [...] [A]bove all, it is founded or it should be founded on a knowledge of the history of their people in Africa and in the United States, and their present condition. Without white-washing or translating wish into fact, *it begins with that*; and then it asks how shall these young men and women be trained to earn a living and live a life under the circumstances in which they find themselves or with such changing of those circumstances as time and

work and determination will permit.¹²¹

In this passage, we see that for Du Bois, the black college, like the black church, must confront the “problem of caste.” Schools encouraged free ideals of self-realization, but also responded to the sobering circumstances that impacted both political and economic self-determination. In discharging its civic function, the school system should facilitate self-knowledge of vulnerable racial communities. This pedagogical goal, he believed, complements a liberal arts education. “What was wrong,” he writes, “was that I and people like me and thousands of others who might have my ability and inspiration, were refused permission to be part of this world.”¹²² To partake of the world, however, required both self-knowledge as a member of a race and the broader cultural and intellectual exchange afforded by a liberal arts education.¹²³

Though the actualization of civic standing, the exercise of the moral rights of citizenship attached certain public goods to the achievement of civic equality. Part of the redefining of the meaning of democratic citizenship was the securing of public education as a public good – this good, unlike other informally administrated public goods in black institutions, such as subsidized daycare – won national acceptance. It has become inextricably bound up with the moral meaning of American citizenship. Access to free and open public schools is now taken to be as a given right.¹²⁴ The call for free and open education also advanced the interests of whites – especially poor whites¹²⁵ – but it emerged from the grassroots effort of the postbellum black community.

¹²¹ Du Bois, W.E.B. “The Negro College,” *W.E.B. Du Bois: Writings*. Nathan Huggins (Ed.) New York: The Library of America, 1986. P. 1011-12. My emphasis.

¹²² Du Bois, *Dusk of Dawn*, p. 574.

¹²³ Du Bois, *Souls*, p. 89.

¹²⁴ The push for charter schools, however, is chipping against this gain. Noticeably, communities of color, children with disabilities, and the working poor suffer from the expansion of charter schools and the general privatization of schools.

¹²⁵ Marable, *W.E.B. Du Bois: Black Radical Democrat*, p. 152. Du Bois, *Black Reconstruction*, p. 638.

White laborers did not demand education and saw no need of it, save in exceptional cases. They accepted without murmur their subordination to the slaveholders, and looked for escape from their condition only to the possibility of becoming slaveholders themselves. Education was regarded as a luxury connected with wealth.

When the governor of Louisiana revoked a general tax that fund public schools and libraries, in 1864, he “received a petition, 30 feet in length, represent[ing] ten thousand Negroes, who signed mostly with marks.”¹²⁶ Du Bois thus maintains that the public school system in the South was a black invention.

[Freedmen] were consumed with the desire for schools. The uprising of the black man, and the pouring of himself into the organized effort for education, in those years between 1861 and 1871, was one of the most marvelous occurrences of the modern world; almost without parallel in the history of civilization. The movement that was started was irresistible. It planted the free common school in a part of the nation, and in a part of the world, where it had never been known, and never been recognized before. Free, then, with a desire for land and a frenzy for schools, the Negro lurched into the new day.¹²⁷

The public school system, ultimately a nation-wide initiative, expanded the basic structure of American society. Pressed to recognize as political legitimacy of it as a public good, the American civic community expanded its social infrastructure. This gain attests to the dramatic revision of the moral entitlements of citizenship within the wider polity, won on the initiative of the black community exercising the moral rights of citizenship in a manner that attended to the community’s local needs and vulnerabilities, but generalized as a public good.

Thus, as the black college nourished black political autonomy, Du Bois’s affirmation of black social institutions under Jim Crow does not forego – but presupposes – the ideal of a racially-inclusive democratic regime. Ultimately, for him, it animates the black contribution to the reimagining of civic identity and terms of social belonging. With the eventual inclusion in official institutions of political power, black interests should be weighed in the public adjudication of the common good within the American civic community. As I explain in the

It was only the other part of the laboring class, the black folk, who connected knowledge with power; who believed that education was the stepping-stone to wealth and *respect*, and that wealth, without education was crippled. Perhaps the very fact that so many of them had seen the wealthy slaveholders at close range, and knew the extent of ignorance and inefficiency among them, led to that extraordinary mass demand on the part of the black laboring class for education. And it was this demand that was the effective force for the establishment of public schools in the South *on a permanent basis, for all people and all classes.* (*Black Reconstruction*, p. 641, emphasis added).

¹²⁶ Du Bois, *Black Reconstruction*, p. 644.

¹²⁷ Du Bois, *Black Reconstruction*, p. 123.

previous chapter, the modern state is not a static object for Du Bois. The civic community that advances moral ideals of constitutional democracy was also in flux, as black citizens addressed the obstacles to their dignified flourishing.

iv. Provisional or Definitive? The Ethical Significance of Institutional Sites of Difference for Theorizing Democracy

In light of presentation of Du Bois's critique of Jim Crow, one must ask whether his analysis of 20th c. black institutions is specific to Jim Crow conditions, or helps guide politics in other conditions and time periods. The application of Du Bois's critique of Jim Crow involves at least three distinct issues. I identify and consider them here briefly, but they require further exploration that I save for another time, and are not comprehensive.

- (1) The reconstruction of the concept of modern freedom necessitates rethinking modernity from its 'underside.'¹²⁸ Ordinary, disenfranchised racial groups exercise the moral rights of citizenship that develop the ideals of modernity, where the constitution is a normative reference point for advancing political claims and standing. The development occurs through the dialectical mediation of institutional sites of difference, which protect citizens' precarious equal moral standing as citizens, and the formal public spaces in the polity, which are ultimately responsible for publically recognizing and actualizing civic standing. Confronting the ethical labor of

¹²⁸ See for examples in Latin American philosophy, Linda Alcoff & Eduardo Mendieta (Eds). *Thinking from the Underside of History: Enrique Dussel's Philosophy of Liberation*. New York: Rowman & Littlefield, 2000. See also Quijano, Anibal. "Coloniality of Power, Eurocentrism, and Social Classification," *Coloniality at Large: Latin America and the Postcolonial Debate*. Mabel Moraña, Enrique Dussel, and Carlos A. Jáuregui (Eds.). Durham and London: Duke University Press, 2008. Neil Roberts's work also merits mention again. See his *Freedom as Marronage*. Chicago: University of Chicago Press, 2015.

institutional sites of difference issuing from the trans-Atlantic slave trade, colonialism, and neo-neoliberalism, and expropriation of indigenous land—just to name a few major historical episodes of global scope—must serve as the litmus test of the rationality of modern constitutional democracies, globally. Thus, while they should be provisional, these institutional sites of difference have also proven *necessary*, in light of federal neglect of, and violence against, marginalized racial communities.

The application of Du Bois's critique of Jim Crow pertains to my reconstruction of a philosophy of modern freedom from his oeuvre. On a Du Boisian methodology, in rethinking modern freedom, as part of a normative political philosophy, there is a dialectical mediation between institutional sites of difference and the basic structure at large. But note that agreeing with liberal, critical, and republican accounts of freedom, the democratic constitutional state is ultimately responsible for the recognition and actualization of the moral meaning of civic equality. From institutional sites of difference, however, the moral rights of citizenship not only impel the enactment of the moral agency by disenfranchised racial groups, but provide a clear conceptual framework for conceptualizing the nature of progress in constitutional republics worldwide, which are founded on racial violence and carry the historical memory of racial trauma.¹²⁹ Institutional sites of difference present a challenge for the more reasonable reorganization of the basic structure of modern democratic societies, however much the historical details and normatively salient institutional spaces and social groups vary.

¹²⁹ Framing progress in this way discounts the political legitimacy of institutional sites of difference that reassert white nationalism and spread xenophobic and nativist sentiment. The exercise of the moral rights of citizenship are necessary increasingly inclusive of different racial and social groups. Its goal is the institutional embedding of disenfranchised groups' equal moral standing in a civic community.

Demographic shifts may serve as an impetus for the structural transformation of democratic societies. As minority communities grow in the U.S., for example, formerly powerless voices carry more votes in national politics, which also issue a challenge to the reorganization of the polity.¹³⁰ Yet, the achievement of citizens' rights and capacities for self-determination will not be carried by demographic shifts alone; the white racial polity can double-down and refuse claims of enfranchisement, refusals which are increasingly reflected in recent racial gerrymandering and voter ID law controversies.¹³¹ Hence, what Hegel calls "the labor of the negative" is unavoidable (*PhG* 18). In other words, the development of modern constitutional societies requires a "self-conscious" acceptance of fair terms of social cooperation that address racial matters directly. Progressive change that is, then, "actual": it is an achievement in evident in the basic structure, as evinced in a dialectical mediation of institutional challenges that force the hand of a white racial polity and reorganize the terms of the basic structure, making it fairer and racially-inclusive. Demographic changes alone will not reshape the terms of interracial social cooperation and may even lead to the re-entrenchment of a white racial polity as whites vie for power as a racial minority.

(2) Political morality in a "post-racist" constitutional democracy can include institutional sites of difference, where associational social ties among formerly-oppressed racial groups are preserved, including but not limited to, the freedom to live among others who share one's social identity and history of racial trauma.¹³² With the realization of

¹³⁰ In the United States whites are predicated to become a racial minority by 2055. D'Vera Cohn and Andrea Caumont "10 Demographic Trends that are shaping the U.S. and the world," *Pew Research Center*, 31 March 2016.

¹³¹ Berman, Ari. "The Man Behind Trump's Voter-Fraud Obsession," *New York Times Magazine* 13 June 2017; Feingold, Russ, "America risks one-party rule if gerrymandering isn't stopped," *The Guardian* 16 June 2017.

¹³² Shelby defends a similar position view. See his *We Who Are Dark: The Philosophical Foundations of Black Solidarity*. Cambridge: Harvard University Press, 2005; Shelby, Tommie. *Dark Ghettos: Injustice, Dissent, and Reform*. Cambridge: Harvard University Press, 2016.

civic equality, wherein the polity does not thwart racial inclusion, institutional sites of difference can still have value, even if not a civic one. Note that the preservation of institutional sites of difference does not carry to whites *as* whites.

Without systemic injustice, segregated institutions may yet be helpful, if not necessary for explicitly civic purposes. Because we continue to live in a society rife with racial tensions and violence, I offer here a highly speculative observation about what ties of racial identity might mean in a post-racist society. Yet, invoking constitutional norms accepted today, one could justify institutional sites of difference for groups that were formerly the target of racial violence, marginalization, and oppression in the right to free association and cultural preservation.¹³³ Commenting on the prospect of black self-segregation, Shelby assents that black neighborhoods should neither be “proscribed” nor “poor black inhabitants” be “dispersed.”¹³⁴ Moreover, speaking speculatively, such sites might continue to offer meaningful ways of forging social, cultural, and aesthetic affiliations, which might issue from the preservation of the historical memory of racial trauma and collective perseverance.

Even when the institutional sites of difference is no longer necessary to militate for civic equality, in a fully free society, where all citizens can realize their social and political self-determination via the institutions of the basic structure, the choice to live with those who share one’s social identity and stand in a similar relationship to the past, the socio-historically constructed hermeneutic horizon of difference can continue to provide rationally motivating

¹³³ Please note that the overarching thrust of my thesis is that appreciating the ethical labor of historical sites of difference revises the public conception of constitutional rights.

Benhabib, Seyla. *The Claims of Culture: Equality and Diversity in the Global Era*. Princeton: Princeton University Press, 2002. Gutmann, Amy. *Identity in Democracy*, Princeton: Princeton University Press, 2003. Kymlicka, Will. *Multicultural Odysseys: Navigating the New International Politics of Diversity*. Oxford: Oxford University Press, 2007.

¹³⁴ Shelby, *Dark Ghettos*, p. 275.

grounds for action, including ethical affiliation, cultural, and aesthetic production. Reference point for coalition building among more disadvantaged social groups, who are in their own struggle to achieve civic equality from an institutional site of difference.

- (3) The question of how best to conceptualize and achieve civic equality looms in anti-racist and black politics now. Institutions in civil society no longer serve a civic function, albeit systematic political, social, and economic injustice persists in communities of color that are increasingly ghettoized and impoverished. In light of the re-entrenchment of the federal neglect of the black community, the recognition and actualization of the moral status of disenfranchised racial groups remains a political imperative, as it was during Reconstruction and Jim Crow. However, increasingly, established black political figures and a new generation of radical grassroots organizers *question whether it is appropriate to reorient emancipatory politics towards the state, which is viewed as electoral politics*. While Du Bois cannot provide an ethical theory of the state that answers contemporary questions of political organization, my reconstruction of his philosophy of modern freedom—via Hegel—affirms the political legitimacy of state-oriented politics that centers on racial matters and the experience of racial embodiment—germs that are already contained in the Black Lives Matter Movement. With respect to normative validity, the recognition and actualization of the moral rights of citizenship remains an objective. The question that cannot be settled philosophically is which articulation of social and political praxis is apt to achieve the end of civic equality.

With the weakening of institutions that have carried a civic orientation in the black community, American society remains riddled with racial violence and tension. What future does the black church aim for—one in which its existence is no longer needed or desired? Even storied civil rights groups such as the NAACP are publically criticized by black intellectuals as ineffectual. Mellissa Harris-Perry has recently called it an “inconsequential,” “entrenched bureaucracy.”¹³⁵ While the black church remains a powerful entity in the United States, it is no longer a central institution shaping the civic orientation of the black community. In 2010, Eddie Glaude writes in the *Huffington Post*, “The Black Church, as we’ve known it or imagined it, is dead.”¹³⁶ Yet, in spite of his harrowing pronouncement, Glaude, along with William Barber, call upon the institution to reinvigorate its civic spirit in national political life, even though some believe it has lost considerable political credibility.¹³⁷

All is not lost. Although there is an ethical void that powerful black-led institutions have left behind, which inspired Du Bois to reimagine the ways black Americans participate in national political life, a new articulation of racial justice within cross-racial alliances have leapt into the national political stage. Black Lives Matter Movement has expanded the moral imagination for reimagining civic enfranchisement in U.S. national politics. The movement has forged cross-racial partnerships with the LGBTQ community, economic and climate justice actions, and women’s rights community organizations. Its organizing tactics illustrate not only the abiding ethical relevance of racial difference in the public adjudication of the common good with respect to a wide variety of causes. But it also stresses civic education and democratic literacy towards political participation, though not quite with the same institutional durability as

¹³⁵ Harris-Perry, Mellissa. “How to Save the N.A.A.C.P. From Irrelevance,” *The New York Times* 30 May 2017.

¹³⁶ Glaude, Eddie Jr. “The Black Church is Dead,” *Huffington Post*, Original Publication 26th April 2010 (Updated 23rd August 2012).

¹³⁷ Goodstein, Laurie. “Religious Liberals Sat out of Politics for 40 Years. Now They Want in the Game.” *The New York Times*. 10 June 2017

the black church and school in Jim Crow, or the Freedmen's Bureau during Reconstruction. In a free society, all citizens must partake of social and political self-determination as moral equals in a civic community. In concert with their fellow citizens, they must establish fair terms of social cooperation on good faith and with mutual respect. The terms of engagement must be embedded in the organization of the basic structure. This remains an inescapable task of modern democratic societies that unfold within the institutional context of a constitutional democracy, where formerly disempowered political actors articulate their voice as moral equals.

v. *Conclusion*

In this chapter, I defend Du Bois's assessment of the civic function of the black church and college during Jim Crow. I articulate what it means for an institution in civil society to assume a civic function to preserve the dignity of black citizenship in light of racist exclusion from 'official' institutions of political power and the denigration of the dignity of citizenship. In the absence of federal recognition, the exercise of the moral rights of citizenship was recognized and actualized in these institutions, which sustained a model of interracial democracy in a polity whose moral imagination was saturated by white supremacist ideology. This signifies the ethical achievements that are embedded in the black historical experience, but are often misunderstood and unappreciated.

I have demonstrated the challenge such institutions pose to dominant liberal models of the relation between moral ideals, citizens, and their institutions. Honneth and Rawls's political philosophies emphasize the institutional conditions for realizing individual autonomy in a modern constitutional democracy. They advance a conception of freedom that is tied to social institutions, which assume a distinctive normative significance. For Rawls, social institutions

comprise the basic structure of society and educate the moral subjectivity, whereas Honneth highlights rights and esteem-based social relations that neglect the category of civic belonging. Neither philosopher imagines how the moral rights of citizenship might shape activities in civil society.

All is not lost, however. There is much that is useful in their philosophies. Rawls endorses the idea of the exercise of the moral rights of citizenship “direct[ing] the legitimate exercise of political power in a constitutional regime.” Honneth, on the other hand, advocates immanently-developing social norms as guiding emancipatory praxis. I show that in the absence of basic legal protections, good will and mutual respect in the wider polity, Du Bois argues that black citizens advanced normatively-robust norms that immanently developed through social practices in the segregated black community. They did this by asserting the dignity of their citizenship in an institutional context that shaped the exercise of subjective will in response to the lived experience of Jim Crow. Du Bois thus contends that the black church and school maintained a tenacious normative commitment to the moral ideal of citizenship, even as it was embedded in concrete social practices and particular marginalized communities.

Because during the Jim Crow era the moral agency commanded by African American citizens was anchored within concrete social institutions, a significant number of black citizens had a direct, daily interaction within their walls and civic account of moral purpose was a causally-animating force.¹³⁸ Racial identity thus situated citizens within a distinct constellation of power that called for a unique moral economy for confronting the color-line. Within the walls of the black church, Du Bois observes that the “soul” of the nation flickered against the ethical void of white supremacist violence, disenfranchisement, and exclusion that was often passively

¹³⁸ Not in the amorphous substance of “public reason” as such. Rawls’s description of the latter often appears to analogize Simone Weil’s theology, where god’s withdrawal from the world attests to his omnipresence – public reason is everywhere, while it is nowhere in particular.

accepted – or actively defended – by whites.¹³⁹ And so, at the height of Jim Crow, he still believed the nation had a soul.

¹³⁹ Higginbotham, *Righteous Discontent*, p. 10.

Chapter IV.

Du Bois and the Republican Critique of Freedom

I believe in Liberty for all men: the space to stretch out their arms and their souls, the right to breathe and to vote, the freedom to choose their friends, enjoy the sunshine, and ride on the railroads, uncursed by color; thinking, dreaming, working as they will in a kingdom of beauty and love.¹

W.E.B. Du Bois

I. Introduction

Republican conceptions of freedom have gained prominence in political philosophy and recent Afro-modern political thought. Strands of republican political thought are found in Greek and Roman antiquity, as well as in the modern political philosophies of Jean-Jacques Rousseau and Immanuel Kant. Broadly construed, republicanism is a theory of political liberty that prizes the rule of law, citizens' participation in democratic life, and highlights structural inequalities in civil society that characterizes systematic patterns of social domination. Given that the American state was founded on republican ideals, republican principles were often invoked by historical actors to justify their actions, from the revolutionary war to the drafting of the constitution. Unsurprisingly, republican commitments are also manifest in the political demands of the African-American community in the wake of slavery, the Civil War, and Reconstruction.² For example, in his well-known speech delivered in 1852, "What to the Slave is the Fourth of July?," Frederick Douglass rebukes the hypocrisy of the nation's proclamation of equal rights in the

¹ Du Bois, W.E.B. "Credo" (from *Darkwater*), in *Du Bois on Religion*. (Ed.) Phil Zuckerman. New York: Rowman & Littlefield, 2000. p. 44.

² Melvin Rogers also notes the transformation of republican ideals by black political figures, not merely their use. See his forthcoming *Race and Republicanism: Reflections on Early African-American Political Thought*. The historian Eric Foner also claims that post-bellum black citizenship drew on republican principles: "black politics was fully absorbed into the American republican heritage." "Reconstruction Revisited," *Reviews in American History* 10.4 (1982): 82-100. p. 90.

constitution, when the document also protects black chattel slavery.³ Yet in granting that republicanism influences the political demands of the African-American community, the doctrine's resourcefulness for articulating emancipatory ends is not settled.

With the revival of republicanism in contemporary Afro-modern political thought, W.E.B. Du Bois's political philosophy has become the object of republican critique. In his tour de force monograph *In the Shadow of Du Bois*, Robert Gooding-Williams argues that Du Bois endorses "a politics of expressive self-realization [...] in the romantic tradition" and illegitimately appropriates Frederick Douglass's political legacy.⁴ Gooding-Williams reconstructs a republican framework to establish the superiority of Frederick Douglass's non-expressivist republican-inspired politics over what he identifies as Du Bois's romantic political expressivism. In interpreting passages of Douglass's autobiography, *My Bondage, My Freedom*, he illuminates that as a political treatise *Bondage* resonates with two strands of republican thought, namely Arendt's civic republicanism and the contemporary neo-republicanism of Philip Pettit. Recast in a republican framework, he illuminates the political culture of slave plantations that slaves kept intact in order to affirm their dignity as moral persons, which he takes Douglass to narrate.⁵

Gooding-Williams argues that, unlike Douglass's republicanism, Du Bois's political expressivism is not oriented toward a political culture of freedom, but rather to a "politics of rule" and "rule-centered leadership" that subverts the emancipatory potential of antebellum and postbellum black politics.⁶ In particular, Du Bois provides few normative resources to articulate the emancipatory praxis of slaves. Instead, in Gooding-Williams's estimation, Du Bois claims

³ Douglass, Frederick. "What to the Slave is the Fourth of July?," in *My Bondage and My Freedom*. New Haven: Yale University Press, 2014. pp. 368-73.

⁴ Gooding-Williams, *In the Shadow*, p. 14.

⁵ Gooding-Williams, *In the Shadow*, p. 12.

⁶ Gooding-Williams, *In the Shadow*, p. 9.

that black elites and charismatic leaders—the talented tenth—curate authentic expressions of a “spiritual” folk identity that antecedently unite black Americans, facilitating their assimilation to American folkways. “As Du Bois represents it, the politics of expressive self-realization proceeds through the subordination of the black masses to the directives and policy dictates of cultured, aristocratic leadership—the so-called talented tenth.”⁷ On Du Bois’s rule-centered politics, black leaders find strategies to fight against “backwardness;” they work to assimilate the “uncultured” and “premodern” black masses to accepted conventions of cultural comportment.⁸ The moral ideal of citizenship is omitted from his characterization of Du Bois’s political philosophy, for “Du Bois’s argument is neither about a modern African American state nor about the leaders of such a state.”⁹ Consequently, he does not raise the struggle for freedom in connection to Du Bois’s political philosophy.

In distinguishing Douglass from Du Bois, Gooding-Williams recounts Douglass’s formative experiences of resisting his captors on a Maryland slave plantation. A physical altercation with the slave-breaker Covey, and the leaderless, secretive plotting of a “band of brothers”—fellow slaves-in-arms whom Douglass led—are emancipatory political practices that contribute to the refounding of the republic under “reconstituted practices of citizenship.”¹⁰ These actions, he argues, mitigated the arbitrary interference of slaveholders in the young Douglass’s life and in the lives of other slaves. Furthermore, the “refounding” of the polity *negated* the basic structure whose normative organization is *intrinsically* racist, according to Gooding-Williams. In precipitating a radical political break with the basic structure and American folkways, these actions promoted freedom as non-domination and established

⁷ Gooding-Williams, *In the Shadow*, p. 10.

⁸ Gooding-Williams, *In the Shadow*, p. 4-5 & p. 131-2.

⁹ Gooding-Williams, *In the Shadow*, p. 14.

¹⁰ Gooding-Williams, *In the Shadow*, p. 192 & p. 185,

“discursive arenas” for divergent views about the political significance of black identity in antebellum and postbellum U.S.¹¹

In this chapter, I dispel Gooding-Williams’s mischaracterization of Du Bois’s political philosophy as romantic political expressivism. I reject his ascription to Du Bois of an expressivist politics of self-realization and of culturally-elitist leadership that facilitates the assimilation of “backward” black masses. In previous chapters, I have argued that Du Bois defends the moral ideal of citizenship as a normative basis for *reinterpreting* the basic structure in light of black historical actors’ reinterpretation of the moral meaning of free and equal citizenship, including its obligations and entitlements. The moral ideal of citizenship legitimates principles all citizens should reasonably accept in an imperfect constitutional democracy. Yet, for Du Bois, the principles’ articulation foregrounds the moral experiences and interpretations of black Americans, for whom the promise of Emancipation has yet to be fulfilled through the reconstitution of the institutions of the basic structure.

While he rejects the view that the basic structure of American society is irredeemably racist, preparing the institutional conditions of black Emancipation (as comprehensive institutional enfranchisement) necessitates reinterpreting the purpose and function of major social and political institutions. The black historical experience carries the disregarded moral experiences and interpretations of the black community of the world around them, including the experiences of enslaved Africans, their hopes and expectations for a better world. Guiding the reconstitution of the basic structure should be public engagement with the first-person perspective of black historical actors in their struggle for freedom on the normative basis of free and equal citizenship. Thus, in underlining the black historical experience, Du Bois champions not passive assimilation but underwrites the moral agency of African-American historical actors,

¹¹ Gooding-Williams, *In the Shadow*, p. 203.

who, in his estimation, were the impetus for developing the ideals of American modernity.¹²

In his treatment of the moral agency of African-American historical actors, Du Bois underscores 1) the ineradicable moral agency of the oppressed under the aegis of the moral ideal of citizenship, including the institutional context of slave plantations, and 2) major social and political institutions—namely, the federal government—contain a germ of black moral agency that reimagined its purpose and function in a manner that would fulfill the promise of Emancipation, even if the white racial polity refuses to acknowledge that germ, the historical legacy of the “striving” of black Americans.

How does this two-pronged conception bear on the lives of enslaved Africans? The Du Boisian approach showcases the moral agency of slaves, as it was oriented toward the dismantling of the institution of slavery and envisioning a world without slaves—an outlook Douglass also held, but which Gooding-Williams’s deemphasizes in his conception of plantation politics. In order to demonstrate that Du Bois’s two-pronged normative commitment detailed above also captures slaves’ moral agency, I begin by assailing Gooding-Williams’s republican-inspired account of plantation politics, which he reconstructs using the writings of Frederick Douglass. To be sure, this chapter does *not* offer a comprehensive treatment of Douglass’s thought. Rather, it critically engages Gooding-Williams’s depiction of Douglass’s republicanism, for *that* depiction impacts the cogency of his critique of Du Bois and ignores the potential contribution of Du Bois’s two-part thesis on the nature of moral agency under conditions of racist oppression, including that of slave plantations. To experience slavery as *oppressive*—rather than as an institution sanctioned by the will of god—expresses moral agency. In the wider democratic polity, it shifts the federal government from a *de jure* white supremacist state to a

¹² Du Bois, W.E.B. *The Souls of Black Folk*, New York: Penguin Books, 1989. p. 34.

racially-inclusive constitutional democracy during the Civil War and Reconstruction.¹³ The state retained this newfound “revolutionary” insight that begins with slaves going on a massive general strike, until the rise of the southern Redemption movement, which chipped away at the political legitimacy of representing the moral experiences of former slaves and their descendants in national politics.¹⁴ The reconstruction of citizenship as racially pluralistic and the newfound rights and protections guaranteed by citizenship that freedmen had fought for were imperiled, but nonetheless set the bar for the highest ideal of the republic – of American modernity itself.¹⁵

In the first section, in explaining civic republicanism and Pettit’s neo-republicanism, I demonstrate that both versions of republicanism support a philosophy of the modern state as the principal institution that is responsible for creating a political culture that promotes the rule of law and furnishes the indispensable conditions of citizens’ enfranchisement. Second, I show that Gooding-Williams’s republican-inspired account of plantation politics deemphasizes this critical feature of republican political thought: moral and political agency as enabled by, and oriented towards, the modern constitutional state. Third, I examine what the moral ideal of citizenship amounts to—if anything—on slave plantations. Because the federal government refused to extend the rights of citizenship to enslaved Africans, there is an institutional lacuna, which must recognize the exercise of political agency. As a moral ideal, however, the ideal of citizenship reflects the underlining normative structure of black religious life on slave plantations. The latter reveals the interpretations and experiences of plantations *from the point of view of enslaved Africans*, for whom even in the absence of federal protection, “a faith in the ultimate justice of things” animated the religious practices of song and sustained a *moral* vision of the republic that

¹³ Du Bois, *Souls*, chp. 2.

¹⁴ Du Bois, W.E.B. *Black Reconstruction in America: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860–1880*. New York: Free Press, 1992. p. 59 & p. 64.

¹⁵ Du Bois, *Souls*, p. 11.

would one day include black people as citizens of the United States.¹⁶

II. Two Strands of Republican Political Thought

In this section, I distinguish two strands of republican political thought, civic republicanism and neo-republicanism that conceives of freedom as non-domination, as advanced by Philip Pettit and pioneered by Quentin Skinner.¹⁷ In order to present Gooding-Williams's account of the political culture of slave plantations, particularly with respect to the relation between master and slave in the antebellum South, I lay out his republican commitments. I show that in spite of his desiderata for a "rule-free" and "leaderless" politics, the republican frameworks he appeals to – and creatively combines – *both* uphold the political ideal of citizenship and prescribe habits of citizenship for the promotion of the mutual independence in the institutional context of the modern state. In particular, the state protects and adjudicates citizens' mutual independence through securing their rights in a ruler- and rule-centered fashion.¹⁸ Although he does not wholly exclude the state from his analysis, he posits a politics on slave plantations that largely bypasses it through his emphasis on one-on-one physical combat and secretive plotting. In the next section, I offer a model of plantation politics that countenances the moral ideal of citizenship as the implicit normative orientation of black religious life on slave plantations.

The ideal of citizenship entails distinct models of democratic life in each version of republicanism. Civic republicanism invokes a neo-Aristotelian conception of democratic politics

¹⁶ Du Bois, *Souls*, p. 213.

¹⁷ I follow Cécile Laborde's presentation of these two forms of republicanism. See Laborde, Cécile. *Critical Republicanism: The Hijab Controversy and Political Philosophy*. New York: Oxford University Press, 2008. Pettit, Philip. *On the People's Terms: A Republican Theory and Model of Democracy*. Cambridge: Cambridge University Press, 2012. Pettit, Philip. *Republicanism: A Theory of Freedom and Government*. New York: Oxford University Press, 1997. Quentin. *Liberty before Liberalism*. New York: Cambridge University Press, 1998.

¹⁸ Laborde, *Critical Republicanism*, p. 3.

that affirms democratic political participation as an essential feature of human flourishing. Melvin L. Rogers describes this feature: “On this account, one’s identity as a republican and a human being is bound up with realizing a distinctive essence that can only be realized through one’s participatory activities. [It endorses] the view that [our] essential nature is most fully realized in a democratic society where there is widespread and vigorous participation in political life.”¹⁹ The justifications for democratic life given by Jean-Jacque Rousseau, Hannah Arendt, and, to a lesser extent, Jürgen Habermas share the commitment to the notion that citizens’ moral and ethical personalities should be expressed through democratic politics and the communicative practices constitutive of it. Exercising democratic agency over a complete lifetime is a human good, especially in the face of anonymizing bureaucracies and totalitarian states that strip citizens of their capacity to assume moral authority publically. Without active democratic participation, critical features of the human personality atrophy and the necessary checks on state power dissolve. Citizens must acquire distinctive virtues through free and open participation in a democratic process in order to vindicate themselves as self-validating sources of political claims and define their ethical personalities; these virtues include habits of effective listening and speaking, public deliberation and oratory skills, and civic identification with the flourishing of the whole. A citizen’s free and open participation in the public sphere restores the conditions of human flourishing and civic virtues.²⁰ Seyla Benhabib ascribes to civic republicanism a philosophical anthropology that “proceeds from a level of abstraction that treats all forms of cultural, social, and historical differentiation among human beings as irrelevant when measured

¹⁹ Rogers, Melvin L. “Republican Confusion and Liberal Clarification,” *Philosophy & Social Criticism* 34.7 (2008): 799-824. p. 801. See also Pettit, Philip. *On the People’s Terms: A Republican Theory and Model of Democracy*. Cambridge: Cambridge University Press, 2012.

²⁰ Again, for further elaboration, see Melvin L. Rogers’s “Republican Confusion and Liberal Clarification,” *Philosophy & Social Criticism* 34.7 (2008): 799-824.

up against the ‘fundamentals’ of their condition.”²¹ Accordingly, the political ideal of citizenship included here is citizens’ self-constitution through free and open participation in the democratic process – those are the “fundamentals” of the human condition.

Alternatively, the neo-republican model of freedom contends that all political values derive from the value of liberty, which extols the undominated choice of individuals, not a philosophical anthropology of the human species that outlines the conditions of our flourishing and the contours of ethical character. This alternative view incorporates features of civic republicanism, including its stress on democratic participation and civic identification with the common good. Yet its emphasis is not simply on public deliberation, but the institutionalization of the resultant norms.²² As I will elaborate presently, Pettit—as well as Arendt—defends the state as the essential public institution for securing the conditions of non-domination and citizens’ mutual independence.

Pettit argues that liberalism is indifferent to power relations; a political community organized by the value of liberty must address social domination and unequal interpersonal power relations. Republicanism, he submits, is a formidable alternative to political liberalism for conceptualizing freedom inasmuch as it addresses social domination. Liberalism is unable to address unequal power relations because it conceptualizes freedom as non-interference. But, for Pettit, modeling freedom in terms of non-interference, rather than non-domination, creates problems. One can refrain from interfering with another, but nonetheless remain in a position that gives one arbitrary power over the lives of others. As long as one has the capacity to

²¹ Benhabib, Seyla. *The Reluctant Modernism of Hannah Arendt*. New York: Rowman & Littlefield Publishers, Inc. 2000. p. 195.

²² The difference between these two forms of republicanism blur. Habermas stresses the institutionalization of the results of public deliberation and, as I will show presently, even on Arendt’s account, the appropriate arrangement of public and social institutions is critical for the flourishing of democratic life. Additionally, Marilyn Freedmen argues that Pettit’s republicanism *is* a version of civic republicanism. See her “Pettit’s Civic Republicanism and Male Domination,” in *Republicanism and Political Theory*. (Eds.) Cécile Laborde and John Maynor. Malden: Blackwell, 2008. pp. 246-68.

exercise arbitrary power, citizens are not free, even if the available channels for arbitrary interference are seldom used by those with the capacity to use them. One may have a benevolent master who refrains from interfering with a potential victim, or the potential victim may be shrewd enough to avoid the machinations of the master, but the slave remains a slave—at any moment subject to the whims of her master.²³ It is thus “possible to have domination without interference.”²⁴ Yet it is also possible to have “interference without domination.”²⁵ One can be interfered with in a manner that advances one’s interests and amplifies one’s undominated choice. Such interference is non-arbitrary and does not constitute the undue mastery of another. Pettit explains that in this case “the person envisaged relates to me, not as a master, but more in the fashion of an agent who enjoys a power of attorney in my affairs.”²⁶

The extent to which the two strands of republicanism—civic republicanism and Pettit’s neo-republicanism—run together is most evident in their solution to the problem of diminishing liberty in modern constitutional democracies. Both Arendt’s and Pettit’s republicanism thus emphasize that public institutions and the modern state furnish the necessary conditions of freedom.

Consider again their distinctive accounts of the political ideal of citizenship with respect to the proper arrangement of social and political institutions. Pettit links freedom to citizenship in a democratic constitutional republic: “the laws of a republic create the freedom enjoyed by citizens; they do not offend against that freedom.”²⁷ Freedom is identified with the public adjudication of the general will or the common good, which results in juridical legislation that inscribes the outcomes of citizen’s democratic deliberation in the lawful administration of public

²³ Pettit, *Republicanism*, p. 23.

²⁴ Pettit, *Republicanism*, p. 23.

²⁵ Pettit, *Republicanism*, p. 23.

²⁶ Pettit, *Republicanism*, p. 23.

²⁷ Pettit, *Republicanism*, p. 36.

institutions.²⁸ “[R]epublicanism always had a juridical cast in which a central place was given to the notion of rights – customary, legal, and constitutional rights – as bulwarks against absolute power.”²⁹ The juridical cast of freedom as non-domination positions the federal government as a unique institution that is a necessary bulwark for citizens to enjoy “undominated” and “non-arbitrary” choice. The laws must disrupt interpersonal relations that harbor pernicious dependencies.

Thomas Simpson elaborates:

Other people might have the power to invade some particular person but the state averts this ‘horizontal’ domination, *dominium*, by protecting the one individual from the others. It does so by enforcing the criminal law, which is a system of external checks on private interference. The state also enacts policies in pursuit of social justice. But both these powers of the state restrict the individual’s choices; public interference has replaced private interference. As a group agent, the state also possesses a will.³⁰

Discharging a “will,” a state’s laws should “secure against the powerful” by express design, not by “precarious contingency” that happens to represent the common good issuing from democratic deliberation.³¹ Citizenship is thus a political ideal—save for lawful and public recognition of a constitutional government, little else can create the conditions of non-domination. To put a fine point on it, “The non-mastering interferer envisaged by republicans [...] was the law and government that obtains in a well-ordered republic.”³² Pettit targets *not* laws and leaders *as such* in his critique of the diminishing liberty of constitutional democracies,

²⁸ Pettit uses the term ‘interests’ to describe law as the non-mastering interference that conditions citizens’ liberty. He thus departs from a Kantian/Rousseauian rendering of the law as legislation that originates in principles necessarily binding on the autonomous general will of the people -- the ‘interest’ of the universal or public right -- and thus cannot soundly be conceptualized as ‘interference’, a lesser ‘evil’, or ‘coercion’ at all. Yet, Pettit maintains that law is “essentially coercive” and “interferes,” even as it “is creative of” liberty inasmuch as it “conforms to the opinions received among the citizenry.” (*Republicanism*, p. 36-7.)

²⁹ Pettit, *Republicanism*, p. 21; Pettit, Philip. *On the People’s Terms: A Republican Theory and Model of Democracy*. Cambridge: Cambridge University Press, 2012. p. 58.

³⁰ Simpson, Thomas, “The Impossibility of Republican Freedom,” *Philosophy & Public Affairs* 45.1 (2017): 27-53. p. 30.

³¹ Pettit, *Republicanism*, p. 24.

³² Pettit, *Republicanism*, p. 32.

but *despotic* rulers and *arbitrary* laws that fail to recognize the moral standing of citizens and do not advance their interests. In such cases, the “will” of the state is alienated from citizens’ collective judgment.³³ A ruler- and rule-centered politics is the indispensable condition of republican liberty.

Similarly, Arendt defends a political ideal of citizenship that requires institutional arrangements protected by the modern constitutional state, which creates the necessary conditions for the exercise of citizens’ democratic agency. Roy Tsao draws out Arendt’s often-overlooked commitment to the modern state, for all her criticisms of its bureaucratic and totalitarian deformations:

[Arendt] attaches paramount importance to the modern state’s dual function of integrating its diverse populations into a single body politic and upholding the rule of law for all. To be sure, Arendt never sets out a detailed normative model of a successful state along these lines. Instead she addresses the matter obliquely [...] Her long detours [...] supplement her argument by illustrating a set of ‘perversions of human self-consciousness’ that she associates with the failure of law-governed political community.³⁴

Inheriting the distinction between the *polis* (political realm) and the *oikos* (household) from Aristotle’s *Politics*, she holds that the political realm is where spontaneous, concerted action erupts, allowing for the public reconstitution of citizens’ character through honorable words and deeds, which—if worthy—ought to be preserved in the collective memory of the polity. Politics is the only activity that requires the “presence of others” for its possibility: “Action alone is the exclusive prerogative of man; neither a beast nor a god is capable of it, and only action is entirely dependent upon the constant presence of others.”³⁵ In contrast, in the *oikos*, which in European modernity would include the family and civil society, speech has no purchase on stirring

³³ He writes that laws must track the public’s “welfare and worldview.” Pettit, *Republicanism*, p. 56.

³⁴ Tsao, Roy T. “Arendt and the Modern State: Variations on Hegel in ‘The Origins of Totalitarianism,’” *The Review of Politics* 66.1 (2004): 105-36. pp. 106-7.

³⁵ Arendt, Hannah. *The Human Condition*. Chicago: Chicago University Press, 1998. p. 22-3.

behavior, so much so that necessity, force, and violence reign.³⁶ In the *oikos*, human beings are enslaved to the simultaneously chaotic and monotonous order of the natural world. Ministering to the physical body, the *oikos* fails to differentiate human beings into ethical, idiosyncratic personalities, and, instead, homogenizes them into a featureless organism that could be more or less hungry, more or less clothed, physically powerful or vulnerable. With respect to our corporeal aspect, we are all the same.³⁷

In modern Europe, a politics emerges that administers basic needs and intervenes in the organization of labor and reproduction—formally the apolitical activities of the *oikos* to which normative standards were inapplicable. Now these are the central objects of public administration. This development signals for Arendt the triumph of the “social” over the “political,” the *animal laborans* over *zoon politikon*; and the triumph of the *animal laborans* is the harbinger of totalitarian states. “Freedom,” she writes, becomes “located in the realm of the social, and force or violence becomes the monopoly of government.”³⁸ The task of our age, then, is to drive the social out of the political. Recuperation of the civic ideal of the state is necessary for the reemergence of democratic freedom. But the recovery of the ‘political’ tasks the modern state to dispel contamination by illegitimate social forces. In effect, democratic agents who effectively command public authority *must protect the rule of law and the constitution*, if the *animal laborans* is to be controlled. This overarching emancipatory end obtains, even in light of an agonal politics in the democratic public sphere, where citizens ‘freely’ engage in spontaneous actions in concert, cultivating civic virtues. In other words, the

³⁶ Numerous feminist philosophers have pointed out that Arendt in effect justifies the unyielding power of the patriarch in the household. See Benhabib, Seyla. “Feminist Theory and Hannah Arendt’s Concept of Public Space.” *History of the Human Sciences* 6.2 (1993): 97-114.

³⁷ Pitkin, Hanna Fenichel. *The Attack of the Blob: Hannah Arendt’s Concept of the Social*. Chicago: University of Chicago Press, 1998. p. 5.

³⁸ Arendt, *The Human Condition*, p. 31.

constitutional state must support such ‘free’ engagement.

While engendering different expressions, the political ideal of citizenship motivates both civic republicanism and Pettit’s neo-republicanism. Modern constitutional states must protect the ideal institutional arrangements that make the exercise of citizens’ democratic agency possible, and conversely, an active citizenry must protect the rule of law and the constitution to ensure the institutional conditions of their liberty. These two republican approaches for conceptualizing liberty are, ultimately, both ruler- and rule-centered. They are “ruler” centered in the sense that elected civil servants must run the state and they are “rule” centered in the sense that the rule of law and the constitution delineate what counts as “undominated” choice and “free” concerted action. In light of the shared republican commitment to rule- and ruler-based politics in the constitutional state, I now turn to assess how Gooding-Williams downplays this commitment in his depiction of emancipatory practices in the black counter-public, even though Frederick Douglass himself does not follow this route inasmuch as he advocates political abolitionism and condones slave rebellions that aimed to take state power.

III. Gooding-Williams on Douglass’s Republican-Inspired Plantation Politics

In his book *In the Shadow of Du Bois*, Gooding-Williams theorizes plantation politics that secure slaves’ “independence,” while they are still enslaved on plantations. He favors a republican framework for conceptualizing slaves’ resistance to slaveholders and, conversely, for characterizing slaveholders’ domination over slaves. He combines the two strands of republicanism outlined above and attributes this hybrid republican view to Frederick Douglass. Moreover, this hybrid republicanism is the normative basis of his critique of Du Bois’s political philosophy. In contrast to Du Bois, Douglass does not assume a given “spiritual” identity that

antecedently unites black people and motivates them to undertake political action, nor does he prize cultural elites and charismatic leaders whose advocacy of ruler- and rule-following facilitates black assimilation to American folkways—to passively obey the rulers and rules of the basic structure of American constitutional democracy.

Gooding-Williams argues that the domination of black life on plantation politics is manifest in the master’s capacity to exert arbitrary interference in the lives of slaves. Even in the absence of interference, the capacity to arbitrarily interfere constitutes domination. He describes two instances of emancipatory political practices on slave plantations that enforce a limit to the arbitrary interferences of slaveholders in the lives of their slaves and animate the “independent” political culture of slave plantations: 1) the young Douglass’s physical altercation with the slave-breaker Covey that reduces physical abuse at Covey’s hands, and 2) Douglass’s secretive plotting with his fellow slaves and brothers-in-arms to escape slavery, which amounts to a “subversive political activism” without rules, leaders, or a romantic conception of a pre-given, “spiritual” black identity. Taken together, these two elements are a declaration of independence — “the beginning of a revolution [...] that aims to reconstitute the American nation.”³⁹ These acts aim to refound the existent institutions of the basic structure of American society.

i. Douglass’s Battle with Covey: The Form and Fact of Freedom in light of Pettit’s Republicanism

Recall that both civic republicanism and neo-republicanism dichotomize social location in terms of those who possess sovereign agency for determining the world they inhabit and those who are the vulnerable subjects of unmitigated force; the constitutional state mediates citizens’ social location by guarding against their vulnerability to unmitigated force. Leaving the state of

³⁹ Gooding-Williams, *In the Shadow of Du Bois*, p. 192.

nature or the *oikos* to join a political community is the necessary institutional condition for exercising democratic agency. A favored example for presenting the merits of the neo-republican view of freedom as non-domination is the relationship between a master and slave.

Domination [...] is exemplified by the relationship of master to slave or master to servant. Such a relationship means, at the limit, that the dominating party can interfere on an arbitrary basis with the choices of the dominated: can interfere, in particular, on the basis of an interest or an opinion that need not be shared by the person affected. The dominating party can practice interference, then, at will and with impunity: they do not have to seek anyone's leave and they do not have to incur any scrutiny or penalty.⁴⁰

In this passage, the master is an agent of domination because of the structural position she enjoys that allows her to interfere with a subject at her pleasure—"at will and with impunity." But the example presupposes the background institutional context of a shared political community; for, what Pettit has in mind here is not actual slavery, but "political slavery," wherein citizens' voices are excluded from the formalization of the general "will" of the state.⁴¹ The master and the slave/servant share a background institutional context as members of a democratic polity. The restructuring of their social relations by the state secures their mutual independence through the enforcement or passage of laws. Undominated choice is the goal that the political ideal of citizenship ought to promote in a modern constitutional democracy, according to Pettit. Correcting relations of domination and pernicious social dependencies requires the redistribution of state power. The upshot of this favored example is that in a free society, "state agencies [must not] act according to their own judgment irrespective of the interests and desires of citizens."⁴² That is, state power ought not be "discretionary."⁴³ Otherwise, there emerges a "political slavery," where citizens are dependent on the whims of bureaucrats, state administrators, and

⁴⁰ Pettit, *Republicanism*, p. 23.

⁴¹ Rogers, "Race and Republicanism," p. 32.

⁴² Rogers, "Republican Confusion," p. 809.

⁴³ Rogers, "Republican Confusion," p. 810.

their fellow citizens who happen to shore up power.⁴⁴ The state must mitigate interference on the basis of public rules that promote the interests and welfare of subjects or, construed in the Rousseauian/Kantian sense, represent moral ideals that issue from the public adjudication of the republic's common good, a deliberative procedure grounded in citizens' shared capacity for reasonable judgement.⁴⁵

Now consider Gooding-Williams's description of domination on slave plantations:

Douglass's account of the nature of slavery [...] conceptualizes the relationship of master to slave as, fundamentally, a form of domination. Following Philip Pettit's recent reconstruction of the republican tradition of political thought, we may say that one agent dominates another if, and only if, he possesses the power (the capacity) to interfere with that other on an arbitrary basis. A person possesses that power when, through coercive or manipulative actions, he is able to worsen another person's choice situation [...] at will, or, more generally, without having taken account of the interests or opinion [...] of that other person. For Pettit, one person can dominate another even when she is not actually interfering with him, because she still enjoys the power to interfere arbitrarily in his choices. [...] The master's impulse, his whim, reigns, because his treatment of his slaves suffers no limits.⁴⁶

As an enslaved person, the young Douglass was subject to the arbitrary interference of his master—namely, the slave-breaker Covey—who at his pleasure and whim attacked and debased him by way of “breaking” him in for the life of a docile slave. Douglass fights to resist brutalization at Covey's hands. Gooding-Williams asserts that Douglass declares his independence against the slavocratic regime by physically fighting Covey.⁴⁷ Because the declaration of “independence” is based on a physical altercation, it occurs through “nonverbal deeds.”⁴⁸ Douglass “fight[s] to enforce a limit to domination” and his physical prowess is

⁴⁴ Rogers, “Race and Republicanism,” p. 32. Note that this kind of deformation of political power is also what preoccupies Arendt.

⁴⁵ Rogers, “Race and Republicanism,” p. 32.

⁴⁶ Gooding-Williams, *In the Shadow of Du Bois*, p. 170-71.

⁴⁷ The emphasis on physical combat to assert independence also has some worrisome implications for conceptualizing the resistance of enslaved women. Douglass recounts the harrowing story of a young enslaved woman who unable to resist her assailants, leaps from a bridge to her death. Surely, this suicide does not contribute to her—or anyone else's—“freedom.” Except in the sense that she is “free” of the world itself.

⁴⁸ Gooding-Williams, *In the Shadow of Du Bois*, p. 181.

sufficiently demonstrative to curtail further attacks.

Gooding-Williams claims that the altercation thereby secures Douglass's "manly independence."⁴⁹

And it [combat] is tantamount to imposing a limit on the degree to which an otherwise dominated subject depends on the will of another – to the degree to which his ability to live as he wishes depends on another's decisions. Combat brought Douglass ("manly") independence, because it executed his determination no longer to depend for his well-being on Covey's "merciful" decision not to whip him. [...] In keeping with the republican tradition of political theory, Douglass represents independence as freedom and freedom as nondomination. As he describes the fight with Covey, it secured him a limited freedom by establishing a limit to domination.⁵⁰

But how exactly does physical combat secure "manly independence" in the form of freedom as non-domination? Furthermore, is such a declaration of independence consistent with the republican tradition?

Douglass himself recounts that the altercation left him enslaved in "form" only, not in "fact."⁵¹ Here he recounts the encounter in *Narrative*:

This battle with Mr. Covey was the turning-point in my career as a slave. It rekindled the few expiring embers of freedom, and revived within me a sense of my own manhood. It recalled the departed self-confidence, and inspired me again with a determination to be free. The gratification afforded by the triumph was a full compensation for whatever else might follow, even death itself. He only can understand the deep satisfaction which I experienced, who has himself repelled by force the bloody arm of slavery. I felt as I never felt before. It was a glorious resurrection, from the tomb of slavery, to the heaven of freedom. My long-crushed spirit rose, cowardice departed, bold defiance took its place; and I now resolved that, however long I might remain a slave in *form*, the day had passed forever when I could be a slave in *fact*. I did not hesitate to let it be known of me, that the white man who expected to succeed in whipping, must also succeed in killing me.⁵²

And again, he recounts the encounter in *My Bondage, My Freedom*, which figures prominently in Gooding-Williams's analysis:

⁴⁹ Gooding-Williams, *In the Shadow of Du Bois*, p. 168.

⁵⁰ Gooding-Williams, *In the Shadow of Du Bois*, p. 178-9.

⁵¹ Gooding-Williams, *In the Shadow of Du Bois*, p. 178-9.

⁵² Douglass, Frederick. *Narrative of the Life of Frederick Douglass: An American Slave*. Cambridge: Belknap Press, 2009. p. 78.

Well, my dear reader, this battle with Mr. Covey,—undignified as it was, and as I fear my narration of it is—was the turning point in my “life as a slave.” It rekindled in my breast the smouldering embers of liberty; it brought up my Baltimore dreams, and revived a sense of my own manhood. I was a changed being after that fight. I was nothing before; I was a man now. It recalled to life my crushed self-respect and my self-confidence, and inspired me with *a renewed determination to be a freeman*. [...] After resisting him, I felt as I had never felt before. It was a resurrection from the dark and pestiferous tomb of slavery, to the heaven of comparative freedom. I was no longer a servile coward, trembling under the frown of a brother worm of the dust, but, my long-cowed spirit was roused to an attitude of manly independence. I had reached the point, at which I was not afraid to die. This spirit made me a freeman in *fact*, while I remained a slave in *form*. When a slave cannot be flogged he is more than half free. He has a domain as broad as his own manly heart to defend, and he is really “a power on earth.” While slaves prefer their lives, with flogging, to instant death, they will always find Christians enough, like unto Covey, to accommodate that preference. From this time, until that of my escape from slavery, I was never fairly whipped.⁵³

Violent resistance stayed the hand of Douglass’s would-be aggressors and reinvigorated his “determination” to run away. In both passages, Douglass highlights the newfound “form” of his freedom had rekindled a “crushed” sense of self-confidence and self-respect. Note that in the passage from *Bondage*, from which Gooding-Williams mainly draws, Douglass stresses the psychological experience of his burgeoning personal power, his lost “sense of his manhood,” and his determination to escape bondage.

Quoting extensively from *Bondage*, Gooding-Williams argues that Douglass’s physical prowess had secured the *form* of freedom because, as Douglass puts it, “a man, without force, is without the essential dignity of humanity. Human nature is so constituted that it cannot honor a helpless man, although it can pity him; and even this it cannot do long, if the signs of power do not arise.”⁵⁴ The young Douglass, then, wins the “honor” of his owners that stays their hands from visiting more violence on his body and enforces a limit on arbitrary interference.

While Gooding-Williams does not claim that the failure to *risk death* and resist one’s

⁵³ Douglass, Frederick. *My Bondage and My Freedom*. New Haven: Yale University Press, 2014. p. 196-7. My emphasis.

⁵⁴ Gooding-Williams, *In the Shadow of Du Bois*, p. 177.

subjugation stymies the honor of the enslaved, he accents that a diminishing sense of self-confidence and self-respect occasions violence at the hands of an oppressor; risking death appears to be a precondition of securing “manly independence.”⁵⁵ However, while republican conceptions of freedom can encompass the moral value of self-respect and self-confidence, they are not grounded in a general “sense” of “self-reliance” nor in the *temerity* of a people, but in publically-accepted rule of law, which the constitutional state demands that all citizens accept. Gooding-Williams argues that the altercation with Covey demonstrates that “[s]elf-reliance, then, is antithetical to dependence on laws, books, customs, and the like.”⁵⁶ Following the republican conception of liberty, the “choice situation” of a slave is not to be enslaved—*by law*—to gain one’s freedom through the recognition of the rights of citizenship. Republican conceptions of liberty are best suited for capturing the *fact* of freedom or the lack thereof, rather than its *form*, which delineates the requisite moral psychology for resisting oppression under institutionalized conditions of extreme duress and brutalization. To be sure, Gooding-Williams is correct to

⁵⁵ The emphasis on risking death in physical combat to assert “manly” independence also has some worrisome implications for conceptualizing the resistance of enslaved women. Douglass recounts a harrowing story told to him about a young, half-dressed woman who was unable to resist her assailants and leaped from a bridge to her death. Surely, this suicide does not demonstrate her failure to be a “power on earth” nor does it show that she did not deserve the “honor” of liberty. It does show that the human spirit can only suffer so much before losing resolve.

Some two years since, the Hon. Seth M. Gates, an antislavery gentleman of the state of New York, a representative in the Congress of the United States, told me he saw with his own eyes the following circumstance. In the national District of Columbia, over which the star-spangled emblem is constantly waving, where orators are ever holding forth on the subject of American liberty, American democracy, American republicanism, there are two slave prisons. When going across a bridge, leading to one of these prisons, he saw a young woman run out, bare-footed and bare-headed, and with very little clothing on. She was running with all speed to the bridge he was approaching. His eye was fixed upon her, and he stopped to see what was the matter. He had not paused long before he saw three men run out after her. He now knew what the nature of the case was; a slave escaping from her chains—a young woman, a sister—escaping from the bondage in which she had been held. She made her way to the bridge, but had not reached it, ere from the Virginia side there came two slaveholders. As soon as they saw them, her pursuers called out, “Stop her!” True to their Virginian instincts, they came to the rescue of their brother kidnappers, across the bridge. The poor girl now saw that there was no chance for her. It was a trying time. She knew if she went back, she must be a slave forever—she must be dragged down to the scenes of pollution which the slaveholders continually provide for most of the poor, sinking, wretched young women, whom they call their property. She formed her resolution; and just as those who were about to take her, were going to put hands upon her, to drag her back, she leaped over the balustrades of the bridge, and down she went to rise no more. She chose death, rather than to go back into the hands of those Christian slaveholders from whom she had escaped. (*Bondage*, p. 335-6)

⁵⁶ Gooding-Williams, *In the Shadow of Du Bois*, p. 177.

emphasize Douglass's struggle for freedom in terms of the form of freedom, but republicanism is best suited to capture the *fact* of freedom.

Like other existentialist interpretations of Douglass's encounter with Covey, notably those advanced by Lewis Gordon and George Yancy, Frank Kirkland points out that there is a "resounding [...] silence" on political abolitionism and slave rebellions in theorizing Douglass's republican politics.⁵⁷ Even in the case of a victorious outcome through physical combat, as detailed in Douglass's narration, Covey's capacity for arbitrary interference is – by definition – intact insofar as Douglass remains a slave in "fact." Douglass *just happens* to subdue Covey, but the structural inequality that defines their relationship as master and slave and conditions Douglass's dependency on the whims of his owners *remains an institutional fact*. It is *that* systematic dependency that a republican conception of liberty helpfully illuminates as *oppressive*.⁵⁸

Although Gooding-Williams invokes republicanism to justify redirecting practices of citizenship, he does not posit the task of securing citizenship as the moral end of enslaved Africans, one that Douglass holds dear as a political abolitionist and condoner of slave rebellions that aimed to destroy the institution of chattel slavery. Indeed, the republican framework that casts freedom as non-domination appeals to the lawful representation of persons as full citizens that would sanction either kind of action – abolition or rebellion – as *emancipatory political practices* that capture the "*fact*" of the domination of black Americans in the Southern slavocracy and the nation as a whole. The model of freedom as non-domination thus posits an essential link between the rule of law and the creation of the structural conditions of

⁵⁷ Kirkland, Frank M. "Is an Existential Reading of the Fight with Covey Sufficient to Explain Frederick Douglass's Critique of Slavery?" *Critical Philosophy of Race* 3.1 (2015): 124-51. p. 127.

⁵⁸ Significantly, in his critique of slavery, Du Bois emphasizes slave rebellions, such as those led by Nat Turner and John Brown, which aimed to overthrow the institution of slavery as a legal entity protected by the federal government. Du Bois, W.E.B. *John Brown*. New York: Oxford University Press, 2007.

undominated choice. The democratic institutionalization of laws, under the aegis of a fair-minded people, ensures that arbitrary interference in citizens' lives is eliminated. But for this republican view of liberty to hold water, the political ideal of citizenship must be preserved. Pettit thus rejects non-foundational views that advocate self-reliance, which Gooding-Williams prizes. To be sure, Douglass having regained a sense of self-confidence and self-respect spells a decisive break in his life as a slave. The fortification of his sense of personal power—that crucially wins him the “form,” if not the “fact” of freedom—instills in him the moral courage that spurs his escape. Yet, true to his republicanism, Gooding-Williams himself observes that Douglass subsequently dedicates his life to the struggle for the constitutional rights of black Americans, that is, to achieve the “fact” of freedom.⁵⁹

**ii. Douglass's Band of Brothers: Arendt's Action-Oriented
Republicanism in Antebellum & Postbellum Black Politics**

In the next section, I address the issue of how—and whether—the moral ideal of citizenship can inspire plantation politics, in addition to legitimating political abolitionism and slave rebellions. Before tackling the issue, in this subsection, I assess the dimension of Gooding-Williams's account of plantation politics that is inspired by Arendt's political philosophy. Drawing from Douglass's narrative of his formative experiences as a young enslaved man, he argues that a “band of brothers” won “independence” for Douglass and his friends on slave plantations through spontaneous, secretive, rule- and ruler-free plotting. The “politics” of the band of brothers “points not only to his [Douglass's] action-in-concert and affiliation-based conception of plantation politics, but, likewise, to his rejection of the view, later embraced by Du

⁵⁹ Gooding-Williams, *In the Shadow of Du Bois*, p. 205.

Bois, that politics is exclusively a practice of rule.”⁶⁰ His depiction of Douglass’s republicanism—indebted to his reconstruction of Arendt’s vision of politics—advances a secretive, rule- and ruler-free politics, while rejecting Du Bois’s rule- and ruler-based politics. Yet, I argue that a critical dimension of Arendt’s philosophy of freedom is missing: political action should be normatively oriented towards the rule of law and public governance, which provide the institutional conditions of democratic agency. Indeed, these normative commitments are par for the course of republican political thought generally—yet, they are precisely the features of Du Bois’s political thought that Gooding-Williams lambasts *in the name of republicanism*. The politics without rule that Gooding-Williams envisions is a “politics of a few [...] who pledge themselves to one another, not a politics geared to ruling the many.”⁶¹ The radical potential of republican political critique lies in theorizing the expansion of the democratic public sphere for the many—that is, for all whom are oppressed and subject to the arbitrary interference and unmitigated force by the reckless and powerful. Political abolitionism and slave rebellions tap into this radical potential of the justificatory force that fuels republican accounts of progressive change.

With respect to the affiliative bond of a band of brothers as an emancipatory practice preserving political culture on slave plantations, Gooding-Williams defends concerted action flouting governance. Enslaved persons resisted subjugation by undertaking small-scale, covert, and leaderless actions, where shared black identity mediated bonds of trust and solidarity, but underdetermined collective political purpose. He details Douglass’s formative experiences joining a band of brothers:

Thrown together on Mr. Freeland’s plantation, Douglass and his fellows find themselves working the same farmland. Soon, however, they begin to consult one another, and as

⁶⁰ Gooding-Williams, *In the Shadow of Du Bois*, p. 186.

⁶¹ Gooding-Williams, *In the Shadow of Du Bois*, p. 187.

Douglass suggests, [...] to debate and deliberate the merits of different courses of action. Douglass and his friends (they move together), cultivate ties of loyalty, and form themselves into a band of subversive activists [...] consenting through their speech, action, and mutual commitments to resist slaveholder tyranny. Together they constitute a band of ‘brothers,’ not because they have affiliative relationships to the same parent, but because they have affiliative relationships to one another – that is, because each has agreed to adopt as his own a mutually shared sense of political purpose.

As “subversive activists,” they “resist slaveholder tyranny” through speech and action that defined their freely-forged, affiliative bonds. Together, they plotted in secret to run away, but their “sense of solidarity [...] [was] predicated not on obedience to a ruler but mutual commitment and self-sacrifice.”⁶² In the absence of readymade familial or “spiritual” bonds, a sense of solidarity arises through the small group’s plotting. Douglass acts as the “leader-as-initiative-taker” rather than “leader-as-ruler.”⁶³ The “band of brothers” politics functions as forerunner of the ideal of the black counter-public that encompasses heterogeneous voices without devolving into a politics of rulers- and -rules.

In developing the idea of a band of brothers as an emancipatory practice, Gooding-Williams appeals to Arendt’s defense of the public sphere, where speech and deeds skirt law, while showcasing the “boundlessness” of action.⁶⁴ “Free,” spontaneous action does not reveal law-like regularity in human behavior. Occasionally, Arendt appears to be suspicious of the constitution and positive systems of laws it supports, as institutional entities that *limit* the “boundlessness” of political freedom.⁶⁵ In response to the totalitarian government of 20th-c. Europe, she countenances that technocratic rationality in the *guise* of law has penetrated the democratic public sphere. Her conception of political judgment and action rejects prescribed categories for judgement and action, a rejection which must be understood in light of her critique

⁶² Gooding-Williams, *In the Shadow of Du Bois*, p. 187.

⁶³ Gooding-Williams, *In the Shadow of Du Bois*, p. 187.

⁶⁴ Arendt, *The Human Condition*, p. 190.

⁶⁵ See Christodoulidis, Emiliios and Schaap, Andrew. “Arendt’s Constitutional Question,” in *Hannah Arendt and the Law*. (Eds) Marco Goldoni and Christopher McCorkindale. Portland: Hart Publishing, 2012. pp. 101-16.

of totalitarianism and the rise of the social sphere.⁶⁶ Gooding-Williams observes: “With her reference to the frailty of human affairs, Arendt recurs here to her thesis that human action tends to transgress the limits and boundaries fixed by legal rules, institutional norms, and territorial demarcations – thus, to establish relationships that cut across those limits and boundaries – and that these rules, norms, and demarcations cannot offset action’s ‘inherent unpredictability.’”⁶⁷ Nevertheless, in advancing her critique of the expansion of the bureaucratic modern state, she calls for the reconstruction of the public sphere. There is a distinction, then, between the apparent “lawlessness” of free action with respect to “the frailty of human affairs” and the public rules and laws that preserve the institutional conditions of free action in the first place, in light of the threat of totalitarianism and technocratic rationality.⁶⁸

The distinction is not pronounced in Gooding-Williams’s critique of plantation politics, but it has resounding implications for his presentation of the latter. Secretive collusion that is neither embedding in, nor morally oriented towards, a constitutional republic may very well be “lawless” and “leaderless,” as well as expressing a sense of solidarity, mutual support, and collective purpose, but it is unclear in which respect it secures the independence of enslaved persons. If in order to avoid further attack and interference from their master, the young Douglass and his brothers-in-arms secretly plot to work the fields more efficiently and reach an agreement to demoralize other slaves in a display of allegiance to their owner—rather than to run

⁶⁶ Strong, Tracy B. *Politics without a Vision: Thinking without a Banister in the Twentieth Century*. Chicago: University of Chicago Press, 2013. p. 334.

⁶⁷ Gooding-Williams, *In the Shadow of Du Bois*, p. 11. See also Arendt, Hannah. *The Life of the Mind*. New York: Harcourt Books, 1981. p. 199:

Political communities, in which men become citizens, are produced and preserved by laws, and these laws, made by men, can be very different and can shape various forms of government, all of which in one way or another constrain the free will of their citizens. Still, with the exception of tyranny, where one arbitrary will rules the lives of all, they nevertheless open up some space of freedom for action that actually sets the constituted body of citizens in motion. The principles inspiring the actions of the citizens vary in accordance with the different forms of government, but they are all, as Jefferson rightly called them, “energetic principles;” and political freedom “can consist only in the power of doing what we ought to will and in not being constrained to do what we ought not to will.

away—the mere form of their actions conforms to the model Gooding-Williams describes, but it seems counterintuitive to accept that following this course of action is an *emancipatory political practice*.

Gooding-Williams minimizes the moral and political ideal of equal citizenship as the normative basis of republican conceptions of liberty. As a result, the normative basis of his account of emancipatory practices of slave plantation is unclear. He also unfairly criticizes Du Bois's notion of black leadership as “dominating” black masses because he minimizes not only in Douglass, but in Du Bois too, the ideal of citizenship. The talented tenth are responsible for combatting the so-called “Negro problem.” Gooding-Williams characterizes their efforts in terms of 1) combatting white racism and 2) the general unpreparedness of the black masses to master conventions for participating in the basic structure. In “uplifting” the black masses to cultural literacy, the talented tenth integrate them into basically just institutions. On his characterization of Du Bois's view of black enfranchisement, he argues that Du Bois champions assimilation through self-assertion: he underscores white racism, but the existent basic structure—as well as American folkways—are sound and recommendable for black mastery. However, depicting Du Bois's account of leadership as dominating the black masses would obtain if and only if Du Bois fails to posit a critical link between black leadership and the moral ideal of civic enfranchisement, construed as collective social and political self-determination, which is not the case.⁶⁹

That one accepts the moral and political ideal of citizenship does *not* mean that the existent normative design of the basic structure does not require revision. The talented tenth, writes Du Bois, “must be prepared to fight an army of devils” and sacrifice themselves in order

⁶⁹ Du Bois, W.E.B. “Talented Tenth,” in *W.E.B. Du Bois: Writings*. New York: The Library of America, 1986. pp. 842-61. p. 844. Kirkland, “Modernity and Intellectual Life in Black,” p. 152.

to achieve the civic enfranchisement of their people.⁷⁰ Du Bois describes the talented tenth as “plead[ing] for black men’s rights.”⁷¹ The first generation of the talented tenth, which includes Douglass, Du Bois identifies as political abolitionists.⁷² With the passage of Reconstruction Amendments that emancipated black Americans, the talented tenth

[t]hrough political organization, historical and polemic writing and moral regeneration, [...] strove to uplift their people. It is a fashion of today to sneer at them and to say that with freedom Negro leadership should have begun at the plow and not in the Senate—a foolish and mischievous lie; two hundred and fifty years more the half-free serf may toil at his plow, but unless he has political rights and righteously guarded civic status, he will still remain the poverty-stricken and ignorant plaything of rascals, that he now is.⁷³

With Emancipation, in order to substantiate freedmen’s newfound moral status as legal members of the American civic community, the talented tenth must “righteously guard their civic status.” Instead, Gooding-Williams equates black leadership with the *domination* of freedmen, whereby they are *mastered* and subject to their elitist *arbitrary interference*. He omits that leadership oriented towards participation and inclusion in the modern state is foundational to republican conceptions of liberty, which, as I have demonstrated in the previous sections, are founded on the advocacy of the political ideal of citizenship, and, consequently, are predicated on ruler- and rule-based politics.⁷⁴ Moreover, Douglass himself was a Reconstruction politician who qualifies as a leader among the so-called “Talented Tenth.” Gooding-Williams instead characterizes a politics of rule as curating cultural authenticity, rather than encouraging contestation of the organization of the basic structure on the basis of the moral—and political—ideal of citizenship. He thus identifies Du Bois’s account of political legitimacy with the curation of authentic

⁷⁰ Du Bois, W.E.B. “Conservation of Races,” in *W.E.B. Du Bois: Writings*. New York: The Library of America, 1986. pp. 815-26. p. 824.

⁷¹ Du Bois, “Talented Tenth,” p. 844.

⁷² Du Bois, “Talented Tenth,” p. 845.

⁷³ Du Bois, “Talented Tenth,” p. 846.

⁷⁴ Kirkland, Frank. “Robert Gooding-Williams’s *In the Shadow of Du Bois*: ‘Kirklandish’ Rejoinders,” Author Meets Critics Eastern Division APA Panel, 2011. Cited with author’s permission.

expressions of black cultural identity, rather than with political enfranchisement.⁷⁵

To be sure, Du Bois later revisits his idea of the talented tenth and casts doubt on his earlier formulation of the concept. In *Dusk of Dawn*, he speculates about the political promise of college educated African Americans, whose allegiance to the wider community appears undermined by material interests. Note that he revises his position not because he believes that middle-class black Americans dominate and interfere with the poorer black masses, but that they, as an increasingly affluent group, have grown *indifferent* to the plight of working class African Americans. This is a concern about leadership in the black community that is still manifest today.⁷⁶ The political promise and pitfalls of black leadership leave unanswered the question of how to struggle for civic enfranchisement, given the re-entrenchment of the federal neglect of the black community. The latter issue requires redress through the basic structure and norms of public governance.

Consider Keeanga-Yamahtta Taylor's recent discussion of black leadership and electoral politics. Taylor writes

the pursuit of Black electoral power became one of the principal strategies that emerged from the Black Power era. Clearly it has been successful for some. But the continuing crises for Black people, from under-resourced schools to police murder, expose the extreme limitations of that strategy. The ascendance of Black electoral politics also dramatizes how class differences can lead to different political strategies in the fight for Black liberation.⁷⁷

As I hope I have shown in here and in earlier chapters, for Du Bois, the task of civic enfranchisement is not reducible to electoral politics; yet the radical potential of the republican critique of freedom lies precisely in delineating the challenge of including black interests in

⁷⁵ Gooding-Williams, *In the Shadow of Du Bois*, p. 133 & p. 147.

⁷⁶ James, Joy. *Transcending the Talented Tenth: Black Leaders and American Intellectuals*. New York: Routledge, 1997. p. 17. Shelby, Tommie. *Dark Ghettos: Injustice, Dissent, and Reform*. Cambridge: Harvard University Press, 2016.

⁷⁷ Taylor, Keeanga-Yamahtta, *From #BlackLivesMatter to Black Liberation*. New York: Haymarket Books, 2016. p. 75.

public governance. On the heels of the Black Lives Matter Movement, racial gerrymandering and voter suppression are making gross inroads in contemporary American democracy. Representing an internally differentiated, class sensitive, and comprehensively inclusive conception of “black” interests in public governance remains necessary to achieve civic equality. Indeed, whether whites are inclined to represent black interests in national politics is unclear.⁷⁸ What is clear is that no one can “stand aside as critical and rather pessimistic spectators; when in fact the burden [of the Negro problem] *belongs to the nation*, and the hands of none of us are clean if we bend not our energies to righting these great wrongs.”⁷⁹

Perhaps one can interpret Gooding-Williams’s account more charitably. He stresses that Du Bois’s model of leadership assumes that there is something *deficient* about average black people, a deficiency that *causes* their denigration. Enfranchisement should not be contingent on the mastery of cultural conventions; from the normative standpoint of (republican) liberty such considerations are irrelevant for achieving equal moral standing. Indeed, Du Bois at times appears to argue as if enfranchisement is contingent on the mastery of American folkways, as when he suggests that poor hygiene and an ‘improper’ sexual morality undermines black women’s ‘respectability’ as members of the American civic community.⁸⁰ Yet, Booker T. Washington’s politics of racial uplift consistently offers an interpretation of black ‘deficiency,’ which construes average black citizens as being unprepared to assume the rights of citizenship. In spite of the tenor of some of his comments about uplift, in *Souls*, Du Bois rejects a notion of

⁷⁸ I believe this is the worry that drove Du Bois to theorize the idea of black leadership in the first place. The alternatives of the dissolution of the very idea of black political interest or reliance on white assistance troubled him. That is not to say that black interests are a unified and homogenous block, nor that whites are incapable of genuine cross-racial alliances. Yet, consider the recent campaign of Bernie Sanders and the well-placed criticism he (and the Clintons) and the criticisms it has received about ignoring the needs of and positively harming the black American community. Troy, Gil. “Why Black Voters Don’t Feel the Bern,” *Politico Magazine* 7 March 2016.

⁷⁹ Du Bois, *Souls*, p. 49. Emphasis added.

⁸⁰ On the complex imbrication of the politics of social uplift and progressive political enfranchisement, see Higginbotham, Evelyn Brooks. *Righteous Discontent: The Women’s Movement in the Black Baptist Church 1880-1920*. Cambridge: Harvard University Press, 1993.

politics that positions black Americans as unprepared for the rights and privileges of American citizenship.⁸¹ Indeed, his polemic with Washington underscores that a political conception of citizenship should underpins black politics, rendering political enfranchisement not contingent on empirically-measurable technical prowess or cultural competency.⁸²

IV. *An Alternative Account of Plantation Politics?*

I address the question of what—if anything—the ideal of citizenship amounts to for enslaved persons whom the constitution declares not to be full persons, denying them the protections of citizenship. What, then, would it mean for the political culture of a slave to be oriented toward the moral ideal of citizenship? Can such a conception of citizenship—republican or otherwise—add to an account of emancipatory practice on slave plantations? Recall that physical combat, such as Douglass’s struggle with Covey, preserves the self-respect of an enslaved person; and the political ideal of republican citizenship justifies political abolitionism and slave rebellion—these efforts aim to destroy the institution of slavery. In this section, I explore how slave resistance *on* slave plantations was oriented toward freedom, construed under the aegis of the moral ideal of citizenship. Following Eddie Glaude, Melvin Rogers, and Frank Kirkland, I affirm religious imaginary and religious practices as upholding the moral ideal of full citizenship, which posited the end of universal emancipation. There is a rich and extensive literature in Africana political philosophy and study of religion that assents to the centrality of religious life on slave plantations. In this section I make the minor addition of reframing the implicit normative structure of black religious life as invoking the moral ideal of racially-inclusive American citizenship. Yet in the context of Gooding-Williams’s critique of Du Bois,

⁸¹ Du Bois, *Souls*, chp. 3.

⁸² Du Bois, *Souls*, chp. 3.

this rather minor reframing has considerable implications for conceiving antebellum black politics and interpreting Du Bois's explanation of the role of the talented tenth.

Du Bois links emancipation is suffused with religious imagery and symbolism:

Foolish talk, all of this, you say, of course; and that is because no American now believes in his religion. Its facts are mere symbolism; its revelation vague generalities; its ethics a matter of carefully balanced gain. But to most of the four million black folk emancipated by civil war, God was real. They knew him. They had met Him personally in many a wild orgy of religious frenzy, or in the black stillness of the night. His plan for them was clear; they were to suffer and degraded, and then afterwards by Divine edict, raised to manhood and power; and so on January 1, 1863, He made them free.

It was all foolish, bizarre, and tawdry. Gangs of dirty Negroes howling and dancing; poverty-stricken ignorant laborers mistaking war, destruction and revolution for the mystery of the free human soul; and yet to these black folk it was the Apocalypse. The magnificent trumpet tones of Hebrew Scripture, transmuted and oddly changed, became a strange new gospel. All that was Beauty, all that was Love, all that was Truth, stood on the top of these mad mornings and sang with the stars. A great human sob shrieked in the wind, and tossed its tears upon the sea,—free, free, free.⁸³

Du Bois here affirms the first-person perspective of freedmen. Relaying the significance of emancipation and the radical break from slavocracy it precipitated, religious symbolism elucidates the significance of the moment in subjective experience.

“In the context of slavery,” writes Eddie Glaude, the story of Exodus “empowered Christian slaves and free persons to look beyond their condition and envision a future in which they were truly free.”⁸⁴ In the absence of any and all institutional embedding of black persons as moral equals in a civic community, the normative structure of black religious life articulated an ideal of freedom through the biblical story of Exodus, a transformative journey to a promised land, where an oppressed people are delivered to freedom. Glaude elaborates the significance of the story of Exodus in 19th c. black politics:

Indeed, the story demonstrated God active in history and his willingness to intervene on

⁸³ Du Bois, *Black Reconstruction*, p. 124.

⁸⁴ Glaude, Eddie S., Jr. *Exodus!: Religion, Race, and Nation in Early Nineteenth-Century Black America*. Chicago: University of Chicago Press, 2000. p. 4.

behalf of his chosen people. But my interest in the Exodus story is not so much to provide an account of conceptions of deliverance or liberation in religious terms—even though the story is obviously about an act of God. My intention is to explore the ways the story *became a source for a particular use of national language* among African Americans as well as a metaphorical framework for understanding the middle passage, enslavement, and quests for emancipation, for although Exodus was a sacred text, it was not understood only in religious terms. The history of the story and its broad application across a disparate field of political engagements suggest that it was also interpreted in this-worldly and historical terms as a model for resistance and, perhaps revolution.⁸⁵

While Glaude acknowledges the original religious intention of the story of Exodus, he recasts it as a metaphorical model for envisioning racially-inclusive, conception of political freedom, making “particular use of national language.” The story is not interpreted strictly in “religious terms.” Instead, the “story and its broad application” warrants the reconstruction of the moral ideals of American modernity and the political project of Emancipation from the perspective of the moral experiences and interpretations of slaves, enciphered in religious practices on slave plantations.⁸⁶

For Kirkland, drawing on religious sources to articulate the first person moral experiences of enslaved persons warrants reinterpreting Du Bois’s conception of the talented tenth in the antebellum period. According to Kirkland, the talented tenth were charged with rendering “freedom” the “salvation” of their people, thereby taking a nation beyond itself to a metaphorical, but “this-worldly,” promised land.

*[F]reedom was the object of discourse for the talented tenth of the enslavement period, and their call for the abolition of slavery became identified with the salvation mission of African-American religion. With this identification, the talented tenth of the enslavement period was able to shift for African-Americans the idea of salvation and the interest in compensation from an other-worldly to a this-worldly orientation.*⁸⁷

A “this-worldly orientation” to salvation merits exploring the moral significance of artistic

⁸⁵ Glaude, *Exodus!*, p. 3.

⁸⁶ Glaude, *Exodus!*, p. 4; Gooding-Williams, Robert. “Politics, Racial Solidarity, Exodus!,” *The Journal of Speculative Philosophy* 18.2 (2004): 118-28. p. 123. Kirkland, Frank M. “Modernity and Intellectual Life in Black,” *The Philosophical Forum* 24.1-3 (1992-3): 136-65.

⁸⁷ Kirkland, “Modernity and Intellectual Life in Black,” p. 152. Emphasis added.

production and social practices of enslaved persons whose moral agency is neither recognized nor avowed. Du Bois approaches the spirituals and folk songs as cultural vehicles carrying slaves' collective moral experiences of suffering in light of the denial—and hope for the realization—of collective enfranchisement. A pre-cursor to the emergence of the black church, black religious life on slave plantations thus contains echoes of moral vision of a racially-inclusive civic community, one that would galvanize the segregated black community during Jim Crow but was already manifest in the black historical experience in the antebellum period.

Black spirituals evince the ineradicable moral agency of slaves under the aegis of the moral ideal of citizenship conceived as Exodus. Because emancipation became identified with deliverance, I suggest that implicitly, the state, as a political institution, was the object of “hopes and expectations.”⁸⁸ By way of the folk song, Gooding-Williams argues that Du Bois “proclaims that the Negro folk song is the uniquely *veridical* representation of the Negro people’s soul-life,” as if it contains cultural information about what it means to be uniquely and accurately a member of the African American community.⁸⁹ Yet, if one reframes the normative significance of these folk songs, one sees that it carries the disregarded moral experiences and interpretations of enslaved Africans of the world around them. They capture not *veridical* accuracy, but rather affirm the *ethical validity* of incorporating the black historical perspective in the public adjudication of juridical right and the common good—the litmus test of American modernity that burst onto the scene of postbellum American democracy. Affirming black Americans as sources of moral value and interpretation, foregrounds spirituals and folk songs not as a cultural reference point for who African Americans are or ought to be, but a normatively salient historical experience of trauma and achievement, whose incorporation into public political culture is

⁸⁸ Kirkland, “Modernity and Intellectual Life in Black,” p. 156.

⁸⁹ Gooding-Williams, *In the Shadow of Du Bois*, p. 150.

requisite for the development of American modernity.

Why else would Du Bois concern himself with the “hearts” of black Americans, if not to promote their freedom? In the refashioning of a biblical Exodus, the ‘coming of the Lord’ is universal Emancipation. “When Emancipation finally came, it seemed to the freedman a literal Coming of the Lord...Joyed and bewildered with what came, he stood awaiting new wonders till the inevitable Age of Reaction swept over the nation and brought the crisis of today.”⁹⁰ Recall the two-part model of black moral agency under conditions of oppression that Du Bois maintains. He highlights 1) the ineradicable moral agency of the oppressed under the aegis of the moral ideal of citizenship, and 2) major social and political institutions—namely, the federal government—contains a germ of black moral agency that reimagined its purpose and function in a manner that would fulfill the promise of Emancipation. Following Melvin Rogers, I propose that black spirituals evince both parts of Du Bois’s vision of moral agency, one that sustained a plantation politics.

Rogers explains: “The Negro Spirituals or ‘sorrow songs’ as Du Bois calls them represent precisely this kind of cultivation – the way enslaved blacks penetrated their circumstances through the construction of symbols that held out hope for transformation in the world but which simultaneously presupposed their agency.”⁹¹ Rogers elaborates why we have warrant to interpret spirituals in this way:

[T]he Negro Spirituals implied not only suffering, but a reconstitution of the suffering subject into a free agent. And so here the slaves were not passive receptacles of their ‘Master’s Religion’ [...] Rather, they were active interpreters of scripture in an effort to forge meaning and resistance that was resilient in the face of white proscription: ‘By obeying the commands of God, even when they contradicted the commands of men, slaves developed and treasured a sense of moral superiority and actual moral authority over their masters.’ Moral superiority and authority is appropriate in this instance

⁹⁰ Du Bois, *Souls*. p. 164.

⁹¹ Rogers, Melvin L. “Rereading Honneth: Exodus Politics and the Paradox of Recognition,” *European Journal of Political Theory* 8.2 (2009): 183-206. pp. 192.

precisely because the description of autonomy escaped the paradox of recognition – that is, reliance on those who undermine human worth – and so provided an opportunity, however fleeting, to refashion one’s self-understanding [as an autonomous moral agent.]⁹²

Gooding-Williams himself observes that “revolutionary politics [is] fueled by rights-conscious thinking that is averse to the condition of slavery,” but does not incorporate religious and its concomitant cultural productions in this light.⁹³ I would add that for Du Bois – as well as for Douglass – it must be averse to the legal existence of the *institution* of slavery. Yet, a slave’s religious life bolsters the moral authority of slaves. It does not quite mitigate arbitrary interference in their lives nor is it comprised of the secretive plotting of the few. Yet, religious practices, folk songs, and spirituals reveal their moral interpretation and experiences, showcasing slaves’ moral agency and its efficacy in leading the reconstitution of the U.S. federal government with the General Strike led by slaves, as well as former slaves’ critical and central role during Reconstruction.⁹⁴

V. *Conclusion*

Republican political thought asserts that the function of the state is—at the very least—to furnish the basic institutional conditions for the recognition and exercise of democratic agency. In this chapter, I have argued that Gooding-Williams fails to note that on both strands of republican thought with which he engages—Arendt’s civic republicanism and Pettit’s neo-republicanism—the public recognition of civic standing is indispensable for the realization of political freedom, conditions and normatively orients collective political action. Short of

⁹² Rogers, Melvin L. “Rereading Honneth: Exodus Politics and the Paradox of Recognition,” *European Journal of Political Theory* 8.2 (2009): 183-206. pp. 199-200. Emphasis added.

⁹³ Gooding-Williams, *In the Shadow of Du Bois*, p. 183.

⁹⁴ Du Bois, W.E.B. *Black Reconstruction: an essay toward a history of the part which black folk played in the attempt to reconstruct democracy in America, 1860-1880*. New York: Simon and Schuster, 1999. chp. 3.

abolishing slavery or leading a revolutionary insurrection aimed to destroy the Southern slavocracy and permanently institutionalizing abolitionist laws, it is hard to pinpoint what “independence” amounts to in a foundationless, leaderless, and rule-less plantation politics. I have suggested that in the context of slave plantations the moral ideal of civic enfranchisement was imbued in the underlining normative structure of slaves’ religious practices and resultant cultural artifacts, such as folk songs and spirituals. These practices preserved slaves’ unavowed moral agency and moral authority under conditions of extreme duress; and it also imparted a vision of a racially-inclusive federal government that would erupt in a contentious national politics during Reconstruction.

While accepting that habits of citizenship should restructure the white racial polity, Du Bois conceives of these habits as *immanently* emerging from the conditions of racist oppression, including slave plantations, issuing a challenge to the normative design of the basic structure. He thus may reject the view that existent major social and political institutions are irredeemably racist—true to Gooding-Williams’s charge—but he does so because he considers black moral agency to have been an effective causal impetus negating the white racial polity and guiding the transition into postbellum American democracy. From the standpoint of enslaved persons, biblical story of Exodus became a metaphorical promise and a rallying cry for the emergence of a truly modern American state without slavery, where black Americans enjoyed the full rights of citizenship as recognized members of the American civic community. The moral ideal of citizenship was in the offing in plantation politics insofar as it foregrounded the implicit normative structure of religious practices orientation to Emancipation as the ‘literal coming of the Lord.’

On Gooding-Williams’s view, pace Du Bois, black politics takes the form of charismatic leadership that curates authentic expressions of black identity without regard to political

enfranchisement. He opposes Du Bois's ostensibly expressivist politics with Frederick Douglass's republican-inspired declarations of manly independence. In place of what he describes as Du Bois's politics of expressive self-realization, he posits a politics of spontaneous, concerted action without foundations, rulers or rules—a position inspired by a hybridized reading of Arendt's and Pettit's republicanism.⁹⁵ Yet, he neglects to address that Pettit invokes the rule of law as the chief bulwark against social domination. Even Arendt's action-oriented, leaderless republicanism is “rule-centered” inasmuch as it requires the institutional underpinning of a democratic public sphere; otherwise, the crucial distinction between social and political action is lost. Thus, the normative basis of Gooding-Williams's appropriation of the republican framework for theorizing plantation politics omits the core tenets of republican political thought. I have advanced, instead, as a matter of “extra”-plantation politics, political abolitionism and slave revolts that aimed to overthrow the institution of slavery, and within plantations, I suggest that the moral ideal of civic enfranchisement suffused slaves' religious practices.

However, Du Bois did not believe that the victory of abolitionism and the passage of the 14th Amendment signaled the fulfillment of slaves' “hopes and expectations.” He warns against the rise of a “second slavery” in the postbellum U.S—a slavery “under another name.”⁹⁶ It is beyond the scope of this chapter to assess whether republicanism provides sufficient normative resources to deliver the demand for freedom that Emancipation promised. I will conclude by noting that while Du Bois's political philosophy shares features with republican political thought, particularly the emphasis on civic enfranchisement in the institutional context of the modern state, he is skeptical of Douglass's pronouncement that the mere extension of rights is sufficient for achieving the full promise of Emancipation.

⁹⁵ Gooding-Williams, *In the Shadow*, p. 4.

⁹⁶ Du Bois, *Souls*, p. 11, 27.

Gooding-Williams affirms Douglass's pronouncement that by winning of the ballot, the free slave "is all right."⁹⁷ "For Douglass, 'free the slaves and leave them alone'; they did not require any extraordinary educational effort for entrance into the modern world. 'There is nothing the matter with the Negro whatever; he is all right. Learned or ignorant, he is all right.'"⁹⁸ Douglass conceives the moral ideal of citizenship strictly in terms of political enfranchisement, that is, he envisions it through the lens of juridical right, leaving freedmen normatively unanchored in major social and political institutions. In previous chapters, I have argued that for Du Bois the ongoing restructuring of major social and political institutions on the moral basis of free and equal citizenship would alone would fulfill the promise of Emancipation and articulate the institutional basis of collective self-determination. The exercise of the moral rights of citizenship revised the scope and ends of the American civic community, challenging the organizations of major social and political institutions, as well as public conceptions of *who* is a citizen and *what* entitlements and protection citizenship should carry. The contestation of these issues unfolds with the historical struggle to recognize and actualize the dignity of black citizenship.

Du Bois focuses on the background institutional conditions that make certain kinds of actions possible in the first place. Concurring with at least Pettit's republicanism, he believes the legislature is essential for preserving freedom. He therefore begins the story of black emancipatory politics with the legalized destruction of the institution of slavery and the concurrent rise of Reconstruction. Yet, unlike the republican model, he emphasizes that institutions beyond the state condition the exercise and formation of political autonomy. His conception of freedom is thus richer than either the ideals of the undominated choices of a

⁹⁷ Douglass, Frederick. "Why Is the Negro Lynched," in *The Life and Writings of Frederick Douglass*. New York: International Publishers, 1950. p. 518.

⁹⁸ Kirkland, "Modernity and Intellectual Life in Black," p. 141.

sovereign, atomized subject or the ideal of the rupture of spontaneous, concerted action.

Without undermining the value of individual choice, I stress that republican liberty reduces the normative demand of realizing the promise of freedom to mitigating social domination via juridical rights, whereas on the Du Boisian model of freedom à la Hegel the “‘rights claims’ and ‘moral claims of duty’ are themselves expressions of, presuppose, already established social bonds.”⁹⁹ Du Bois illuminates the intersection of racial identity and civic duty, which transcends positive legalistic interpretations of freedom in terms of basic rights and negative liberty. In highlighting the background institutional conditions of political autonomy, one discerns that whites’ arbitrary will is constrained not merely for the sake of increasing freedmen’s unhampered choices or for the sake of their engagement in polyvocal, spontaneous actions. Rather, the *preservation* of ethical, social, and political relations is paramount in the expansion of the legitimate scope and ends of the American civic community. The principal aim was not to be “free” from the will of others, but to sketch the ethical norms that should structure citizens’ positive relations to each other. Ultimately, for Du Bois, the “ideal of human brotherhood [is] gained through the unifying ideal of Race.”¹⁰⁰

We, then, return to the issue that we first encountered in chapter one: how positive social relations and identities intersect with and amplify the demand for emancipation. One cannot articulate from a wholly ‘exterior’ vantage point what un-dominated individual choice and non-domination entails. In situating ourselves within concrete institutions, social identities, and roles we inherit, we possess the necessary vantage point for undertaking their development; additionally, we ascertain a vantage point from which we can judge when the basic structure of our society and our relationship with our fellow citizens extend or undermines the exercise of our

⁹⁹ Pippin, Robert. *Hegel’s Practical Philosophy: Rational Agency as Ethical Life*. Cambridge: Cambridge University Press, 2008. p. 241.

¹⁰⁰ Du Bois, *Souls*, p. 11.

practical agency. For, as I have argued in the previous section, with the rise of Jim Crow, the black church and college provided an institutional setting for reflecting on the lived experiences of racial embodiment in a white supremacist society and fostered the establishment and preservation of social relations, which were grounded in a sense of civic duty and mutual beneficence attuned to the disenfranchisement of African Americans. Ultimately, these institutions aimed for a greater reconciliation of African Americans with white Americans, which would make possible civic harmony within the national political community. Neither strand of republican theory of liberty can successfully capture these aspirations.¹⁰¹ Most importantly, these institutions educated the state by setting the bar for what constitutes a reasonable political claim and fair terms of social cooperation. Until public political culture has incorporated the “message” – the “ideal” and “legacy of striving” – such institutional spaces remain necessary for achieving out the full promise of freedom.¹⁰²

¹⁰¹ In a footnote, Pippin speculates on Hegel’s critical theory, confirming my point: “Hegel’s ‘critical theory’ [...] could establish certain ‘boundary conditions’ in attempts to render intelligible or justify deeds, and then could explain what is going wrong when these conditions, or sorts of reasons, are not observed or confused” (ibid., p. 265). In the fuller version of this chapter, I aim to show that the republican conception of liberty in fact presupposes a conception of a social order, which delineates the ‘boundary conditions’ necessary to make instances of domination normatively salient in the first place. For example, given the boundary condition mapping institutional contexts, a man hurling verbal abuse might be lauded or rebuked, depending on whether he’s at home or at work (as a general perhaps.) A critical social theory, of course, would try to aver the ethical norms that out to structure social relations and the institutions of the family and of civil society (the institutional administration of needs) in general.

¹⁰² Du Bois, *Souls*, p. 34.

V. Conclusion

I. Summary of Main Arguments

In my dissertation, I have reconstructed W.E.B. Du Bois's philosophy of modern freedom from his critique of Reconstruction and Jim Crow. I have drawn from sources as wide-ranging and disparate as G.W.F. Hegel and Charles Mills in order to illustrate that Du Bois upholds a tenacious normative commitment to the moral ideal of a racially-inclusive civic community. The normative framework I present is both the most charitable and the most tenable way of interpreting Du Bois's oeuvre. The following clusters of concepts are central to my presentation of his political philosophy: 1) the moral rights of citizenship are exercised in the context of the racist derogation of American citizens and a racialized hermeneutic horizon informs the formation of moral subjectivity; 2) the institutional structure of modernity, including the modern American state and the basic structure, conditioned and were subject to the moral agency of black citizens; and, 3) the relationship between history and philosophy shows that the concept of freedom becomes increasingly determinant through confronting contingencies that undermine public norms of self-determination; these ultimately yield necessary revisions to public norms that articulate the concept of freedom. In fine, the historical exercise of the moral rights of citizenship revised the scope and ends of the American civic community, challenging the organizations of major social and political institutions, as well as public conceptions of *who* is a citizen and *what* moral entitlements citizenship ought to carry. The historical exercise of the moral rights of citizenship by freedmen and ordinary citizens in the black church and school contributed to the development of public norm—the ideals of American modernity.

One cannot think then of democracy in America or in the modern world without reference to the American Negro. The democracy established in America in the eighteenth century was not, and was not designed to be, a democracy of the masses of men and it was thus singularly easy for people to fail to see the incongruity of democracy and slavery. It was the Negro himself who forced the consideration of this incongruity, who made emancipation inevitable and made the modern world at least consider if not wholly accept the idea of a democracy including men of all races and colors.¹

Du Bois would like American and the world to understand and appreciate their efforts.

I will address each cluster of concepts by way of providing an overview of the central arguments of my dissertation.

(1) The ethical salience of racial difference in the context of a democratic plurality.

I argue that Du Bois's racialism provides an account of racial identity that conceptually anchors the normative significance of racial difference in democratic politics. Operating within the constraints of political liberalism, the doctrine exhorts public confrontation of racial traumas and racialized patterns of meaning-making. I have focused my presentation on the socio-historical construction black racial identity in the U.S. by underlining the ethical significance of the historical memory of slavery and Jim Crow. I reject the view that emphasizing these historical memories generates a homogeneous, unified account of the political morality of black identity.² By foregrounding these memories, the terms of democratic politics that could address racial matters remain open for debate. Because liberal models of plurality favor highly-volitional models of difference reflecting assent to either private reasons (Gilbert) or social reasons (Rawls), they are unable to explain the nature of social differentiation that results from racist and racializing historical events, which create the hermeneutic horizon that in turn impacts the formation of moral

¹ Du Bois, W.E.B. *The Gift of Black Folk*. Boston: The Stratford Co., 1924. p. 139.

² Gooding-Williams, Robert. *In the Shadow of Du Bois: Afro-Modern Political Thought in America*. Cambridge: Harvard University Press, 2009. p. 218.

subjectivity, and is not itself the result of subjective volition. Indeed, understanding how such a hermeneutic horizon impacts subjective experience and the enactment of moral agency will bolster, rather than foreclose, individual autonomy.³ If the ethical salience of the hermeneutic horizon is explored in a public setting, it can illustrate the racialized forms that the expression of moral agency has assumed in the U.S. in light of racist derogation. I assent that, for Du Bois, the Sorrow Songs constitute the unavowed “gift” of African Americans to American culture and politics inasmuch as they showcase black moral agency in light of racist derogation.

Black Americans’ moral agency was preserved in cultural artifacts such as the Sorrow Song, according to Du Bois. Inasmuch as Du Bois aims to reconstitute the terms of social cooperation through sober and forthright confrontation with the past, I advanced the Sorrow Songs as the cultural vehicles of historical memory, articulating the “sorrow” of living under the longstanding duress of racist oppression and nonetheless exercising one’s moral agency. I have argued that as cultural artifacts they attest to both the ethical salience of black racial embodiment and a meaningful difference in social location. Namely, the Songs articulate citizens’ different relationship to the past: the institution of black chattel slavery.

Moreover, I have argued that the ethical significance of racial identity does not entail assent to a comprehensive doctrine, notions of cultural legitimacy, or a theory of the good life. Rather, appreciating the ethical specificity of racial difference would enable mutual respect and esteem among citizens in a democratic plurality, which, in the U.S., often denies the existence of the racial trauma it has created and continues to create. Lawrie Balfour explains the significance, then, of a public confrontation with the sorrow of the Sorrow Songs:

Nor must an emphasis on a history of suffering entail an unhealthy investment in that

³ Alcoff, Linda M. *Visible Identities: Race, Gender, and the Self*, Oxford and New York: Oxford University Press, 2006. p. 243. Jeffers, Chike. “The Cultural Theory of Race: Yet Another Look at Du Bois’s ‘The Conservation of Races,’” *Ethics* 123.3 (2013): 403-26.

suffering or a stance of moral superiority. For the history recalled is not only a history of injury but also, crucially, a history of survival and achievement against long odds. Moreover, drawing attention to the suffering of African Americans can constitute a form of opposition in a society that has historically denied the reality of black pain.⁴

Du Bois claims the black historical experience is a “message” to the world whose delivery has been thwarted. In foregrounding the ethical salience of racial difference, I affirm that if citizens publically address the following key questions it could help articulate the “message”: (1) Which models of *the American civic community* have actively thwarted black moral agency? (2) What features of racial embodiment do not attest to a ‘particular’ theory of the good or of racialized cultural difference, but contribute to the public adjudication of the common good? (3) How would public acknowledgement of the unavowed moral agency and sorrow of black Americans reformulate the terms of social, economic, and political institutions?

Citizens’ public engagement with these questions will lead to the revision of existent conceptions of political legitimacy in weighing political claims; a democratic plurality will become more sensitive to the ethical significance of the socio-historical construction of racial difference.

(2) The institutional structure of American modernity is the condition and object of the moral rights of citizenship.

In the wake of the Civil War, Du Bois writes that there was a lack of “moral strength” in the South that could have created a sense of civic responsibility towards recently emancipated slaves. He does not make this observation to champion that freedmen should have been an object of charity. Rather, he links the moral and practical “force” of the federal government with freedmen’s “clear conception” of their own “political power”:

There was no such disposition, and under the profit ideal of a capitalist organization, there could not have been. That would have required, after the losses of the war, an industrial

⁴ Lawrie, Balfour. “Reparations after Identity Politics,” *Political Theory* 33.6 (2005): 786-811. p. 792.

unselfishness of which capitalist organization does not for a moment admit. *Force, therefore, and outside force, had to applied or otherwise slavery would have persisted in a but slightly modified form, and the persistence of slavery in the United States longer than it has already persisted would have been a calamity worse than any of the calamities, real or imagined, of Reconstruction.*

Consequently, with Northern white leadership, the Negro voters quite confounded the planter plan; *they proved apt pupils in politics.* They developed their own leadership. *They gained clearer and clearer conceptions of how their political power could be used for their own good. They were unselfish, too, in wishing to include in their own good the white worker and even the ex-master.* Of course, *all that was done in Constitution-making and legislation* at this time was not entirely the work of black men, and in the same way all that was done in maladministration and corruption was not entirely the fault of the black man. But if the black man is to be blamed for the ills of Reconstruction, he must also be credited for its good, and that good is indubitable. In less than ten years, *the basic structure of capitalism in the South was changed by his vote. A new modern state was erected in the place of agrarian slavery. [...]*

*The Negro buttressed Southern civilization in precisely the places it was weakest, against popular ignorance, oligarchy in government, and land monopoly. [...] If now he became a recognized part of the state, a larger and larger degree of social equality must be granted him[.]*⁵

The state is not a static institution that dispenses or stores goods like a granary. It responds to citizens' practical agency and is subject to dramatic transformation; it is both guided by the constitution and is "constitution making" in response to the initiatives of citizens. When freedmen became "a recognized part of the state," they "erected"—in concert with white allies—"a new modern state [...] in the place of agrarian slavery."

I support Du Bois's defense of a state-oriented black politics by appealing to G.W.F. Hegel's justification of the state as the refuge of modern freedom. In line with the high modern German philosophical tradition, Du Bois conceptualizes modern freedom in terms of citizens' collective self-determination according to principles all could accept. On the Hegelian model of freedom, which I advance to ground Du Bois's critique, it is insufficient for citizens to endorse

⁵ Du Bois, W.E.B. *Black Reconstruction in America: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860–1880.* New York: Free Press, 1992. p. 621. Emphasis added.

just principles, have good intentions, or discourse endlessly about justice. The state must rationally effectuate inclusive principles that integrate disenfranchised citizens into a modern political community. Yet, I have argued that even a Hegelian framework is unable to accommodate the groundswell of freedmen and refugees in the aftermath of the Civil War, who, according to Du Bois, revolutionized the basic structure of American society and transformed the normative structure of the modern American state. Former slaves not only assumed political power, but radically altered the terms of civic enfranchisement and what was conceived as a legitimate entitlement of citizenship. In dismantling an agrarian slavocracy in order to render black citizenship substantive, it was necessary that a centralized federal state emerge, with expanded public works programs spearheaded by the Freedmen’s Bureau. The Bureau established a public school system in the South, a tax collection system, and a racially inclusive model for the administration of the common good in national politics. The efforts of the Bureau even included fostering “good will” between “ex-masters and freedmen.”⁶ “The path of wisdom and statesmanship,” writes Du Bois, the nation “might for a generation or more make the freedmen [its] wards—protecting them, encouraging them, educating their children, giving them land and a minimum of capital and thus inducting them into real economic and political freedom.”⁷ Induction into “real” economic and political freedom necessitated educative institutional embedding into the body politics to make black citizenship substantive.

Modern political philosophers have not countenanced the dramatic transformation of modern state, conceived in terms of the democratic expansion of the ideals of modernity. Du Bois argues that “the Negro in the United States has emancipated democracy, reconstructed the threatened edifice of Freedom and been a sort of eternal test of the sincerity of our democratic

⁶ Du Bois, *Souls*, p. 31.

⁷ Du Bois, *The Gift of Black Folk*, p. 199.

ideals.”⁸ The ideal, integrative function of the modern democratic state, as a philosophical framework, I believe, justifies Du Bois’s repeated call from *Souls* to *Black Reconstruction* that the U.S. government should have made the Freedmen’s Bureau a permanent institution and appreciate its function as a “government of men” that hastened a “social revolution.”⁹ It strove to carve “an assured and self-subsisting place in the body politic and economic [for] four million slaves.”¹⁰ Induction into the body politic is necessary to actualize the moral meaning of free and equal citizenship. “Naive faith in bare law” is insufficient to recognize and actualize such a dramatic democratic “social revolution.”¹¹

I thus depart from the view espoused by the majority of Du Bois scholars – Robert Gooding-Williams, Anthony Appiah, Paul C. Taylor, and Tommie Shelby¹² – who agree that, save for the demand for basic civil and political rights, Du Bois does not stress African-American participation, leadership in, and resultant transformation of, the modern American state.¹³ Furthermore, in stressing Du Bois’s reliance on a normative theory of the modern state, I address a common mischaracterization of his political critique, one most pressingly advanced by Gooding-Williams. Rather than ascribe to him an elitist politics of racial ‘uplift’ and assimilation to Anglo-American folkways, I argue that his comments about ‘uplift’ defend the exercise of the moral rights of black citizens in guiding their own enfranchisement as moral equals in the American civic community, evinced in the ongoing realization of the moral value of citizenship from

⁸ Du Bois, *The Gift of Black Folk*. p. 257.

⁹ Du Bois, *Souls*, p. 14.

¹⁰ Du Bois, *Souls*, p. 25.

¹¹ Du Bois, *The Gift of Black Folk*, p. 186.

¹² Taylor, Paul C. “What’s the Use of Calling Du Bois a Pragmatist?” *Metaphilosophy* 32.1-2: 2004. Gooding-Williams, Robert. *In the Shadow of Du Bois: Afro-Modern Political Thought in America*. Cambridge: Harvard University Press, 2011. Appiah, Anthony. *Lines of Descent: W. E. B. Du Bois and the Emergence of Identity*. Cambridge: Harvard University Press, 2014. Shelby, Tommie. *We Who Are Dark: The Philosophical Foundations of Black Solidarity*. Cambridge: Harvard University Press, 2005.

¹³ None of these philosophers discuss the Freedmen’s Bureau, the black church, school, or the American state.

Reconstruction onwards.

Finally, my presentation of Du Bois's political philosophy is consistent with Charles Mills's assertion that Du Bois is a black radical liberal, but I further complicate Du Bois's relationship to political liberalism.¹⁴ To be sure, Du Bois expects the normative resources of political liberalism to extend with greater consistency to marginalized racial groups in modern constitutional democracies. He undertakes normative theorizing from the first-person standpoint of ordinary actors partaking in major events in American history. Focusing on the issue of the recognition and actualization of moral personhood with respect to the state, I argue that during Reconstruction, on the initiative of self-empowered freedmen—who, à la Rawls, one should view as “self-validating sources of moral claims”—the American state inched closer to *executing* its ideal ethical function. Racialized subpersonhood is therefore *not* a fixed subordinate social location that tracks African and African-descendent persons or persons of color. It must be indexed to divergent constellations of social and political power. Social orders meet with varied success the challenges issued by the collective practical agency of racially-derogated groups.

Even among communities of color, subpersonhood is an under-determined social status. While that status is secondary inasmuch as it does not track the privileges associated with whiteness, subpersonhood is differentiated among the communities of color. A Chicano migrant laborer in the Jim Crow era or a black refugee in the Civil War can both strive to achieve equal moral standing in the American civic community, but the social location of each carries a specific social intelligibility in a white racial polity. To be sure, qua subpersonhood, they each can contribute a unique moral perspective that could revise the public terms of social cooperation within the polity. In confronting the specific configuration of racist obstacles, an individual

¹⁴ Mills, Charles. “W.E.B. Du Bois: Black Radical Liberal,” in *A Political Companion to W. E. B. Du Bois*. (Ed.) Nick Bromell. Lexington: University Press of Kentucky, forthcoming.

occupying either social location may draw from their respective historical legacies of enacting the moral powers of citizenship in their communities, while nonetheless sharing an overlapping set of moral and political values that could become the normative basis of forging pragmatic alliances in the fight against the secondary social status that the white racial polity ascribes to them.

Through the enactment of the moral powers of citizenship, black citizens challenged their status as racially derogated in the American civic community *with varying success*. My remarks are not intended to detract from Mills's assertion that white supremacy is a political system that circumscribed the political legitimacy of public claims, bolstering whites and derogate non-whites. Yet, subpersonhood is not an inert social location—it delineates an internally-differentiated hermeneutic horizon to which the idea of freedom is pertinent and impelled the collective practical agency of marginalized racial groups. In this dissertation, following Du Bois, I have focused on the moral powers of black citizens to judge the given world, which has neglected black voices as sources of moral value and interpretation.

With Mills, I assign to liberal constitutional democracies the responsibility of protecting all citizens' moral personhood. But, I also show that for Du Bois the achievement of civic equality requires embedding in major social and political institutions. Accepting that the recognition and actualization of moral personhood should rely on the state, Du Bois shows that the sense of civic responsibility for recognizing black moral personhood *shifted* from the state to black-run social institutions in civil society. We are thus confronted with the struggle to recognize and actualize equal civic standing that occurs outside of formal institutions of political power, namely in the black church and school during the Jim Crow era. Du Bois's unique contribution to thinking about freedom in America is that he tackles the expansion of the moral agency of black citizens with the denial of their membership in the American civic community. He thus theorizes the dialectical

relation between institutional sites of difference and the wider polity in modern constitutional democracies. That dialectical relation is constitutive of the broadening of the ideals of modernity, given that the trans-Atlantic slave trade, colonialism and neo-colonial expropriation, and racist exclusion has touched the basic structure of nations worldwide. A normative commitment to the recognition of moral personhood is evident in Du Bois, but complementing Mills's approach, I show that Du Bois tackles how black citizens struggled to actualize that status by asserting themselves as inviolable sources of moral value and interpretation behind the color-line, when public political culture was saturated with white supremacist ideology.

(3) The Relationship between Historical Periods, such as Reconstruction and Jim Crow, and the Philosophical Reconstruction of the Concept of Freedom.

In his recent book, *Dark Ghettos*, Tommie Shelby writes: “The ghetto should be abolished. Like American slavery and Jim Crow segregation, it should have never come into existence.”¹⁵ With the failure of the state to execute its ethical responsibility to enfranchise its citizens politically, socially, and economically, it must be pressed to do so. Indeed, racism and all its concomitant practices “should have never come into existence.” Similar to each philosopher I have assessed in my presentation of his thought, from Hegel to Mills, Du Bois seeks to establish the institutional conditions that make social domination impossible. Yet, given that the ghetto does exist and it—as well as the history of slavery and Jim Crow—is enmeshed with the articulation of political claims, Du Bois confronts the question of how racist exclusion, present and historical, should impact the interpretation of respect for equal moral personhood and claims of

¹⁵ Shelby, Tommie. *Dark Ghettos: Injustice, Dissent, and Reform*. Cambridge: Harvard University Press, 2016. p. 275.

disenfranchisement. Shelby describes a “political ethics of the oppressed” to meet the challenge, detailing the actions of black historical actions as “moral responses to injustice.”¹⁶

Similarly, Du Bois argues at the time of Jim Crow segregation:

Our advance in the last quarter century has been in segregated, racially integrated institutions and efforts and not in effective entrance into American national life. In Negro churches, Negro schools, Negro colleges, Negro business and Negro art and literature our advance has been determined and inspiring; but in industry, general professional careers and national life, we have fought battle after battle and lost more than we have won. [...]

*The next step, then, is certainly one on the part of the Negro and it involves group action. It involves the organization of intelligent and earnest people of Negro descent for their preservation and advancement in America, in the West Indies and in Africa; and no sentimental distaste for racial or national unity can be allowed to hold them back from a step which sheer necessity demands.*¹⁷

I submit that the moral responses to injustice have instilled new content to political claims about what constitutes dignified collective self-determination, given the “demands” of “sheer necessity.”

The new content in the U.S. includes, I countenance, the ethical salience of racial difference in a racially-inclusive democratic plurality. Alternative interpretations of public reason often *ignore* major racializing and racist episodes in American history and argue that engagement with the ethical salience of racial difference is *not* necessary. Speculatively speaking, if the ghetto, segregation, and racist subjugation have never existed, perhaps such a colorblind politics would hold water. And yet, it does not. Colorblind politics often ignores racial injustice or is a coded reactionary politics advanced *in the name of freedom and equality*.

One might object that I have not made a case for how history should contribute to theorizing normative claims. For, one can use a rudimentary liberal framework to address racial injustice, perhaps even center it in public discussion. Following Du Bois, I add that the way to guide public

¹⁶ Shelby, *Dark Ghettos*, p. 14.

¹⁷ Du Bois, W.E.B. “On Being Ashamed of Oneself,” in *W.E.B. Du Bois: Writings*. New York: Viking Press, 1986. p. 1024. Emphasis in the original.

discussion of racial matters is through engagement with historical memory, privileging the first-person perspective of political actors from marginalized racial communities. Such a public procedure would impact conceptions of political legitimacy, especially with respect to the idea of redress justice, which is essential for realizing collective self-determination in the U.S., as well as any republic founded on racist institutions. Thus, consistent, substantive reference to the past reconstructs conceptions of democratic legitimacy by getting the details right of the first-person experience of disenfranchisement. “Perhaps most crucially, taking Du Bois’s work seriously requires a rigorous engagement with the past and an active refutation of declarations of a ‘postracial’ age that belie yawning racial inequalities, the continuing devaluation of non-White lives, and the unredressed injuries—to American citizens, to the polity itself, and to women and men well beyond U.S. borders—of White supremacy.”¹⁸ The manner Du Bois helps center racial matters in democratic discussion is through accenting historical memory. He thus weakens the distinction between distributive justice and redress justice in articulating collective norms of self-determination that all citizens could reasonably endorse.¹⁹

Speaking with respect to the U.S., Du Bois believes that the black “gift” to the U.S. includes contributions to the way Americans conceive of the administration of justice: the institutional broadening of the state to encompass public works programs, the establishment of a centralized state, national banks, progressive tax schemes, and a public school system in the South.²⁰ During Reconstruction, these additions to the public terms of substantive freedom issued from “sheer necessity”—or as he puts it, it was “what manifestly must be done” to avoid “re-enslavement.”²¹ Conceived as part of a historical pattern of moral responses to racial injustice, as political claims,

¹⁸ Balfour, Lawrie. “Inheriting Du Bois,” *Du Bois Review* 8:2 (2011): 409–16. p. 409.

¹⁹ Balfour, “Inheriting Du Bois,” p. 412.

²⁰ Du Bois, *The Gift of Black Folk*, p. 191-2.

²¹ Du Bois, *Souls*, p. 23.

these additions instilled new features —“moral responses”—to the highest “ideal of democracy.” In other words, the abstract concept of freedom and mutual respect can be helpfully gauged by considering the recommendations of freedmen and those subject to Jim Crow segregation. Indeed, the insights they offered continue to furnish the rationally-motivating grounds for citizens’ collective self-determination in the American civic community.²²

I have also shown, with the rise of Jim Crow, social institutions from behind the color-line assumed the responsibility of an educative civic function in the segregated black community. But, what can Jim Crow, in particular, show us about the nature of freedom? Racial categories of enforcing juridical right express white supremacist ideology. The white racial polity has created the racist institutional conditions of racial segregation, yet those very institutional conditions have also mediated the exercise of the moral, cultural, and aesthetic agency of the oppressed. Moreover, the civic function of social institutions, such as the black church and school during Jim Crow, are necessary for democratic literacy and comprehensive civic enfranchisement. What is more, the systematic dismantling of the institutional conditions of racial segregation in *some* cases, under *certain* conditions, can be *consistent with strengthening of identity-constitutive social bonds*.²³ Onora O’Neill observes that public reason is always host to irrational forces that cannot withstand public scrutiny. Du Bois employs the universal moral value of citizenship to correct the moral biases in public reason.²⁴ Pursuing corrections to public reason is an ineliminable feature charting

²² Contrast my presentation of the development of historical reason in American modernity with Elizabeth Anderson’s explanation of moral progress. She draws on John Dewey to advance a naturalized epistemology. On her view, democracy consists of “cooperative social experimentation.” If it is to succeed, it requires the expansion of practical intelligence through social experimentation that relies on the scientific method for problem solving and moral imagination. See her “The Epistemology of Democracy,” *Episteme: A Journal of Social Epistemology*, 3.1-2 (2006): 8-22. “Moral Bias and Corrective Practices,” *Proceedings and Addresses of the APA* 89 (2015): 21-47.

²³ While social bonds always influence the construction of juridical right, that influence can be pernicious to juridical right and strengthen social bonds that are hostile to an expansive democratic community. Du Bois shows that the activities of the black church and school behind the color-line operated in an expansive fashion, even if it “closed rank.”

²⁴ O’Neill, Onora. “Constructivism in Rawls and Kant,” *The Cambridge Companion to Rawls*. (Ed.) Samuel Freeman.

the growth of modern societies. Du Bois shows us, however, that the expansive growth of democracies could be imbricated with the fortification of the identities and outlooks of particular social groups whose contributions have positively shaped the basic structure of their societies, and may continue to do so.

The models of freedom I have surveyed in this dissertation—liberal, republican, and critical—could be construed to display an endorsement of the abstract demand to engage the questions: who is a citizen and what protections should citizenship entail? (In some cases, such as Gilbert and Honneth, these questions gain little traction.) Providing detailed answers to these questions—in the revision of public norms of self-determination—requires understanding major historical episodes that proffered practically successful visions of civic enfranchisement. None of the substantive demands that issued from black communities during Reconstruction and Jim Crow can be read off from the formal demand to either respect moral persons or achieve civic equality, albeit these demands comprise the normative foundation of doing politics in modern constitutional democracies. Yet, these substantive demands have also become salient features of the democratic ideal of collective self-determination in the U.S., giving it concrete shape and moral direction.

II. Two Closing Considerations

a. The American Civic Community, Pan-Africanism and Cosmopolitanism?

Du Bois experimented widely with political strategies to enfranchise African and African-descendent peoples in the United States and around the world. The historian Manning Marble writes that Du Bois founded the Pan-African movement and presided over its congresses in the

Cambridge: Cambridge University Press, 2003. pp. 347–67. See also Elizabeth Anderson on how social movements function to correct moral biases: “Social Movements, Experiments in Living, and Moral Progress: Case Studies from Britain’s Abolition of Slavery.” Lindley Lecture. University of Kansas, 2014. <http://kuscholarworks.ku.edu/handle/1808/14787>.

early 20th c.²⁵ In *Dusk of Dawn*, Du Bois gives a moving narrative of his first journey to the African continent and ultimately dies in exile in Ghana in 1963.²⁶ The Du Bois scholars Kwame Anthony Appiah and Chike Jeffers take Du Bois in a rather different direction. They argue that his global orientation is sufficiently pronounced that his political thought is cosmopolitan—a moral view championed by Immanuel Kant that argues that human beings are citizens in the world and thereby moral equals.²⁷

Given my emphasis on the reconstitution of the American civic community in my presentation of Du Bois’s philosophy of modern freedom, one might inquire whether my approach is incompatible with his pan-Africanism and global initiatives. While Du Bois held a global concern for colored peoples and their struggles, a global orientation is compatible with an emphasis on the constitution—and reconstitution—of particular civic communities delineated by national constitutions. In fact, echoing Balfour, I affirm that Du Bois’s understanding of the reconstruction of American democracy, and the democratic lessons of the broadening of its ideals, can inspire democratic politics globally.²⁸ The normative framework of cosmopolitan citizenship does not subvert—but can inspire—fair terms of civic belonging within particular political communities. In fact, political cosmopolitanism *requires* public authority embedded in constitutional democracies that institutionalize the terms of civic belonging.²⁹ Du Bois’s defense of the interracial terms of fair social cooperation emphasizes a local, historical narrative of struggle and triumph, but the experience it conveys can also help dismantle social domination in polities around the world.

²⁵ Marable, Manning. *W.E.B. Du Bois: Black Radical Democrat*. Boston: Twayne. 1986. p. 99.

²⁶ Du Bois, W.E.B. *Dusk of Dawn: An Essay Toward an Autobiography of a Race Concept*. New York: Oxford University Press, 2014. chp. 5.

²⁷ Appiah, Kwame Anthony. *Lines of Descent: W.E.B. Du Bois and the Emergence of Identity*. Cambridge: Harvard University Press, 2014. Jeffers, Chike. “Appiah’s Cosmopolitanism,” *The Southern Journal of Philosophy* 51.4 (2013): 488-510. “The Cultural Theory of Race: Yet Another Look at Du Bois’s ‘The Conservation of Races,’” *Ethics* 123.3 (2013): 403-26.

²⁸ Balfour, “Inheriting Du Bois,” p. 413.

²⁹ Varden, Helga. “A Kantian Conception of Global Justice,” *Review of International Studies* 37.5 (2011): 2043–57.

b. Du Bois's Marxism?

Finally, in the monograph version of my dissertation, I intend to include a discussion of Du Bois's Marxism. Because I aim to present his Marxism as part of a philosophy of modern freedom, I am interested in the ethical dimension of his critique of labor and alienation in the racial capitalisms of 19th- and 20th-America. Drawing on the work of Manning Marable, Laurie Balfour, and Adolph Reed Jr., I will consider economic enfranchisement through the lens of the political and social meaning of racial embodiment.³⁰ Without collapsing the terms of evaluative assessment to productive capabilities, Du Bois engaged Marxist thought in his critique of American democracy. He tied the degradation of citizens of color to the public perception—and depreciation—of the value of their labor in civil society, as well as the kinds of employment made available to them. I also aim to connect the issue of productive labor in civil society with that of reproductive labor in the family, for labor is not a monolithic concept, but assumes distinct expressions in the family and in civil society.³¹ But this is all work for another time and another day, one that in my estimation, will come soon.

³⁰ Marable, Manning. *W.E.B. Du Bois: Black Radical Democrat*. Boston: Twayne. 1986; Balfour, Lawrie. *Democracy's Reconstruction: Thinking Politically with W.E.B. Du Bois*. New York: Oxford University Press, 2011. Reed, Adolph L. Jr. *W.E.B. Du Bois and American Political Thought: Fabianism and the Color Line*. New York: Oxford University Press, 1997.

³¹ Schwarzenbach, Sibyl A. *On Civic Friendship: Including Women in the State*. New York: Columbia University Press, 2009. chp. 4.

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