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First Edition

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Composition and Manufacturing by the Haddon Craftsmen, Inc.
Book design by Margaret Wagner

Library of Congress Cataloging-in-Publication Data

Foner, Eric.

The story of American freedom / Eric Foner.

p. cm.

Includes bibliographical references and index.

ISBN 0-393-04665-6

1. United States—History. 2. Civil rights—United States—History. 3. Human rights—United States—History. 4. Democracy—United States—History. 5. Liberty—History.

I. Title.

E179.F69 1998

323.44'0973—dc21

98-3290

CIP

W. W. Norton & Company, Inc., 500 Fifth Avenue, New York, N.Y. 10110

<http://www.wwnorton.com>

W. W. Norton & Company Ltd., 10 Coptic Street, London WC1A 1PU

1 2 3 4 5 6 7 8 9 0

For Daria



In March 1776, James Pike, a soldier in the Massachusetts militia, carved this scene on his powder horn to commemorate the battles of Lexington and Concord eleven months earlier. Pike identified British troops as "aggressors." At the center stands the liberty tree. (Chicago Historical Society)

1

The Birth of American Freedom

AMERICAN FREEDOM was born in revolution. During the struggle for independence inherited ideas of liberty were transformed, new ones emerged, and the definition of those entitled to enjoy what the Constitution called "the blessings of liberty" was challenged and extended. The Revolution bequeathed to future generations an enduring yet contradictory legacy. Its vision of the new nation as an asylum for freedom in a world overrun by oppression resonates in the political culture to this day. Yet the United States, a nation conceived in liberty, harbored a rapidly growing slave population, belying the founders' confident affirmation of freedom as a universal human birthright.

The Freeborn Englishman

"Liberty," of course, did not suddenly enter the American vocabulary in 1776; indeed, few words were as ubiquitous in the trans-Atlantic political discourse of the eighteenth century. Colonial America was heir to many understandings of liberty, some as old as the city-states of ancient Greece, others as new as the Enlightenment. Some laid the foundations for modern conceptions of freedom; others are quite unfamiliar today.

One common definition in British North America defined freedom less as a political or social status than as a spiritual condition. In the ancient world, lack of self-control was understood as a form of slav-

ery, the antithesis of the free life. "Show me a man who isn't a slave," wrote Seneca. "One is a slave to sex, another to money, another to ambition." This understanding of freedom as submission to a moral code was central to the Christian cosmology that suffused the world view of the early colonists. Wherever it flourished, Christianity enshrined the idea of liberation, but as a spiritual condition rather than a worldly one. Since the Fall, man had been prone to succumb to his lusts and passions. Freedom meant abandoning this life of sin to embrace the teachings of Christ. "Where the Spirit of the Lord is," declares the New Testament, "there is liberty." In this definition, servitude and freedom were mutually reinforcing, not contradictory states, since those who accepted the teachings of Christ simultaneously became "free from sin" and "servants to God."¹

The Puritan settlers of colonial Massachusetts, who believed their colony the embodiment of true Christianity, planted this spiritual definition of freedom on American soil. In a 1645 speech to the Massachusetts legislature that epitomized Puritan conceptions of freedom, John Winthrop, the colony's governor, distinguished sharply between "natural liberty," which suggested "a liberty to evil," and "moral liberty . . . a liberty to do only what is good." This definition of freedom as flowing from self-denial and moral choice was quite compatible with severe restraints on freedom of speech, religion, movement, and personal behavior. Individual desires must give way to the needs of the community, and "Christian liberty" meant submission not only to the will of God but to secular authority as well, to a well-understood set of interconnected responsibilities and duties, a submission no less complete for being voluntary. The most common civil offense in the courts of colonial New England was "contempt of authority." The unrestrained individual enjoying natural rights, whom later generations would imagine as the embodiment of freedom, struck these Puritan settlers as the incarnation of anarchy, the antithesis of liberty. "When each man hath liberty to follow his own imagination," declared the Puritan minister Thomas Hooker, disaster inevitably resulted, for "all prejudice the public good."²

Communal authority was always weaker in the more secular colonies to the south of the Puritan commonwealth. Even in New England, as jeremiads of the early eighteenth century vigorously lamented, willingness to accept community regimentation in the name of liberty soon waned. By the 1750s, the idea of New England's special place in God's plan for humanity had been subsumed in the more general celebration of the entire Anglo-American Protestant world as a bulwark against tyranny and popery. Yet the Christian understanding of liberty as spiritual salvation survived to the Revolution and, indeed, our own time. The

religious revivals of the late colonial era, known to historians as the Great Awakening, reinforced this understanding of freedom. On the eve of independence, ministers like Jonathan Boucher were insisting that "true liberty" meant "a liberty to do every thing that is right, and being restrained from doing any thing that is wrong," not "a right to do every thing that we please."³

This equation of liberty with moral action flourished as well in a secularized form in the Atlantic world of the eighteenth century. If religious liberty meant obedience to God, "civil liberty" rested on obedience to law. As far back as the ancient world, Aristotle had cautioned men not to "think it slavery to live according to the rule of the constitution." The law was liberty's "salvation," not its adversary. Modern philosophers of liberty also distinguished sharply between "unrestrained freedom" and "a life lived under the rule of law." Liberty, wrote John Locke, meant not leaving every person free to do as he desired, but "having a standing rule to live by, common to every one of that society, and made by the legislative power." As Locke's formulation suggests, liberty in its civil form depended on obedience to the law, so long as statutes were promulgated by elected representatives and did not operate in an arbitrary manner. Here lay the essence of the idea of British liberty, a central element of social and political thought on both sides of the Atlantic. Until the 1770s, most colonists believed themselves part of the freest political system mankind had ever known.⁴

By the eighteenth century, the "invented tradition" of the freeborn Englishman had become a central feature of Anglo-American political culture and a major building block in the sense of nationhood then being consolidated in Britain. By self-definition, the British nation was a community of free individuals and its past a "history of liberty." Belief in freedom as the common heritage of all Britons and the British empire as the world's sole repository of liberty had helped to legitimize the colonization of North America in the first place. Subsequently, it served to cast imperial wars against Catholic France and Spain as struggles between liberty and tyranny, a definition widely disseminated in the colonies as well as the mother country. British freedom celebrated the rule of law, the right to live under legislation to which one's community had consented, restraints on the arbitrary exercise of political authority, and rights like trial by jury enshrined in the common law. It was closely identified with the Protestant religion and was invoked most stridently to contrast Britons with the "servile" subjects of Catholic countries.⁵

Of course, the idea of freedom as the natural condition of mankind was hardly unknown in a nation that had produced the writings of John Milton and John Locke. But British freedom was anything but universal. Nationalist, often

xenophobic, it viewed nearly every other nation on earth as “enslaved”—to popery, tyranny, or barbarism. “Freedom . . . in no other land will thrive,” wrote the poet John Dryden; “Freedom an English subject’s sole prerogative.” Britons saw no contradiction between proclaiming themselves citizens of a land of freedom precisely when British ships were transporting millions of Africans to bondage in the New World. “Britons never, never, never will be slaves,” ran the popular song, “Rule, Britannia.” It did not say that Britons could not own slaves, since for most of the eighteenth century, almost no one seemed to consider Africans entitled to the rights of Englishmen.⁶

Nor was British liberty incompatible with wide gradations in personal freedom at home—a hierarchical, aristocratic society with a restricted “political nation” (those entitled to vote and hold office). The common law’s protections applied to everyone, but property qualifications and other restrictions limited the eighteenth-century electorate to less than 5 percent of the adult male population. (The “right of magistracy,” wrote Joseph Priestley in his *Essay on the First Principles of Government* [1768], was not essential to British freedom. Men “may enjoy civil liberty, but not political liberty.”) Nor did British law view laborers as wholly free. Vagrancy statutes punished those without visible means of support, “master and servant” laws required strict obedience of employees, and breaches of labor contracts carried criminal penalties. The very navy whose domination of the high seas secured the nation’s freedom from foreign domination was manned by sailors seized by press gangs from the streets of London and Liverpool. In this sense, British freedom was the lineal descendant of an understanding of liberty derived from the Middle Ages, when “liberties” meant formal privileges such as self-government or exemption from taxation granted to particular groups by contract, charter, or royal decree. Only those who enjoyed the “freedom of the city,” for example, could engage in certain economic activities. This medieval understanding of liberty assumed a hierarchical world in which individual rights in a modern sense barely existed, and political and economic entitlements were enjoyed by some social classes and denied to others. Echoes of this old, restricted idea of liberty survived in early America—for example, in New York City’s rule limiting the right to work in certain trades to those who held the legal status of “freeman.”⁷

Whatever its limitations and exclusions, it would be impossible, as the historian Gordon Wood writes, “to overemphasize the degree to which eighteenth-century Englishmen reveled in their worldwide reputation for freedom,” an observation as applicable to the American colonies as to the mother country. One could, if one desired, subdivide British liberty into its component parts, as many writers of the era were prone to do. Political liberty meant the right

to participate in public affairs; civil liberty protection of one’s person and property against encroachment by government; personal liberty freedom of conscience and movement; religious liberty the right of Protestants to worship as they chose. But the whole exceeded the sum of these parts. British liberty was simultaneously a collection of specific rights, a national characteristic, and a state of mind. So ubiquitous and protean was the concept that what would later seem inconsistent elements managed happily to coexist.⁸

British freedom, for example, incorporated contradictory attitudes about political power. On the one hand, the idea’s historical development was inseparable from the rise of the nation-state, and reached its apotheosis precisely when Britain emerged as the world’s leading imperial power. At the same time, restraints on the exercise of political authority were central to British freedom. Power and liberty were widely believed to be natural antagonists, and in their balanced constitution and the principle that no man, even the king, is above the law, Britons claimed to have devised the best means of preventing political absolutism. These ideas sank deep roots not only within the political nation but far more broadly in British society. Laborers, sailors, and artisans spoke the language of common law rights and British freedom as insistently as pamphleteers and Parliamentarians. By the eighteenth century, the category of free person had become not simply a legal status, as in medieval times, but a powerful element of popular ideology. On both sides of the Atlantic, liberty emerged as “the battle cry of the rebellious.” Frequent crowd actions protesting infringements on traditional rights gave concrete expression to the definition of liberty as resistance to tyranny. “We are *Free-men*—British subjects—Not Born Slaves,” was a rallying cry of the Regulators, who protested the underrepresentation of western settlements in the South Carolina legislature during the 1760s.⁹

This tension between freedom as the power to participate in public affairs and freedom as a collection of individual rights requiring protection against governmental interference helps define the difference between two political languages that flourished in the Anglo-American world. One, termed by scholars “republicanism” (although few in eighteenth-century England used the word, which conjured up memories of the time when Charles I was beheaded), celebrated active participation in public life as the essence of liberty. Tracing its lineage back to Renaissance Florence and beyond that to the ancient world, republicanism held that as a social being, man reached his highest fulfillment in setting aside self-interest to pursue the common good. Republican freedom could be expansive and democratic, as when it spoke of the common rights of the entire community. It also had an exclusive, class-based dimension, in its assumption that only property-owning citizens possessed the quality known as

"virtue"—understood in the eighteenth century not simply as a personal, moral quality but as a willingness to subordinate private passions and desires to the public good. "Only a virtuous people are capable of freedom," wrote Benjamin Franklin.¹⁰

If republican liberty was a civic and social quality, which could only be enjoyed by citizens of a "free state" (one ruled in accordance with the consent of the governed), the freedom celebrated by eighteenth-century liberalism was essentially individual and private. According to John Locke, the founding father of modern liberalism, government is established to offer security to the "life, liberties, and estates" that are the natural rights of all mankind, and essentially should be limited to this task. Liberty, for Locke and his eighteenth-century disciples, meant not civic involvement but personal autonomy—"not to be subject to the inconstant, uncertain, unknown Arbitrary Will of another Man." Protecting freedom required shielding a realm of private life and personal concerns—including family relations, religious preferences, and economic activity—from interference by the state. The public good was less an ideal to be consciously pursued by government than the outcome of free individuals' pursuit of their myriad private ambitions.¹¹

Liberalism, as the historian Pierre Manent puts it, severed the "citizen" from the "man," the political realm of life from the social. Critics condemned it as an excuse for selfishness and lack of civic-mindedness. "The freedom . . . that I love," declared Edmund Burke, "is not solitary, unconnected, individual, selfish Liberty. As if every Man was to regulate the whole of his conduct by his own will. The Liberty I mean is *social* liberty." Yet it is easy to understand liberalism's appeal in the hierarchical Atlantic world of the eighteenth century. It called into question all the legal privileges and governmental arrangements that impeded individual advancement, from the economic prerogatives of chartered corporations to legalized religious intolerance. And in its starting point, that mankind possessed natural rights no government could violate, liberalism opened the door to the disenfranchised, women, and even slaves, to challenge limitations on their own freedom.¹²

Eventually, liberalism and republicanism would come to be seen as alternative and contradictory understandings of freedom. In the eighteenth century, however, these languages overlapped and often reinforced one another. Many leaders of the Revolution seem to the modern eye simultaneously republican (in their concern for the public good and citizens' obligations to the polity) and liberal (in their preoccupation with individual rights). Both political ideologies could inspire a commitment to constitutional government, freedom of speech and religion, and restraints on arbitrary power. Both emphasized the security

of property as a foundation of freedom. The pervasive influence of Protestant morality, moreover, tempered what later would come to be seen as liberalism's amorality.

Certainly, in the colonial era, "liberty" stood as a meeting point between liberal and republican understandings of government and society. There seemed no necessary contradiction between the personal freedom central to liberalism and the public liberty of the republican tradition. Moreover, whether liberal, republican, or some combination of the two, most eighteenth-century commentators assumed that only certain kinds of persons were fully capable of enjoying the benefits and exercising the rights of freedom. On both sides of the Atlantic, it was an axiom of political thought that dependents lacked a will of their own and thus were incapable of participating in public affairs. Liberty, wrote the influential political theorist Richard Price, rested on "one general idea . . . the idea of *self-direction* or *self-government*." Those who did not control their own lives ought not to have a voice in governing the state. Political freedom required economic independence.¹³

Property, therefore, was "interwoven" with eighteenth-century understandings of freedom, as the New York publisher John Peter Zenger put it in 1735. The independence entailed by property was an indispensable basis of liberty. Dr. Samuel Johnson's dictionary defined "independence" as "freedom," and Thomas Jefferson insisted that dependence "begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition." Hence the ubiquity of property qualifications for voting in Britain and the colonies. The "true reason" for such requirements, Sir William Blackstone explained in his *Commentaries on the Laws of England* (1765–69), was that men without property would inevitably fall "under the immediate domination of others." Lacking a will of their own, their votes would threaten the "general liberty." Not only personal dependence, as in the case of a domestic servant, but working for wages was widely viewed as disreputable. In seventeenth- and eighteenth-century England, wage labor was associated with servility and loss of liberty; only those who controlled their own labor could be regarded as fully free. British popular ballads and folk tales romanticized vagabonds, gypsies, highwaymen, even beggars as more free than those who worked for wages. Many years would pass before the idea that wage labor was compatible with genuine freedom gained broad public acceptance.¹⁴

Those who drew up plans to colonize British North America expected to reproduce the hierarchical social structure of the mother country. But from the earliest days of settlement, migrants from Britain and the Continent held the promise of the New World to be liberation from the economic inequalities and

widespread economic dependence of the Old. John Smith had barely landed at Jamestown in 1607 when he observed that in America, "every man may be master and owner of his owne labour and land." During the whole of the colonial era, most free immigrants expected to achieve economic autonomy, an anticipation encouraged by promotional literature that lured settlers by publicizing the notion of the New World as a place of exceptional opportunity for the acquisition of property. The visions of liberty that emigrants brought to colonial America always included the promise of economic independence and the ability to pass a freehold on to one's children.¹⁵

Defining freedom in terms of economic independence drew a sharp line between those classes capable of fully enjoying its benefits and those who were not. In the eighteenth century, economic autonomy was far beyond the reach of most Britons. Even in colonial America, most of the population was not, by this standard, truly free. Lacking a hereditary aristocracy like that of England, colonists prided themselves on having "no rank above that of freeman." But there were many ranks below. The half million slaves who labored in the mainland colonies on the eve of independence obviously stood outside the circle of free persons. For free women, whose civic identity was subsumed within that of their fathers and husbands, and who had no legal claim to their own labor, opportunities for economic autonomy barely existed. Women, moreover, were deemed by men deficient in rationality, courage, and the broad capacity for self-determination—the qualities necessary in the public-spirited citizen. Indeed, the ideal of independence was partly defined by gender; whether in the economy or polity, autonomy was a masculine trait, dependence the normal lot of women.¹⁶

Even among the white male population, it is sometimes forgotten, many varieties of partial freedom coexisted in colonial America, including indentured servants, apprentices, domestic laborers, transported convicts, and sailors impressed into service in the Royal Navy. Freedom in colonial America existed along a continuum from the slave, stripped of all rights, to the independent property owner, and during a lifetime an individual might well occupy more than one place on this spectrum. Indentured servants, who voluntarily surrendered their freedom for a specified time, comprised a major part of the non-slave labor force throughout the colonial era. As late as the early 1770s, nearly half the immigrants who arrived in America from England and Scotland had entered into contracts for a fixed period of labor in exchange for passage. Indentured servants often worked in the fields alongside slaves. Like slaves, servants could be bought and sold, were subject to corporal punishment, and their obligation to fulfill their duties ("specific performance," in legal termi-

nology) was enforced by the courts. "Many Negroes are better used," complained one female indentured servant in 1756; she went on to describe being forced to work "day and night . . . then tied up and whipped." But, of course, unlike slaves, servants could look forward to freedom from their servitude. Assuming they survived their period of labor (and many in the early years did not), servants would be released from dependency and receive "freedom dues." Servants, a Pennsylvania judge remarked in 1793, occupied "a middle rank between slaves and freemen."¹⁷

The prevalence of so many less than free workers underpinned the widespread reality of economic independence, and therefore freedom, for propertied male heads of households. This was most obvious in the case of slaveholding planters, who already equated freedom with mastership, but also true of the countless artisans in northern cities who owned a slave or two and employed indentured servants and apprentices. (In New York City and Philadelphia, artisans and tradesmen, who prided themselves on their own independence, dominated the ranks of slaveholders.) And the vaunted independence of the yeoman farmer depended in considerable measure on the labor of dependent women. The popular adage, "Women's work is never done," was literally true; the cooking, cleaning, sewing, and assistance in agricultural chores by farmers' wives and daughters often spelled the difference between self-sufficiency and economic dependence. In the household-based economy of colonial America, autonomy rested on command over others. "Freedom and dependence," wrote the Pennsylvania jurist James Wilson in 1774, were "opposite and irreconcilable terms." Wilson failed to note that since the free man was, by definition, master of a household, freedom and dependence were also inextricably connected.¹⁸

The eighteenth century witnessed an increase in social stratification in colonial America and the rise of a wealthy gentry exercising more and more dominance over civil, religious, and economic institutions, and demanding deference from their social inferiors. Nonetheless, by the time of the Revolution, the majority of the non-slave male population were farmers who owned their own land. With the household still the center of economic production, the propertyless were a far smaller proportion of the population than in Britain and wage labor far less prevalent. Among the free population, property was more widely distributed than anywhere in Europe. In colonial America, writes one historian, lived "thousands of the freest individuals the Western world had ever known."¹⁹

Thus, an abhorrence of personal dependence and the equation of freedom with autonomy sank deep roots in British North America not simply as part of an ideological inheritance, but because these beliefs accorded with social re-

ality—a wide distribution of productive property that made a modicum of economic independence part of the lived experience of large numbers of colonists. What the French essayist Hector St. John Crèvecoeur identified in 1782 as the hallmark of American society—its “pleasing uniformity of decent competence”—would form the material basis for the later definition of the United States as a “producer’s republic,” as well as its corollary, that widespread ownership of property was the social precondition of freedom.²⁰

Democratizing Freedom

With its wide distribution of property (and therefore a broadly participatory political life), weak aristocratic power, and an established church far less powerful than in Britain, colonial America was a society with deep democratic potential. But it took the struggle for independence to transform this society not only into a republican polity without a king but into a nation that enshrined equality and opportunity as its *raison d’être* and proudly proclaimed itself an asylum for liberty for all mankind. The Revolution unleashed public debates and political and social struggles that democratized the concept of freedom.

The American Revolution was fought in the name of liberty. On the road to independence, no word was more frequently invoked, although it rarely received precise definition. There were liberty trees, liberty poles, Sons and Daughters of Liberty, and an endless parade of pamphlets with titles like *A Chariot of Liberty* and *Oration on the Beauties of Liberty* (the latter, a sermon delivered in Boston by Joseph Allen in 1772, became the most popular public address of the years before independence). Throughout the colonies, British measures like the Stamp Act of 1765 were greeted by mock funerals of liberty, carefully choreographed spectacles in which a coffin was carried to a burial ground only to have the occupant miraculously revived at the last moment (whereupon the assembled multitude repaired to a tavern to celebrate). Liberty was more than an idea for those resisting British authority; it was a passion. Sober men spoke longingly of the “sweets of liberty.” All sorts of hopes and expectations came to be embodied in the idea of freedom. Commented a British emigrant who arrived in Maryland early in 1775: “They are all liberty mad.”²¹

Americans during the age of revolution did not start out to transform the rights of Englishmen into the rights of man. The very first colonial charter—Virginia’s, in 1606—had granted settlers the same “Liberties, Franchises, and Immunities” as if they resided “in our Realm of *England*.” And a century and a

half later, American colonists shared in the intensification of British nationalism, reaffirming their loyalty to king and constitution. Resistance to British revenue measures of the 1760s began by invoking Americans’ “rights as British subjects” within the framework established by the British constitution, “the best that ever existed among men.” At the outset, opposition to imperial policies invoked time-honored British principles (no taxation without representation, trial by jury) and employed modes of resistance long familiar in the mother country, from petitions and pamphlets to crowd activity. British measures of the 1760s like the Stamp Act, Quartering Act, and Townshend Duties were sometimes assailed in terms of natural rights, but far more frequently in the name of the “rights and privileges of freeborn Englishmen,” especially freedom from arbitrary government, security of property, and the right to live in a political community to whose laws a people, through their representatives, had given consent. As late as 1774, appeals to natural law were often combined with a hodgepodge of other claims to liberty, as in the “ancient, constitutional, and chartered Rights” invoked by Virginians. In the same year, the first Continental Congress defended its actions by appealing to the “principles of the English constitution” and the “liberties . . . of free and natural-born subjects, within the realm of England.”²²

As the conflict deepened, however, colonial leaders came to interpret metropolitan policies as part and parcel of an immense conspiracy to destroy the liberty of America, and their own resistance not merely as a struggle over specific legislation but as an episode in a global conflict between freedom and despotism. The Intolerable Acts of 1774, which suspended the Massachusetts legislature and closed the port of Boston, represented the final stage in this British design “for enslaving the colonies.” Now, the right to resist arbitrary authority and the identification of liberty with the cause of God, so deeply ingrained by the imperial struggles of the eighteenth century, were invoked against Britain itself.²³

The coming of independence rendered the rights of freeborn Englishmen irrelevant in America. As late as March 1775, Edmund Burke assured the British Parliament that the colonists were devoted not to “abstract liberty” but to “liberty according to English ideas, and on English principles.” But the deepening crisis inevitably pushed Americans to ground their claims in the more abstract language of natural rights and universal liberty. In a merging of the evangelical belief in the New World as the future seat of “perfect freedom” with the secular vision of the Old as sunk in debauchery and arbitrary rule, the idea of British liberty was transformed into a set of universal rights, with America



On both sides of the Atlantic, the liberty cap symbolized the right of self-government and, more broadly, individual freedom. In a 1770 engraving from the *Boston Gazette* by Paul Revere (top), Britannia sits with the cap and national shield, reflecting the identification of liberty with the tradition of the "free-born Englishman." Five years later, on the cover of the *Pennsylvania Magazine*, liberty has been Americanized. The shield displays the colony's coat of arms and the female figure is surrounded by weaponry (including a cartridge box marked "liberty" hanging from the tree) of the patriotic struggle. (Chicago Historical Society; American Antiquarian Society)

a sanctuary of freedom for humanity. Ironically, it took an emigrant from the lower classes of England, who only arrived in America in 1774, fully to grasp this breathtaking vision of the meaning of independence. As Thomas Paine proclaimed in January 1776 in the most widely read pamphlet of the era, *Common Sense*:

O! ye that love mankind . . . stand forth! Every spot of the old world is overrun with oppression. Freedom hath been hunted round the globe. Asia and Africa have long expelled her. Europe regards her as a stranger, and England hath given her warning to depart. O! receive the fugitive, and prepare in time an asylum for mankind.²⁴

Written, as Paine later observed, to help men "to be free," *Common Sense* announced a prophecy from which would spring the nineteenth-century idea of the United States as an "empire of liberty." Unburdened by the institutions—monarchy, aristocracy, hereditary privilege—that oppressed the peoples of the Old World, America, and America alone, was the place where the principle of universal freedom could take root. Six months later, the Declaration of Independence would legitimate American rebellion not merely by invoking British efforts to establish "absolute tyranny" over the colonies but by referring to the natural, unalienable rights of mankind, among which liberty was second only to life itself. In the Declaration, "the Laws of Nature and Nature's God," not the British constitution or the heritage of the freeborn Englishman, justified independence. The idea of liberty as a natural right became a revolutionary rallying cry, a standard by which to judge existing institutions and a justification for their overthrow. No longer a set of specific rights, no longer a privilege to be enjoyed by a corporate body or people in specific social circumstances, liberty had become a universal, open-ended entitlement. And the contradiction between the ideal of universal liberty and the reality of a society beset with inequalities would bedevil American public life during the Revolution and long thereafter.²⁵

Thus, if the roots of American freedom lay in the traditions of Christian liberty and of the freeborn Englishman, its emergence as a new and distinct ideology grew out of the struggle for independence and the creation of a nation-state that defined itself, in James Madison's words, as the "workshop of liberty to the Civilized World." In this "republic of the mind," to borrow a phrase from Rousseau, a newly invented national history and a putative national destiny both revolved around the idea of freedom. "Our forefathers," Jefferson wrote in 1775, "left their native land to seek on these shores a residence for civil

and religious freedom," an inspiring if somewhat limited account of the numerous motives that had brought colonists to America. As for the future, Paine's stirring remark in *Common Sense*, "we have it in our power to begin the world over again," epitomized a sense that the American Revolution was an event of transcendent historical importance, an idea reiterated in countless sermons, political tracts, and newspaper articles of the time. From the beginning, devotion to freedom formed the essence of American nationalism.²⁶

A stunning repudiation of imperial authority, the Revolution also unleashed challenges to inherited structures of power at home. The real revolution, Paine would write, was intellectual: "We see with other eyes; we hear with other ears; and think with other thoughts, than those we formerly used." In rejecting the crown, as well as the principle of hereditary aristocracy, many Americans also rejected the very idea of human inequality and the society of privilege, patronage, and fixed status that these venerable traditions embodied. Jefferson's seemingly matter-of-fact assertion in the Declaration—"all men are created equal"—announced a truly radical principle, whose full implications no one could anticipate. In British North America, a well-ordered society was thought to depend on obedience to authority—the power of rulers over their subjects, husbands over wives, parents over children, masters over servants and apprentices, slaveholders over slaves. Inequality had been fundamental to the colonial social order; the Revolution in many ways made it illegitimate. Henceforth, American freedom would be inextricably linked with the idea of equality (at least for those within the circle of free citizens): equality before the law, equality in political rights, equality of economic opportunity, and, for some, equality of condition. "Whenever I use the words *freedom* or *rights*," Paine explained, "I desire to be understood to mean a perfect equality of them. . . . The floor of Freedom is as level as water."²⁷

In the egalitarian atmosphere of revolutionary America, long-accepted relations of dependency and forms of unfreedom suddenly appeared illegitimate. Abigail Adams's plea to her husband to "remember the ladies," her reminder that women, no less than men, ought not to be "bound by any laws in which we have no voice or representation," is widely remembered today. Less familiar is John Adams's response, which illuminated the crumbling of all sorts of inherited ideas of deference:

We have been told that our struggle has loosened the bonds of government everywhere; that children and apprentices were disobedient; that schools and colleges were grown turbulent; that Indians slighted their guardians, and negroes grew insolent to their masters.

To John Adams, this egalitarian upheaval, including his wife's claim to political freedom, was an affront to the natural order of things.²⁸

In the end, the Revolution did not undo the obedience to which male heads of household were entitled from their wives, children, employees, and slaves. For free men, however, the democratization of freedom was dramatic, and nowhere more so than in challenges to the traditional limitation of political participation to those who owned property. "We are all, from the cobbler up to the senator, become politicians," declared a Boston letterwriter in 1774. Throughout the colonies, election campaigns became freewheeling debates on the fundamentals of government, in which annual elections, universal manhood suffrage, religious toleration, even the abolition of slavery, were debated not only by the educated elite but by artisans, small farmers, and laborers, now emerging as a self-conscious element in politics. The militia, composed largely of members of the "lower orders," including servants and apprentices, became a "school of political democracy." Its members demanded the right to elect all their officers and insisted on the enfranchisement of all soldiers, whether or not they met age and property qualifications. They thereby established a long-lasting tradition whereby service in the army enabled excluded groups to stake a claim to full citizenship.

Those who during the Revolution demanded annual elections and an expansion of the right to vote envisioned not simply severing the link between property and suffrage but a redefinition of "property" itself. By the end of the revolutionary era, the concept of property had expanded to include rights and liberties as well as physical possessions. "A man," Madison declared at the Constitutional Convention of 1787, "has property in his opinions and the free communication of them, he has property in . . . the safety and liberty of his person." A few years later, he would speak of government's obligation to protect both the right to hold property and a citizen's "property" in his rights. Rather than property serving as a requirement to qualify for freedom, in other words, freedom could be imagined as a form of property.²⁹

The idea that property included ownership of one's self helped to democratize the political nation. If all persons had a property in their rights, then there was no logical reason why all should not participate in government. Before independence, the right to vote had been subject to complex restrictions, which varied from colony to colony. Everywhere, property qualifications, while less exclusionary than in England because of the wide distribution of ownership, barred those deemed incapable of independent judgment—journeymen, servants, apprentices, and the poor. Women were generally excluded from voting (although occasionally propertied females, usually widows, did cast ballots),

and many colonies also imposed religious qualifications of one kind or another. The struggle for independence galvanized participation by hundreds of thousands of those outside the political nation. "Every poor man," claimed a Maryland writer, "has a life, a personal liberty, and a right to his earnings." Hence, voting was a universal entitlement, not a privilege: the "inherent right of free suffrage" was "the grandest right of a freeman." "The suffrage," declared a 1776 petition of disenfranchised North Carolinians, was "a right essential to and inseparable from freedom."³⁰

Conservative patriots struggled valiantly to reassert the rationale for the old restrictions. Property, and property alone, John Adams insisted, meant independence; those without it had no "judgment of their own. They talk and vote as they are directed by some man of property." The removal of property qualifications, Adams feared, would "confound and destroy all distinctions, and prostrate all ranks to one common level." This was precisely the aim, however, of the era's radical democrats. Yet, while moving much of the way toward the idea of voting as an entitlement rather than a privilege, they generally stopped short of universal suffrage, even for free men. The most democratic new state constitutions, such as Pennsylvania's, eliminated property qualifications, but substituted a taxpaying requirement, enfranchising nearly all of the state's free male population but leaving a small number, mainly paupers and domestic servants, still barred from voting. Even Paine, who considered the right to political participation "to be inseparable from the man as man," believed it could be forfeited for a time by those who chose to work as servants in homes and therefore voluntarily surrendered their autonomy. Paine still assumed that "freedom is destroyed by dependence." Nonetheless, since paying taxes did not make a man economically independent, the taxpaying requirement for voting represented a dramatic departure from colonial practice. It elevated "personal liberty," in the words of one Maryland essayist, to a position more important than property ownership in defining the boundaries of the political nation.³¹

Overall, the Revolution witnessed a great expansion of the right to vote, through the substitution of taxpaying for property requirements in some states, the substantial reduction of the freehold qualification in others, and the widespread enfranchisement of soldiers. The debate over the suffrage would, of course, continue for many decades. For white men, the process of democratization did not run its course until the Age of Jackson; for women and non-whites, it would take much longer. But even during the Revolution, the process had a profound effect on prevailing definitions of freedom. In the popular language of politics, if not in law, freedom and the suffrage had become interchangeable. "How can a Man be said to [be] free and independent," asked

residents of Lenox, Massachusetts, in 1778, "when he has not a voice allowed him" in elections? Henceforth, political freedom—the right to self-government—would mean not only, as in the past, a people's right to be ruled by their chosen representatives, but an individual's right to political participation.³²

In economic as well as political affairs, the Revolution redrew the boundary between the free and the unfree. In colonial America, slavery was one less-than-free system of labor among many. In the generation after independence, with the rapid decline of indentured servitude and apprenticeship, and the transformation of paid domestic service into an occupation for blacks and white females, the halfway houses between slavery and freedom disappeared (at least for white men). The demise of these forms of labor, well before they ceased to be widespread in Britain, had many causes, including the growing availability of wage workers and the actions of considerable numbers of servants and apprentices who took advantage of the turmoil of the Revolution to abscond from their masters. But the democratization of freedom played an important part. There could be no such thing as "partial liberty," and servitude increasingly came to be seen as incompatible with republican citizenship. In 1784, a group of "respectable" New Yorkers released a newly arrived shipload of indentured servants on the grounds that their status was "contrary to . . . the idea of liberty this country has so happily established."

By 1800, indentured servitude had all but disappeared from the United States, and apprenticeship was on the wane, developments that sharpened the dichotomy between freedom and slavery and between a northern economy relying on what would come to be called "free labor" and a South ever more heavily bound to the labor of slaves. In the process, the very meaning of the words "master" and "servant" were transformed. In the North, where they were deemed an affront to personal liberty, they fell into disuse. Wage laborers now referred to their employer as the "boss" rather than the "master," and domestic servants were now called "help." In the South, "master" meant slaveowner and "servant" became a euphemism for slave.³³

Buffeted by unexpected events, Americans of the revolutionary era probed not only the definition of freedom but the means for its preservation. Preoccupied with the social conditions of freedom, they worried about whether a republic could survive with a sizable dependent class of citizens. Virginia's influential Declaration of Rights of June 1776, written by the planter and political leader George Mason, spoke of citizens as "equally free and independent," suggesting a connection between the qualities of freedom, independence, and equality. "A general and tolerably equal distribution of landed property,"

more than “an opportunity for temptation,” a threat to the spirit of self-sacrifice and communal loyalty essential to Christian liberty. But despite such fears, disestablishment did not end the influence of religion on American society; quite the reverse. Thanks to religious freedom, the post-revolutionary era witnessed an amazing proliferation of religious denominations. Today, even as debates continue over the proper relationship between spiritual and political concerns, more than one thousand three hundred religions are practiced in the United States.⁴⁹

“Yield to the mighty current of American freedom.” So a member of the South Carolina legislature implored his colleagues in 1777.⁵⁰ And the current of freedom swept away not only British authority but also the principle of hereditary rule, the established churches, long-standing habits of deference and hierarchy, and old limits on the political nation. Yet in one crucial area, the tide of freedom encountered an obstacle that did not yield to its powerful flow. For freedom’s antithesis—slavery—emerged from the Revolution more firmly entrenched than ever in American life.

2

To Call It Freedom

Slavery and the Republic

APART FROM “liberty,” the word most frequently invoked in the legal and political literature of the eighteenth century was its opposite, “slavery.” The institution of slavery is as old as civilization and its metaphorical meanings go back to ancient times. Virtually every form of oppression has at one time or another been described as a form of slavery. In the eighteenth century, freedom and slavery were frequently juxtaposed as “the two extremes of happiness and misery in society.” The condition of the slave was widely considered odious. “When an Englishman would paint the greatest curse that can befall him,” commented Boston merchant Nathan Appleton, “it is to be no better off than an African slave.” Yet in the era’s political discourse, slavery was primarily a political category, shorthand for the denial of one’s personal and political rights by arbitrary government. Those who lacked a voice in public affairs, declared a 1769 petition demanding an expansion of the British franchise, were “enslaved.” In the years preceding independence, slavery assumed a central place in the language of colonial resistance. Many Americans came to describe their relationship to the mother country as a form of enslavement.¹

Occasionally, colonial writers of the 1760s made a direct connection between slavery as a reality and slavery as a metaphor. Few were as forthright as James Otis of Massachusetts, whose pamphlets did much to popularize the idea that Parliament lacked the authority to tax the

proclaimed Noah Webster, "is the whole basis of national freedom." "Equality," he added, was "the very soul of a republic," outstripping in importance liberty of the press, trial by jury, and other "palladia of freedom." Even a conservative like John Adams, who distrusted the era's democratic pretensions, still believed that "equal liberty" required enabling "every member of society" to acquire land, "so that the multitude may be possessed of small estates." The goal was less real equality of condition than widespread household independence, and the elimination of social conditions such as extensive poverty deemed to make autonomy impossible.³⁴

When Jefferson substituted "the pursuit of happiness" for "property" in the familiar Lockean triad that opened the Declaration of Independence, he tied the new nation's star to an open-ended, democratic process whereby individuals develop their own potential and seek to realize their own life goals. Individual self-fulfillment, unimpeded by government, would become a central element of American freedom. If taken seriously as a goal, equality of opportunity can have results nearly as disruptive of traditional institutions and hierarchies as demands for equality of condition. Certainly, many leaders of the Revolution assumed that in the new republic, equality of opportunity would lead to a rough equality of condition. With hereditary privileges and mercantilist monopolies dismantled, with access to wealth thrown open to all men of talent, "perfect liberty" of trade and freedom for laborers to seek desirable employment would allow all industrious citizens to acquire property. Especially in the exceptional circumstances of the New World, with its vast areas of available land and large population of independent farmers and artisans, there seemed no contradiction between a laissez-faire economy and widespread economic autonomy. In the absence of government favoritism, the natural workings of society would produce justice, liberty, and equality. Jefferson argued that, given the rapid growth of international demand for American grain, freedom of commerce would benefit ordinary Americans, creating the material conditions for an industrious, property-owning citizenry. A limited government would allow citizens both to achieve economic independence and to become virtuous, thus reconciling order and freedom, equality and liberty.³⁵

The reinforced equation of autonomy and liberty inevitably raised the question of the social preconditions of freedom. If economic dependence created political subservience, should not the citizens of a republic be guaranteed access to productive property? The linkage of property ownership and liberty, previously employed to draw the political nation's boundary so as to exclude those without property, could be transformed into a political entitlement by those seeking land. From conflict over access to western lands not only with

Britain but with creditors, landlords, and Indians, for example, settlers on the frontier forged their own distinctive language of freedom. When a group of Ohioans petitioned Congress in 1785 assailing landlords and speculators who engrossed available acreage, their motto was "Grant us Liberty." Settlers' claims for preferential access to land rested on the idea that possession of property, as a North Carolina congressman put it, was "a situation incident to freedom and desired by all."

Others sought different ways for the government to ensure economic autonomy—and therefore freedom—to those who did not possess it. At the Revolution's radical edge, the cry of equality led to demands for government to ensure that all Americans enjoyed equally "the blessings and benefits" arising from national independence. The democratization of state government after independence unleashed a flood of enactments aimed at bolstering economic autonomy: debtor relief, more equitable taxation, and direct grants of land to those who did not possess it. In the name of liberty, demands were even raised for limits on the amount of property any individual could accumulate. Whatever the wisdom of individual measures (and taken together, they so alarmed proponents of prudent fiscal and economic policy that they inspired the movement for a stronger national government that culminated in the writing of the U.S. Constitution), the debate itself suggested that the Revolution had thrust to the forefront of politics the question of the economic conditions of freedom.³⁶

Like many other Americans of his generation, Thomas Jefferson believed that to lack economic resources was to lack freedom. Jefferson favored a limited state, but simultaneously believed government could help create freedom's institutional framework. Among his proudest achievements were the Virginia laws abolishing entail (the limitation of inheritance to a specified line of heirs to keep an estate within a family) and primogeniture (a law providing for the passing of a family's land entirely to the eldest son), so as to prevent the rise of a "future aristocracy" and lay the foundation for "a government truly republican." To the same end, Jefferson proposed to award fifty acres of land to "every person of full age" who did not already possess it, another way government could enhance the liberty of its subjects.³⁷

Jefferson's lifelong friend and colleague, James Madison, agreed that the small, independent farmer constituted "the best basis of public liberty." Legislation in a republic, Madison wrote, should aim to "reduce extreme wealth toward a state of mediocrity, and to raise extreme indigence toward a state of comfort." But lacking Jefferson's congenial optimism, Madison was obsessed by fear that conditions of relative economic equality would prove temporary.

Economic development, he warned the Constitutional Convention, would inevitably produce a society with a non-propertied majority and class conflict between rich and poor. How could government resting on the popular will survive when a democratic majority, resenting its propertyless status, might seek to despoil the rich? For Madison, the answer was to structure government so as to prevent any single economic interest from achieving power. With its elaborate system of checks and balances and divided sovereignty, the Constitution was designed, in part, to enable republican government to survive the rise of economic inequality (and to render unequal concentrations of property immune from governmental interference). But Madison and Jefferson also believed that the new nation's unique circumstances could long delay the rise of economic inequalities on the scale of Great Britain and Europe. Westward expansion, an option obviously not available to the Old World, would underpin the "regime of liberty" in the New. Here, indeed, was a powerful and enduring American dream—a society of free individuals made equal by the bounty of nature.³⁸

Was energetic government a threat to liberty, or, in the hands of a virtuous citizenry, the embodiment of political freedom? For Paine, government was a necessary evil, a "badge of lost innocence." To Samuel Adams, writing in 1785, political authority could hardly be seen as a danger to freedom, since "our government at present has liberty for its object."³⁹ Yet the egalitarian upsurge unleashed by the Revolution produced fears among influential leaders in many states that the experiment in independence would founder unless ways were found to insulate government from popular passions. In creating a structure of government that aimed, among other things, at securing "the blessings of liberty," the writers of the Constitution institutionalized new understandings of political freedom and civil liberty that would profoundly affect the future course of American history.

During the struggle for independence, a Massachusetts writer commented while the Constitution was being debated, "the public rage was on the side of liberty." Among the framers, however, liberty had lost some of its luster. In 1775, John Adams had insisted that "a democratic despotism is a contradiction in terms." But nationalists like Madison became convinced during the 1780s that popular self-government, the essence of political freedom, threatened the security of property and must be restrained so that freedom might flourish. "Liberty," Madison would write in *The Federalist*, "may be endangered by the abuses of liberty as well as the abuses of power." Or to put it another way, private liberty could be endangered by public liberty, personal liberty by political liberty—that is, by power in the hands of the people. Madison had in mind the boisterous state-level democracy of the 1780s and collective attacks on pub-



An elaborate allegory representing American independence as a triumph of liberty, from an almanac published in Boston in 1781. An accompanying key explains the symbolism: "1. America sitting on that quarter of the globe with the flag of the United States displayed over her head, holding in one hand the olive branch, inviting the ships of all nations to partake of her commerce, and in the other hand supporting the cap of liberty. 2. Fame proclaiming the joyful news to all the world. 3. Britannia weeping at the loss of the trade of America, attended with an evil genius [the devil]. 4. The British flag struck, on her strong fortress. 5. French, Spanish, Dutch shipping in the harbors of America. 6. A view of New York, wherein is exhibited the Traitor [Benedict] Arnold, taken with remorse for selling his country, and Judas-like hanging himself." (American Antiquarian Society)

lic order like Shays' Rebellion of 1786–87, when debt-ridden farmers, many of them former soldiers in the War for Independence, closed the courts in western Massachusetts to prevent the loss of their property to creditors. That they employed liberty trees and liberty poles, the emblems of the struggle for independence, as symbols of their own cause did nothing to endear them to defenders of law and order.⁴⁰

Ultimately, the framers of the Constitution sought to reconcile republican government and social stability by diffusing political power, barring states from abridging the rights of property, and balancing the self-interested ambitions of competing social groups against one another. Madison did not abandon the idea that "virtue in the people" was the essential underpinning of freedom. But

in a world in which self-interest appeared to overwhelm civic virtue, the preservation of liberty would have to rely on the machinery of government itself, not the character of the people—a major step in the shift from republican to liberal premises among the political elite. Nonetheless, the republican idea that political decisions and economic relationships ought to reflect concern for the common good rather than private gain long survived the revolutionary era.

Madison, Alexander Hamilton, and the other architects of the Constitution were nation-builders. Hamilton was perhaps the most vigorous proponent of an “energetic” government that would enable the new nation to become a powerful commercial and diplomatic presence in world affairs. Power and liberty, he insisted, were complementary, not antithetical, for freedom required “a proper degree of authority, to make and execute the laws with vigor.” Although he did not envision the federal government as quite so assertive a power as Hamilton did, Madison too sought to enhance national authority. The danger to liberty, Madison believed, lay in unchecked majority power at the state level. While the convention rejected Madison’s proposal to empower Congress to override state laws, the Constitution created a central government far more powerful than the weak authority established by the Articles of Confederation, the preceding frame of government.⁴¹

Thus the framers of the Constitution viewed freedom both as the foundation of governmental authority and as a threat to proper governance that must be kept in check. In this sense, it represented a retreat from the ebullient democratic upsurge that had accompanied the struggle for independence. “The same enthusiasm, now pervades all classes in favor of *government*,” observed Benjamin Rush, a leader of the independence struggle in Pennsylvania, “that actuated us in favor of *liberty* in the years 1774 and 1775.” Whether “all classes” truly concurred may be doubted, for the ratification process unleashed a nationwide debate over the best means of preserving political freedom. Anti-Federalists, as opponents of ratification were called, insisted that the Constitution shifted the balance between liberty and authority too far in the direction of the latter. Freedom, they believed, was more secure in the hands of smaller communities pursuing the common good than a distant federal power protecting private interests. The “consolidated government” envisioned by the Constitution, complained Patrick Henry, might produce “a great and mighty empire,” but at the cost of freedom. “What is Liberty?” asked James Lincoln of South Carolina. “The power of governing yourselves. If you adopt this Constitution, have you this power? No.”⁴²

In the end, of course, ratification was achieved, partly in exchange for adding the Bill of Rights. The original document, Anti-Federalists charged, left un-

protected from governmental interference “those unalienable and personal rights of men” without which “there can be no liberty.” Madison was so convinced that the balances of the Constitution would protect liberty that he believed a Bill of Rights “redundant or pointless.” Amendments restraining federal power, he believed, would have no effect on the danger to liberty posed by unchecked majorities in the individual states, and no list of rights could ever anticipate the myriad ways that legislatures might operate in the future. “Parchament barriers” to the abuse of authority would prove least effective when most needed—an observation amply borne out in such times of popular hysteria as the Red Scare following World War I or the McCarthy era of the 1950s, when all branches of government joined in trampling with impunity on freedom of expression.⁴³

Today, when Americans are asked to define freedom, they instinctively turn to the Bill of Rights and especially the First Amendment, with its guarantees of freedom of speech, the press, and religion. Yet the Bill of Rights aroused little enthusiasm on ratification and for decades was all but ignored. Not until the twentieth century would it come to be revered as a quintessential expression of American freedom. Nonetheless, the Bill of Rights subtly affected the language of liberty. Applying only to the federal government, not the states, it reinforced the idea that concentrated national power posed the greatest threat to freedom. And it initiated a long process whereby freedom came to be discussed in the vocabulary of rights—a descendant of the old definition of liberty as a set of specific legalized powers and privileges, now applying to all “the people” who formed the political nation, not particular groups or localities. What the twentieth century would call “rights talk” embodied a persistent tension in American life between liberty and democracy. For rights are simultaneously democratic and a negation of democracy—democratic in that they can be claimed by everyone; undemocratic in that they need to be protected against abuses of power, including the power of the people themselves. Freedom of speech and the press, for example, were defended both as protections against governmental intrusion on individual expression and as essential elements in democratic governance, since without a free flow of ideas and information, voters and legislators cannot reach decisions intelligently.⁴⁴

Nonetheless, the idea of free speech as a personal, individual right, a view encouraged by the First Amendment, was indeed a radical departure. The term “freedom of speech” had originated in Britain to protect unrestrained discussion in Parliament; initially, it referred to legislators’ immunity from prosecution for statements made during debate, not the right of citizens to criticize the government. Throughout the colonial era, individuals and editors were prose-

cuted for "seditious" remarks about members of legislatures and their actions. The colonial press teemed with polemics on political questions, and the 1734 acquittal of John Peter Zenger for his criticisms of New York's royal governor had long since established truth as a defense against prosecution for seditious libel. Yet even Jefferson, who fervently believed that "liberty depends on freedom of the press," also insisted that those who misled the public by printing "false facts" should be liable to punishment. Nonetheless, if the legal implementation of these rights remained to be worked out, the Bill of Rights did much to establish freedom of speech and the press as cornerstones of the popular understanding of American freedom.⁴⁵

Even more remarkable was the constitutional recognition of religious freedom. In Britain, Dissenters had long invoked the language of liberty in seeking repeal of the Test and Corporation Acts, which imposed various disabilities on non-Anglicans. (Few, however, included Catholics in their ringing calls for religious freedom.) With numerous religious denominations, among them Quakers, Anglicans, Mennonites, Moravians, Lutherans, Presbyterians, Baptists, Roman Catholics, and Jews, the colonies enjoyed a greater degree of religious liberty than the mother country. But while colonies like Rhode Island and Pennsylvania had long made a practice of toleration, religious freedom before the Revolution arose more from the reality of religious pluralism than from a theory of religious toleration. Nowhere in British North America did the complete separation of church and state exist. Even in Pennsylvania, which in 1682 offered "Christian Liberty" to all who acknowledge "one Almighty God," officeholders still had to take an oath affirming belief in Jesus Christ. Before the Revolution, most colonies supported religious institutions with public funds and discriminated in voting and officeholding against Catholics, Jews, and even dissenting Protestants. On the very eve of independence, Baptists who refused to pay taxes to support local Congregational ministers were still being jailed in Massachusetts. ("While our country are pleading so high for liberty," the victims complained, "yet they are denying of it to their neighbors.")⁴⁶

As in other realms, the Revolution catalyzed a movement that transformed the meaning of religious freedom. The drive to separate church and state brought together deists like Jefferson, who hoped to erect a "wall of separation" that would free politics and the untrammelled exercise of the intellect from theological control, and members of evangelical sects, who sought to protect religion from the corrupting embrace of government and saw toleration as a way to enable men and women to lead truly Christian lives. Throughout the new nation, established churches were disestablished—that is, deprived of public revenue and special legal privileges. On the state level, religion and public authority

continued to reinforce one another, in requirements barring non-Christians from office and in the continued prosecution of blasphemy and breaches of the sabbath. Nevertheless, the Constitution, which contains no reference to God, is a purely secular document. In prohibiting religious tests for federal officeholders and, in the First Amendment, barring the federal government from legislating on the subject of religion, it departed dramatically from both British and colonial practice. Under the Constitution, it was and remains possible, as one critic at the time complained, for "a papist, a Mohomatan, a deist, yea an atheist," to become president of the United States.⁴⁷

Like freedom of speech and the press, religious freedom reflected the conviction that, as Madison put it, conscience was the most "sacred" of all rights, and that no political authority should influence or punish its free exercise. Even more than other freedoms, religious liberty became the paradigm for the revolutionary generation's definition of "rights" as private matters that must be protected from governmental interference. Religious freedom offered a new rationale for the idea of the United States as a beacon of liberty. In successfully opposing a Virginia tax for the general support of Christian churches, Madison insisted that one reason for the complete separation of church and state was to reinforce the meaning of independence as "offering asylum to the persecuted and oppressed of every nation and religion." And religious liberty provided a model for the Madisonian system of preserving freedom. In a free society, Madison wrote, "the security for civil rights must be the same as for religious rights. It consists in the one case in the multiplicity of interests and, in the other, in the multiplicity of sects." A free market in religion would prevent any one group from using political power to impose its views on the others. In an overwhelmingly Christian (though not necessarily churchgoing) nation, the separation of church and state drew a sharp line between public authority and a realm defined as "private," reinforcing the idea that rights exist as restraints on the power of government.⁴⁸

Thus, the Revolution democratized not only American Christianity but also the idea of religious liberty itself. Ironically, even as the separation of church and state created the social and political space that allowed a myriad of religious institutions to flourish, the culture of individual rights of which that separation was a part threatened to undermine the authority of churches. One telling example lay in the experience of the Moravian Brethren, who had emigrated from Germany to North Carolina on the eve of independence. According to the Moravian elders, younger members of the community, like so many other Americans of the revolutionary generation, insisted on asserting "their alleged freedom and human rights." To the elders, "the American freedom" was little



Liberty Displaying the Arts and Sciences (1792). This painting by Samuel Jennings, commissioned by the Library Company of Philadelphia, is one of the few visual images of the early republic explicitly to link slavery with tyranny and liberty with abolition. The female figure of Liberty offers books to newly freed slaves; beneath her left foot is a broken chain. (Winterthur Museum)

colonies and regulate their commerce. Freedom, Otis insisted, must be universal: "What man is or ever was born free if every man is not?" Blacks, for Otis, were not allegorical figures whose status illustrated the dire fate awaiting free Americans, but flesh and blood British subjects "entitled to all the civil rights of such."²

Otis, however, was hardly typical. When most patriot leaders spoke of slavery, they meant the denial of the right of self-government or dependence on the will of another, not being reduced to a species of property. "Those who are taxed without their own consent," said John Dickinson of Pennsylvania, "are slaves." Thomas Paine identified hereditary rule as "a species of slavery." "Representative government," he asserted, "is freedom." Until the 1760s, colonists had shared in the celebration of Britain as a land of freedom. But as part and parcel of the patriotic struggle, their image of the mother country was transformed. By the eve of independence, the contrast between Britain, "a kingdom of slaves," and America, a "country of free men," had become a standard part of the idiom of resistance. "Liberty or slavery is now the question," declared the Philadelphia radical James Cannon in April 1776. Such language was employed without irony even in areas where a majority of the population in fact consisted of slaves. South Carolina, one writer declared in 1774, was a "sacred land" of freedom, where it was impossible to believe that "slavery shall soon be permitted to erect her throne."³

While rarely mentioned explicitly, the proximity of hundreds of thousands of real slaves was intimately related to the meaning of freedom for the men who made the American Revolution. In his famous speech to the British Parliament warning against attempts to coerce the colonies, Edmund Burke suggested that in the South, at least, it was familiarity with actual slavery that made colonial leaders so sensitive to the threat of metaphorical slavery. Where freedom was a privilege, not a common right, he observed, "those who are free are by far the most proud and jealous of their freedom." Much the same point was made by David Ramsay, a South Carolinian whose *History of the American Revolution*, published in 1789, helped to popularize an understanding of the American past as a progress of freedom. In the southern colonies, wrote Ramsay, slavery "nurtured a spirit of liberty among the free inhabitants," since nothing could excite slaveholders' opposition to British rule more effectively than fear of being "degraded" to a position analogous to that of their slaves.⁴

Americans were not the only people to worship liberty while profiting from slavery. In the ancient world, "one element of freedom was the freedom to enslave others." Christian liberty, a spiritual state, did not preclude slaveholding, a worldly condition recognized in the Bible. During the eighteenth century,

Britain, France, and Holland, countries where ideas of freedom flourished, were all deeply involved in the Atlantic slave trade; indeed, the freedom of the seas so cherished by Britons included the right to carry slaves to any port their merchants desired. British observers, while hardly above criticism on the same grounds, were fond of pointing out the colonists' apparent hypocrisy. "How is it," asked Dr. Samuel Johnson, "that we hear the loudest yelps for liberty from the drivers of negroes?" The Declaration of Independence inspired Thomas Hutchinson, the former royal governor of Massachusetts, to wonder how, "if these rights are so absolutely inalienable," Americans justified depriving "Africans of their rights to liberty, and the pursuit of happiness." British friends of American independence like Richard Price feared that slavery fatally compromised the Revolution's promise. If "the people who have been struggling so earnestly to save *themselves* from slavery are very ready to enslave *others*," he wrote to Jefferson in 1785, American independence would mean little more than a new chapter in the timeless story of "aristocratic tyranny and human debasement," and the "friends of liberty and virtue in Europe" would be "mortified."⁵

Indeed, the contradiction between freedom and slavery is so self-evident that it is difficult today to appreciate the power of the obstacles to abolition. At the time of the Revolution, slavery was already an old institution in America; it existed in every state and formed the basis of the economy and social structure from Maryland southward. It was slavery that made the staple-producing colonies the richest region in British America. Already, as a French visitor observed, "command of a few negroes" was essential to the self-definition, the social standing, of southern planters. Thomas Jefferson, as is well known; owned over one hundred slaves at the time he wrote the immortal lines affirming the inalienable right to liberty, and everything he cherished in his own manner of life, from lavish entertainments to the leisure that made possible the pursuit of arts and sciences, ultimately rested on slave labor.⁶

Slavery for blacks did not necessarily contradict white Americans' understanding of freedom. It could in fact be argued that slavery made republican freedom possible, for by eliminating the great bulk of the dependent poor from the political nation, it left the public arena to men of propertied independence. For many Americans, owning slaves offered a route to the economic autonomy widely deemed indispensable to genuine freedom (a point driven home by a 1780 Virginia law that rewarded veterans of the War for Independence with three hundred acres of land—and a slave). The republican vision of a society of independent men actively pursuing the public good could easily be reconciled with slavery for those outside the circle of citizenship. In a republic, Adam Smith pointed out, it would be all the more difficult to abolish

slavery since "the persons who make all the laws in that country are persons who have slaves themselves"—thus, the "freedom of the free" helped to produce "the great oppression of the slaves." So, too, the liberal definition of freedom as essentially private and of the political community as a group of individuals seeking protection for their natural rights could readily be invoked to defend bondage. Nothing was more essential to liberal freedom than the right of self-government and protection of property against interference by the state. These principles suggested that it would be an infringement of liberty to relieve a man of his property (including slave property) without his consent. The right to property, Virginian Arthur Lee insisted, was "the guardian of every other right, and to deprive a people of this, is in fact to deprive them of their liberty." If government by the consent of the governed was the essence of political freedom, then to require owners to give up their slave property would reduce *them* to slavery.⁷

Nonetheless, by imparting so absolute a value to liberty, sweeping away forms of partial freedom so prevalent in the colonial era, and positing freedom as a universal entitlement rather than a set of rights specific to a particular place or people, the Revolution inevitably raised questions about the status of chattel slavery in America. Before independence, the nation's first chief justice, John Jay, later remarked, "very few . . . doubted the propriety and rectitude" of slavery, even though enlightened opinion in the Atlantic world (exemplified, for example, in the writings of Montesquieu, David Hume, and Adam Smith) had come to view slavery as morally wrong and economically inefficient, the relic of a barbarous past. During the revolutionary era, slavery for the first time became a focus of public debate in America. It was not a British critic but the Pennsylvania patriot Benjamin Rush who in 1773 called upon "advocates for American liberty" to "espouse the cause of . . . general liberty," and warned that slavery was one of those "national crimes" that one day would bring "national punishment." In the following year, Massachusetts clergyman John Allen lamented that Americans were making a "mockery" of their professed love of liberty "by trampling on the sacred natural rights and privileges of the *Africans*." Not all these comments emanated from the North, where slavery was far less powerfully entrenched than in the plantation regions of Maryland, Virginia, the Carolinas, and Georgia. Jefferson, at least in private, strongly condemned chattel slavery as a system "one hour of which is fraught with more misery, than ages of that which [the colonists] rose in rebellion to oppose."⁸

The Revolution inspired widespread hopes that slavery could be removed from American life. Most dramatically, slaves themselves appreciated that by defining freedom as a universal right, the revolutionists had devised a rhetoric

that could be deployed against chattel bondage. The language of liberty echoed in slave communities, North and South. Living amid freedom but denied its substance, slaves appropriated the patriotic ideology for their own purposes. The first concrete steps toward emancipation were "freedom petitions"—arguments for manumission presented to New England's courts and legislatures in the early 1770s by enslaved African-Americans. Once the War for Independence began, the British offered freedom to slaves who joined the royal cause. Nearly one hundred thousand, including one-quarter of all the slaves in South Carolina, deserted their owners (although not a few were subsequently reenslaved in the West Indies). George Washington himself saw seventeen of his slaves flee to British lines. Thousands more escaped bondage by enlisting in the Revolutionary Army.

Blacks recognized both hypocrisy and opportunity in the ideology of freedom. The most insistent advocates of freedom as a universal entitlement were African-Americans, who demanded that the leaders of the struggle for independence live up to their professed creed, thus extending the concept of liberty into unintended realms. As early as 1766, white Charlestonians had been shocked when their opposition to the Stamp Act under the slogan, "Liberty and stamp'd paper," inspired a group of blacks to parade about the city crying "Liberty." Nine years later, the Provincial Congress of South Carolina felt compelled to investigate the "high notions of liberty" the struggle against Britain had inspired among the slaves.⁹

In 1776, the year of American independence, Lemuel Haynes, a black member of the Massachusetts militia and later a celebrated minister, urged that Americans "extend" their conception of freedom. If liberty were truly "an innate principle" for all mankind, Haynes insisted, "even an African [had] as equally good a right to his liberty in common with Englishmen." Throughout the revolutionary period, petitions, pamphlets, and sermons by blacks expressed "astonishment" that white patriots failed to realize that "every principle from which America has acted" demanded emancipation. Blacks sought to alter the language of politics, insisting that the nation understand slavery as a concrete, brutal reality, not an abstract condition or metaphor. Petitioning for their freedom in 1773, a group of New England slaves exclaimed: "We have no property! We have no wives! No children! We have no city! No country!" For blacks, slavery meant the denial of all the essential attributes of freedom, not merely the loss of personal autonomy or lack of political self-determination.¹⁰

Most slaves of the revolutionary era were only one or two generations removed from Africa. They did not need the ideology of the Revolution to persuade them that freedom was a birthright; the experience of their parents and

grandparents suggested as much. In contrast to Edmund Burke and David Ramsay, blacks insisted that the slave, not the master, genuinely craved liberty. "My love of freedom," wrote the black poet Phillis Wheatley in 1783, arose from the "cruel fate" of being "snatch'd from Afric's" shore. Yet, if traditional African societies knew the desire not to be a slave, the modern idea of freedom was born in the West. In the world from which the slaves had been forcibly removed, where individuals existed within a wide network of communal and kin relationships and social identity depended on being anchored in a web of power and authority, personal freedom was an oxymoron. By invoking the Revolution's ideology of liberty to demand their own rights and defining freedom as a universal entitlement, blacks demonstrated how American they had become, even as they sought to redefine what American freedom in fact represented.¹¹

For a brief moment, the "contagion of liberty" appeared to threaten the continued existence of slavery. During the 1780s, a considerable number of southern slaveholders, especially in Virginia and Maryland, voluntarily emancipated their slaves. Father south, however, the abolition process never got underway. In the North, every state from New Hampshire to Pennsylvania took steps toward emancipation, the first time in recorded history that legislative power had been invoked to eradicate slavery. But even here, where slavery was peripheral to the economy, the slowness of abolition reflected how powerfully the sanctity of property rights impeded emancipation. Generally, abolition laws provided for the liberty of any child henceforth born to a slave mother, but only after he or she had served the mother's master until adulthood as compensation for the owner's future loss of property rights.¹²

At the Constitutional Convention of 1787, as Madison recorded, "the institution of slavery and its implications formed the line of discrimination" in many debates. The fifty-five men who gathered in Philadelphia to draft the document included numerous slaveholders, as well as some dedicated abolitionists. Madison, who, like Jefferson, was a Virginia slaveholder who despised slavery, told the convention that the "distinction of color" had become the basis for "the most oppressive dominion ever exercised by man over man." Yet later, Madison assured delegates to the Virginia ratifying convention that the Constitution offered slavery "better security than any that now exists." And so it did. For the Constitution prohibited Congress from abolishing the African slave trade for two decades; required states to return to their owners fugitives from bondage; and provided that three-fifths of the slave population be counted in determining each state's representation in the House of Representatives and its electoral votes for president. To be sure, the words "slave" and "slavery" did not appear in the original Constitution—a concession to the sensibilities of dele-

gates who feared they would "contaminate the glorious fabric of American liberty." As Luther Martin, a Maryland attorney who opposed ratification, wrote, his fellow delegates "anxiously sought to avoid the admission of expressions which might be odious to the ears of Americans." But, he continued, they were "willing to admit into their system those *things* which the *expressions* signified."¹³

Clearly, the Constitution's slavery clauses were compromises, efforts to find a middle ground between the institution's critics and defenders. Taken together, however, they managed to strengthen the institution of slavery and leave it more deeply embedded in American life and politics. The slave trade clause allowed a commerce condemned by civilized society, and which had been suspended during the War for Independence, to continue until 1808. Partly to replace slaves who had escaped to the British, and partly to provide labor for the expansion of cotton production into the upcountry, South Carolina and Georgia took advantage of the twenty-year hiatus before the trade's abolition to import some ninety thousand additional Africans, about one-quarter of all the slaves brought to British North America after 1700. The fugitive slave clause accorded slave laws "extraterritoriality," that is, the condition of bondage adhered to a person even after he or she had escaped to a jurisdiction where slavery had been abolished. John Jay, while serving in Madrid on a diplomatic mission, once wrote of how he missed the "free air" of America. Jay was probably unaware of the phrase's ironic implications, for in the *Somerset* case of 1772, the lawyer for a West Indian slave brought to Britain had obtained his client's freedom by invoking the memorable words, "the air of England is too pure for a slave to breathe." Yet in the United States, the Constitution's fugitive slave clause made all the states, including those that had abolished slavery, complicitous in maintaining the institution's stability. For slaves, there was no "free air" in America.

The federal structure, moreover, insulated slavery in the states from outside interference, while the three-fifths clause allowed the white South, and especially the planter class, to exercise far greater power in national affairs than the size of its free population warranted. Partly as a result, of the first sixteen presidential elections, between 1788 and 1848, all but four placed a southern slaveholder in the White House. Even the initial failure to include a Bill of Rights resulted, in part, from the fact that, as South Carolina delegate Charles Cotesworth Pinckney explained, "such bills generally begin with declaring that all men are by nature born free," a declaration that would come "with a very bad grace, when a large part of our property consists in men who are actually born slaves."¹⁴

All in all, the Revolution had a contradictory impact on American slavery

and, therefore, on American freedom. Gradual as it was, the abolition of slavery in the North drew a geographical line across the new nation, creating the portentous division between free and slave states. Abolition in the North, voluntary emancipation in the Upper South, and the escape of thousands from bondage created, for the first time in American history, a sizable free black population (not a few of whose members took new family names like Freeman or Freeland). On the eve of independence, virtually every black person in America had been a slave. Now, a free community, with its own churches, schools, and leadership class, came into existence, constituting a standing challenge to the logic of slavery, a haven for fugitives, and a springboard for further efforts at abolition.¹⁵

For many Americans, white as well as black, the existence of slavery would henceforth be recognized as a standing affront to the ideal of American freedom, a "disgrace to a free government," as a group of New Yorkers put it. In 1792, when Samuel Jennings of Philadelphia painted *Liberty Displaying the Arts and Sciences*, he included among the symbols of freedom a slave's broken chain, graphically illustrating how freedom had become identified not simply with political independence but with emancipation. Certainly, after the Revolution it would be difficult to employ slavery as a metaphor without triggering thoughts about actual slaves. Nonetheless, the stark fact is that the Revolution did not rid American society of slavery. Indeed, thanks to the natural increase of the slave population, soon to be supplemented by a reopened slave trade, there were considerably more slaves at the end of the revolutionary era than at the beginning. The first national census, in 1790, revealed that the half-million slave population of 1776 had grown to some 700,000.¹⁶

Throughout the Atlantic world, the upheavals of the age of revolution posed a threat to slavery. In 1794, the French Convention proclaimed abolition (only to see slavery restored by Napoleon a few years later). Emancipation was a goal of the leaders of independent Haiti and nearly all the Latin American liberators. Only in the United States did the creation of a new nation-state strengthen the institution. The British poet Oliver Goldsmith might well have been speaking of the revolutionary generation when he commented on mankind's propensity "to call it freedom, when themselves are free."¹⁷

We the People

If the Revolution created a new nation, it also invented a new public entity: the American people. From a colonial population divided by ethnicity, religion,

class, and status, and united largely by virtue of their allegiance to Britain, the Revolution created a new collective body whose members were to enjoy rights and freedom as citizens in a new political community.¹⁸ The capacious nature of American freedom made it all the more imperative to identify "the people" entitled to enjoy it. "We the people," the words that open the Constitution, describe those who, among other things, are to possess "the blessings of liberty" as a birthright and bequeath them to "posterity." Although one might assume that "the people" of the United States included all those living within the nation's borders, the subsequent text made clear that this was not the case. The Constitution identified three populations inhabiting within the United States: Indians, treated as members of their own tribal sovereignties and not, therefore, part of the American body politic; "other persons"—that is, slaves; and "the people." Only the third enjoyed the blessings of liberty.

The debate unleashed by the Revolution about who was entitled to American freedom continues to this day. Americans' persistent disagreements about the bases of our "imagined community" reflect a larger contradiction in the Western tradition itself. For if the West, as we are frequently reminded, created the idea of liberty as a universal human right, it also invented the concept of race and ascribed to it all sorts of predictive powers about human behavior. Nationalism, in America at least, is the child of both these beliefs. Traditionally, scholars have distinguished between civic nationalism—which envisions the nation as a community based on shared political institutions and values, with membership open to all who reside within its territory—and ethnic nationalism, which defines the nation as a community of descent based on a shared ethnic and linguistic heritage. At first glance, the United States appears to conform to the civic model. Lacking a clear ethnic identity or long-established national boundaries, it was the political creed of the Revolution that held Americans together. To be an American, all one had to do was commit oneself to an ideology of liberty, equality, and democracy.¹⁹

From the outset, however, American nationality combined both civic and ethnic definitions. Americans, one scholar has written, are given to hiding their "particularism in the universals of 'freedom' and 'liberty.'" For most of our history, American citizenship has been defined by blood as well as by political allegiance. Both definitions can be traced to the earliest days of the republic, when a nation was created committed to liberty, yet resting, to a considerable extent, on slavery. Slavery helped to shape the identity, the sense of self, of all Americans. Constituting the most impenetrable boundary of citizenship, slavery rendered blacks all but invisible to those imagining the American community.²⁰

Already, Americans were speaking of their country as a place where "individuals of all nations" were transformed into a new people, "melted into a new race of men." But the popular idea that the shared experience of fleeing tyranny in the Old World for freedom in the New made Americans one people automatically excluded Africans. When the era's master mythmaker, Hector St. John Crèvecoeur, posed the famous question: "What then is the American, this new man?", he answered: "a mixture of English, Scotch, Irish, French, Dutch, Germans, and Swedes. . . . He is either a European, or the descendant of a European." This at a time when fully one-fifth of the population (the highest proportion in our history) consisted of Africans and their descendants. Slaves, as Edmund Randolph, the nation's first attorney general, wrote, were not "constituent members of our society," and the language of liberty and citizenship did not apply to them.²¹

Did blacks form part of the "imagined community" of the new republic? Nowhere does the original Constitution define who in fact are citizens of the United States, or what privileges and immunities they enjoy. The individual states were to determine the boundaries of citizenship and citizens' rights. The North's Emancipation Acts assumed that former slaves would remain in the country, not be colonized abroad, and during the era of the Revolution, free blacks enjoyed at least some of the legal rights accorded to whites. Most of the new state constitutions, including those in the Upper South, allowed newly emancipated black men to vote if they could meet property qualifications.

The Constitution, however, empowered Congress to create a uniform system of naturalization, and the Naturalization Act of 1790 offered the first legislative definition of American nationality. With no debate, Congress restricted the process of becoming a citizen to "free white persons." Thus, at the very outset, a nation that defined itself as an asylum for liberty excluded the vast majority of the world's population from partaking in the blessings of American freedom (a fact that belies the common description of the initial policy as "open" immigration). This limitation lasted a long time. For eighty years, only white immigrants could become naturalized citizens. Blacks were added in 1870, but not until the 1940s did persons of Asian origin become eligible. Only in the last quarter of the nineteenth century were groups of whites barred from entering the country and becoming citizens. Beginning with prostitutes, convicted felons, lunatics, polygamists, and persons likely to become a "public charge," the list of excluded classes would be expanded in the twentieth century to include, among others, anarchists, Communists, homosexuals, and the illiterate. But for the first century of the republic, while all non-whites were barred,

virtually the only white persons in the entire world ineligible to claim American citizenship were those unwilling to renounce hereditary titles of nobility, as required in an act of 1795.²²

The two groups excluded from naturalization—European aristocrats and non-whites—had more in common than might appear at first glance. Both were viewed as deficient in the qualities that made freedom possible: the capacity for self-control, rational forethought, and devotion to the larger community. These were the characteristics that Jefferson, in his famous comparison of the races in *Notes on the State of Virginia* (1785), claimed blacks lacked, partly due to natural incapacity and partly because the bitter experience of slavery had (quite understandably, he felt) rendered them disloyal to the nation. (Jefferson also thought that slavery had a disastrous impact on the morals of whites, since the “perpetual exercise” of despotic rule over other human beings rendered self-control impossible; he did not conclude from this, however, that slaveholders should be barred from citizenship.) Jefferson was obsessed with the connection between heredity and environment, race and intelligence. His environmentalism, combined with his belief that all men possessed an inner moral sense, inclined him not only to democratic values but to the hope that no group was fixed permanently in a status of inferiority. His racism led him to the “suspicion” that nature had rendered blacks permanently deficient in the qualities that made freedom possible.

In holding these two apparently contradictory beliefs—environmentalism and racism—in uneasy tension, Jefferson reflected the divided mind of his generation. He believed black Americans should eventually enjoy the natural rights enumerated in the Declaration of Independence, but in Africa or the Caribbean, not the United States. Madison, too, always coupled the idea of emancipation with colonization. America should have a homogenous citizenry whose common experiences, values, and innate capacities made it possible to realize the idea of the public good, and whose essential sameness underpinned the ideal of equality.²³

By narrowing the gradations of freedom among the white population, the Revolution widened the divide between free Americans and those who remained in slavery. Race, which had long constituted one of many kinds of legal and social inequality among colonial Americans, now emerged as a convenient justification for the existence of slavery in a land ideologically committed to freedom as a natural right. Man’s liberty, John Locke had written, flowed from “his having reason.” To deny liberty to those who were not rational beings was not a contradiction. By the nineteenth century, the idea of innate black inferi-

ority, advanced by Jefferson as a suspicion, would mature into a full-fledged ideology, central to many definitions of American nationality itself.²⁴

Gender, too, formed a boundary limiting those entitled to the full blessings of American freedom. Free women were certainly members of the nation; they could be naturalized if emigrating from abroad, and were counted fully in determining representation in Congress. Until after the Civil War, the word “male” did not appear in the Constitution, and there was nothing explicitly limiting the rights outlined in that document by sex. The pronoun “he” describing officeholders, however, expressed an assumption so pervasive that it scarcely needed explicit defense: politics was a realm for men. Political freedom for men meant the right to self-government, the power to consent to the individuals and political arrangements that ruled over them. For women, however, the marriage contract superseded the social contract, and their relationship to the larger society was mediated through their relationships with men. For many women, the Revolution did produce an improvement in status. According to the ideology of “republican motherhood” that emerged as a result of independence, women played an indispensable political role by training future citizens. The “foundation of national morality,” wrote John Adams, “must be laid in private families.” Even though republican motherhood ruled out direct female involvement in politics, it encouraged the expansion of educational opportunities for women, to enable them to inculcate political wisdom in their children.²⁵

In both law and social reality, however, women lacked the essential qualification of political participation—the opportunity for autonomy based on ownership of property or control of one’s own person. Since the common law subsumed women within the legal status of their husbands, women could not be said to have property in themselves in the same sense as men. Their very subordinate status within the family heightened the contrast between masculine autonomy and female dependence. Indeed, among the deprivations of slavery cited by a group of male black petitioners in 1774 was that it prevented their wives from “submitting themselves to husbands in all things,” as the natural order of the universe required. For women, as well as for blacks, the denial of full freedom rested on the assumption of natural incapacity, since women were widely thought (by men) to be naturally submissive and irrational, creatures of sentiment unfit for citizenship. The subordination of free women, however, did not become a source of public debate until long after American independence; Mary Wollstonecraft’s *Vindication of the Rights of Woman*, a stirring call for civil and political equality published in Britain in 1792, inspired a few similar efforts in

the young republic, and even a short-lived women's rights magazine in New York City. But the time had not yet arrived for a broad assault on gender inequality. Although New Jersey's constitution of 1776, which granted suffrage to all "inhabitants" who met a property qualification, inadvertently enfranchised some women until 1807, the republican citizen was, by definition, male.²⁶

Despite these limitations, most Americans would probably have agreed with the members of the first Congress, who, in congratulating George Washington on his inauguration, spoke of their countrymen as "the freest people on the face of the earth." To Washington's dismay, however, freedom did not produce public harmony, for his accession to office was soon followed by the outbreak of fierce political conflict. Yet the very passion of the partisan debates of the 1790s revealed how deeply the idea of freedom had taken root in American political culture. Parties and social movements laid claim to the language of liberty, each accusing their opponents of engaging in a conspiracy to undermine freedom. Federalists, who were generally elitist in their view of politics and society, feared, as Washington put it, that the "spirit of liberty" unleashed by the Revolution was degenerating into "licentiousness." This conviction was reinforced by the Whiskey Rebellion of 1794, when backcountry Pennsylvania farmers invoked the symbols of 1776, such as liberty poles, as they sought to block enforcement of a new excise tax. When the Federalist leader Rufus King wrote an essay on the "words . . . with wrong meaning" that had "done great harm" to American society, his first example was "Liberty." Freedom, Federalists insisted, did not mean the right to set one's self up in opposition to government, but rested on deference to authority.²⁷

Jeffersonian Republicans were more prone to accept what a New Hampshire editor called the "boisterous sea of liberty" as preferable to the "calm of despotism." Their outlook was far more egalitarian and critical of social and economic hierarchies, more accepting of democratic participation as essential to freedom. Each side accused the other of undermining the liberty bequeathed to Americans by the Revolution. Jeffersonians feared that the program of national economic development pursued by Secretary of the Treasury Alexander Hamilton, involving close commercial ties with Great Britain, a national debt, and a national bank to stabilize and regulate the currency, were harbingers of the same political corruption that had undermined liberty in Britain in the decades before the American Revolution. To Jeffersonian Republicans, the greatest threat to American freedom lay in the alliance of a powerful central government and an emerging class of commercial capitalists, such as Hamilton appeared to envision.²⁸

The debates of the 1790s produced not only one of the most intense peri-

ods of partisan warfare in American history but an enduring expansion of the democratic content of American freedom. The decade witnessed the rapid expansion of the American press and a vigorous debate over public policies, with hundreds of "obscure men" writing pamphlets and newspaper essays and forming political organizations. The emergence of the Democratic-Republican societies, organized by critics of the Washington administration, suggested that political liberty meant not simply voting at elections but constant involvement in public affairs. Denounced by the president as "self-created" and divisive, these societies were forced to justify their existence. In so doing they articulated a defense of what scholars would later call the "public sphere"—a realm independent of government where debate on political issues can take place and citizens organize themselves to affect public policy. To the societies, "free inquiry" and "free communication"—the right of "any portion of the people," regardless of station in life, to express political opinions—were among "the inalienable rights of free men." The political crisis came to a head in 1798, when, beset by foes at home and abroad, the administration of John Adams enacted the Alien and Sedition Acts. The first allowed the deportation of aliens deemed dangerous by federal authorities, a repudiation, Republicans claimed, of the idea of the United States as an asylum of liberty. The second authorized the prosecution of virtually any public assembly or publication critical of the government.²⁹

The Alien and Sedition Acts and the subsequent jailing of a number of Republican editors thrust freedom of speech and of the press to the center of discussions of American liberty. In denouncing these measures, Jefferson and Madison repudiated the common law tradition that the national government enjoyed the power to punish "seditious" speech (although Jefferson was careful to insist that the states "fully possessed" this power). Other Republicans went further, challenging the entire idea of legal restraints on the free expression of ideas. State-level prosecutions of newspapers for seditious libel did not end when the Sedition Act expired in 1801. But the "crisis of freedom" of the late 1790s strongly reinforced the idea that "freedom of discussion" was an indispensable attribute of American liberty. The broad revulsion against the Alien and Sedition Acts contributed greatly to Jefferson's election as president in 1800. As the campaign slogan, "Jefferson and Liberty," indicated, Republicans saw their victory not simply as a partisan success but as the triumph of American freedom, securing for posterity the fruits of the Revolution.³⁰

Yet the events of the 1790s, culminating in Jefferson's victory, also underscored how powerfully slavery defined and distorted American freedom. The same Jeffersonians who hailed the French Revolution as a step in the universal

progress of liberty reacted in horror against the slave revolution that began in 1791 in Saint-Domingue, the jewel of the French overseas empire, situated not far from the southern coast of the United States. The slave uprising affirmed the universality of the revolutionary era's credo of liberty. But the reaction to it revealed how easily slavery could be subsumed into the revolutionary cause. The rebellious slaves were viewed not as men and women seeking their liberty in the tradition of 1776, but as a danger to American institutions. Their resort to violence was widely taken to illustrate that blacks were unfit for republican freedom. Ironically, it was the Adams administration, which hoped that American merchants could replace their French counterparts in the island's lucrative sugar trade, that encouraged the independence of black Haiti, whereas Jefferson as president sought to quarantine and destroy the hemisphere's second independent republic. But then, the triumph of "Jefferson and Liberty" would not have been possible without slavery. Had three-fifths of the South's slaves not been counted in apportioning electoral votes, John Adams would have won reelection in 1800.³¹

Jefferson referred to his election as the "Revolution of 1800." Yet that momentous year witnessed not only a metaphorical revolution but an attempted real one, a plot by slaves in Virginia itself to gain their freedom. Organized by a Richmond blacksmith, Gabriel, and his brother Martin, a slave preacher, the conspirators evidently planned to march on the city from surrounding plantations and kill most of the white residents. On the night they were to gather, a storm washed out the roads to Richmond. The plot was soon uncovered and the leaders arrested. Like other Virginians, participants in Gabriel's conspiracy spoke the language of liberty forged in the American Revolution. The rebels even planned to carry a banner emblazoned with a slogan borrowed from Patrick Henry: "Death or Liberty." "We have as much right," one conspirator declared, "to fight for our liberty as any men." Another likened himself to George Washington, who had also rebelled against established authority to "obtain the liberty of [his] countrymen" (an analogy that carried the disturbing implication that American officials had now replaced the British as enemies of freedom).³²

If the Gabriel conspiracy demonstrated anything, George Tucker, a member of one of Virginia's most prominent families, commented, it was that slaves possessed "the love of freedom" as fully as other men. Tucker believed Virginians should emancipate their slaves and colonize them outside the state. The legislature, however, moved in the opposite direction: it tightened controls over the black population and severely restricted opportunities for voluntary manumission. Any slave emancipated after 1806 was required to leave Virginia.

Did not closing the door to freedom violate the ideals of the Revolution? "Tell us not of principles," a Richmond newspaper declared. "Those principles have been annihilated by the existence of slavery among us."³³

In March 1776, on the eve of independence, Boston lawyer Peter Thatcher identified the central dilemma confronting the new nation: would the "rising empire of America," he asked, "be an empire of slaves or of freemen?"³⁴ By the time the revolutionary era drew to a close, history had provided the answer: it would be both.