Introduction – the figure a "person" makes: on the aesthetics of liberalism

It is often asserted that the egalitarian rhetoric of the American Revolution, a rhetoric crystallized by the Declaration of Independence's claim that "all men are created equal," necessarily doomed US slavery. The values of the Declaration, as Winthrop Jordan has stated, are logically and morally incompatible with the institution of slavery and thus inexorably "require the complete abolition of slavery."[1] According to this account, the only reason the birth of America and the death of race-based slavery was not immediate is that this nation's founding principles failed to be "taken at face value," their obvious meaning misunderstood, distorted, or disavowed (p. 341).

Given the assumption that slavery obviously distorts the ideals of America, it is not surprising that the history of the United States is often imagined in terms of the progressive revelation of the clear and explicit meaning of this declaration. In his magisterial study of US citizenship, Rogers Smith, for example, has explored the extent to which an ascriptive political tradition, one that establishes political identities on the basis of race, gender, and religion, has competed with this nation's liberal tradition and worked to block the expression of the Declaration's ideals of freedom and equality.[2] Similarly, Garry Wills has argued that Lincoln's genius was to promote the Declaration of Independence rather than the more ambivalent Constitution as this nation's foundational document. Lincoln did so, according to Wills, because "[p]ut the claims of the Declaration as mildly as possible, and it still cannot be reconciled with slavery."[3]

In contrast to such accounts, this project begins by challenging the assumption that the Declaration of Independence possesses an obvious anti-slavery meaning. Rather than invoke statements like the clause "all men are created equal" as, according to one commentator, "plain words," words inherently antagonistic to race-based slavery, words that simply need to be expressed, this book focuses on how the self-evident meaning

of these words has changed, shifting, for example, from the 1780s when only white propertied males were regarded as "men" to the 1990s when the word is understood as obviously comprehending (among others) women of all races.[4] That is, rather than argue that abolitionists simply needed to "apply to blacks, *in an immediate and literal fashion*, the dictum that 'all men are created equal,'" this project explores how the literal meaning of these words has itself been the subject of dispute.[5]

Indeed, modern confidence in the obvious and transparent anti-slavery meaning of the Declaration's most famous clause deserves comment not only because these words have come to be identified as the quintessence of the American ideological project, but also because such confidence seems to erase the historical problem that during the antebellum period these words legitimated arguments both for and against slavery.[6] For example, Abraham Lincoln, who strongly opposed slavery, and Chief Justice Taney, who in the Dred Scott Decision [1857] declared that slavery was constitutional and that the Negro "had no rights which the white man was bound to respect," both invoked the clause "all men are created equal" to prove their incompatible conclusions about the legitimacy of slavery.[7] If for Lincoln these words obviously condemn slavery as an incontrovertible violation of basic American values, for Taney these words are "too clear for dispute" and "conclusive": they establish that the Founders could not have intended the Negro to be included in the national community and that the race "formed no part of the people" (Dred Scott v. Sandford, 60 US (19 How.) 410).[8]

In part, it may seem clear why this phrase could be invoked in fundamentally opposing ways: during the antebellum period the question of the obvious and immediate meaning of the term Man was itself in dispute. Some, for example, considered it manifest that the Negro was a different species, one naturally and irrevocably inferior to the Anglo-Saxon race.[9] Contesting the anthropological and biological theorists of the Enlightenment, who asserted that mankind had a monogenetic origin and that racial differences were due to environmental factors, the most influential ethnologists of the antebellum era argued that nothing short of the separate creation of the races (polygenesis) could account for the diversity of Man and the stability of differentiating characteristics and concluded that only Caucasians were authentic progeny of Adam.[10] The scientists of the internationally respected American School of Ethnology, in fact, were committed to the anthropometric cataloging of the types of mankind – carefully measuring, among other things, skull size, facial

angle, lips, length of the leg, size of the foot, shape of nostrils, distance between navel and penis, and the texture of hair of the Negro – precisely because it was assumed that such surface differences could reveal deeper truths about the absolute differences between White and Black.[11] By fusing the somatic and the semiotic, these researchers linked the visible markers of racial difference to cognitive, cultural, and moral characteristics, proving that race is destiny, a set of attributes that are immutable, innate to the species, the result neither of circumstance nor degeneration.[12]

While the American School of Ethnology was making ostensibly objective, empirical arguments about the Negro as a separate species, religious thinkers, troubled by the fact that the logic of polygenesis undermined the Mosaic account of creation found in Genesis, turned to the Bible as the clearest defense of slavery and as the best evidence of why the Negro race was divinely marked as essentially and eternally different.[13] Josiah Priest, for example, cited Biblical text to prove that Ham was a Black man and that the curse of Ham revealed how God had deliberately separated the Negro from the rest of mankind. In particular, Priest claimed that God had given the race overdeveloped sexual organs and had subjected the Negro to uncontrollable fits of sexual passion to place the race permanently beyond the reach of civilization.[14]

Given such scientific and religious proof that the Negro was not and could never be a (white) Man, it is not surprising that apologists for slavery rarely felt compelled to avoid the language of the Declaration of Independence. Although some did abandon the Declaration, most notoriously perhaps George Fitzhugh – the period's most ardent opponent of liberty – , more often than not pro-slavery advocates asserted their unswerving allegiance to the principles of the Revolution. Thus, Moncure Conway found it "self-evident" that "the Negro was not a Man within the meaning of the Declaration Independence" and concluded, as Senator Albert Gallatin Brown of Mississippi did, that "[n]owhere in this broad union but in the slaveholding states is there a living, breathing exemplification of the beautiful statement, that all men are equal."[15] According to such a line of argument, the notion of "men" obviously referred to only the *white* man. As one Southern planter put it, the Declaration is perfectly consistent with race-based slavery as long as these words are properly understood, that is, understood in the way they were obviously intended:

> . . .[slavery] does not appear to be consistent with the letter of one article in the Declaration of Independence; but however the expressions in the article may be apparently unlimited, it is certain they were designed to be understood in a

restricted sense: For it cannot be conceived that they were designed to declare that children, idiots, lunatics, or criminals should enjoy equal privileges of Society with the rest of the Community.[16]

To read "men" as all human creatures struck many during the antebellum period as a patent absurdity, a clear case of how an individual's perspective can distort one's interpretation. If such interpretative excess is allowed, Senator John Pettit of Indiana warned, these words are rendered "a self-evident lie."[17]

Of course, others during the antebellum period, such as Theodore Weld, Lydia Maria Child, William Lloyd Garrison, Wendell Phillips, and Frederick Douglass, cited these same words to affirm that it was self-evident that the word "men" included the Negro (although they differed about whether these words referred to women). Such thinkers ridiculed the fact that "we must have books to prove what is palpable even to brute creation – to wit: the negro is a man!"[18]

The former slave Solomon Northup deftly condenses antebellum debates over what the word Man obviously means in his sketch of an argument between Samuel Bass (a white carpenter) and Northup's master Edwin Epps:

'Look here, Epps,' continued his companion [Bass]; 'you can't laugh me down in that way. Some men are witty, and some ain't so witty as they think they are. Now let me ask you a question. *Are all men created free and equal as the Declaration of Independence hold they are?' Yes,' responded Epps, 'but all men, niggers, and monkeys ain't* (emphasis added).'[19]

Although parodied by Northup, Epps' assertion effectively recapitulates how the most famous clause of the Declaration of Independence has reproduced rather than resolved the problem of slavery. As this scene makes clear, even though this clause may be invoked as ending once and for all any question about the legitimacy of slavery, it ultimately crystallizes rather than ends the debate.

If, as Frederick Douglass stated, the "manhood of the Negro" is the "elementary" question on which the "whole defence [sic] of the slave system" hinges, then one could say that the legitimacy of US slavery was so intensely debated by antebellum culture precisely because the answer to this elementary question was itself under debate.[20] Indeed, since those on both sides of the antebellum debate on slavery summoned the notion of Man as if it were an immediate, transparent, and literal referent – the only plausible means to end debate – the historical battle over slavery can be understood as a battle to persuade others that a particular interpretation

of Man is self-evident. Carried out not only in the scientific, but also in political, legal, and religious arenas, and, as I will argue, in literary discourse, the question of whether the Negro counted as a Man preoccupied antebellum culture.[21]

If one accepts that many during the antebellum period simply excluded the Negro from the category of Man and thus did not axiomatically recognize race-based slavery as fundamentally unjust and un-American, the question then becomes why it was not obvious during the antebellum period that the Negro is a Man. Why was antebellum culture so intensely debating an issue whose answer we know to be self-evident? It is this disparity between the antebellum controversy and our modern certainty about the meaning of this nation's foundational claim "all men are created equal" that initiates this project.

Conventionally, it is asserted that antebellum culture either could not or did not apprehend the true meaning of this clause to the extent that knowledge of this identity category was perverted by racial prejudice and irrationality, swayed by politics and self-interest, or misled by ignorance and historical exigencies. Thus, to cite a notorious example, the *Dred Scott* decision is now universally repudiated because Taney's ruling is characterized as grossly political, "twisted," and "infected" by contemporary racist beliefs.[22] Or, as I will discuss more fully in Chapter One, if Southern defenders of slavery are now conventionally understood as fundamentally hypocritical, as disavowing something that they know to be true (the fact that slavery misidentifies human beings as things), such a line of argument implicitly relies on the notion of Man as absolute and fixed, contrasting those who apprehend the plain and straightforward meaning of the word Man to those who distort or are unable to recognize it. It is precisely this assumption, however, that the history of race-based slavery challenges and this project sets out to interrogate.

To claim that racism or hypocrisy has disfigured the meaning of Man is to assume that there is some bedrock meaning to this term that then is interpreted (either rightly, i.e. objectively and rationally, or wrongly, i.e. in terms of self-interest, contingency, or irrationality). To argue, for example, that race-consciousness represses or twists this identity is to attribute to Man a fixed, immanent meaning, a meaning that racial categories block, a meaning upon which a racist interpretation is forcibly imposed and with which racialist premises inevitably interfere.[23] The assumption that such race-consciousness covers up the true meaning of Man for all intents and purposes assumes that the notion of Man possesses a solidity prior to and despite any historically conditioned interpretation,

positing this identity category as something that can be viewed from various vantage points but which can only really be recognized if and when such parenthetical perspectives have been exorcised. Indeed, it is because such an approach presupposes that the true meaning of the conceptual category Man stands before and independent of any interpretation that we now conventionally regard a racist interpretation as a self-evidently false interpretation rather than as a competing one.

Such an approach assumes, in short, that the notion of Man, properly understood, is the self-evident point of departure for emancipatory thought. To do so is to forget how profoundly the concept to which we appeal has historically been contested and to erase that it is precisely the question of what the conceptual category Man literally and plainly means that antebellum culture put into dispute. It is to allow the clause "all men are created equal" to become a touchstone, something with a universal, neutral, and transparent meaning rather than one embedded in context and indebted to political struggle. Our certainty about what a Man is, in essence, has incited us to anachronistically redescribe the historical distance between antebellum and modern accounts of the Man as an absolute difference between understanding and misunderstanding, between mystification and demystification. The goal of this project is to put the notion of Man into history and to examine how significantly our understanding of US slavery and of the US liberal tradition is altered once the notion of Man is approached as a fundamentally contextual rather than absolute category of knowledge.

It is this abiding drive to summon Man as if this identity were intrinsically sufficient to determine liberal ethics that underwrites my use of the word "person" (rather than Man) to name the conceptual category at the heart of debates over slavery. In particular, since we now (at least theoretically) regard this conceptual category as independent of gender (among other identity markers), I will from now on deliberately eschew the term "man" when discussing the conceptual category at the center of liberal theory.

By abandoning a term that now strikes us as egregiously limited by its masculinist premise and substituting a more comprehensive term, I seek to foreground the function that this foundational conceptual category has served not only in debates over slavery, but also in liberal thought in general. If the term Man strikes a contemporary audience as inadequately exhaustive, the "person" more forcefully captures the sense of political innocence attributed to the identity summoned to end political debate, the identity that remains after irrational, biased, local, and contingent

criteria (such as race) are removed. Simultaneously a legal and ethical concept, the "person" names the object comprehended to be the only true candidate for representation and liberation, a primal identity beyond and above the misrepresentations that politics and history have imposed upon it.

Similarly, I am using the term "person" rather than the term *human being* to suggest how the conceptual category grounding liberal thought has proven to be remarkably elastic, not necessarily restricted to or coterminous with the category of the human. The distance between "personhood" and "humanity," of course, is perhaps most evident in the scientific rhetoric of the American School of Ethnology. As the prominent Louisiana physician Samuel Cartwright explained when introducing his scientific classification of the Negro, the Negro is a peculiar kind of human being:

> It is not intended by the use of the term Prognathous to call in question the black man's humanity or the unity of the human races as a genus, but to prove that the species of the genus homo are not a unity, but a plurality, each essentially different from the others. . . not that the negro is a brute, or half-man and half brute, but a genuine human being, anatomically constructed, about the head and face, more like the monkey tribes and the lower order of animals than any other species of the genus man.[24]

Cartwright's statement clarifies the extent to which many pro-slavery thinkers recognized the Negro as a human being, but not as a "person," regarding the Negro as an essentially different species of human and therefore as ineligible for the legal rights and ethical regard inalienably guaranteed to "persons."[25]

If during the antebellum period "personhood" was at times resolutely allied with ascriptive ideologies of race, class, and gender and thus a strikingly exclusive category, one far more contracted than the notion of the human, today "personhood" is often invoked as a spectacularly inclusive category, one that extends well beyond the notion of the human. Thus, it has been argued that rights are possessed, according to legal theorists, by corporations, buildings, labor unions, and ships, and, according to deep ecologists, by animals, trees, and even rocks, and, according to futurists like Hans Moravec and Ray Kurzweil, by artificial intelligence and computer programs.[26]

It is this tension between a transcendental and a historical understanding of the privileged referent in liberal theory (the "person") that US slavery powerfully foregrounds. The horrors of slavery seem to tempt us to invoke the notion of the "person" as an irrepressible identity, an identity

that in and of itself makes the injustice of slavery obvious. But the historical debates over slavery simultaneously reveal that this ostensibly neutral identity category is deeply political. To emphasize the historically contested nature of the "person," I have put this conceptual category under quotation. These marks are designed to accent how this term is a site of struggle and to provoke uncertainty about the way that the term is traditionally deployed.[27] I am not arguing that "persons" do not exist or that the category is never settled. Rather I am interested in how this identity in itself settles nothing. This conceptual category, one could say, does not exist in the way liberal thought imagines and hopes it does. My aim is to defamiliarize liberalism's production of and dependence on the "person" as an irreducible center, as an identity immunized from history.[28]

This book places the foundation on which liberals conventionally establish an understanding of the politics and history of slavery under investigation, regarding our certainty about the "person" as knowledge that, as Foucault would say, "is not made for understanding but for cutting."[29] Rather than take our knowledge about the "person" as immediate and *a priori*, I will argue that inasmuch as we have summoned the "person" as the primary instrument for studying slavery, we have disappeared this identity from the field of investigation, invoking it as the motor of, instead of a topic for, historical analysis.[30] The "person," however, is a historical consequence in need of the kind of explanation that it supposedly provides.

RACISM

To put the notion of the "person" into history is to suggest that modern confidence in the self-evident "personhood" of African-American slaves confuses the success of arguments for Negro "personhood" with the source of this argument's success, retroactively constructing a historical achievement (the "personification" of the US slave) as a transcendental fact (slaves always already are "persons") that inevitably will be expressed. Rather than trace how we have acquired more accurate knowledge of the "person," I am interested in the historical work needed to make the Negro into a "person." Having been achieved, this work – like the work needed to make propertyless Anglo-Saxon men, middle-class white women, and heathens into "persons" – is now conventionally understood as a process of removing the barriers (racism, sexism, anti-Catholicism etc.) that prevented our gaining epistemic clarity about an object ("personhood").

To understand such knowledge as always already existing and as simply unaccessed, however, is only possible to the extent that the battle over such knowledge is now over. Although it may seem reassuring to see "personhood" as an essential attribute of the oppressed, a pregiven identity that simply needs to be unveiled – liberated from prejudice, ethnocentrism, and irrationality – I am suggesting that "personhood" only becomes intrinsic and indisputably possessed retroactively. It is precisely because the work of "personifying" slaves has been completed that this work can be forgotten and so thoroughly erased.

It is only because we have now reached an undisputed consensus about the injustice of race-based slavery (everybody today almost reflexively asserts that slavery and racialized conceptions of the "person" are wrong) that we have imagined the "personhood" of the slave as something that would inevitably be expressed rather than as an identity that had to be asserted in the face of fierce national conflict. Our certainty that markers of difference (such as race, class, gender, religion, etc.) are inessential to determining an individual's worthiness for and access to liberal rights – our sense that such markers are "interesting accidents" to be consigned to the "wastebasket of the contingent" – has worked to obscure the extent to which antebellum culture debated this very question.[31]

My historicist account of the "person" should not be taken as analogous to the argument that Negroes were not "persons" in any absolute sense before they were represented as "persons." I am not interested in attacking the powerful and deeply affective humanistic belief that slaves are "persons." I am only asking whether questions about the incontestable reality of "personhood" are productive questions to ask. That is, instead of making truth statements about an autonomous reality from which to securely stage resistance to injustice – asking how "persons" could be reduced to slaves or claiming that slaves were not real "persons" – I focus on how such truth statements are articulated and become transparent. And similarly, rather than regret how the "person" has failed to function as a stable or objective foundation – a disappointment that would preserve a commitment to objectivity in an ostensible critique of objectivity – I am interested in interrogating the hope that the "person" transcends any context and thus can police political practices.

To examine the "personhood" of the Negro as a fact that needs to be produced as obvious is certainly not to excuse slavery or racism. But, it is to raise significant questions about how assertions that these practices are obviously immoral and unjust depend upon an ahistorical conception of the "person." Certainly many defenses of slavery, such as the one

proposed by the editor of the *Richmond Examiner*, did depend upon racial difference to make slavery "safe" for America and to explain why US slavery is a "positive good":

> All argument drawn from principles invented and intended for the white man, like the aphorisms of our Declaration of Independence, are, when applied to the negro, illogical. They involve the assumption that the negro is the white man, only a little different in external appearance and education. But this assumption cannot be supported. Ethnology and anatomy, history and daily observation, all contradict that idea in a way about which there can be no mistake. . . . Again and again we repeat it, the negro is not the white man. Not with more safety do we assert that a hog is not a horse. Hay is good for horses, but not for hogs. Liberty is good for white men, but not for negroes.[32]

This argument clearly establishes an invidious hierarchy based upon race. To claim, however, that such assertions about racial identity distort and are artificially grafted onto an objective meaning of the "person" ultimately deflates the seriousness of slavery and racism, reducing each to mistakes that will inevitably be corrected.

"Racism" is by definition abhorrent. The problem is that not all practices that we classify as racist have universally been identified as abhorrent. Indeed, many practices that we now see as perverted by racism have historically been understood as simply reflecting the order of things. To have persuasively identified someone or some practice as racist signals the end of discussion – it is a trump card that presupposes a conclusion about what a "person" is – and thus this charge itself signals the ascendance of a particular account of the "person." By the time the term is convincingly applied to a specific behavior, the debate over what a "person" is has ended. The word racist, in short, is an effect of a set of assumptions about "personhood." Invocations of the term racism let us evade unsettling questions about the historical contingency of the "person," allowing us to mistake a historical symptom for a transhistorical cure. Again, this is not to say that race-based slavery or racism is not wrong; it is only to say that neither is wrong because of the way it misunderstands some inherent truth about the "person."[33] It is not to legitimate racism but to question the assumption that race is something added to the meaning of the "person" and that once this extraneous layer is subtracted, then "personhood" could be expressed.

This project thus seeks neither to uncover the ubiquitous racism informing antebellum debates over the Negro race's qualifications for citizenship (focusing on how figures such as Abraham Lincoln, Harriet Beecher Stowe, or Martin Delany imagined the "person" as essentially