A Counter-History

LIBER

DOMENICO LOSURDO

Liberalism
A Counter-History

DOMENICO LOSURDO
TRANSLATED BY GREGORY ELLIOTT

V

VERSO
London · New York

To Jean-Michel Goux, in friendship and gratitude

Contents

A Short Methodological Introduction

How does this book differ from existing histories of liberalism, which continue to appear in growing numbers? Does it really succeed in making the innovation promised by the title? Once they have finished it, readers will be able to give their own answer. For now, the author can limit himself to a statement of intent. In formulating it, a great example can aid us. About to embark on the history of the collapse of the *ancien régime* in France, de Tocqueville observed of studies of the eighteenth century:

> [W]e imagine we know all about the French social order of that time, for the good reason that its surface glitter holds our gaze and we are familiar not only with the life stories of its outstanding figures but also, thanks to the many brilliant critical studies now available, with the works of the great writers who adorned that age. But we have only vague, often quite wrong conceptions of the manner in which public business was transacted and institutions functioned; of the exact relations between the various classes in the social hierarchy; of the situation and sentiments of that section of the population which as yet could neither make itself heard nor seen; and, by the same token, of the ideas and mores basic to the social structure of eighteenth-century France.[1]

There is no reason not to apply the methodology so brilliantly indicated by de Tocqueville to the movement and society of which he was an integral and influential part. Solely because he intends to draw attention to aspects that he believes have hitherto been largely and unjustly ignored, the author refers in the book's title to a 'counter-history'. Otherwise, it is a history, whose subject-matter alone remains to be specified: not liberal thought in its abstract purity, but liberalism, and hence the liberal movement and liberal society, in their concrete reality. As with any other major historical movement, this involves investigating the conceptual developments, but also—and primarily—the political and social relations it found expression in, as well as the more or less contradictory link that was established between these two dimensions of social reality.

And so, in commencing the investigation, we are forced to pose a preliminary question concerning the subject whose history we intend to reconstruct: What is liberalism?

---

[1] Alexis de Tocqueville, *The Ancien Régime and the French Revolution*, trans. Stuart Gilbert, London: Fontana, 1966, p. 24.

What Is Liberalism?

1. A series of embarrassing questions

The usual answer to this question admits of no doubt: liberalism is the tradition of thought whose central concern is the liberty of the individual, which is ignored or ridden roughshod over by organicist philosophies of various kinds. But if that is the case, how should we situate John C. Calhoun? This eminent statesman, vice president of the United States in the mid-nineteenth century, burst into an impassioned ode to individual liberty, which, appealing to Locke, he vigorously defended against any abuse of power and any unwarranted interference by the state. And that is not all. Along with 'absolute governments' and the 'concentration of power', he unstintingly criticized and condemned fanaticism[1] and the spirit of 'crusade',[2] to which he opposed 'compromise' as the guiding principle of genuine 'constitutional governments'.[3] With equal eloquence Calhoun defended minority rights. It was not only a question of guaranteeing the alternation of the various parties in government through suffrage: unduly extensive power was unacceptable in any event, even if limited in duration and tempered by the promise or prospect of a periodic reversal of roles in the relationship between governors and governed.[4] Unquestionably, we seem to have all the characteristics of the most mature and attractive liberal thought. On the other hand, however, disdaining the half-measures and timidity or fear of those who restricted themselves to accepting it as a necessary 'evil', Calhoun declared slavery to be 'a positive good' that civilization could not possibly renounce. Calhoun repeatedly denounced intolerance and the crusading spirit, not in order to challenge the enslavement of blacks or the ruthless hunting down of fugitive slaves, but exclusively to brand abolitionists as 'blind fanatics'[5] who 'consider themselves under the most sacred obligation to use every effort to destroy' slavery, a form of property legitimized and guaranteed by the Constitution.[6] Blacks were not among the minorities defended with such vigour and legal erudition. In fact, in their case, tolerance and the spirit of compromise seem to turn into their opposite: if fanaticism actually succeeded in its mad project of abolishing slavery, what would follow would be 'the extirpation of one or the other race'.[7] And, given the concrete balance of forces in the United States, it was not difficult to imagine which of the two would succumb: blacks could only survive on condition of being slaves.

So is Calhoun a liberal? No doubts on this score were harboured by Lord Acton, a prominent figure in liberalism in the second half of the nineteenth century, an advisor and friend of William Gladstone, one of the major figures in nineteenth-century England. In Acton's view, Calhoun was a champion of the cause of the struggle against any form of absolutism, including 'democratic absolutism'; the arguments he employed were 'the very perfection of political truth'. In short, we are dealing with one of the major authors and great minds in the liberal tradition and pantheon.[8]

Albeit in less emphatic language, the question has been answered in the affirmative by those who in our time celebrate Calhoun as 'a strong individualist',[9] as a champion of the 'defense of minority rights against the abuse of an overbearing majority',[10] or as a theorist of the sense of limits and the self-limitation that should characterize the majority.[11] In no doubt is one US publishing house, committed to republishing in a neo-liberal key 'Liberty Classics', among which the eminent statesman and ideologue of the slaveholding South features prominently.

The question we have posed does not only emerge from reconstructing the history of the United States. Prestigious scholars of the French Revolution, of firm liberal persuasion, have no hesitation in defining as 'liberal' those figures and circles that had the merit of opposing the Jacobin diversion, but who were firmly committed to the defence of colonial slavery. The reference is to Pierre-Victor Malouet and members of the Massiac Club, who were 'all plantation-owners and slaveholders'.[12] Is it possible to be a liberal and slaveholder at the same time? Such was not the opinion of John Stuart Mill, judging at least from his polemic against the *'soi-disant'* British liberals (among them, perhaps, Acton and Gladstone), who, during the American Civil War, rallied en masse to 'a furious pro-Southern partisanship', or at any rate viewed the Union and Lincoln coolly and malevolently.[13]

We face a dilemma. If we answer the question formulated above (Is Calhoun a liberal?) in the affirmative, we can no longer maintain the traditional (and edifying) image of liberalism as the thought and volition of liberty. If, on the other hand, we answer in the negative, we find ourselves confronting a new problem and new question, which is no less embarrassing than the first: Why should we continue to dignify John Locke with the title of father of liberalism? Calhoun refers to black slavery as a 'positive good'. Yet without resorting to such brazen language, the English philosopher, to whom the US author explicitly appealed, regarded slavery in the colonies as self-evident and indisputable, and personally contributed to the legal formalization of the institution in Carolina. He took a hand in drafting the constitutional provision according to which '[e]very freeman of Carolina shall have absolute power and authority over his Negro slaves, of what opinion or religion soever.'[14] Locke was 'the last major philosopher to seek a justification for absolute and perpetual slavery'.[15] However, this did not prevent him from inveighing against the political 'slavery' that absolute monarchy sought to impose.[16] Similarly, in Calhoun the theorization of black slavery as a 'positive good' went hand in hand with warnings against a concentration of power that risked transforming 'the governed' into 'the slaves of the rulers'.[17] Of course, the American statesman was a slave-owner, but the English philosopher also had sound investments in the slave trade.[18] In fact, the latter's position proves even more compromising; for good or ill, in the slaveholding South of which Calhoun was the interpreter, there was no longer any place for the deportation of blacks from Africa, in a terrible voyage that condemned many of them to death before they landed in America.

Do we want to bring historical distance to bear in order to distinguish the positions of the two authors being compared here, and exclude from the liberal tradition only Calhoun, who continued to justify or celebrate the institution of slavery in the mid-nineteenth century? The southern statesman would have reacted indignantly to such inconsistency of treatment: as regards the English liberal philosopher, he would perhaps have repeated, in slightly different language, the thesis formulated by him in connection with George Washington:

'He was one of us—a slaveholder and a planter.'[19]

Contemporary with Calhoun was Francis Lieber, one of the most eminent intellectuals of his time. Sometimes saluted as a sort of Montesquieu redivivus, in correspondence and on respectful terms with de Tocqueville, he was doubtless a critic, if a cautious one, of the institution of slavery. He hoped it would wither away through its gradual transformation into a kind of servitude or semi-servitude on the autonomous initiative of the slaveholding states, whose right to self-government could not be questioned. That is why Lieber was also admired in the South, all the more so because he himself, albeit on a rather modest scale, owned and sometimes rented male and female slaves. When one of the latter died, following a mysterious pregnancy and subsequent abortion, he recorded in his diary the painful financial loss suffered: 'fully one thousand dollars—the hard labor of a year'.[20] New, painful economies were required to replace the deceased slave, because Lieber, unlike Calhoun, was not a planter and did not live off profits, but a university professor who essentially used slaves as domestic servants. Does this authorize us in including the first, rather than the second, in the liberal tradition? In any event, temporal distance plays no role here.

Let us now take a contemporary of Locke's. Andrew Fletcher was 'a champion of liberty' and, at the same time, 'a champion of slavery'.[21] Politically, he professed to be 'a republican on principle'[22] and culturally was 'a Scottish prophet of the Enlightenment'.[23] He too fled to Holland in the wake of the anti-Jacobite and anti-absolutist conspiracy, exactly like Locke, with whom he was in correspondence.[24] Fletcher's reputation crossed the Atlantic: Jefferson defined him as a 'patriot', whose merit was to have expressed the 'political principles' characteristic of 'the purest periods of the British Constitution'—those that subsequently caught on and prospered in free America.[25] Expressing positions rather similar to Fletcher's was his contemporary and fellow countryman James Burgh, who also enjoyed the respect of republican circles à la Jefferson,[26] and was mentioned favourably by Thomas Paine in the most celebrated opuscule of the American Revolution (*Common Sense*).[27]

Yet, in contrast to the other authors—though like them characterized by a peculiar tangle of love of liberty and legitimation or revindication of slavery—Fletcher and Burgh are virtually forgotten today, and no one seems to want to include them among exponents of the liberal tradition. The fact is that, in underlining the necessity of slavery, they were thinking primarily not of blacks in the colonies, but of the 'vagrants', the beggars, the odious, incorrigible rabble of the metropolis. Should they be regarded as illiberal for this reason? Were that to be the case, what would distinguish liberals from non-liberals would be not the condemnation of the institution of slavery, but only negative discrimination against peoples of colonial origin.

Liberal England presents us with another, different case. Francis Hutcheson, a moral philosopher of some significance (he was the 'never to be forgotten' master of Adam Smith),[28] on the one hand expressed criticisms and reservations about the slavery to which blacks were indiscriminately subjected. On the other hand, he stressed that, especially when dealing with the 'lower conditions' of society, slavery could be a 'useful punishment': it should be the 'ordinary punishment of such idle vagrants as, after proper admonitions and tryals of temporary servitude, cannot be engaged to support themselves and their families

by any useful labours'.[29] We are dealing with an author who, while evincing unease at hereditary, racial slavery, demanded a sort of penal slavery for those who, regardless of their skin colour, were guilty of vagrancy. Was Hutcheson a liberal?

Historically positioned between Locke and Calhoun, and with his focus precisely on the reality accepted by the two of them as obvious and indisputable, or even celebrated as a 'positive good', Adam Smith constructed an argument and expressed a position that warrants being cited at some length. Slavery could be more easily abolished under a 'despotic government' than a 'free government', with its representative bodies exclusively reserved in practice for white property-owners. In such circumstances, the condition of the black slaves was desperate: 'every law is made by their masters, who will never pass any thing prejudicial to themselves'. Hence '[t]he freedom of the free was the cause of the great oppression of the slaves … And as they are the most numerous part of mankind, no human person will wish for liberty in a country where this institution is established.'[30] Can an author who, in at least one concrete instance, expressed his preference for 'despotic government' be regarded as liberal? Or, differently put, is Smith more liberal or are Locke and Calhoun, who, along with slavery, defended the representative bodies condemned by Smith as the prop, in a slaveholding society, of an infamous institution contrary to any sense of humanity?

In fact, as the great economist had foreseen, slavery was abolished in the United States not thanks to local self-government, but by the iron fist of the Union's army and the temporary military dictatorship imposed by it. For this Lincoln was accused by his opponents of despotism and Jacobinism. He resorted to 'military government' and 'military commissions' and interpreted 'the word "law"' as '[t]he will of the President' and habeas corpus as the 'power of the President to imprison whom he pleases, as long as he pleases'.[31] Together with representatives of the secessionist Confederacy, the drafters of this indictment were those who aspired to a compromise peace, for the purposes of returning to constitutional normality. And once again we are obliged to ask the question: Is it Lincoln who is more liberal, or his adversaries in the South, or his opponents in the North who came out in favour of compromise?

We have seen Mill adopt a position in favour of the Union and condemn the *'soi-disant'* liberals who cried scandal over the energy with which it conducted the war against the South and kept at bay those who, in the North itself, were inclined to tolerate the slaveholders' secession. However, we shall see that, when he turned his attention to the colonies, the English liberal justified the West's 'despotism' over 'races' that were still 'under age', and who were obliged to observe an 'absolute obedience' in order to be set on the path of progress. This is a formulation that would not have displeased Calhoun, who likewise legitimized slavery by reference to the backwardness and nonage of populations of African origin. It was only in America, and thanks to the paternal care of white masters, that the 'black race' succeeded in progressing and making the transition from its previous 'low, degraded and savage condition' to 'its present comparatively civilized condition'.[32] In Mill's view, 'any means' were licit for those who took on the task of educating 'savage tribes'; 'slavery' was sometimes a mandatory stage for inducing them to work and making them useful to civilization and progress (see below, Chapter 7, §3). But this was also the opinion of Calhoun, for whom slavery was an unavoidable means if one wished to achieve the end

of civilizing blacks. Certainly, by contrast with the permanent slavery which, according to the US theorist and politician, blacks must be subjected to, the pedagogical dictatorship Mill refers to was destined to disappear in the distant, uncertain future. But the other side of the coin is that now explicitly subjected to this condition of unfreedom was not a particular ethnic group (the fragment of Africa located at the heart of the United States), but all the peoples invested by the West's colonial expansion and forced to endure political 'despotism' and servile or semi-servile forms of labour. Is demanding 'absolute obedience', for an indeterminate period of time, from the overwhelming majority of humanity compatible with the liberal profession of faith? Or is it synonymous with *'soi-disant'* liberalism?

2. The American Revolution and the revelation of an embarrassing truth

It is now clear that what primarily divides the authors mentioned up to this point is the problem of slavery. In one way or another, they all refer to the Britain deriving from the Glorious Revolution or the United States. These are two countries that for around a century were a single state entity and formed, as it were, a single political party. Prior to the crisis that led to the American Revolution, the British on both sides of the Atlantic felt themselves to be proud subjects or citizens of '[a] land, perhaps the only one in the universe, in which political or civil liberty is the very end and scope of the constitution'.[33] Thus Blackstone. To confirm his thesis, he referred to Montesquieu, who spoke of England as the 'one nation in the world whose constitution has political liberty for its direct purpose'.[34] Not even the French liberal doubted the fact that 'England is currently the freest country in the world, not discounting any republic': the 'free nation', the 'free people' par excellence.[35]

At this time, no dark clouds seemed to threaten relations between the two shores of the Atlantic. There were no conflicts and, according to Montesquieu at least, there could not be, because even in its relationship with the colonies what characterized England was its love of liberty:

> If this nation sent colonies abroad, it would do so to extend its commerce more than its domination.
>
> As one likes to establish elsewhere what is established at home, it would give the form of its own government to the people of its colonies; and as this government would carry prosperity with it, one would see the formation of great peoples, even in the forests to which it had sent inhabitants.[36]

In these years, the English colonists in America proudly identified with Blackstone's thesis that 'our free constitution', which 'falls little short of perfection', differed markedly 'from the modern constitutions of other states', from the political order of 'the continent of Europe' as a whole.[37]

This was the ideology with which the Seven Years' War was fought by the British Empire. The English colonists in America were the most determined in interpreting it as a clash between the 'supporters of freedom in the world'—the British 'sons of noble liberty', or defenders of Protestantism—and a 'cruel and oppressive' France—despotic politically, and follower of 'Roman bigotry' and Popery religiously. At the time, even the British Crown's

transatlantic subjects liked to repeat with Locke that 'slavery' was 'directly opposite to the generous temper and courage of our nation'; it was utterly inconceivable for an 'Englishman'.[38] The French allegedly wanted to reduce the American colonists to a 'slavish subjection'. Fortunately, however, arriving to foil this attempt was Great Britain, '[t]he Mistress of the Nations—the grand Support of Liberty, the Scourge of Oppression and Tyranny!'[39]

It was an ideology that Edmund Burke sought to breathe new life into as late as 1775, in a desperate attempt to avoid the impending rupture. Presenting his motion of conciliation, he called upon people not to lose sight of, and not to sever, the ties that bound the American colonists to the mother country: what was at stake was a single 'nation' that shared 'the sacred temple consecrated to our common faith', the faith in 'liberty'. Largely unchallenged in countries like Spain or Prussia, slavery was 'a weed that grows in every soil' except the English. Accordingly, it was absurd to try to subdue the rebel colonists by force: 'An Englishman is the unfittest person on earth to argue another Englishman into slavery.'[40]

Obviously, the slavery referred to here is the one of which the absolute monarch is guilty. The other slavery, which shackles blacks, is passed over in silence. With the increasing inevitability of the revolution, or 'civil war' with all its 'horrors'[41]—as loyalists faithful to the Crown and British politicians in favour of compromise and preserving the unity of the English 'nation' and 'race'[42] preferred to call it—the picture changed markedly. The element of continuity is clear. Each of the two contending parties accused the other of wanting to reintroduce despotism, or political 'slavery'. The rebel colonists' charges are well known: they tirelessly denounced the tyranny of the British Crown and parliament, and their mad project of subjecting residents in America to a condition of 'perpetual bondage and slavery'.[43] But the response was not slow in coming. As early as 1773, a loyalist from New York had issued a warning: hitherto they had been 'watchful against *external* attacks on our freedom' (the reference is to the Seven Years' War), but now a much more insidious danger had emerged—that of 'becom[ing] *enslaved* by tyrants within'. Again in New York, another loyalist repeated the point two years later: the rebels aspired 'to make us worse than slaves'.[44] In polemicizing against one another, the two branches the liberal party had divided into adopted the ideology and rhetoric that had presided over the self-celebration of the English nation in its entirety, as the sworn enemy of political slavery.

The novel factor was that, in the wake of the exchange of accusations, the other slavery—the one both branches had repressed as a disruptive element in their proud self-consciousness as members of the people and party of liberty—burst into the polemics alongside political slavery. In the rebel colonists' view, the London government, which in sovereign fashion imposed taxation on citizens or subjects not represented in the House of Commons, was behaving like a master towards his slaves. But—objected the others—if slavery is the issue, why not start to discuss the slavery that is manifested in brutal, unequivocal form precisely where liberty is so passionately lauded? As early as 1764, Benjamin Franklin, in London at the time to plead the colonists' cause, had to face the sarcastic comments of his interlocutors:

> You Americans make a great Clamour upon every little imaginary infringement of what you take to be your Liberties; and yet there are no People upon Earth such

Enemies to Liberty, such absolute Tyrants, where you have the Opportunity, as you yourselves are.[45]

The self-styled champions of liberty branded taxation imposed without their explicit consent as synonymous with despotism and slavery. But they had no scruples about exercising the most absolute and arbitrary power over their slaves. This was a paradox: 'How is it', Samuel Johnson asked, 'that we hear the loudest yelps for liberty from the drivers of negroes?' Across the Atlantic, those who sought to contest the secession ironized in similar fashion. Thomas Hutchinson, royal governor of Massachusetts, rebuked the rebels for their inconsistency or hypocrisy: they denied Africans those rights that they claimed to be 'absolutely inalienable' in the most radical way imaginable.[46] Echoing him was an American loyalist (Jonathan Boucher), who, having taken refuge in England, revisited the events that forced him into exile and observed: 'the most clamorous advocates for liberty were uniformly the harshest and worst masters of slaves'.[47]

It was not only the people most directly involved in the polemical and political struggle who expressed themselves so harshly. The intervention of John Millar, prominent exponent of the Scottish Enlightenment, was especially stinging:

It affords a curious spectacle to observe, that the same people who talk in a high strain of political liberty, and who consider the privilege of imposing their own taxes as one of the inalienable rights of mankind, should make no scruple of reducing a great proportion of their fellow-creatures into circumstances by which they are not only deprived of property, but almost of every species of right. Fortune perhaps never produced a situation more calculated to ridicule a liberal hypothesis, or to show how little the conduct of men is at the bottom directed by any philosophical principles.[48]

Millar was a disciple of Adam Smith. The master seems to have seen things in the same way. When he declared that to a 'free government' controlled by slaveowners, he preferred a 'despotic government' capable of erasing the infamy of slavery, he made explicit reference to America. Translated into directly political terms, the great economist's words signify: the despotism the Crown is criticized for is preferable to the liberty demanded by the slave-owners, from which only a small class of planters and absolute masters benefits.

English abolitionists went even further, calling for the defence of British institutions threatened by 'arbitrary and inhuman uses, which prevail in a distant land'. So arbitrary and inhuman that, as indicated by an advert in the *New York Journal,* a black woman and her three-year-old daughter could be sold on the market separately, as if they were a cow and a calf. And hence (concluded Granville Sharp in 1769) one should not be led astray by 'theatrical bombast and ranting expressions in praise of liberty' employed by the slaveholding rebels; free English institutions must be vigorously defended against them.[49]

The accused reacted in their turn by upbraiding England for its hypocrisy: it boasted of its virtue and love of liberty, but who promoted and continued to promote the slave trade? And who was it that transported and sold slaves? Thus argued Franklin,[50] advancing an argument that became central in the first draft of the Declaration of Independence elaborated by Jefferson. This is how, in the original version of that solemn document, the Britain derived from the Glorious Revolution and George III himself were charged. The

latter

> has waged cruel war against human nature itself, violating the most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical war, the opprobrium of *infidel* powers, is the warfare of the CHRISTIAN king of Great Britain. Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce …[51]

3. The role of slavery between the two Atlantic shores

What should we make of this furious, unexpected polemic? There is no doubt that the accusations against the rebels struck a weak point. Virginia played a central role in the American Revolution. Forty per cent of the country's slaves were to be found there, but a majority of the authors of the rebellion unleashed in the name of liberty also came from there. For thirty-two of the United States' first thirty-six years of existence, slave-owners from Virginia occupied the post of president. This colony or state, founded on slavery, supplied the country with its most illustrious statesmen. It is enough to think of George Washington (great military and political protagonist of the anti-British revolt) and Thomas Jefferson and James Madison (authors, respectively, of the Declaration of Independence and the federal Constitution of 1787), all three of them slave-owners.[52] Regardless of this or that state, the influence slavery exercised on the country as a whole is clear. Sixty years after its foundation, we see that 'of the first sixteen presidential elections, between 1788 and 1848, all but four placed a southern slaveholder in the White House'.[53] Hence the persistence of the anti-American polemic on this point is understandable.

On the other side, we are familiar with Franklin's and Jefferson's ironic remarks about the moralizing anti-slavery lectures offered by a country deeply involved in the slave trade. Burke, theorist of 'conciliation with the colonies', likewise stressed this. In rejecting the proposal of those who urged 'a general enfranchisement of their slaves' to counter the rebellion of their masters and the colonists generally, he observed: 'Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters?' All the more so if this nation insisted on practising the slave trade, clashing with colonies that wished to restrict or abolish it. In the eyes of slaves landed in or deported to America, this would represent a peculiar spectacle:

> An offer of freedom from England, would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola negroes. It would be curious to see the Guinea captain attempting at the same instant to publish his proclamation of liberty, and to advertise his sale of slaves.[54]

Burke's irony hits home. In addition to Britain's role in the slave trade, slaves long

continued to be present in the metropolis itself. It has been calculated that in the mid-eighteenth century there were around 100,000 of them.[55] Were British abolitionists horrified by the market in human flesh in the American colonies and New York? In Liverpool in 1766, eleven black slaves were put on sale and the market in 'black cattle' was still open in Dublin twelve years later, regularly advertised in the local press.[56]

The role played in the country's economy by the trade in slaves and their exploitation was sizeable: 'The *Liverpool Courier*, 22 August 1832, estimated that three-quarters of Britain's coffee, fifteen-sixteenths of its cotton, twenty-two twenty-thirds of its sugar, and thirty-four thirty-fifths of its tobacco were still produced by slaves.'[57] In sum, we should bear in mind the candid judgement of two eighteenth-century British witnesses. The first, Joshua Gee, acknowledged that '[a]ll this great increase in our treasure proceeds chiefly from the labour of negroes in the plantations'.[58] The second, Malachy Postlethwayt, engaged as he was in defending the role of the Royal African Company—the company that controlled the slave trade—was even sharper: 'The *Negroe Trade* and the natural Consequences resulting from it, may be justly esteemed an inexhaustible Fund of Wealth and Naval Power to this Nation'; they were 'the first principle and foundation of all the rest, the main spring of the machine which sets every wheel in motion'.[59] The British Empire as a whole was merely 'a magnificent superstructure' upon this commerce.[60] Finally, there was the political influence of the institution of slavery. Although obviously inferior to what it was in the American colonies, it was certainly not nugatory in England: in the 1790 parliament, two or three dozen members sat who had interests in the West Indies.[61]

The exchange of accusations between rebel colonists and the mother country—that is, between two branches of the party that had hitherto proudly celebrated itself as the party of liberty—was a mutual, pitiless demystification. Not only did the England derived from the Glorious Revolution not challenge the slave trade, but on the contrary the latter experienced strong growth.[62] And one of the new liberal monarchy's first acts of international policy was wresting a monopoly on the slave trade from Spain. On the other side, the revolution that broke out across the Atlantic in the name of liberty involved official consecration of the institution of slavery, and the conquest and prolonged exercise of political hegemony by slave-owners.

Possibly the most articulate and pained intervention in this polemic was by Josiah Tucker, 'who, though a parson and a Tory, was, apart from that, an honourable man and a competent political economist'.[63] He denounced England's pre-eminent role in the slave trade: 'We … the boasted Patrons of Liberty, and the professed Advocates for the natural Rights of Mankind, engage deeper in this murderous inhuman Traffic than any Nation whatever.' But even more hypocritical was the behaviour of the rebel colonists: 'the Advocates for Republicanism, and for the supposed Equality of Mankind, ought to have been foremost in suggesting some such humane System for abolishing the worst of all the Species of Slavery'.[64] But instead …

4. Holland, England, America

If, prior to constituting themselves as an independent state, the rebel colonies in America formed part of the British Empire, the latter assumed its liberal form with the ascent to the

throne of William of Orange, who landed in England from Holland. On the other hand, while with his draft constitution for Carolina Locke referred to America, he wrote his first *Letter Concerning Toleration* in Holland, which was then 'the centre of conspiracy' against Stuart absolutism;[65] and Holland was also the birthplace of Bernard de Mandeville, unquestionably one of the more important figures in early liberalism.

We must not lose sight of the fact that the United Provinces, which emerged from the struggle against Philip II's Spain, equipped themselves with a liberal type of set-up a century before England. This was a country that from a socio-economic point of view as well had left the *ancien régime* behind. In the seventeenth century it had a per capita income one-and-a-half times that of England; whereas in the latter 60 per cent of the labour force was engaged in agriculture, the figure in Holland was 40 per cent. Moreover, the power structure was rather significant: in the country which emerged victorious from the clash with Philip II, 'a bourgeois oligarchy that had broken decisively with the aristocratic landholding ethos' was dominant.[66] It was these enlightened, tolerant, liberal bourgeois who embarked on colonial expansion; and in this historical period the slave trade was an integral part of it:

> [T]he Dutch conducted the first serious slave trade in order to furnish the manpower for the sugar plantations; when they lost the plantations, they tried to remain in the field as slave traders, but by 1675, Dutch primacy ended, yielding place to the newly founded Royal African Company of the English.[67]

Locke was a shareholder in the Royal African Company. But the history of the United Provinces leads to America as well as Britain. It would seem that it was a Dutch peddler who introduced African slaves into Virginia.[68] New Amsterdam, which the Dutch were forced to cede to the British and which became New York, had a population 20 per cent of which was composed of blacks, in large part slaves. In 1703 around 42 per cent of homeowners were also slave-owners.[69]

This represents the paradox already glimpsed in connection with Britain and the United States. Until the mid-seventeenth century, the country where the prologue to the successive liberal revolutions occurred—namely, Holland—had a 'hold' on the trade in slaves:[70] 'By the beginning of the eighteenth century, all of their [Dutch] possessions were slave or bound-labor societies.'[71] If, in one respect, it was synonymous with liberty at the time, in another, Holland was synonymous with slavery—and a particularly brutal form of it. In Voltaire's *Candide* a severe blow is dealt to the protagonist's naive optimism by the encounter in Surinam ('where the Dutch are') with a black slave, reduced to a 'dreadful state' by his Dutch master. The slave refers as follows to the working conditions to which he is forced to submit:

> When we're working at the sugar-mill and catch our finger in the grinding-wheel, they cut off our hand. When we try to run away, they cut off a leg. I have been in both these situations. This is the price you pay for the sugar you eat in Europe.[72]

In his turn, Condorcet, launching his abolitionist campaign in 1781, in particular targeted England and Holland, where the institution of slavery seemed especially deep-rooted on

account of 'the general corruption of these nations'.[73] Finally, it is worth citing the American loyalist (Jonathan Boucher) whom we have seen ironizing about the passion for liberty displayed by slave-owners engaged in the rebellion. In his view, '[d]espotic nations treated their slaves better than those under republics; the Spanish were the best masters while the Dutch were the worst.'[74]

The first country to embark on the liberal road is one that exhibited an especially tenacious attachment to the institution of slavery. It appears that colonists of Dutch origin offered the most determined resistance to the first abolitionist measures, those introduced in the northern United States during the Revolution and in its wake.[75] As regards Holland itself, in 1791 the States-General formally declared that the slave trade was essential to the development of the colonies' prosperity and commerce. Still in this period, clearly distinguishing itself from Britain, Holland recognized the right of slave-owners to transport and deposit their human chattels in the mother country before returning to the colonies. Finally, it is to be noted that Holland only abolished slavery in its colonies in 1863, when the secessionist and slaveholding Confederacy of the southern United States was going down to defeat.[76]

5. The Irish, the Indians and the inhabitants of Java

The English colonists' revolt in America was accompanied by another major controversy. For a long time, like that of the blacks, the Indians' fate had not in the slightest unsettled the deep conviction of the English on either side of the Atlantic that they were the chosen people of liberty. In both cases, they appealed to Locke, for whom (as we shall see) the natives of the New World approximated to 'wild beasts'. But with the eruption of the conflict between colonies and mother country, the exchange of accusations also encompassed the problem of the relationship with the Indians. England, Paine proclaimed in 1776, was 'that barbarous and hellish power, which hath stirred up the Indians and the Negroes to destroy us' or 'to cut the throats of the freemen of America'.[77] Similarly, the Declaration of Independence berated George III for having not only 'excited domestic insurrections amongst us' by black slaves, but also 'endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions'. In 1812, on the occasion of a new war between the two shores of the Atlantic, Madison condemned England for indiscriminately striking the civilian population with its fleet, not sparing women or children, and hence displaying a conduct similar to that of the red-skinned 'savages'.[78] Having been accomplices of the barbarians, the English became barbarians themselves.

In fact, the argument had begun much earlier, following the Crown proclamation of 1763 that sought to halt or contain expansion west of the Allegany Mountains. This was a measure that did not please the colonists and George Washington, who regarded it as 'a temporary expedient', destined to be rapidly superseded, but which should not be respected even in the immediate present: those 'who neglect the present opportunity of hunting out good lands' were foolish.[79] The future president of the United States was not one of these 'fools'. In his new capacity, while declaring in official speeches that he wanted to bring the 'blessings of civilization' and 'happiness' to 'an unenlightened race of men',[80] in private

correspondence he identified the Indians as 'savages' and 'wild beasts of the forest'. Given this, the British Crown's pretension to block further expansion by the colonists was absurd and ultimately immoral: they (Washington declared in a letter of 1783) would force 'the Savage [like] the Wolf to retire'.[81]

Even more extreme in this respect was Franklin, who in his *Autobiography* observed: 'if it be the Design of Providence to extirpate these Savages in order to make room for Cultivators of the Earth, it seems not improbable that Rum may be the appointed Means. It has already annihilated all the Tribes who formerly inhabited the Seacoast.'[82] The decimation or destruction of a people who worshipped 'the Devil' was part of a kind of divinely inspired eugenicist plan.[83] The de-humanization of the Indians was also subscribed to by those in Britain who supported reconciliation with the rebels. The Crown's attempt to block the colonists' expansionistic march seemed to Burke absurd and sacrilegious, for 'attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, "Increase and multiply."' Ultimately, it was an ill-fated 'endeavour to keep as a lair of wild beasts, that earth, which God, by an express charter, has given to the children of men'.[84]

Those on either side of the Atlantic who supported or justified the Crown's policy of 'conciliation' not of the colonists, but of the Indians, mounted some resistance to this process of de-humanization. In this context, a particular mention should be made of the figure of the likeable American loyalist whom we have encountered several times, in his capacity as a critic of the peculiar libertarian zeal displayed by the 'harshest and wickedest slave masters'. To these same circles he attributed cruelty to the Indians. Sometimes they were killed and scalped with veritable religious fervour; they even became targets for shooting practice. They were branded savages and yet (objected Jonathan Boucher) they were no more savage 'than our progenitors appeared to Julius Caesar or to Agricola'.[85] We have seen Paine accuse the London government of seeking an alliance with Indian cut-throats. In reality, warned an English commander in 1783, it was precisely the now victorious colonists who 'were preparing to cut the throats of the Indians'. The victors' behaviour (added another officer) was 'shocking to humanity'.[86] This was an enduring controversy. In the later nineteenth century a historian descended from a family of loyalists who had taken refuge in Canada argued as follows: Did the rebels claim to be the descendants of those who had disembarked in America to escape intolerance and stay loyal to the cause of liberty? In fact, reversing the policy of the British Crown, which aimed at conversion, the Puritans had initiated a massacre of the Indians, assimilated to 'Canaanites and Amalekites'—that is, stocks marked out by the Old Testament for erasure from the face of the earth. This was 'one of the darkest pages in English colonial history', which was followed by the even more repugnant one written during the American Revolution, when the rebel colonists engaged in 'the entire destruction of the Six Indian Nations' that had remained loyal to England: 'by an order which, we believe, has no parallel in the annals of any civilized nation, [Congress] commands the complete destruction of those people as a nation ... including women and children'.[87]

In his private correspondence at least, Jefferson had no problem acknowledging the horror of the war against the Indians. But in his view responsibility for it resided with the London government, which had incited these savage, bloodthirsty 'tribes'. This was a

situation that 'will oblige us now to pursue them to extermination, or drive them to new seats beyond our reach'. The 'confirmed brutalization, if not the extermination of this race in our America' was to be laid at Britain's door. As with the similar fate of 'the same colored man in Asia', as well as of the Irish—who for the English, whose skin 'colour' they shared, should be 'brethren'—it was attributable to a policy committed to sowing death and destruction 'wherever … Anglo-mercantile cupidity can find a two-penny interest in deluging the earth with human blood'.[88]

Jefferson was not wrong to compare the treatment suffered by the Indians with that reserved for the Irish. Just as, according to the loyalist accusation, Puritans and rebel colonists assimilated the Indians to 'Amalekites', so the Irish had already been compared to 'Amalekites' marked out for extermination, this time by the English conquerors.[89] The colonization of Ireland, with all its horrors, was the model for the subsequent colonization of North America.[90] If the British Empire as a whole mainly swept away Irish and blacks,[91] Indians and blacks were the principal victims of the territorial and commercial expansion first of the English colonies in America and then of the United States.

As with the black question, in the case of the Indians the exchange of accusations ended up taking the form of a mutual demystification. There is no doubt that, along with black enslavement and the black slave trade, the rise of the two liberal countries either side of the Atlantic involved a process of systematic expropriation and practical genocide first of the Irish and then of the Indians.

Similar observations can be made of Holland. A senior English civil servant, Sir Thomas Stamford Raffles, who during the Napoleonic Wars was deputy governor of Java for a time, stated that the previous administration was 'one of the extraordinary relations of treachery, bribery, massacre and meanness'. It is clear that colonial rivalry played a role in this judgement. Marx reports it, but pools 'Dutch colonial administration' and the English administration in his condemnation. As regards Holland more specifically:

Nothing is more characteristic than their system of stealing men in Celebes, in order to get slaves for Java … The young people thus stolen were hidden in secret dungeons on Celebes, until they were ready for sending to the slave-ships. An official report says: 'This one town of Macassar, for example, is full of secret prisons, one more horrible than the other, crammed with unfortunates, victims of greed and tyranny fettered in chains, forcibly torn from their families.' … Wherever [the Dutch] set foot, devastation and depopulation followed. Banjuwangi, a province of Java, numbered over 80,000 inhabitants in 1750 and only 18,000 in 1811. That is peaceful commerce![92]

Once again, processes of enslavement and practical genocide were closely intertwined.

6. Grotius, Locke and the Founding Fathers: a comparative interpretation

At the start of the eighteenth century, Daniel Defoe underlined the ideological fraternity between the country that had emerged from the Glorious Revolution and the country which, a century earlier, had rebelled against Philip II and won 'freedom' and prosperity thanks to 'Heaven and the Assistance of England'.[93] In the mid-nineteenth century, liberal authors

liked to contrast the ordered triumph of liberty that had occurred in Holland, England and the United States with a France in the grip of an interminable revolutionary cycle and Bonapartism.[94] It might therefore be useful to proceed to a brief comparative analysis of the texts and authors in which the liberal revolutions of these three countries found theoretical expression and consecration.

In the case of the Holland, we cannot but refer to Hugo Grotius, who dedicated two of his most important books (*Annales et Historiae de Rebus Belgicis* and *De Antiquitate Reipublicae Batavicae*) to the revolt against Philip II and the country that derived from it. Liberal Holland immediately engaged in overseas expansion and slave-trading, and it is interesting to observe the position Grotius adopted towards colonial peoples. Having condemned the superstitious and idolatrous character of the 'religious rites' peculiar to paganism, he added:

> when offered … to an evil spirit, it is an act of falsehood and hypocrisy; nay, it is an act of absolute rebellion, whereby we not only deprive our legal sovereign of his just homage, but even transfer that homage to a base apostate and an open enemy!

Targeted here were peoples with

> modes of worship … of a nature little suited to a Being of goodness and of purity: Human sacrifices; naked races up and down the temples; games and dances replete with obscenity; instances whereof are seen even at this day among the savage natives of America and Africa, who are still lost in the thick clouds of Paganism.

It was peoples assailed by Europe's colonial expansion who were guilty of rebellion against God, and who must be punished for such a crime:

> Some … are weak enough to imagine, that God, as a being of infinite goodness, will never be provoked to punish this rebellion; a spirit of revenge, say they, is wholly incompatible with the attribute of perfect goodness. A fatal and absurd idea this! The powers of Mercy must be limited, that her actions may be just; and when wickedness becomes excessive, punishment as it were unavoidably arises out of justice.[95]

Against peoples who, staining themselves with '[o]ffences that are committed against GOD' and violating the most basic norms of natural law, took the form of 'barbarians' or 'rather Beasts than men', war was 'natural', regardless of state borders and geographical distance. Indeed, 'the justest War is that which is undertaken against wild rapacious Beasts, and next to it is that against Men who are like Beasts [*homines belluis similes*].'[96]

This is the ideology that presided over the conquest of the New World. The sin of idolatry was the first of the arguments prompting Sepúlveda to regard war on the Indians and their enslavement as 'just'.[97] And in Grotius, along with the implicit legitimation of the genocidal practices underway in America, an explicit and insistent justification of slavery emerges. Sometimes it was punishment for criminal behaviour. Answerable for the latter were not only single individuals: 'a whole People may be brought into Subjection for a publick Crime'.[98] As well as in their capacity as 'rebels' against the Lord of the Universe, the inhabitants of America and Africa could also succumb to slavery as a result of a 'just war'

(*bellum justum*), conducted by a European power. The prisoners captured during an armed conflict, formally declared in the requisite forms by the supreme authority of a state, were legitimately slaves.[99] And their descendants too were legitimate slaves: otherwise, what interest would the victor have in keeping the vanquished alive? As the slave of the one who had spared his life, the prisoner became part of the victor's property, and such property could be transmitted hereditarily or be an object of sale, just like 'the Property of Goods' (*rerum dominium*).[100]

Naturally, all this did not apply to 'those Nations where this Right of Bondage over Captives is not practised'; it did not apply to 'Christian' countries, which limited themselves to exchanging prisoners.[101] Banned in intra-European conflicts, slavery by right of war continued to be a reality as and when Christian, civilized Europe confronted colonial peoples, barbarians and pagans in what, by definition, was a 'just' war. On the other hand, regardless of their actual behaviour, the lesson of a great master should not be forgotten: 'as *Aristotle* said, some Men are naturally Slaves, that is, turned for Slavery. And some Nations also are of such a Temper, that they know better how to obey than to command'.[102] This was a truth also confirmed by Holy Scripture: 'the Apostle St Paul' called on individuals and peoples who had legitimately been reduced to slavery to put up with their lot and not escape it by rebellion or flight.[103]

On the one hand, Grotius paid homage to the 'free People' who in Holland had availed themselves of their right of resistance, legitimately shaking off the yoke of a despotic prince.[104] On the other, he had no difficulty justifying slavery and even the kind of 'wild beast' hunt against Indians underway in America.

Let us now pass on to the Glorious Revolution and Locke. The *Two Treatises of Government* may be regarded as key moments in the ideological preparation and consecration of the event that marks the birth of liberal England. We are dealing with texts deeply impregnated with the pathos of liberty, the condemnation of absolute power, the appeal to rise up against the wicked ones who seek to deprive man of his liberty and reduce him to slavery. But every now and then frightening passages open up in this ode to liberty, where slavery in the colonies is legitimized. As ultimate proof of the legitimacy of the institution, Grotius adduced the example of the Germans who, according to Tacitus' testimony, 'ventured their very Liberty upon the Cast of a Die'.[105] In Locke's view, 'captives taken in a just war' (on the part of the victors) had 'forfeited their lives and, with it, their liberties'. They were slaves 'subjected to the absolute dominion and arbitrary power of their masters'.[106]

Up to now the thinking applies to blacks deported from Africa. But the fate reserved for Indians was not manifestly better. In addition to having an interest in the slave trade as a shareholder in the Royal African Company, the liberal English philosopher was concerned with the white colonists' expansionist march as secretary (in 1673–74) of the Council of Trade and Plantations. As has been justly observed:

That so many of the examples Locke uses in his *Second Treatise* are American ones shows that his intention was to provide the settlers, for whom he had worked in so many other ways, with a powerful argument based in natural law rather than legislative decree to justify their depredations.[107]

The *Second Treatise* makes repeated reference to the 'wild Indian', who moved around

'insolent and injurious in the woods of America' or the 'vacant places of America'.[108] Ignorant of labour, which was the only thing that could confer property right, and occupying a land not 'improv[ed] by labour', or 'great tracts of unused' ground', the Indian inhabited 'unpossessed quarters', *in vacuis locis*.[109] In addition to labour and property, Indians were also ignorant of money. They thus not only proved alien to civilization, but were also 'not … joined with the rest of mankind'.[110] As a result of their behaviour, they were not solely subject to human condemnation. Unquestionably, 'God commanded … labour' and private property, and could certainly not want the world created by him to remain 'common and uncultivated'.[111]

When he sought to challenge the march of civilization, violently opposing exploitation through labour of the uncultivated land occupied by him, the Indian, along with any other criminal, could be equated with 'one of those wild savage beasts with whom men can have no society nor security', and who 'therefore may be destroyed as a lion or a tiger'. Locke never tired of insisting on the right possessed by any man to destroy those reduced to the level of 'beasts of prey', 'savage beasts'; to the level of 'a savage ravenous beast that is dangerous to his being'.[112]

These are phrases that remind us of those used by Grotius in connection with barbarous peoples and pagans in general, and by Washington in connection with the Indians. However, before coming to the Founding Fathers and the solemn documents that mark the birth of the United States, it is worth dwelling on another macroscopic exclusion clause that characterizes the celebration of liberty in Locke. 'Papists', declared the *Essay Concerning Toleration*, are 'like serpents never [to] be prevailed on by kind usage to lay by their venom'.[113] Even more than to English Catholics, this harsh declaration was formulated with a view to Ireland, where at the time unregistered priests were branded with a red-hot iron, when they were not punished with more severe penalties or death.[114] The Irish, in endemic, desperate revolt against spoliation and oppression by Anglican settlers, were contemptuously referred to by Locke as a population of 'brigands'. As for the rest, he reiterated the point the men are:

> forward to have compassion for sufferers and esteem for that religion as pure, and the professors of it as sincere, which can stand the test of persecution. But I think it is far otherwise with Catholics, who are less apt to be pitied than others because they receive no other usage than what they [by the] cruelty of their own principles and practices are known to deserve.[115]

The warning against feelings of 'compassion' makes it clear that we are dealing with Ireland primarily. Locke seems to have had no objections of any kind to the ruthless repression suffered by the Irish, whose fate calls to mind that reserved for Indians across the Atlantic.

We can now move on to examine the documents that informed the third liberal revolution and the foundation of the United States. At first sight, the Declaration of Independence and the 1787 Constitution seem inspired and pervaded by a universal pathos of liberty: 'all men are created equal'—such is the solemn preamble to the first document; it is necessary to 'secure the Blessings of Liberty to ourselves and our Posterity'—such is the no less solemn preamble to the second. But it requires a scarcely more attentive reading to encounter,

already in Article 1 of the Constitution, a contrast between 'free Persons' and 'all other Persons'. The latter were, of course, slaves, whose number, reduced to three-fifths, had to be factored in and added to that of 'free persons' when it came to calculating the number of members in the House of Representatives to which slaveholding states were entitled.

With recourse to various euphemisms, a whole series of other Articles refer to this:

No Person held to Service or Labour in One State, under the laws thereof, escaping into another, shall, in consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on claim of the Party to whom such Service or Labour may be due.

Where initially it was concealed among 'other persons' (the part of the population not made up of 'free persons'), now the relationship of slavery is modestly subsumed under the general category of persons 'held to Service or Labour'. On the basis of the principles of self-government, each individual state has the right to regulate it as it sees fit, while every state's obligation to return fugitive slaves is a moral obligation to guarantee a legitimate property-owner the services that 'may be due'. In a further linguistic expedient, tinged with the same discretion, the black slave trade becomes '[t]he migration or importation of such persons as any of the states now existing shall think proper to admit'. It was 'not [to] be prohibited by Congress prior to the year [1808]', and, pending that, could only be subjected to a fairly modest tax ('not exceeding ten dollars for each person' or slave). The articles requiring the Union to suppress insurrections or 'domestic violence'—primarily, a possible dreaded slave revolt in some particular state[116]—are formulated in similarly elliptical fashion.

Although repressed through a strict linguistic proscription, the institution of slavery proves to be a pervasive presence in the American Constitution. It is not even absent from the Declaration of Independence, where the accusation against George III of having appealed to black slaves takes the already noted form of having 'excited domestic insurrections amongst us'.

In the transition from Grotius to Locke, and from them to the founding documents of the American Revolution, we observe a phenomenon worth reflecting upon: although regarded as legitimate in all three cases, the institution of slavery was theorized and affirmed without the least reticence solely by the Dutch author, whose life straddled the sixteenth and seventeenth centuries. In Locke, by contrast, at least in the case of the *Two Treatises of Government*, which were written and published on the eve and at the end of the Glorious Revolution, legitimation of slavery tends to occur exclusively between the lines of the discourse celebrating English liberty. The reticence reaches its peak in the documents that consecrate the foundation of the United States as the most glorious chapter in the history of liberty.

When it came to the relationship with the Indians, things were different: Grotius, Locke and Washington all referred to them as 'wild beasts'. A document like the Declaration of Independence, which was addressed to international public opinion and which (as we know) included among George III's most heinous crimes the fact that he had incited the 'merciless Indian savages' against the rebel colonists, was linguistically more cautious. But it remains the case that in all three liberal revolutions the demand for liberty and justification

of the enslavement, as well as the decimation (or destruction), of barbarians, were closely intertwined.

7. Vulgar historicism and repression of the paradox of liberalism

In conclusion, the countries that were the protagonists of three major liberal revolutions were simultaneously the authors of two tragic chapters in modern (and contemporary) history. If that is so, however, can the habitual representation of the liberal tradition—namely, that it is characterized by the love of liberty as such—be regarded as valid? Let us return to our initial question: What is liberalism? As we register the disappearance of the old certainties, a great saying comes to mind: 'What is well-known, precisely because it is *well*-known, is not *known*. In the knowledge process, the commonest way to mislead oneself and others is to assume that something is well-known and to accept it as such'.[117]

Throwing a widespread apologia into crisis, the paradoxical tangle we have encountered while historically reconstructing the origins of liberalism is disturbing. We can therefore understand the tendency to repression. After all, that was the gesture, in their own day, of Locke and, especially, the rebel American colonists, who liked to draw a more or less thick veil of silence over the institution of slavery.

The same result can be arrived at in other ways. According to Hannah Arendt, what characterized the American Revolution was the project of realizing a political order based on liberty, while the persistence of black slavery referred to a cultural tradition homogeneously diffused either side of the Atlantic:

> [T]his indifference, difficult for us to understand, was not peculiar to Americans and hence must [not] be blamed … on any perversion of the heart or upon the dominance of self-interest … Slavery was no more part of the social question for Europeans than it was for Americans …[118]

In fact, disquiet about slavery was so strongly felt in the Europe of the time that prominent authors not infrequently proceeded to a sharp contrast between the two shores of the Atlantic. Let us attend to Condorcet:

> The American forgets that negroes are men; he has no moral relationship with them; for him they are simply objects of profit … and such is the excess of his stupid contempt for this unhappy species that, when back in Europe, he is indignant to see them dressed like men and placed alongside him.[119]

'The American' condemned here is the transatlantic colonist, whether French or English. In his turn, in 1771 Millar denounced 'the shocking barbarity to which the negroes in our colonies are frequently exposed'. Fortunately, 'the practice of slavery [has] been … generally abolished in Europe'. Where it survived, across the Atlantic, the practice poisoned the whole society: cruelty and sadism were 'exhibited even by persons of the weaker sex, in an age distinguished for humanity and politeness'.[120] This was also the opinion of Condorcet, who pointed out how 'the young American woman witnesses', and sometimes even 'presides over', the brutal 'tortures' inflicted on black slaves.[121]

The thesis formulated by Arendt can even be inverted. In the late eighteenth century the institution of slavery began to be unacceptable in salons where the ideas of the *philosophes* circulated, and in churches influenced by the Quakers or other abolitionist sections of Christianity. Even as the Philadelphia Convention ratified the Constitution that sanctioned racial chattel slavery, a French defender of this institution bitterly noted his isolation:

> The extremely powerful empire of public opinion … now offers its support to those in France and England who attack black slavery and pursue its abolition. The most odious interpretations are reserved for those who dare to hold a contrary opinion.[122]

Some years later, another French defender of slavery bemoaned the fact that 'negrophilia' had become a 'fashionable oddity', to the point of abolishing any sense of distance between the two races: 'African blood circulates much too abundantly in the veins of the Parisians themselves.'[123]

If we start out from the presupposition of a general 'indifference' to the lot of black slaves in these years, we shall understand nothing of the American Revolution. The 'last great philosopher' to justify slavery—Locke—was quite the reverse of unchallenged; and it is interesting to note that he was criticized together with the 'current American rebellion', which he was regarded as having inspired.[124] In both cases, celebration of a tendentially republican liberty was bound up with legitimation of the institution of slavery. After having cited various passages from the philosopher that leave no room for doubt in this regard, Josiah Tucker commented: '[s]uch is the language of the humane Mr Locke! The great and glorious Assertor of the natural Rights and Liberties of Mankind'; here were 'his real Sentiments concerning Slavery'.[125] Similarly, the American loyalist we have already encountered—Boucher—conjointly condemned the republican secession and Locke's claim to confer on 'every freeman of Carolina absolute power and property over his slaves'.[126]

While English patriots and loyalists opposed to secession ironized about the flag of liberty waved by slave-owners, the rebel colonists reacted not by invoking the legitimacy of enslaving blacks, but by highlighting the British Crown's massive involvement and principal responsibility in trafficking and trading human flesh. It is clear that the institution of slavery was now largely delegitimized. This explains the linguistic proscriptions that characterized the new state's Constitution. As a delegate to the Philadelphia Convention observed, his colleagues 'anxiously sought to avoid the admission of expressions which might be odious to the ears of Americans', but were 'willing to admit into their system those *things* which the *expressions signified*'.[127] The fact is that, from the start of the debate on the new constitutional order (pointed out another witness), people 'had been ashamed to use the term "Slaves" & had substituted a description'.[128] Less scrupulous (observed Condorcet in 1781) were the slaves' 'owners': they were 'guided by a false consciousness [*fausse conscience*]' that rendered them impervious to the 'protests of the defenders of humanity' and 'made them act not against their own interests, but to their own advantage'.[129]

As we can see, notwithstanding Arendt's contrary opinion, 'class interests'—principally of those who owned large plantations and a considerable number of slaves—played an important role, which did not escape contemporary observers. The fact is that Arendt ultimately ends up identifying with the viewpoint of the rebel colonists, who retained a clear conscience as champions of the cause of liberty, repressing the macroscopic fact of

slavery by means of their ingenious euphemisms: what takes the place of such euphemisms is now the 'historicist' explanation.

8. Colonial expansions and the rebirth of slavery: the positions of Bodin, Grotius and Locke

Decidedly misleading as regards the American Revolution, might the 'historicist' approach be of some use in clarifying the reasons for the tangle of freedom and oppression that was already manifest in the two preceding liberal revolutions? Although contemporaries, in as much as both of them straddled the sixteenth and seventeenth centuries, Hugo Grotius and Jean Bodin expressed diametrically opposed positions on the issue of concern to us here. While the first justified slavery by appealing to the authority of the Bible and Aristotle, the second refuted both these arguments. Having observed that in the Hebrew world only gentiles could be subjected to perpetual slavery, and that Christians and Muslims observed similar norms and customs, Bodin concluded that 'those who profess all these three religions only partially observe the law of God with regard to slaves', as if the prohibition of this horrible institution only applied to blood relations, not humanity as a whole. If a distinction among the three monotheistic religions could be made, it was to the advantage of Islam, which had proved capable of expanding thanks to a courageous policy of emancipation.[130]

Bodin also rejected Aristotle's thesis, adopted and even radicalized by Grotius, that some individuals and peoples are naturally slaves. As proof of this, the universal diffusion, temporal and spatial, of the institution of slavery was often cited. But (objected the French author) no less universally diffused were slave revolts:

As for the argument that slavery could not have been so enduring if it had been contrary to nature, I would answer that the principle holds good for natural agents whose property it is to obey of necessity the unchanging laws of God. But man, being given the choice between good and evil, inclines for the most part to do that which is forbidden and chooses the evil, defying the laws of God and of nature. So much is such a one under the domination of his corrupt imagination, that he takes his own will for the law. There is no sort of impiety or wickedness which in this way has not come to be accounted virtuous and good.[131]

While it had long seemed obvious and been generally accepted, and still continued to be, the institution of slavery pertained not to nature but to history—more precisely, to a deplorable and execrable chapter of history, which must rapidly be closed once and for all. It made no sense to try to justify it on the basis of right of war (as did Grotius): '[W]hat charity is there in sparing captives in order to derive some profit or pleasure from them as if they were cattle?'[132] In short, Grotius and Bodin were contemporaries. While the former was an expression of liberal Holland, the latter was a theorist of absolute monarchy. But it was he—not Grotius—who questioned the absolute power wielded by the master over his slaves.

We arrive at a similar result when, rather than with Grotius, we compare Bodin with Locke, whom he predated by some decades. Whereas the English liberal, also justifying

slavery with his gaze on the past, pointed to Spartacus as culpable of an 'aggression' against 'property' and legitimate power, Bodin expressed himself quite differently: 'The Romans, who were so great and powerful … however many laws they made, could not prevent the revolt of sixty thousand slaves led by Spartacus, who defeated the Roman army in open battle three times'.[133] In the English liberal the universalistic charge present in Bodin has disappeared, just as there is no longer any trace of the unconditional condemnation of slavery we can read in the French theorist of absolute monarchy. If we bear in mind 'the homicides, the cruelties and barbarities inflicted on slaves by their masters, it was an unmitigated catastrophe that the institution was ever introduced, and then, that once it had been declared abolished, it should ever have been allowed to persist.'[134]

The quotation above refers to persistence. In fact, Bodin traced a brief history of slavery in the world or, more precisely, the West (and the geographical area dominated by it). Certainly, the institution had been vital in Greco-Roman antiquity. As late as the American Civil War, the theorists and defenders of the southern cause appealed to the example and model of that splendid civilization in order to condemn abolitionism. By contrast, Bodin drew a rather realistic picture of classical antiquity. It was based on the enslavement of a number of human beings that was significantly greater than the number of free citizens. Consequently, it lived under the constant menace of slave revolts and, in order to solve the problem, did not hesitate to resort to the most barbaric measures, as proved by the massacre of 30,000 helots in Sparta 'in a single night'.[135] Subsequently, as a result also of the influence of Christianity, things seemed to change: 'Europe was freed of slavery after about 1250', but 'we see it today newly restored'. Following colonial expansion, it was 'in the process of being renewed throughout the world'. There had been a massive restoration of slavery, and already Portugal 'derives from it veritable herds as of beasts'.[136]

Hence, far from being affected by vulgar historicism's attempts at repression, the paradox that characterizes the American Revolution and early liberalism in general not only survives, but proves even more marked. We are in the presence of a political movement counter to the trend of authors who, centuries earlier, had pronounced an unequivocal condemnation of the institution of slavery. While Locke, champion of the struggle against absolute monarchy, justified the white master's absolute power over the black slave, a theorist of monarchical absolutism—Bodin—condemned such power.

In analyzing the relationship that the three liberal revolutions developed on the one hand with the blacks, and on the other with the Irish, Indians and natives, it is misleading to start out from the presupposition of a homogeneous historical time unmarked by fractures and flowing in unilinear fashion. Clearly predating Locke and Washington, and a contemporary of Grotius, was Montaigne, in whom we find a memorable self-critical reflection on the West's colonial expansion that we would seek in vain in them. Such a reflection can even be read as a prefigurative but timely critique of the attitude of Grotius, Locke and Washington towards non-European populations. Among them there was 'nothing savage or barbarous'; the fact was that 'every man calls barbarous anything he is not accustomed to'. People took their own country as a model: 'There we always find the perfect religion, the perfect polity, the most developed and perfect way of doing anything!'[137] Going back further, we

encounter Las Casas and his critique of the arguments employed to de-humanize the Indian 'barbarians'[138]—the arguments that are more or less widely echoed by Grotius, Locke and Washington.

It should be added that the 'historicist' explanation turns out to be unfounded not only as regards the relationship with colonial peoples. While Fletcher, a self-defined 'republican on principle', member of the Scottish parliament and supporter of the liberal political world derived from the Glorious Revolution, called for 'mak[ing] slaves of all those who are unable to provide for their own subsistence',[139] Bodin also condemned slavery for 'vagrants and idlers'.[140] According to the observation of a great historian, it was in 'the period between 1660 and 1760' (the decades of the rise of the liberal movement) that an attitude of unprecedented harshness spread in England towards wage-labourers and the unemployed, 'which has no modern parallel except in the behaviour of the less reputable of white colonists towards coloured labour'.[141]

To understand the radical character of the paradox we are examining, let us return to Bodin. He primarily attributed the return of slavery in the world to the 'greed of merchants', and then added: 'If the princes do not set things in good order, it will soon be full of slaves.'[142] Not only was slavery not a residue of the past and backwardness, but the remedy for it was to be sought not in the new political and social forces (liberal in orientation), but, on the contrary, in monarchical power. Thus argued Bodin, but thus likewise argued Smith two centuries later. On the other hand, in recommending the conversion of beggars into slaves, Fletcher polemicized against the Church, which he rebuked for having promoted the abolition of slavery in classical antiquity and for opposing its reintroduction in the modern world, thus encouraging the sloth and dissipation of vagrants.[143] In this case, too, the institution of slavery was felt to be in contradiction not with the new social and political forces, but with a power that was pre-modern in origin. Such considerations can also be applied to Grotius, who likewise developed an argument, if not against Christianity as such, then against interpretations of it in an abolitionist register:

> [W]hat the Apostles and antient Canons enjoin Slaves, of not leaving their Masters, is a general Maxim, and only opposed to the Error of those who rejected every Subjection, both private and publick, as a State inconsistent with the Liberty of Christians.[144]

The Virginian property-owners who prevented the baptism of slaves in the late seventeenth century, so as not to spoil the spirit of submission and to avoid the emergence of a sense of pride in them because they belonged to the same religious community as the masters, provoked complaints from Church and Crown alike.[145] Once again, we see that it was the forces of the *ancien régime* which acted to check and contain the novelty represented by racial slavery.

Recourse to vulgar historicism to 'explain' or repress the surprising tangle of freedom and oppression that characterizes the three liberal revolutions we have referred to is fruitless. The paradox persists and awaits a genuine, less comforting explanation.

---

1 John C. Calhoun, *Union and Liberty*, ed. R.M. Lence, Indianapolis: Liberty Classics, 1992, p. 529.

2 Ibid., pp. 528–31.

3 Ibid., pp. 30–1.

4 Ibid., pp. 30–3.

5 Ibid., p. 474.

6 Ibid., p. 582.

7 Ibid., pp. 529, 473.

8 Lord Acton, *Selected Writings*, 3 vols, ed. J. Rufus Fears, Indianapolis: Liberty Classics, vol. 1, pp. 240, 250; vol. 3, p. 593.

9 C. Gordon Post, Introduction to John C. Calhoun, *A Disquisition on Government*, New York: Liberal Arts Press, 1953, p. vii.

10 Ross M. Lence, Foreword to Calhoun, *Union and Liberty*, p. xxiii.

11 Giovanni Sartori, *Democrazia e definizioni*, Bologna: Il Mulino, 1976, p. 151; Sartori, *The Theory of Democracy Revisited*, Chatham (NJ): Chatham House Publishers, 1987, pp. 239, 252.

12 François Furet and Denis Richet, *La rivoluzione francese*, trans. Silvia Brilli Cattarini and Carla Patanè, Rome and Bari: Laterza, 1980, pp. 120–1, 160–1.

13 John Stuart Mill, *Collected Works*, 33 vols, ed. John M. Robson, Toronto and London: University of Toronto Press and Routledge and Kegan Paul, 1963–91, vol. 21, p. 157; vol. 1, p. 267.

14 John Locke, *Political Writings*, ed. David Wooton, London and New York: Penguin, 1993, p. 230.

15 David B. Davis, *The Problem of Slavery in the Age of Revolution, 1770–1823*, Ithaca: Cornell University Press, 1975, p. 45.

16 See John Locke, *Two Treatises of Government*, ed. William S. Carpenter, London and New York: Everyman's Library, 1924, bk 1, ch. 1.

17 Calhoun, *Union and Liberty*, p. 374.

18 Maurice Cranston, *John Locke*, London: Longmans, 1959, pp. 114–15; Hugh Thomas, *The Slave Trade*, New York: Simon & Schuster, 1997, pp. 199, 210.

19 Calhoun, *Union and Liberty*, p. 590.

20 Frank Freidel, *Francis Lieber*, Gloucester (MA): Peter Smith, 1968, pp. 278, 235–58.

21 Edmund S. Morgan, 'Slavery and Freedom: The American Paradox', *Journal of American History*, vol. LIX, no. 1, 1972, p. 11; cf. Karl Marx, *Capital: Volume One*, trans. Ben Fowkes, Harmondsworth: Penguin, 1976, p. 882 n. 9.

22 Marx, *Capital: Volume One*, p. 882 n. 9.

23 Edmund S. Morgan, *American Slavery, American Freedom*, New York: Norton, 1995, p. 325.

24 Henry R. Fox Bourne, *The Life of John Locke*, 2 vols, Aalen: Scientia, 1969, vol. 1, p. 481; John Locke, *The Correspondence*, 8 vols, ed. Esmond S. De Beer, Oxford: Clarendon Press, 1976–89, vols 5–7, *passim*.

25 Thomas Jefferson, *Writings*, ed. Merrill D. Peterson, New York: Library of America, 1984, p. 1134 (letter to the Earl of Buchan, 10 July 1803).

26 Morgan, *American Slavery, American Freedom*, p. 382; J. G. A. Pocock, *The Machiavellian Moment*, Princeton: Princeton University Press, 1975, p. 528.

27 Thomas Paine, *Collected Writings*, ed. Eric Foner, New York: Library of America, 1995, p. 45 n.

28 Adam Smith, *Correspondence*, ed. Ernest Campbell Mossner and Ian Simpson Ross, Indianapolis: Liberty Classics, 1987, p. 309 (letter to Archibald Davidson, 16 November 1787).

29 David B. Davis, *The Problem of Slavery in Western Culture*, Ithaca and New York: Cornell University Press, 1966, pp. 374–9.

30 Adam Smith, *Lectures on Jurisprudence*, Indianapolis: Liberty Classics, 1982, pp. 452–3, 182.

31 Arthur M. Schlesinger Jr, ed., *History of US Political Parties*, New York and London: Chelsea House and Bawker, 1973, pp. 915–21.

32 Calhoun, *Union and Liberty*, p. 473.

33 William Blackstone, *Commentaries on the Laws of England*, 4 vols, Chicago: University of Chicago Press, 1979, vol. 1, p. 6.

34 Charles-Louis Montesquieu, *The Spirit of the Laws*, trans. and ed. Anne M. Cohler, Basia Carolyn Miller and Harold Samuel Stone, Cambridge: Cambridge University Press, 1989, p. 156.

35 Charles-Louis Montesquieu, *Oeuvres complètes*, ed. Roger Caillois, Paris: Gallimard, 1949–51, vol. 1, p. 884; Montesquieu,

Spirit of the Laws, pp. 243, 325.

36 Montesquieu, *Spirit of the Laws*, pp. 328–9.

37 Blackstone, *Commentaries*, vol. 1, pp. 122–3.

38 Locke, *Two Treatises*, p. 3.

39 Janice Potter-Mackinnon, *The Liberty We Seek*, Cambridge (MA): Harvard University Press, 1983, pp. 115–16.

40 Edmund Burke, *The Works: A New Edition*, 16 vols, London: Rivington, 1826, vol. 3, pp. 123–4, 66.

41 Boucher, quoted in Anne Y. Zimmer, *Jonathan Boucher*, Detroit: Wayne State University Press, 1978, p. 153.

42 Burke, *Works*, vol. 3, p. 135.

43 Barry Alan Shain, *The Myth of American Individualism*, Princeton: Princeton University Press, 1994, p. 290.

44 Potter-Mackinnon, *The Liberty We Seek*, p. 16.

45 Benjamin Franklin, *Writings*, ed. J. A. Leo Lemay, New York: Library of America, 1987, pp. 646–7.

46 Eric Foner, *The Story of American Freedom*, London: Picador, 1999, p. 32.

47 Boucher, quoted in Zimmer, *Jonathan Boucher*, p. 297.

48 John Millar, *The Origin of the Distinction of Ranks*, Aalen: Scientia, 1986, p. 294.

49 Sharp, quoted in Davis, *The Problem of Slavery in the Age of Revolution*, pp. 272–3, 386–7.

50 Franklin, *Writings*, pp. 648–9.

51 Cf. Davis, *The Problem of Slavery in the Age of Revolution*, p. 273; Francis Jennings, *The Creation of America*, Cambridge and New York: Cambridge University Press, 2000, p. 169.

52 Morgan, *American Slavery, American Freedom*, pp. 5–6.

53 Foner, *The Story of American Freedom*, p. 36.

54 Burke, *Works*, vol. 3, pp. 67–8.

55 Robin Blackburn, *The Overthrow of Colonial Slavery, 1776–1848*, London and New York: Verso, 1990, p. 80.

56 Seymour Drescher, *Capitalism and Antislavery*, Oxford and New York: Oxford University Press, 1987, p. 174 n. 34.

57 Ibid., p. 170 n. 19.

58 Gee, quoted in Christopher Hill, *Reformation to Industrial Revolution*, Harmondsworth: Penguin, 1969, p. 227.

59 Postlethwayt, quoted in Davis, *The Problem of Slavery in Western Culture*, p. 150; Eric R. Wolf, *Europe and the Peoples without History*, Berkeley: University of California Press, 1982, p. 198.

60 Postlethwayt, quoted in Jennings, *The Creation of America*, p. 206.

61 Blackburn, *The Overthrow of Colonial Slavery*, p. 143.

62 Richard S. Dunn, 'The Glorious Revolution and America', in Nicholas Canny, ed., *The Origins of Empire*, Oxford and New York: Oxford University Press, 1998, pp. 463–5.

63 Marx's characterization in Marx, *Capital: Volume One*, p. 926.

64 Josiah Tucker, *Collected Works*, London: Routledge and Thoemmes Press, 1993–96, vol. 5, pp. 21–2.

65 Bourne, *Life of John Locke*, vol. 1, p. 481.

66 Seymour Drescher, *From Slavery to Freedom*, London: Macmillan, 1999, pp. 203, 199.

67 Immanuel Wallerstein, *The Modern World System*, 3 vols, New York: Academic Press, 1974–89, vol. 2, p. 52.

68 Jennings, *Creation of America*, p. 26.

69 David B. Davis, *Slavery and Human Progress*, Oxford and New York: Oxford University Press, 1986, p. 75.

70 Hill, *From Reformation to Industrial Revolution*, p. 156.

71 Drescher, *From Slavery to Freedom*, p. 215.

72 Voltaire, *Candide and Other Stories*, trans. and intro. Roger Pearson, London: Everyman's Library, 1992, p. 50.

73 Marie-Jean-Antoine Condorcet, *Oeuvres*, 12 vols, ed. Arthur Condorcet O'Connor and François Arago, Stuttgart and Bad Cannstatt: Fromman-Holzboog, 1968, vol. 7, p. 135.

74 Zimmer, *Jonathan Boucher*, p. 297.

75 Arthur Zilversmit, *The First Emancipation*, Chicago: University of Chicago Press, 1969, pp. 165, 182.

76 Drescher, *From Slavery to Freedom*, pp. 211, 218, 196.

77 Paine, *Collected Writings*, pp. 35, 137.

78 Henry S. Commager, ed., *Documents of American History*, 2 vols, New York: Appleton-Century-Crofts, 1963, vol. 1, pp. 208–9.

79 Nelcya Delanoë and Joelle Rostkowski, *Les Indiens dans l'histoire américaine*, Nancy: Presses Universitaires de Nancy, p. 39 (letter from Washington to his friend W. Crawford, 21 September 1767).

80 George Washington, *A Collection*, ed. William B. Allen, Indianapolis: Liberty Classics, 1988, pp. 475–6 (presidential message, 25 October 1791).

81 Delanoë and Rostkowski, *Les Indiens*, pp. 50–2 (letter from Washington to J. Duane, 7 September 1783).

82 Franklin, *Writings*, p. 1422.

83 Ibid., p. 98.

84 Burke, *Works*, vol. 3, pp. 63–4.

85 Boucher, quoted in Zimmer, *Jonathan Boucher*, p. 295.

86 Colin G. Calloway, *The American Revolution in Indian Country*, Cambridge: Cambridge University Press, 1995, pp. 278, 272.

87 Egerton Ryerson, *The Loyalists of America and Their Times*, 2 vols, New York: Haskell House, 1970, vol. 1, pp. 297–8 and n.; vol. 2, p. 100.

88 Jefferson, *Writings*, pp. 1312–13 (letter to Alexander von Humboldt, 6 December 1813).

89 Karl Marx and Friedrich Engels, *Werke*, 38 vols, Berlin: Dietz, 1955–89, vol. 16, p. 447.

90 George M. Frederickson, *White Supremacy*, New York: Oxford University Press, 1982, pp. 14–16.

91 Hill, *From Reformation to Industrial Revolution*, p. 164.

92 Marx, *Capital: Volume One*, p. 916; cf. Werner Sombart, *Der moderne Kapitalismus*, 3 vols, Munich: DTV, 1987, vol. 1, pt II, p. 709.

93 Daniel Defoe, *Giving Alms No Charity, And Employing the Poor a Grievance to the Nation*, London, 1704, p. 6.

94 Édouard Laboulaye, *Le parti libéral*, Paris: Charpentier, 1863, p. viii; François Guizot, 'Discours sur l'histoire de la révolution d'Angleterre', in *Histoire d'Angleterre*, Brussels: Société Typographique Belge, 1850, pp. 41–2.

95 Hugo Grotius, *On the Truth of Christianity*, trans. Spencer Madan, London: J. Dodsby, 1782, pp. 195–6.

96 Hugo Grotius, *The Rights of War and Peace*, 3 vols, ed. Richard Tuck, Indianapolis: Liberty Fund, 2005, vol. 2, pp. 1027, 1024.

97 Lewis Hanke, *Aristotle and the American Indians*, London: Hollis and Carter, 1959, p. 41.

98 Grotius, *Rights of War and Peace*, vol. 2, p. 565.

99 See ibid., vol. 1, ch. iii, §4; vol. 3, ch. iii, §4.

100 See ibid., vol. 3, ch. vii, §§2, 5.

101 Ibid., vol. 3, pp. 1496, 1372.

102 Ibid., vol. 1, p. 264.

103 See ibid., vol. 2, ch. xxii, §11.

104 See ibid., vol. 2, ch. xvi, §16; vol. 1, ch. iv, §11.

105 Ibid., vol. 2, p. 556.

106 Locke, *Two Treatises*, p. 158.

107 Anthony Pagden, 'The Struggle for Legitimacy and the Image of Empire in the Atlantic to c. 1700', in Canny, ed., *The Origins of Empire*, p. 43.

108 Locke, *Two Treatises*, pp. 129, 162, 134.

109 Ibid., pp. 136, 139, 152, 178.

110 Ibid., p. 139.

111 Ibid., pp. 133, 32.

112 Ibid., pp. 122, 125, 212.

113 Locke, *Political Writings*, p. 202.

114 William Lecky, *A History of England in the Eighteenth Century*, 8 vols, London: Longmans, Green and Co., 1883–88, vol. 1, pp. 296–7.

115 Locke, *Political Writings*, p. 203.

116 Cf. Paul Finkelman, *Slavery and the Founders*, Armonk (NY): Sharpe, 1996, pp. 3–5.

117 Georg W.F. Hegel, *Werke*, 20 vols, eds Eva Moldenhauer and Karl Markus Michel, Franfurt am Main: Suhrkamp, 1969–79, vol. 3, p. 35.

118 Hannah Arendt, *On Revolution*, London: Faber & Faber, 1963, p. 66.

119 Condorcet, *Oeuvres*, vol. 3, pp. 647–8.

120 Millar, *Origin of the Distinction of Ranks*, pp. 258, 261.

121 Condorcet, *Oeuvres*, vol. 3, p. 648.

122 Pierre-Victor Malouet, *Mémoire sur l'esclavage des nègres*, Neufchâtel, 1788, p. 152.

123 Louis-Narcisse Baudry des Lozières, *Les égarements du nigrophilisme*, Paris: Migneret, 1802, pp. 48, 156.

124 Tucker, *Collected Works*, vol. 1, p. 53.

125 Ibid., vol. 1, pp. 103–4.

126 Boucher, quoted in Zimmer, *Jonathan Boucher*, p. 296.

127 Foner, *The Story of American Freedom*, p. 36.

128 Finkelman, *Slavery and the Founders*, p. 3.

129 Condorcet, *Oeuvres*, vol. 7, p. 126.

130 Jean Bodin, *Six Books of the Commonwealth*, abridg. and trans. M.J. Tooley, Oxford: Basil Blackwell, n.d., pp. 18, 17.

131 Ibid., pp. 16, 17.

132 Ibid., p. 17.

133 Locke, *Two Treatises*, p. 216; Jean Bodin, *I sei libri dello Stato*, trans. Margherita Isnardi Parente, Turin: UTET, 1988, vol. 1, p. 247.

134 Bodin, *Six Books*, p. 18.

135 Bodin, *I sei libri*, vol. 1, pp. 247–8.

136 Ibid., pp. 253, 238, 260.

137 Michel de Montaigne, *The Complete Essays*, ed. and trans. M.A. Screech, London: Penguin, 2003, p. 231.

138 Bartolomé de las Casas, *La leggenda nera*, trans. Alberto Pincherle, Milan: Feltrinelli, 1981, ch. xii.

139 Marx, *Capital: Volume One*, pp. 882–3 n. 9.

140 Bodin, *I sei libri*, vol. 1, p. 262 (bk 1, ch. 5).

141 R. H. Tawney, *Religion and the Rise of Capitalism*, *West* Drayton: Pelican, 1948, p. 267. C.B. Macpherson, *The Political Theory of Possessive Individualism*, Oxford: Oxford University Press, 1962, pp. 227–8 and Morgan, *American Slavery, American Freedom*, p. 325 reach the same conclusion.

142 Bodin, *I sei libri*, vol. 1, p. 260 (bk 1, ch. 5).

143 Morgan, *American Slavery, American Freedom*, p. 325.

144 Grotius, *Rights of War and Peace*, vol. 2, p. 561.

145 Morgan, *American Slavery, American Freedom*, p. 332.

Liberalism and Racial Slavery: A Unique Twin Birth

1. The limitation of power and the emergence of an unprecedented absolute power

To render it explicable, the paradox must first be expounded in all its radicalism. Slavery is not something that persisted despite the success of the three liberal revolutions. On the contrary, it experienced its maximum development following that success: 'The total slave population in the Americas reached around 330,000 in 1700, nearly three million by 1800, and finally peaked at over six million in the 1850s'.[1] Contributing decisively to the rise of an institution synonymous with the absolute power of man over man was the liberal world. In the mid-eighteenth century, it was Great Britain that possessed the largest number of slaves (878,000). The fact is unexpected. Although its empire was far more extensive, Spain came well behind. Second position was held by Portugal, which possessed 700,000 slaves and was in fact a kind of semi-colony of Great Britain: much of the gold extracted by Brazilian slaves ended up in London.[2] Hence there is no doubt that absolutely pre-eminent in this field was the country at the head of the liberal movement, which had wrested primacy in the trading and ownership of black slaves precisely from the Glorious Revolution onwards. It was Pitt the Younger himself who, intervening in April 1792 in the House of Commons on the subject of slavery and the slave trade, acknowledged that '[n]o nation in Europe … has … plunged so deeply into this guilt as Great Britain.'[3]

That is not all. To a greater or lesser extent, there survived in the Spanish and Portuguese colonies '*ancillary* slavery', which is to be distinguished from '*systemic* slavery, linked to plantations and commodity production'. And it was the latter type of slavery, established above all in the eighteenth century (starting from the liberal revolution of 1688–89) and clearly predominant in the British colonies, which most consummately expressed the de-humanization of those who were now mere instruments of labour and chattels, subject to regular sale on the market.[4]

This did not even involve a return to the slavery peculiar to classical antiquity. Certainly, chattel slavery had been widespread in Rome. Yet the slave could reasonably hope that, if not he himself, then his children or grandchildren would be able to achieve freedom and even an eminent social position. Now, by contrast, his fate increasingly took the form of a cage from which it was impossible to escape. In the first half of the eighteenth century, numerous English colonies in America enacted laws that made the emancipation of slaves increasingly difficult.[5]

The Quakers lamented the advent of what seemed to them a new and repugnant system. Slavery for a determinate period of time, and the other forms of more or less servile labour hitherto in force, tended to give way to slavery in the strict sense, to a permanent, hereditary condemnation of a whole people, who were denied any prospect of change and improvement, any hope of freedom.[6] Again, in a statute of 1696, South Carolina declared

that it could not prosper 'without the labor and service of negroes and other slaves'.[7] The barrier separating service and slavery was as yet not well defined, and the institution of slavery had not yet appeared in all its harshness. But the process that increasingly reduced slaves to chattels, and established the racial character of the condition they were subjected to, was already underway. An unbridgeable gulf separated blacks from the free population. Ever stricter laws prohibited interracial sexual and marital relations, making them a crime. We are now dealing with a hereditary caste of slaves, defined and recognizable by the colour of their skin. In this sense, in John Wesley's view, 'American slavery' was 'the vilest that ever saw the sun'.[8]

The verdict of American Quakers and British abolitionists has been fully confirmed by contemporary historians. At the end of a 'cycle of degradation' of blacks, with the ignition of the white 'engine of oppression' and the conclusive soldering of 'slavery and racial discrimination', we see at work in the 'colonies of the British empire' in the late seventeenth century a 'chattel racial slavery' unknown in Elizabethan England (and also classical antiquity), but 'familiar to men living in the nineteenth century' and aware of the reality of the southern United States.[9] Hence slavery in its most radical form triumphed in the golden age of liberalism and at the heart of the liberal world. This was acknowledged by James Madison, slave-owner and liberal (like numerous protagonists of the American Revolution), who observed that 'the most oppressive dominion ever exercised by man over man'—power based on 'mere distinction of colour'—was imposed 'in the most enlightened period of time'.[10]

Correctly stated, in all its radicalism, the paradox we face consists in this: the rise of liberalism and the spread of racial chattel slavery are the product of a twin birth which, as we shall see, has rather unique characteristics.

2. The self-government of civil society and the triumph of large-scale property

On its emergence, the paradox we are attempting to explain did not escape the most attentive observers. We have just seen Madison's admission; and we are familiar with Samuel Johnson's irony on the passionate love of liberty displayed by slave-owners; and Adam Smith's observation on the nexus between the persistence and reinforcement of slavery, on the one hand, and the power of representative bodies hegemonized by slave-owners, on the other. In this connection, however, we must also record other, no less significant interventions. In fighting for conciliation of the rebel colonies, Burke recognized the influence of slavery within them. But this did not impair the 'spirit of freedom'. On the contrary, it was precisely here that freedom appeared 'more noble and liberal'. Indeed, 'these people of the southern colonies are more much more strongly … attached to liberty, than those to the northward'.[11] This is a consideration that we also encounter, some decades later, from a Barbadian planter: 'you will … find that no nations in the world have been more jealous of their liberties than those amongst whom the institution of slavery existed'.[12] On the other side, in England, countering Burke and his policy of conciliation of the rebel colonists, Josiah Tucker pointed out how 'the Champions for American Republicanism' were simultaneously the promoters of the 'absurd Tyranny' they exercised over their slaves: this was 'a *republican Tyranny*, the worst of all Tyrannies'.[13]

In the authors cited here, there is a more or less clear awareness, accompanied by different value judgements, of the paradox we are examining. And perhaps precisely now it begins to lose its aura of impenetrability. Why should we be surprised that those demanding, or in the forefront of the demand for, self-government and 'freedom' from central political power were the major slave-owners? In 1839 an eminent representative of Virginia observed that the position of the slave-owner stimulated in him 'a more liberal cast of character, more elevated principles, a wider expansion of thought, a deeper and more fervent love, and juster estimate of that liberty by which he is so highly distinguished'.[14]

The wealth and leisure it enjoyed, and the culture it thus managed to acquire, reinforced the proud self-consciousness of a class that became ever more intolerant of the abuses of power, the intrusions, the interference and the constraints of political power or religious authority. Shaking off these constraints, the planter and slave-owner developed a liberal spirit and a liberal mentality.

Confirming this phenomenon are the changes that occurred from the Middle Ages. Between 1263 and 1265, by means of the *Siete partidas*, Alfonso X of Castile regulated the institution of slavery, which he seemed to recognize reluctantly because it was always 'unnatural'. What limited the property right in the first instance was religion: an unbeliever was not permitted to own Christian slaves and, in any event, the slave had to be guaranteed the possibility of living in conformity with Christian principles—whence the recognition of his right to establish a family and have the chastity and honour of his wife and daughters respected. Later, there were even cases of masters denounced to the Inquisition for their failure to respect the rights of their slaves. Further limiting the power of the property-owner was the state, profoundly influenced by religion. It was committed to disciplining and limiting the punishment inflicted by masters on slaves and variously sought to promote their emancipation (we are dealing with Christian subjects). Emancipation occurred from above when the slave performed a meritorious deed for the country; in such cases, the master deprived of his property was compensated by the state.[15]

The advent of modern property entailed the master's ability to dispose of it as he saw fit. In the Virginia of the second half of the seventeenth century, a law was in force that sanctioned the effective impunity of a master even when he killed his slave. Such behaviour could not be considered a 'felony', since '[i]t cannot be presumed that prepense malice (which alone makes murder felony) should induce any man to destroy his own estate.'[16] First with the Glorious Revolution and then later, more completely, with the American Revolution, the assertion of self-government by civil society hegemonized by slaveholders involved the definitive liquidation of traditional forms of 'interference' by political and religious authority. Christian baptism and profession of faith were henceforth irrelevant. In Virginia at the end of the seventeenth century, one could proceed 'without the solemnities of jury' to the execution of a slave guilty of a capital crime; marriage between slaves was no longer a sacrament, and even funerals lost their solemnity. At the beginning of the nineteenth century, a Virginian jurist (George Tucker) could observe that the slave was positioned 'below the rank of human beings, not only politically, but physically and morally'.[17]

The conquest of self-government by civil society hegemonized by large-scale property involved an even more drastic deterioration in the condition of the indigenous population.

The end of the control exercised by the London government swept away the last obstacles to the expansionistic march of the white colonists. Already harboured by Jefferson, and then explicitly and brutally formulated by the Monroe administration (the natives of the East must clear off the land, 'whether or not they agree, whether or not they become civilized'), the idea of deporting the Indians became a tragic reality with the Jackson Presidency:

> General Winfield Scott, with seven thousand troops and followed by 'civilian volunteers,' invaded the Cherokee domain, seized all the Indians they could find, and, in the middle of winter, sent them on the long trek to Arkansas and Oklahoma. The 'civilian volunteers' appropriated the Indians' livestock, household goods, and farm implements and burned their homes. Some fourteen thousand Indians were forced to travel the 'trail of tears,' as it came to be called, and about four thousand of them died on the way. An eyewitness to the exodus reported: 'Even aged females, apparently ready to drop into the grave, were travelling with heavy burdens attached to their backs, sometimes on frozen grounds and sometimes on muddy streets, with no covering for their feet.'[18]

3. The black slave and the white servant: from Grotius to Locke

While it stimulated the development of racial chattel slavery and created an unprecedented, unbridgeable gulf between whites and peoples of colour, the self-government of civil society triumphed, waving the flag of liberty and the struggle against despotism. Between these two elements, which emerged together during a unique twin birth, a relationship full of tensions and contradictions was established. Such a celebration of liberty, which was bound up with the reality of an unprecedented absolute power, can clearly be interpreted as an ideology. But however mystificatory it might be, ideology is never null. In fact, its mystificatory function cannot even be conceived without some incidence in concrete social reality. And still less can ideology be regarded as synonymous with conscious falsehood. Were that to be the case, it would not succeed in inspiring people and generating real social activity, and would be condemned to impotence. The theorists and agents of the liberal revolutions and movements were moved by a powerful, convinced pathos of liberty; and precisely for that reason, they displayed embarrassment at the reality of slavery. Obviously, in a majority of cases, such embarrassment did not push them to the point of questioning the 'property' on which the wealth and social influence of the class protagonist in the struggle for the self-government of civil society were based. As regards England, the course was taken that removed slavery in the strict sense to a geographical area remote from the metropolis, situated at the edge of the civilized world, where, precisely on account of the proximity and pressure of barbarous circumstances, the spirit of liberty was not manifested in all its purity, unlike in England proper—the true homeland, the promised land of liberty.

However, this was a conclusion reached via a route marked by oscillations and contradictions of various kinds. In Grotius the colour barrier is not yet visible that separates the fate reserved for blacks from the condition to which the poorest layers of the white population can be subjected. We read: 'perfect and utter Slavery, is that which obliges a Man to serve his Master all his Life long, for Diet and other common Necessaries; which

indeed, if it be thus understood, and confined within the Bounds of Nature, has nothing too hard and severe in it. However, slavery was not the only form of *servitus*, but only the 'most ignoble … Kind of Subjection' (*subjectionis species ignobilissima*).[19] There was also *servitus imperfecta*, peculiar, among others, to serfs and *mercenarii* or wage-labourers.[20] Thus, labour as such was subsumed under the category of 'service' (*servitus*) or 'subjection' (*subjectio*). Obviously, there is a difference between the two forms of 'service' and 'subjection'. While it violated 'natural reason' or 'the Rules of full and compleat Justice'—i.e. the norms of morality—on the basis of the legislation in force in some countries the master could kill his slave with impunity and hence exercise a right of life and death over him.[21] This was something not found in the sphere of *servitus imperfecta* and the labour relationship that employed *mercenarii* or wage-labourers. Nevertheless, we are dealing with a particular *species* of the single *genus* that is service or subjection. The boundary between the various species is fluid. For example, of the 'apprentices [*apprenticii*] in England', it was to be noted that they 'come nearest to the State of Slavery, during their Apprenticeship'—that is to say, to the condition of slaves proper.[22] On the other hand, by way of atoning for a crime one could be condemned to labour and to render one's services either as a slave or as an individual subjected to some form of 'imperfect slavery'.[23]

Compared with Grotius, Locke was concerned to distinguish more rigorously between the various kinds of service. Elements of continuity are certainly not lacking. Speaking of wage-labour and the contract that establishes it, the English philosopher wrote: 'a free man makes himself a servant to another'. As we can see, labour as such continues to be subsumed under the category of service. In fact, the contract introduces the wage-labourer 'into the family of his master, and under the ordinary discipline thereof'. This discipline was in fact very different from the unlimited power that characterized the relationship of slavery and defined the 'perfect condition of slavery'.[24] Grotius' distinction between *servitus perfecta* and *servitus imperfecta* reappears in broad outline.

But Locke urges us not to confuse servant and slave. Grotius compared the slave to a *'perpetual Hireling'*, or a wage-labourer bound for the duration of his natural term to the same master.[25] By contrast, Locke stressed that we are dealing with two different statuses. In addition to being 'temporary', the power exercised by the master over a servant 'is no greater than what is contained in the contract between them'.[26] If, on the one hand, this made the condition of the servant better, on the other, it rendered that of the slave proper manifestly worse. Shaking off the moral inhibitions of Grotius, who called on the master to respect not only the life but also the specificity of his slave, Locke endlessly stressed that the master exercises over the slave an 'absolute dominion' and 'absolute power', a 'legislative power of life and death', an 'arbitrary power' encompassing 'life' itself.[27]

At this point, the slave tends to lose his human characteristics and become reduced to a thing and a chattel, as emerges in particular from the reference to the planters of the East Indies who possess 'slaves or horses' on the basis of a regular 'purchase', and this 'by bargain and money'.[28] Without any hint of criticism, Locke engaged in a conjunction that signifies a firm, indignant denunciation in abolitionist literature. This applies to Mirabeau, who (as we shall see) compared the condition of American slaves with 'our horses and our mules'; and to Marx, who observed in *Capital*: 'The slave-owner buys his worker in the same way as he buys his horse.'[29]

Locke marks a turning point theoretically. Sometimes freed by their masters, blacks slaves were long subjected to a condition not markedly dissimilar from that of indentured servants —that is, temporary white semi-slaves on a contractual basis. And it is this ambiguity that finds expression in the text of Grotius, who can hence also apply the category of contract to *servitus perfecta.* In Locke, by contrast, we can read the development which chattel slavery and racial slavery began to undergo from the late seventeenth century. A whole series of English colonies in America enacted laws intended to make it clear that the slave's conversion did not entail his emancipation.[30] Locke expressed himself thus in 1660 when, referring to Paul of Tarsus, he asserted that 'conversion did not dissolve any of those obligations they were tied in before … the gospel continued them in the same condition and under the same civil obligations [under which] it found them. The married were not to leave their consorts, nor the servant freed from his master.'[31] In complete conformity with this theoretical position, in the draft Carolina Constitution Locke reiterated the irrelevance of possible conversion to Christianity for the condition of the slave. And, once again, the element of novelty emerges. Although rejecting an abolitionist interpretation of Christianity, Grotius repeatedly appealed to Christian literature to underscore the common humanity of servant and master, both of them subject to the Father in Heaven, and hence in a relationship with each another that was in some sense one of fraternity.[32] The *Second Treatise of Government* is concerned, instead, to make it clear that the principle of equality applies exclusively to 'creatures of the same species and rank', only if 'the lord and master of them all should [not], by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty'.[33] Blacks were burdened by the curse which, according to the Old Testament story, Noah had uttered against Ham and his descendants. This ideological motif, often invoked by defenders of the institution of slavery, seems also to find some echo in Locke.

There is no doubt: the English liberal philosopher legitimized the racial slavery that was being established in the politico-social reality of the time. Subject to ever more onerous conditions, the practice of emancipation tended to disappear; while, together with the neutralization of religion and baptism, laws prohibiting interracial sexual and marital relations sanctioned the insurmountable character of the boundary between whites and blacks. At this point the category of contract can serve to explain only the figure of the servant, while the slave is such as a result of right of war (more precisely, just war, of which Europeans engaged in colonial conquests are protagonists), or of a divine 'manifest declaration'.

In order to clarify the difference between 'the perfect condition of slavery' and that of the indentured servant, Locke referred to the Old Testament, which provides for permanent, hereditary slavery only for gentiles, excluding from it servants who are blood relations of the Hebrew master.[34] The Old Testament line of demarcation between Hebrews and gentiles is configured in Locke as the line of demarcation between whites and blacks: servants of European origin are not subject to 'perfect slavery', which is intended for blacks and repressed to the colonies.

4. The pathos of liberty and unease about the institution of slavery: the case of Montesquieu

Liberal unease over slavery found what is perhaps its most acute expression in Montesquieu, who devoted some memorable pages to a critique of the institution. The reasons traditionally adduced by 'jurists' in justification of slavery were 'not sensible'.[35] And it was pointless trying to find others: 'If I had to defend the right we had of making Negroes slaves, here is what I would say: The peoples of Europe, having exterminated those of America, had to make slaves of those of Africa in order to use them to clear so much land.' Yet this condemnation, so ringing and seemingly unequivocal, soon gave way to a much more ambiguous discourse: 'There are countries where the heat enervates the body and weakens the courage so much that men come to perform an arduous duty only from fear of chastisement: slavery there runs less counter to reason'. In such cases, while not conforming to abstract reason, slavery was in accord with 'natural reason' (*raison naturelle*), which took account of climate and concrete circumstances.[36] True, Montesquieu observed that 'there is no climate on earth where one could not engage freemen to work'.[37] But if the tone is uncertain here, much clearer is the assertion that a distinction must be made between those countries where the climate can in some way be an element justifying slavery and those where 'even natural reasons reject it, as in the countries of Europe where it has so fortunately been abolished'.[38] Hence it is necessary to take cognizance of the 'uselessness of slavery among ourselves' and restrict 'natural slavery [*servitude naturelle*] ... to certain particular countries of the world'.[39] On the one hand, Montesquieu endlessly stressed that freedom is an attribute—in fact, a way of living and being—of Nordic peoples, while, on the other, slavery had been 'naturalized ... among the southern peoples'.[40] A general law could be formulated: 'one must not be surprised that the cowardice of the peoples of hot climates has almost always made them slaves and that the courage of the peoples of cold climates has kept them free. This is an effect that derives from its natural cause.'[41]

Prominent in Grotius and Locke, the contrast between metropolis and colonies also emerges in Montesquieu. It is not by chance that in *The Spirit of the Laws*, rather than being introduced in the books devoted to analysing freedom, the considerations on slavery make their appearance in the context of the discourse on the relationship between climate and laws and customs. The transition from Books XI–XIII, whose subjects are the 'Constitution', 'political freedom' and 'freedom' as such, to Books XIV-XVI, which deal with 'climate', despotism and 'domestic slavery' (slavery proper), is, at the same time, the transition from Europe—in particular, England—to the non-European world and the colonies. For that very reason, in asserting a climatic justification of slavery, its supporters would have no difficulty in appealing to Montesquieu.[42] With his argument the French philosopher targeted not the theorists of slavery as such, but those who held to the thesis that 'it would be good if there were slaves among us'.[43]

As regards the colonies, it was a question of seeing 'what the laws ought to do in relation to slavery'. Rather than abolition, Montesquieu's discourse focused on amending the institution: 'whatever the nature of slavery, civil laws must seek to remove, on the one hand, its abuses, and on the other, its dangers'.[44] Are those 'civil laws' the *Code noir* issued some years earlier by Louis XIV, which consecrated black slavery and, at the same time, proposed to regulate it? The language of that document suggests as much. While he reiterated his 'power', in the preamble the sovereign asserted his concern for black slaves, who lived in 'climates infinitely remote from our habitual sojourn'. They were to be

guaranteed food and adequate clothing (Articles 22 and 25). And such guarantees, together with any treatment that was necessary, also applied to 'slaves who are infirm on account of old age, illness or other circumstances, regardless of whether the illness is curable' (Article 27).[45] These are concerns that also find expression in *The Spirit of the Laws:* 'The magistrate should see to it that the slave is nourished and clothed; this should be regulated by law.'[46] Montesquieu went on to assert that the slave must not be left completely at the mercy of the master's arbitrary power. The latter might impose a death penalty in his capacity as a 'judge', respecting legal 'formalities', not as a private person. The *Code noir* argued in analogous fashion, providing for sanctions for the master guilty of the arbitrary mutilation or killing of his slave (Articles 42–43).

The Spirit of the Laws counted the sexual exploitation of female slaves among the main 'abuses of slavery': 'Reason wants the power of the master not to extend beyond things that are of service to him; slavery must be for utility and not for voluptuousness. The laws of modesty are a part of natural right and should be felt by all the nations in the world.'[47]

In homage to the precepts of the 'Catholic, apostolic and Roman religion', the *Code noir* regarded as 'valid marriages' those contracted between slaves who professed this religion (Article 8). It banned the separate sale of individual members of the family thus constituted (Article 47) and sought to repress the sexual exploitation of female slaves. A free, single man who had had children by a slave was obliged to marry her and recognize the offspring, who were to be freed together with the mother (Article 9).

Further confirming that he intended to amend, rather than abolish, slavery is the fact that Montesquieu, as well as to its 'abuses', called attention to the 'dangers' it entailed and the 'precautions' required to confront them. Particular attention must be paid to the 'danger of a large number of slaves' and that represented by 'armed slaves'. This warranted a recommendation of a general kind: 'In the moderate state, the humanity one has for slaves will be able to prevent the dangers one could fear from there being too many of them. Men grow accustomed to anything, even to servitude, provided the master is not harsher than the servitude.'[48]

In his desire to temper colonial slavery, Montesquieu looked for inspiration to the norms promulgated by the *ancien régime*, which in fact had no influence in the English world admired by him. In any case, his condemnation of slavery is sharp only when it also seeks to break in 'among ourselves', thereby throwing Europe's proud self-consciousness about being the exclusive locus of liberty into crisis. Along with despotism, slavery was present in Turkey and the Islamic world, and in Russia (in the form of abject serfdom), and prevailed unchallenged in Africa. But there was no room for it in Europe, or, rather, on metropolitan territory. The discourse relating to the colonies was different and more complex.

5. The Somersett case and the delineation of liberal identity

Blackstone's position is close to Montesquieu's. We are in the mid-eighteenth century: 'the law of England abhors, and can not endure the existence of, slavery within this nation'; not even its humblest, most base members, not even 'idle vagabonds' could be subjected to slavery.[49] The 'spirit of liberty' (argued the great jurist) 'is so deeply implanted in our constitution, and rooted even in our very soil' that it could not in any instance permit the

presence or spectacle of a relationship that was the concentrated expression of absolute power.[50] '[S]trict slavery' existed in 'old Rome' and continued to flourish in 'modern Barbary', but was now incompatible with the 'spirit' of the English nation.[51]

On the other hand, among the rights enjoyed by free men was free, undisturbed enjoyment of property, including property in slaves, on condition that the latter remained banished to the colonial world. The relationship between master and slave—and this applied to all 'sorts of servants', including slaves—was one of the 'great relations in private life';[52] political authority had no right to intervene in it. And thus, celebration of England as the land of liberty was not perceived by Blackstone as being in contradiction with his reassertion of the black slave's duty to serve his master. That was a duty which, on the basis of the 'general principles' of the 'laws of England', did not come to an end even were the 'heathen negro' to be converted to Christianity. Not even in that case could the slave stake a claim to 'liberty'.[53]

Although recognized, the institution of slavery was, as it were, repressed from the 'soil' of England, confined to the border zone between the civilized world and barbarism. But what happened when a white master brought one of his slaves with him from the colonies as movable property? This was the problem raised by an impassioned debate in England in 1772. Turning to the courts, a slave—James Somersett—succeeded in extricating himself from the master who attempted to take him with him, in his capacity as movable property, on his return journey to Virginia. The Chief Justice's judgment did not challenge the institution of slavery; it limited itself to asserting that 'colonial laws' only applied 'in the colonies', and hence that slavery had no legal basis in England. Somersett's counsel eloquently proclaimed: 'The air of England is too pure for a slave to breathe.' But from this principle he deduced the conclusion that it was necessary to avoid an influx of blacks from Africa or America into England. Somersett's master was held responsible for an assault on the purity of the land of the free, who could not tolerate being confused and mixed up with slaves, rather than a violation of the liberty and dignity of a human being. Not by chance, the 1772 judgment provided the premises for the subsequent deportation to Sierra Leone of blacks who, as loyal subjects of the Crown, sought refuge in England after the victory of the rebel American colonists.[54]

The contours of liberal freedom are beginning to become clear. Authors like Burgh and Fletcher could still be regarded as champions of the cause of liberty by Jefferson, who lived in a situation where black slavery and widespread ownership of land (taken from the Indians) made the project of enslaving white vagrants purely academic. In Europe things were different, as emerges from the interventions of Montesquieu and Blackstone. Those who did not subscribe to the principle of the inadmissibility and 'uselessness of slavery among ourselves' began to be regarded as foreign to the emerging liberal party. Starting with Montesquieu and then, more clearly, Blackstone and the judgment in the Somersett case, what characterized the emergent liberal party were two essential points: (1) condemnation of despotic political power and the demand for self-government by civil society in the name of liberty and the rule of law; (2) assertion of the principle of the inadmissibility and 'uselessness of slavery among ourselves', or of the principle on whose basis England—and, prospectively, Europe—possessed 'too pure' an air to be able to tolerate the presence of slaves on its 'soil'. The second point is no less essential than the

first. The legitimation of 'slavery among ourselves' would involve the dispersion of the pathos of liberty that played a key role in the liberal demand for self-government by civil society, or the self-government of the community of the free.

6. 'We won't be their Negroes': the colonists' rebellion

But the metropolis/colonies opposition, with its tendential exclusion of the latter from the sacred space of civilization and liberty, was bound to provoke a reaction from the colonists. Independently of particular concrete political and social demands, what was wounded was their self-consciousness. The metropolis seemed to be assimilating the American colonies to the 'modern Barbary' denounced by Blackstone; it seemed to be degrading them to a sort of dustbin, where the metropolitan rejects or prison population were dumped. The inmates of the mother country's prisons were deported across the Atlantic to supply, along with blacks from Africa, the more or less forced labour required by it. According to the observation of the English abolitionist David Ramsay, slavery continued to survive in the region of the confines of the civilized world—namely, the West—'where [its] proper religion and laws are not deemed to be in full force; and where individuals too often think themselves loosened from ties, which are binding in the mother country'.[55]

If it saved the metropolis's honour as the privileged site of liberty, despite the persistence of slavery on its extreme periphery, this view was wrong in the colonists' view, because it confounded and assimilated free Englishmen, prison rabble and people of colour. In this way, lamented James Otis, a prominent supporter of the liberal revolution underway, one forgot that the colonies had been founded not 'with a compound mixture of *English, Indian and Negro*, but with freeborn *British white* subjects'. Even more swingeing was Washington, who warned that the American colonists felt 'as miserably oppressed as our own blacks'.[56] Having repeated that the American colonists could boast a lineage not less noble and deserving of liberty than the metropolitan English, John Adams exclaimed with reference to the rulers in London: 'We won't be their Negroes'![57]

Quite apart even from the problem of representation, the spatial delimitation of the community of the free was perceived as an intolerable exclusion. On the other hand, the colonists, in demanding equality with the dominant British class, widened the gulf that separated them from blacks and Indians. While in London the zone of civilization was distinguished from the zone of barbarism, the sacred space from the profane, primarily by opposing the metropolis to the colonies, the American colonists were led to identify the boundary line principally in ethnic identity and skin colour. On the basis of the 1790 Naturalization Act, only whites could become citizens of the United States.[58]

The transition from a spatial delimitation of the community of the free to an ethnic and racial one brought with it combined, contradictory effects of inclusion and exclusion, emancipation and dis-emancipation. Whites, even the poorest among them, also came within the sacred space; they found themselves forming part of the community or race of the free, albeit situated at inferior levels. White slavery disappeared, condemned by New York polite society as 'contrary to … the idea of liberty this country has so happily established'. But the tendential emancipation of poor whites was only the other side of the coin of further dis-emancipation of blacks. The condition of the black slave deteriorated by

virtue of no longer being, as in colonial America, one of several systems of unfree labour.[59] In Virginia (and other states) land and black slaves were given to veterans of the War of Independence, in recognition of their contribution to the cause of the struggle against despotism;[60] the tendential social rise of poor whites coincided with the consummate dehumanization of black slaves.

7. Racial slavery and the further deterioration in the condition of the 'free' black

It was not only a question of slaves. The triumph of the ethnic delimitation of the community of the free was bound seriously to affect the condition of those blacks who were notionally free. They were now struck by a series of measures that tended to render the colour line, the demarcation between the race of the free and the race of slaves, inviolable. Blacks not subject to slavery began to be perceived as an anomaly that would sooner or later have to be rectified. Their condition at the end of the eighteenth century was summed up by one of them in Boston, referring both to strictly legal forms of oppression and to the insults and threats which, while not legal, were widely tolerated by authority: 'we may truly be said to carry our lives in our hands, and the arrows of death are flying about our heads'.[61] It is a description that might seem unduly emotive. But we should attend to de Tocqueville:

> The electoral franchise has been conferred upon the Negroes in almost all the states in which slavery has been abolished, but if they come forward to vote, their lives are in danger. If oppressed, they may bring an action at law, but they will find none but whites among their judges.[62]

On close inspection, it can be said of 'emancipated Negroes' that 'their situation with regard to the Europeans is not unlike that of the Indians'. In fact, in some respects, they were 'still more to be pitied'. In any event, they were 'deprived of their rights' and 'exposed to the tyranny of the laws and the intolerance of the people'.[63] The condition of blacks not reduced to slavery was no different and no better as one moved from South to North. In fact (de Tocqueville pitilessly observed), 'the prejudice of race appears to be stronger in the states that have abolished slavery than in those where it still exists; and nowhere is it so intolerant as in those states where servitude has never been known.'[64]

The condition of the notionally free black was distinguished from that of the slave, but perhaps even more from that of the genuinely free white. Only thus can we explain the danger that constantly threatened him of being reduced to conditions of slavery, and the temptation that periodically emerged among whites—for example, in Virginia after the slave revolt or attempted revolt of 1831—to deport the entire population of free blacks to Africa or elsewhere. The latter were anyhow obliged to register, and could only change residence with the permission of the local authorities; they were presumed to be slaves and detained until they managed to prove otherwise. The despotism exercised over slaves was bound to affect, in one way or another, the population of colour as a whole. This was explained in 1801 by the postmaster general in the Jefferson administration, in a letter in which he recommended to a Georgian senator that blacks and men of colour be excluded

from the postal service. 'Everything which tends to increase their knowledge of natural rights, of men and things, or that affords them an opportunity of associating, acquiring and communicating sentiments, and of establishing a chain and line of intelligence' was extremely dangerous. Even the communication of feelings and ideas must be blocked or impeded by all possible means. In fact, the situation in Virginia immediately after the 1831 revolt was described as follows by a traveller: 'Military service [by white patrols] is performed night and day, Richmond resembles a town besieged … the negroes … will not venture to communicate with one another for fear of punishment.'[65]

8. Spatial and racial delimitation of the community of the free

The American Revolution threw into crisis the principle of the 'uselessness of slavery among ourselves', which seemed established within the liberal movement. Now, far from being confined to the colonies, slavery acquired a new visibility and centrality in a country with a culture, religion and language of European origin, which conversed with European countries as an equal and in fact claimed a kind of primacy in embodying the cause of liberty. Declared legally void in England in 1772, the institution of slavery received its juridical and even constitutional consecration, albeit with recourse to the euphemisms and circumlocutions we are familiar with, in the state born out of the revolt of colonists determined not to be treated like 'niggers'. There thus emerged a country characterized by 'a fixed and direct tie between slave ownership and political power',[66] as strikingly revealed both by the Constitution and the number of slave-owners who acceded to its highest institutional office.

But how did the platform of the liberal party shape up in a country which, like late-eighteenth-century England, could also boast of having air 'too pure' for it to be breathed by slaves? In fact, in the United States as well the ambition to retrieve the principle of the inadmissibility and 'uselessness of slavery among ourselves' continued to make itself heard. Albeit utterly fancifully, Jefferson harboured the idea of re-deporting the blacks to Africa. However, in the new situation that had been created, the project of transforming the North American republic into a land inhabited exclusively by freemen proved difficult to implement. It would be necessary seriously to infringe the right, possessed by genuinely free persons, to enjoy their property without external interference! So, in the first decades of the nineteenth century, a movement (the American Colonization Society) emerged that contrived a new way out: it was proposed to persuade the owners, by appealing to their religious feelings and also employing economic incentives, to free or sell their slaves, who, along with all the other blacks, would be sent to Africa to colonize it and convert it to Christianity.[67] In this way, without infringing the property rights guaranteed by law and the Constitution, it would have been possible to transform the United States into a land inhabited exclusively by free (and white) men.

It was a project doomed to fail from the outset. For a start, the acquisition of the slaves by the Union presupposed mobilizing enormous financial resources, and hence the imposition of high taxes. Expelled from the door in the shape of enforced expropriation, imposed from above, of the human cattle owned by the colonists, the spectre of despotic interference with private property by political power ended up arrogantly breaking in

through the window as the taxation required to induce owners willingly to surrender their slaves, through a profitable sales contract. Moreover, taken as a whole, the class of planters had no intention of abandoning the source not only of its wealth, but also of its power.

The situation in the North was different. Here slaves were small in number and performed no essential economic function. Abolishing slavery, but at the same time adhering to the federal order that legitimized and guaranteed it in the South, the northern states seemed to want to give a new lease of life in the new situation to the compromise we have already encountered. Without being abolished, the institution whose presence constituted a kind of ironic counterpoint to the claim to be champions of the cause of liberty was banished to the deep South. In fact, four states (Indiana, Illinois, Iowa and Oregon) strictly prohibited access into their territories by blacks.[68] They thus avoided being contaminated by the presence not only of slaves, but also of blacks as such. This ban was the equivalent of the measure whereby, in the aftermath of the Somersett case, England deported to Sierra Leone blacks who not only were free, but also had the merit of having fought against the rebel colonists on behalf of the Empire. Nevertheless, even in the North of the United States, although it had been abolished, slavery had achieved the recognition it lacked in England, as demonstrated in particular by the constitutional provision that required the return of escaped slaves to their legitimate owners, in an indirect sanction of the institution of slavery in states which were formally free. This was a point to which a representative of the South smugly drew attention: 'We have obtained a right to recover our slaves in whatever part of America they may take refuge, which is a right we had not before.'[69]

Clearly, in the United States as a whole the principle of the inadmissibility and 'uselessness of slavery among ourselves', which was more than ever reiterated across the Atlantic, had fallen into crisis. How had such a result been arrived at? Let us return to Burke. In asserting that the 'spirit of freedom' and the 'liberal' vision found their most consummate embodiment in the slave-owners of the southern colonies, he added that the colonists formed an integral part of the nation 'in whose veins the blood of freedom circulates', of 'the chosen race and sons of England': it was a question of 'pedigree', in the face of which 'human art' was powerless.[70] Here, as we can see, the spatial delimitation of the community of the free, which is the principle on which late-eighteenth-century liberal England was based, seems to be on the point of transmuting into a racial delimitation. And hence, in Calhoun and ideologists of the slaveholding South in general, a tendency already present in Burke comes to fruition. Having been spatial, the line of demarcation of the community of the free ends up becoming racial.

Moreover, there was no insurmountable barrier between the two types of delimitation. In 1845 John O'Sullivan, popular theorist of the providential 'manifest destiny' that put wind in the sails of US expansion, sought to assuage abolitionists' concerns about the introduction of slavery into Texas (wrested from Mexico and on the point of being annexed to the Union) with a significant argument. It was precisely its temporary extension that created the conditions for abolition of the 'the slavery of an inferior to a superior race', and hence 'furnished much probability the ultimate disappearance of the negro race from our borders'. At the appropriate time, the ex-slaves would be driven further south, into the 'only receptacle' appropriate for them. In Latin America the population of mixed blood, which had formed following the fusion of the Spaniards with the natives, would easily be able to

accommodate the blacks.[71] The racial delimitation of the community would then give way to a territorial delimitation. The end of slavery would, at the same time, entail the end of the presence of blacks in the land of liberty. Despite the abolitionists' cry of alarm, the concentration of slaves in a zone immediately proximate to territories that were fundamentally foreign to the zone of civilization and liberty pushed in this direction.

For some time Lincoln harboured the idea of deporting the blacks, likewise regarded by him as ultimately alien to the community of the free, from the United States to Latin America after their emancipation.[72] In this sense, having confronted one another for decades, what clashed during the Civil War were the causes not of liberty and slavery, but precisely two different delimitations of the community of the free: the opposed parties accused one another of not knowing how, or not wanting, to delimit the community of the free effectively. To those who brandished the spectre of racial contamination as an inevitable consequence of the abolition of slavery, Lincoln replied by emphasizing that in the United States the overwhelming majority of 'mulattoes' were the result of sexual relations between white masters and their black slaves: 'slavery is the greatest source of amalgamation'. For the rest, he had 'no purpose to introduce political and social equality between the white and the black races', or to recognize the right of blacks to participate in political life or hold public office or perform the role of jury member. Lincoln declared himself well aware, like any other white man, of the radical difference between the two races and the supremacy of the whites.[73]

The crisis took a decisive step towards breaking-point following the Supreme Court's judgment in the Dred Scott case in summer 1857: 'like an ordinary article of merchandise and property', a black slave's legitimate owner had the right to take him with him in any part of the Union.[74] We can now understand Lincoln's reaction: the country could not remain permanently divided, 'half *slave* and half *free*'.[75] In contrast to the England of the Somersett case, the North of the United States could not pose as a land of the free whose air was 'too pure' to be breathed by a slave.

The transition from the spatial delimitation to the racial delimitation of the community of the free henceforth made it impossible to repress the reality of slavery. There was now no alternative to the condemnation of this institution except its explicit defence or celebration. As the conflict dividing the two sections of the Union emerged more clearly, the South's ideologues all the more provocatively mocked the circumlocutions and linguistic interdictions that had facilitated the Philadelphia compromise of 1787. 'Negro slavery', declared John Randolph, was a reality that 'the Constitution has vainly attempted to blink, by not using the term'.[76] With the lifting of this taboo, the legitimation of slavery lost the timidity that had previously characterized it, assuming a defiant tone. Having been a necessary evil, slavery became (in the words of Calhoun with which we are familiar) a 'positive good'. It made no sense to try to repress it as something to be ashamed of; in reality, it was the very foundation of civilization. Throwing into crisis the pathos of liberty that had presided over the foundation of the United States, and in a way de-legitimizing the very War of Independence, this new attitude helped make the clash between North and South inevitable.

9. The Civil War and the resumption of the controversy initiated with the American

In these circumstances, while the abolitionists adopted the arguments used during the American War of Independence by the British and the loyalists in their polemic against the South, the theorists of the South used arguments deployed by the rebel colonists. We have seen O'Sullivan, a New York lawyer and journalist, regard the South, bordering as it was on Mexico and Latin America, as the best place to deposit the blacks temporarily, pending their emancipation and deportation from the United States. Hence the South was a territory by no means uncontaminated by the barbarism of the blacks who lived there as slaves. Cohabitation with blacks, and sexual contamination, attested by a high number of mulattos —the abolitionist Theodore Parker piled it on—had also left profound traces on southern whites; it was precisely the influence of the 'African element' that explained attachment to an institution contrary to the principles of liberty.[77] And just as pre-revolutionary and revolutionary America had done, so too the South protested against the tendential exclusion, of which it felt itself the victim, from the authentic community of the free. It was now no longer the American colonies in their entirety, but the southern states that considered themselves assimilated to the 'modern Barbary' mentioned by Blackstone.

Along with the one just noted, further aspects of the legal argument reappeared that had opposed the rebel colonists to England. In Calhoun's view, the abolitionists of the North, who wanted to abolish slavery by a federal law, were riding roughshod over the right of each individual state to self-government, and seeking to found the Union on political slavery, on 'the bond between master and slave'.[78] Naturally, the North reacted by ironizing about this impassioned defence of liberty by the 'democratic', slaveholding South. To understand the latter's subsequent response, we can return for a moment to Franklin. Replying to his English interlocutors, who scoffed at the flag of liberty waved by the rebel colonists and slave-owners, he did not limit himself to recalling the Crown's interest and involvement in the slave trade. He also employed a second argument, drawing attention to the fact that slavery and servitude had not disappeared across the Atlantic. In particular, coalminers in Scotland were 'absolute Slaves by your law'; they were 'bought and sold with the Colliery, and have no more Liberty to leave it than our Negroes have to leave their Master's Plantation'.[79] The authors of the denunciation of black slavery were responsible for a white slavery that was certainly no better than the one they condemned so vehemently.

Similarly, on the occasion of the conflict which had been brewing for decades and reached breaking-point with the Civil War, the South retorted in two ways to the accusations against it. It stressed that the North and abolitionist Britain were not in a position to give lectures even on the way blacks (and peoples of colour in general) were treated; and it pointed out how much slavery survived in an industrial society notionally based on 'free' labour.

Let us focus for now on the first point. Already during the Philadelphia Convention, the slave-owners rejected the lectures given them in the name of morality, pointing out that the North derived major benefits from the institution of slavery, since its merchant shipping transported the slaves and the commodities produced by them.[80] In 1808 the ban on the 'immigration or introduction' of black slaves provided for by the federal Constitution had come into effect. But it remained the case (observed the ideologues of the South) that blacks in the North, in addition to suffering the poverty and oppression that were the lot of the poor in general there, were exposed to maltreatment and violence of every kind, as

demonstrated by the periodic outbreak of veritable pogroms. Even more repugnant (stressed Calhoun, in particular, in the years leading up to the Civil War) was the hypocrisy of Britain (the country which, having abolished slavery in its colonies, had become the model for the American abolitionists).'[T]he greatest slave dealer on earth', the country 'more responsible than any other … for the extent of that form of servitude' in the American continent, then engaged in waving the banner of abolitionism, with a view to attracting the lucrative production of tobacco, cotton, sugar and coffee to its colonies and ruining potential competitors.[81] In reality, what results had the putative emancipation of the slaves produced in the English colonies? The condition of the blacks was in no wise improved; in their case, freedom was more of a mirage than ever, while 'the supremacy of the European race' continued to be undisputed.[82] Inevitably, when 'two races of men, of different color', and markedly unequal in terms of culture and civilization, tried to live together, the inferior race was destined for subjection.[83] The very country that elevated itself into champion of the struggle against slavery distinguished itself in completely the opposite direction: not only did it use the labour of 'slaves' in India and other colonies, but it '[held] in unlimited subjection not less than one hundred and fifty million human beings, dispersed over every part of the globe'.[84] We find an even more explicit reference to the lot of the coolies in another eminent representative of the South, George Fitzhugh. Arraigned once again was Britain, which lauded itself for having abolished slavery in its colonies. In reality, the 'temporary slaves' from Asia who had taken the place of the blacks, 'if not worked to death before their terms of service expire', subsequently died of starvation.[85]

In its main lines, the controversy that developed on the eve and in the course of the Civil War reproduced and resumed the one that had occurred some decades earlier, during the clash between the two shores of the Atlantic.

10. 'Liberal system of policy', 'liberality of sentiment' and the institution of slavery

To understand the spread of the political use of the term 'liberal' in its various senses, we must remember two reference points. The first is the proud self-consciousness that matured in the wake of the victory achieved during the Seven Years' War over the France of monarchical and religious absolutism, which was subsequently reinforced in England by the outcome of the Somersett case. The second is the struggles that developed within the community of the free. When the controversy provoked by the agitation of the rebel colonists erupted, the various positions confronting one another all tended to define themselves as in some sense 'liberal'. Burke sought to promote conciliation, calling upon 'the liberal government of this free nation' to evince a spirit of compromise.[86] Across the Atlantic, at the moment when the United States was founded, Washington emphasized 'the benefits of a wise and liberal Government', or a 'liberal system of policy', which asserted itself 'in such an enlightened, in such a liberal age', and which had as its basis 'the free cultivation of Letters, the unbounded extension of Commerce', or 'liberal and free commerce', 'the progressive refinement of Manners, the growing liberality of sentiment', with the prevalence of a 'liberal sentiment' of tolerance also regarding relations between 'every political and religious denomination of men in this country'.[87] Hitherto the term 'liberal' has occurred solely as an adjective. In other contexts, adjective and substantive are

interchangeable: 'every Liberal Briton' (wrote the *London Gazette* in 1798) rejoiced at the problems facing revolutionary, tyrannical France, which had to confront the difficult situation created by the uprising of the black slaves in San Domingo.[88] Finally, the term in question made its appearance as a noun: signing himself 'A Liberal' was the author (possibly Paine) of an article in the *Pennsylvania Packet* of 25 March 1780, which came out for the abolition of slavery.[89]

Here we have four interventions, which share a liberal profession of faith, but with orientations that are fairly diverse as regards black slavery. In Europe, while stances in favour of it were not wanting, a critical orientation was prevalent: a more or less clear distance tended to be taken from the institution that had had to be repressed to the colonies, in order to confer credibility on the self-consciousness developed by the community of the free. *The Wealth of Nations*—Adam Smith's masterpiece, which appeared the same year as the Declaration of Independence drafted by Jefferson, a pre-eminent representative of Virginia's planters and slave-owners—observed that the 'liberal reward of labour', with the payment of a wage that the 'free servant' and 'free man' could freely dispose of, was the only thing likely to stimulate individual industry; while economic stagnation was the result of servile labour, whether serfdom or slavery proper.[90] In his turn, Millar regarded the institution of slavery as in contradiction with 'the liberal sentiments entertained in the latter part of the eighteenth century', with the 'more liberal views' developed in the modern world.[91] Going still further, the great economist's disciple declared that credibility could be restored to the 'liberal hypothesis' only by avoiding its confusion with those who waved the flag of liberty while preserving and, in fact, developing the practice of slavery.

Across the Atlantic, by contrast, defence of that institution was much fiercer. Yet it would be mistaken to construct a clear-cut opposition. It is sufficient to reflect on the fact that the tutelary deity of the slaveholding South was, in the first instance, Burke. In 1832 an influential Virginian ideologue, Thomas R. Dew, lauded the advantages of slavery: 'the menial and low offices' were reserved for blacks, so that love of liberty and the 'republican spirit', peculiar to free, white citizens, flourished with a purity and vigour unknown in the rest of the United States, and had a precedent only in classical antiquity. But in saying this, Dew appealed to Burke and his thesis that, where slavery flourished, the spirit of liberty developed more abundantly.[92] In this way, the theorist of the slaveholding South indirectly adopted and subscribed to the British Whig's 'liberal' profession of faith.

In subsequent decades, during the struggle against the North, which was initially political and then military, the slaveholding South could count on many friends in liberal England. A few years before the Civil War, the arguments of the southern ideologues were explicitly echoed by Benjamin Disraeli. With the abolition of slavery in British and French colonies behind him, he characterized the abolition of slavery as 'a narrative of ignorance, injustice, blundering, waste, and havoc, not easily paralleled in the history of mankind'.[93] In America, if they mixed with the blacks, the whites 'would become so deteriorated that their states would probably be reconquered and regained by the aborigines'.[94] Would the abolition of slavery in the United States not encourage this admixture, imparting a novel dignity to it? Later, the secessionist Confederacy's desperate struggle met with a profoundly sympathetic echo from prominent cultural and political representatives of liberal England, provoking the indignation of John Stuart Mill.

On the occasion first of the Somersett case, then of the American Revolution and finally of the Civil War, the liberal world appeared profoundly divided over the problem of slavery. How are we to find our bearings in this seeming chaos?

11. From the assertion of the principle of the 'uselessness of slavery among ourselves' to the condemnation of slavery as such

We are trying to answer the question we posed at the beginning: Can authors like Fletcher and Calhoun be considered liberals? In the liberal England derived from the Glorious Revolution, Fletcher could calmly demand the introduction of slavery for vagrants without being in any way isolated, just as Hutcheson and Burgh, who expressed more or less similar positions, were not isolated. While Hutcheson was the master of Smith, Fletcher was in correspondence with Locke and enjoyed, along with Burgh, the respect of Jefferson and the circles close to him. These were the years when, as Hume put it, '[s]ome passionate admirers of the ancients, and zealous partizans of civil liberty … cannot forbear regretting the loss of this institution [slavery]', which accounted for the grandeur of Athens and Rome.[95] However, with the establishment of the principle of the 'uselessness of slavery among ourselves', the positions expressed by Fletcher ceased to be, or ceased to be accepted as, liberal. It is true that they took a long time to die. As late as 1838, a German liberal reported the 'advice, certainly more hinted at than clearly stated, which would wish to find a remedy for the serious danger [represented by an unprecedented and acute social question] in the introduction of veritable slavery for factory workers'.[96] But it was a suggestion rejected with disdain: the line of demarcation of the liberal 'party' had been drawn for a while.

A similar argument can be advanced in connection with Calhoun. In his view, it was the North that was guilty of betraying the liberal principles which had inspired the American Revolution. In fact, 'the defence of human liberty against the aggressions of despotic power had always been most efficient in States where domestic slavery was found to prevail'. Within the Union, it was the South that had 'constantly inclined most strongly to the side of liberty, and been the first to see and first to resist the encroachments of power'.[97] And it was in the South that liberalism found its most authentic and mature expression. The term 'liberal' (warned John Randolph, sometimes defined as the 'American Burke'), which originally meant 'a man attached to enlarged and free principles—a votary of liberty', would see its true meaning twisted if it had to be used to refer to those who flirted with abolitionism.[98]

A contemporary liberal might be tempted to be shot of the unmanageable presence within the tradition of thought he refers to of an author like Burke, who celebrated the particular intensity of the liberal spirit and love of liberty among slave-owners; or of an author like Calhoun, who in the nineteenth century still hymned the 'positive good' that was slavery. And so both of them are officially included in the conservative party. However, such an operation immediately reveals its groundlessness. The category of conservatism is characterized by formalism, in the sense that it can subsume significantly different contents: it is a question of identifying what it is intended to conserve or guard. And there is no doubt that Burke and Calhoun aimed to be vigilant guardians of the social relations and political

institutions which emerged, respectively, from the Glorious Revolution and the American Revolution—two eminently liberal revolutions. It would make no sense to regard Jefferson and Washington as liberals, but this is not the case with Burke—who, unlike them, was not a slaveowner and who, when he celebrated the 'liberal spirit' and 'liberal' emphasis of the slaveholding South, had in mind precisely figures like these two Virginian statesmen. As late as 1862 Lord Acton cited at length, and implicitly subscribed to, the passage by the British Whig who, far from excluding slave-owners, conferred on them a privileged position in the party of liberty.[99]

It would be just as illogical to exclude from that party Calhoun, who tirelessly reiterated his attachment to representative bodies and the principle of the limitation of power. If, then, going beyond the merely formal meaning of the term, conservatism is to be understood as an uncritical attachment to a pre-modern, pre-industrial society, characterized by the cult of clod of earth and bell tower, such a category could hardly account for Calhoun's positions. Once the rights of minorities had been guaranteed, he had no problem with extending the vote and even introducing male 'universal suffrage'; and, along with representative bodies, he celebrated the development of 'manufactures', industry and free trade.[100] If to anyone, the category of conservatism might be applied to Jefferson. He identified cultivators of the land as 'the chosen people of God', assimilated 'great cities' to the 'sores' of a 'human body',[101] and in 1812, during the war with Britain, accused the latter of being an instrument of 'Satan' because it had compelled America to abandon the 'paradise' of agriculture and engage in 'manufacturing', in order to meet the test of arms (see Chapter 8, §16). And the category of conservatism might also be applied to Washington. He too viewed with concern the prospect that the Americans might become 'a manufacturing people', rather than continuing to be 'Cultivators' of the land, thereby avoiding the scourge of the 'tumultuous populace of large cities'.[102] In particular, it is against Jefferson that Calhoun seems to be arguing when he rejects the thesis that manufacture 'destroy[s] the moral and physical power of the people'. In reality, this was a concern rendered ever more obsolete by 'the great perfection of machinery' introduced into industry.[103] Finally, if acceptance of free trade is an integral part of liberalism, it is clear that Calhoun can be included in such a tradition much more easily than his adversaries in the North, who were engaged in strict protectionist practices liable (according to the southern theorist's denunciation) to 'destroy the liberty of the country'.[104]

Construed in the broadest sense of the term, the liberal party encompassed both Whigs and Tories. The former did not even necessarily represent the more advanced wing. Josiah Tucker was a Tory, who reprehended Locke and Burke for being followers of a 'republicanism' based, precisely, upon slavery and serfdom. For the rest, arguing with 'Republican Zealots', he liked to position himself among the true interpreters of 'English constitutional Liberty'.[105] Disraeli was likewise a Tory, who, while on the one hand echoing the arguments of the slaveholding South, on the other significantly widened the social basis of British representative bodies, granting the vote to significant sections of the popular classes and anyway extending it much further than the Whigs had.

On the other hand, outside the liberal party even before the Civil War were those who, in their concern to save the institution of slavery and indignation at the weapons supplied by representative bodies to an increasingly threatening abolitionist agitation, spoke with

Fitzhugh in the southern United States of the 'collapse of liberal society', or ironized with Carlyle in Europe itself over ruinous 'anarchic–constitutional epochs'.[106] Although reiterating the absolute necessity of slavery as the foundation of civilization, both ended up challenging, at least on a theoretical level, the ethnic and spatial delimitations of the institution of slavery. For Fitzhugh, as was demonstrated by the examples of classical antiquity and confirmed by the reality of the modern world, work was inseparable from slavery, so that in one form or another 'slavery, *black or white*, was right and necessary'.[107] In justifying the slavery of the Afro-Americans across the Atlantic and branding the Irish 'black',[108] Carlyle, admired by Fitzhugh and other southerners, and in correspondence with some of them,[109] in his turn reached a general 'conclusion': 'whether established by law, or by law abrogated, [slavery] exists very extensively in this world, in and out of the West Indies; and … you cannot abolish slavery by act of parliament, but can only abolish the *name* of it, which is very little!'[110] Whether dealing with slaves, 'servants hired for life', or *adscripti glebae*, it was still slavery. On the other hand, if the slave was a 'servant hired for life', why should one prefer the servant hired for a month or a day?[111]

Spurred by the bitterness of the struggle underway, Fitzhugh and Carlyle ultimately returned to the positions of Fletcher, first marginalized and then regarded as alien to the liberal party. The transition from the liberal party's first turn to the second can be summarized thus: following the defeat of the South, the emancipation of black slaves and amendments to the US Constitution to that effect, a transition was made from asserting the principle of the 'uselessness of slavery among ourselves' in Europe and the 'free states' of the northern United States to general condemnation, on both sides of the Atlantic, of slavery as such. Starting from this second result, the positions expressed by Calhoun were also rejected by the liberal party. But that is not a reason to expel him retrospectively from the liberal tradition. Otherwise, the same fate would have to be meted out to Locke and a fair number of the protagonists of the American Revolution and the early decades of US history.

In any event, with the end of the Civil War a historical cycle came to a close. Having emerged together from a unique twin birth, which saw them entwined in a relationship not without its tensions, liberalism as a whole now broke with slavery in the strict sense—with hereditary, racial slavery. But before examining these new courses, it is appropriate to extend our analysis of the society that was established on the two Atlantic shores up to the Civil War. We have hitherto focused attention on the problem of black slavery. But what relations were developing within the white community?

1 Robin Blackburn, *The Making of New World Slavery*, London and New York: Verso, 1997, p. 3.

2 Robin Blackburn, *The Overthrow of Colonial Slavery, 1776–1848*, London and New York: Verso, 1990, p. 5.

3 Quoted in Hugh Thomas, *The Slave Trade*, New York: Simon & Schuster, 1997, p. 235.

4 Blackburn, *The Overthrow of Colonial Slavery*, p. 9.

5 Winthrop D. Jordan, *White over Black*, New York: Norton, 1977, pp. 123, 399.

6 Arthur Zilversmit, *The First Emancipation*, Chicago: University of Chicago Press, 1969, p. 66.

7 Jordan, *White over Black*, p. 109.

8 Robert Isaac Wilberforce, *The Life of William Wilberforce*, 5 vols, London: Murray, 1838, vol. 1, p. 297 (letter from John Wesley to William Wilberforce, 24 February 1791).

9 Jordan, *White over Black*, p. 98.

10 Max Farrand, ed., *The Records of the Federal Convention of 1787*, 4 vols, New Haven: Yale University Press, 1966, vol. 1, p. 135.

11 Edmund Burke, *The Works: A New Edition*, 16 vols, London: Rivington, 1826, vol. 3, p. 54.

12 Eric Williams, *Capitalism and Slavery*, London: Deutsch, 1990, pp. 199–200.

13 Josiah Tucker, *Collected Works*, London: Routledge and Thoemmes Press, 1993–96, vol. 5, pp. 21, 72.

14 Shearer Davis Bowman, *Masters and Lords*, New York: Oxford University Press, 1993, p. 21.

15 Herbert S. Klein, *Slavery in the Americas*, Chicago: Dee, 1989, pp. 59–65; Blackburn, *The Overthrow of Colonial Slavery*, p. 39 and *The Making of New World Slavery*, pp. 50–2.

16 Klein, *Slavery in the Americas*, pp. 38–9; Stanley M. Elkins, *Slavery*, Chicago: University of Chicago Press, 1959, p. 59.

17 Klein, *Slavery in the Americas*, pp. 49, 39.

18 Thomas F. Gossett, *Race*, New York: Schocken Books, 1965, p. 233.

19 Hugo Grotius, *The Rights of War and Peace*, 3 vols, ed. Richard Tuck, Indianapolis: Liberty Fund, 2005, vol. 2, pp. 557, 556.

20 See ibid., vol. 2, ch. v, §30.

21 See ibid., vol. 2, ch. v, §28; vol. 3, ch. xiv, §3.

22 Ibid., vol. 2, pp. 562–3 n. 7.

23 See ibid., vol. 2, ch. v, §32.

24 John Locke, *Two Treatises of Government*, ed. William S. Carpenter, London and New York: Everyman's Library, 1924, pp. 157–8, 128.

25 Grotius, *Rights of War and Peace*, vol. 3, p. 1483.

26 Locke, *Two Treatises*, p. 158.

27 See Grotius, *Rights of War and Peace*, vol. 3, ch. xiv, §6; Locke, *Two Treatises*, pp. 158, 128.

28 Ibid., p 90.

29 Karl Marx, *Capital: Volume One*, trans. Ben Fowkes, Harmondsworth: Penguin, 1976, p. 377.

30 Jordan, *White over Black*, pp. 84–93.

31 John Locke, *Two Tracts on Government*, ed. Philip Abrams, Cambridge: Cambridge University Press, 1967, p. 141.

32 See Grotius, *Rights of War and Peace*, vol. 3, ch. xiv, §2.

33 Locke, *Two Treatises*, pp. 118–19.

34 Ibid., p. 128.

35 Charles-Louis Montesquieu, *The Spirit of the Laws*, trans. and ed. Anne M. Cohler, Basia Carolyn Miller and Harold Samuel Stone, Cambridge: Cambridge University Press, 1989, p. 247.

36 Ibid., pp. 251–2.

37 Ibid., p. 253.

38 Ibid., p. 252.

39 Ibid., p. 252.

40 Ibid., p. 355.

41 Ibid., p. 278.

42 David B. Davis, *The Problem of Slavery in Western Culture*, Ithaca and New York: Cornell University Press, 1966, pp. 394–5.

43 Montesquieu, *Spirit of the Laws*, p. 253.

44 Ibid., p. 254.

45 The *Code noir* is reproduced and commented on in Louis Sala-Molins, *Le Code noir*, Paris: Presses Universitaires de France, 1988, pp. 89–203.

46 Montesquieu, *Spirit of the Laws*, p. 259.

47 Ibid., p. 255.

48 Ibid., p. 258.

49 William Blackstone, *Commentaries on the Laws of England*, 4 vols, Chicago: University of Chicago Press, 1979, vol. 1, pp. 412–13.

50 Ibid., vol. 1, p. 123.

51 Ibid., vol. 1, p. 412.

52 Ibid., vol. 1, pp. 410–11.

53 Ibid., vol. 1, pp. 412–13.

54 Seymour Drescher, *Capitalism and Antislavery*, Oxford and New York: Oxford University Press, 1987, p. 37; David B. Davis, *The Problem of Slavery in the Age of Revolution*, Ithaca: Cornell University Press, 1975, pp. 231, 472, 495–6.

55 Ramsay, quoted in Davis, *The Problem of Slavery in the Age of Revolution*, p. 387.

56 Blackburn, *The Overthrow of Colonial Slavery*, pp. 92, 14.

57 Adams, quoted in David B. Davis, 'A Big Business', *New York Review of Books*, 11 January 1998, p. 50 n. 3.

58 Eric Foner, *The Story of American Freedom*, London: Picador, 1999, p. 39.

59 Ibid., p. 19.

60 Ibid., pp. 19, 32; Blackburn, *The Overthrow of Colonial Slavery*, p. 116.

61 Leon F. Litwack, *North of Slavery*, Chicago: University of Chicago Press, 1961, pp. 16–17.

62 Alexis de Tocqueville, *Democracy in America*, London: Everyman's Library, 1994, vol. 1, p. 358.

63 Ibid., vol. 1, pp. 367–8.

64 Ibid., vol. 1, p. 359.

65 Blackburn, *The Overthrow of Colonial Slavery*, p. 279.

66 David B. Davis, *The Slave Power Conspiracy and the Paranoid Style*, Baton Rouge: Louisiana State University Press, 1982, p. 33.

67 George M. Frederickson, *The Black Image in the White Mind*, Hanover (NH): Wesleyan University Press, 1987, pp. 6ff.

68 Foner, *The Story of American Freedom*, p. 76.

69 Quoted in Paul Finkelman, *An Imperfect Union*, Chapel Hill: University of North Carolina Press, 1985, p. 28.

70 Burke, *Works*, vol. 3, pp. 66, 124.

71 John O'Sullivan, 'Annexation', *United States Magazine and Democratic Review*, vol. 4, July 1845, pp. 7–8.

72 Gossett, *Race*, pp. 254–5.

73 Abraham Lincoln, *Speeches and Writings*, 2 vols, ed. Don E. Fehrenbacher, New York: Library of America, 1989, vol. 1, pp. 401, 511–12, 636.

74 Richard Hofstadter, ed., *Great Issues in American History*, 3 vols, New York: Vintage Books, 1958–82, vol. 2, p. 369.

75 Lincoln, *Speeches and Writings*, vol. 1, p. 426.

76 Randolph, quoted in Russell Kirk, *John Randolph of Roanoke*, Indianapolis: Liberty Press, 1978, p. 175.

77 Parker, quoted in Richard Slotkin, *The Fatal Environment*, New York: Harper Perennial, 1994, pp. 231–2.

78 John C. Calhoun, *Union and Liberty*, ed. R. M. Lence, Indianapolis: Liberty Classics, 1992, p. 436.

79 Benjamin Franklin, *Writings*, ed. J. A. Leo Lemay, New York: Library of America, 1987, p. 651.

80 Paul Finkelman, *Slavery and the Founders*, Armonk (NY): Sharpe, 1996, pp. 23–4.

81 Calhoun, quoted in Massimo L. Salvadori, *Potere e libertà nel mondo moderno*, Rome and Bari: Laterza, 1996, pp. 190–1.

82 Calhoun, *Union and Liberty*, p. 475.

83 Ibid., p. 467.

84 Calhoun, quoted in Salvadori, *Potere e libertà*, p. 193.

85 George Fitzhugh, *Sociology for the South*, Richmond: Morris, 1854, pp. 210–11.

86 Burke, *Works*, vol. 3, p. 153.

87 George Washington, *A Collection*, ed. William B. Allen, Indianapolis: Liberty Classics, 1988, pp. 242, 247, 242 ('Circular to the States', 4 June 1783), 326 (letter to La Fayette, 15 August 1786), 545 (letter to the Hebrew Congregation, January 1790).

88 Cf. David Geggus, 'British Opinion and the Emergence of Haiti, 1791–1805', in James Walvin, ed., *Slavery and British Society, 1776–1846*, London: Macmillan, 1982, p. 130.

89 Zilversmit, *The First Emancipation*, p. 132; Blackburn, *The Overthrow of Colonial Slavery*, p. 118.

90 Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, Indianapolis: Liberty Classics, 1981, pp. 98–9.

91 John Millar, *The Origin of the Distinction of Ranks*, Aalen: Scientia, 1986, pp. 296, 250.

92 Hofstadter, *Great Issues in American History*, vol. II, pp. 319–20.

93 Benjamin Disraeli, *Lord George Bentinck*, London: Colburn, 1852, p. 325.

94 Ibid., p. 496.

95 David Hume, *Essays, Moral, Political, and Literary*, Indianapolis: Liberty Classics, 1987, p. 383.

96 Robert von Mohl, 'Gwerbe- und Fabrikwesen', in Lothar Gall and Rainer Koch, eds, *Der europäische Liberalismus im 19. Jahrhundert*, vol. 4, Frankfurt am Main: Ullstein, 1981, p. 91.

97 Calhoun, *Union and Liberty*, pp. 468, 473.

98 Randolph, quoted in Kirk, *John Randolph of Roanoke*, pp. 63, 43 (for the characterization as 'the American Burke').

99 Lord Acton, *Selected Writings*, 3 vols, ed. J. Rufus Fears, Indianapolis: Liberty Classics, 1985–88, vol. 1, p. 329.

100 Calhoun, *Union and Liberty*, pp. 35–6, 315.

101 Thomas Jefferson, *Writings*, ed. Merrill D. Peterson, New York: Library of America, 1984, pp. 290–1.

102 Washington, *A Collection*, pp. 455 ('Fragments of the First Discarded Inaugural Address', April 1789), 554 (letter to La Fayette, 28 July 1791).

103 Calhoun, *Union and Liberty*, p. 308.

104 Ibid., p. 313.

105 Tucker, *Collected Works*, vol. 5, pp. ix, 12, 96.

106 Thomas Carlyle, *Latter-Day Pamphlets*, ed. Michael K. Goldberg and Jules P. Seigel, Ottawa: Canadian Federation for the Humanities and Social Sciences, 1983, p. 439.

107 Fitzhugh, *Sociology for the South*, pp. 98, 225; cf. Domenico Losurdo, *Nietzsche, il ribelle aristocratico*, Turin: Bollati Boringhieri, 2002, ch. 12 *passim* and ch. 22, §1.

108 Carlyle, *Latter-Day Pamphlets*, pp. 463–5.

109 Fitzhugh, *Sociology for the South*, p. 286; Eugene D. Genovese, *A Consuming Fire*, Athens: University of Georgia Press, 1998, p. 107.

110 Carlyle, *Latter-Day Pamphlets*, p. 439.

111 Ibid., pp. 464–6.

White Servants between Metropolis and Colonies: Proto-Liberal Society

1. Franklin, Smith and 'vestiges of slavery' in the metropolis

First the rebel colonists during the American Revolution, and then the South of the United States during the conflict that pitted it against the North, accused their opponents of hypocrisy. The latter waxed indignant over black slavery, but shut its eyes to the fact that what were essentially slave relations persisted within the society it held up as a model. As we know, Franklin compared the miners of Scotland to the blacks of the American plantations, and thus challenged the London government's pretension to elevate itself into a champion of liberty.

Obviously, this was a polemical intervention, but one whose validity was confirmed by a rather authoritative witness. Although sharing the proud self-consciousness of his compatriots or the ruling class of his country, Adam Smith acknowledged the persistence in Great Britain of 'vestiges of slavery': a labour relationship not dissimilar from serfdom was in force in salt works and coalmines. Just as the *adscripti glebae*, still very numerous in Eastern Europe, were forcibly bound to the land to be cultivated and sold at the same time as it, so in the country that had left behind the *ancien régime* some decades earlier, the *adscripti operi* were in a sense an integral part of the *opus* or works (the salt work or mine) and, when this was sold, passed together with their family into the service of the new master. Hence it was not a question of actual slavery, of chattel slavery, which allowed individual members of a family to be put on the market like any other commodity. The *adscripti operi* could marry and lead a genuine family life; they could own a minimum of property; and, naturally, they did not risk being killed with impunity: 'their lives are under the protection of the laws of the land'.[1] But it remained the case that in Scotland workers in coalmines and salt works were obliged to wear a collar on which the name of their master was inscribed.[2] In the wake of the great economist, Millar too could not but 'regret … that any species of slavery should still remain in Great Britain'; and it was to be hoped that parliament would intervene to remedy the situation, finally sanctioning 'the freedom of the labouring people' in Scottish mines and salt works.[3]

Judging from Smith's *Lectures on Jurisprudence*, these were 'the only vestiges of slavery which remain amongst us'.[4] Does this mean that the other labour relations were based on freedom? Referring to England in the second half of the eighteenth century, Blackstone distinguished between three types of 'servant' in the strict sense (we ignore here personnel charged with overseeing and guarding the master's property): 'menial servants' or 'domestics', 'apprentices', and finally 'labourers', who worked outside the master's house. The most modern labour relation, least informed by feudal and servile echoes, would seem to be the last. In this connection, however, the great jurist indulged in celebrating 'very good regulations' on the basis of which, for example, 'all persons who have no visible

effects may be compelled to work', while those who 'leave or desert their work' were punished. Over the domestic or apprentice, the master exercised a right of 'corporal punishment' that must not result in death or mutilation.[5]

But what happened if this limit was exceeded? We can infer Smith's answer: 'The master has a right to correct his servant moderately, and if he should die under his correction it is not murther, unless it was done with an offensive weapon or with forethought and without provocation.' It is difficult to regard such servants as free men even if, according to the great economist, they enjoyed 'almost the same privileges with their master, liberty, wages, etca'. In fact, what creates a radical difference is the power of correction exercised by the one over the other. The same Smith included menial servants, together with slaves proper, in the master's extended family.[6]

Masters did not confine themselves to monitoring their servant's industriousness. Let us attend to Hume's evidence: 'At present, all masters discourage the marrying of their male servants, and admit not by any means the marriage of the females, who are then supposed altogether incapacitated for their service.'[7] The opportunity to have a family seems largely denied not only to the black slave, but also to the white domestic servant: the private lives of both were subject to the master's power or will.

Finally, it is to be noted that comparable to menial servants were 'apprentices',[8] whose condition, in England at any rate, had been regarded by Grotius as approximating closely enough to the slave's. And such, basically, was also Blackstone's opinion. He reiterated the slave's obligation to provide service 'for life' with a rather eloquent argument: fundamentally, it was the same relationship that the apprentice had with his master, except that in the latter case there was a time limit (seven years and sometimes more).[9]

As has justly been observed, '[f]or most of human history the expression "free labor" was an oxymoron.'[10]

2. The unemployed, beggars and workhouses

As the controversy between the two sides of the Union became increasingly bitter, Calhoun positively contrasted the condition of American slaves with that of inmates of workhouses or poorhouses in England. The former were lovingly treated and cared for by the master or mistress during illness or old age, while the latter were reduced to a 'forlorn and wretched condition'; the former continued to live among their family and friends, while the latter were uprooted from their environment and also separated from their loved ones.[11] The apologetic intention that governs the description or transfiguration of the institution of slavery is clear. Yet when it came to workhouses in England, Calhoun was not the only one to underscore the horror. In de Tocqueville's view, they afforded 'the most horrendous and repugnant [spectacle] of misery': on the one hand, the infirm incapable of work and waiting to die; on the other, women and children massed pell-mell 'like pigs in the mud of their sty; it is difficult not to trample over a semi-naked body'. Finally, there were the comparatively more 'fortunate'—those in a position to work: they earned little or nothing and fed off the leftovers of stately homes.[12]

But however horrible, poverty and degradation were not the most significant aspect of workhouses. At the start of the eighteenth century, Defoe favourably mentioned the

example of the workhouse in Bristol, which 'has been such a Terror to the Beggars that none of [them] will come near the City'.[13] In fact, the workhouse was subsequently described by Engels as a total institution: 'Paupers wear the uniform of the house and are subject to the will of the director without any protection whatsoever'; so that 'the "morally degenerate" parents cannot influence their children, families are separated; the man is sent to one wing, the woman to another, the children to a third'. Families were broken up, but for the rest all were amassed sometimes to the tune of twelve or sixteen in a single room. Any kind of violence was inflicted on them, not even sparing the elderly and children, and involving particular attention to women. In practice, the inmates of workhouses were treated as 'objects of disgust and horror placed outside the law and the human community'. Thus was explained the fact, underscored by Engels, that in order to escape the 'Poor Law Bastilles' (as they were popularly renamed), 'inmates of work houses often deliberately make themselves guilty of any crime whatsoever in order to go to prison'.[14] In fact (add contemporary historians), 'many indigents preferred to die of hunger and illness' rather than subject themselves to a workhouse.[15]

We are put in mind of the suicide that slaves often resorted to in order to escape their condition. Examined carefully, the 1834 law that shut up anyone requiring assistance in a workhouse in a sense vindicates Calhoun and those who pointed to slavery as the only possible solution to the problem of poverty. Fighting for the new legislation, its inspirer, Nassau William Senior, denounced the fatal contradiction in the rules hitherto in force, which allowed the poor person to enjoy a minimum of assistance for continuing a normal life: 'The labourer is to be a free agent, but without the hazards of free agency; to be free from the coercion, but to enjoy the assured existence of the slave.' But 'unit[ing] the irreconcilable advantages of freedom and servitude' was utterly absurd: a choice was required.[16] Arguing thus, the influential economist and liberal theorist, interlocutor and correspondent of Tocqueville, ended up recognizing the substantially slave-like character of the relations obtaining in workhouses.

Coming as it did in 1834, the new legislation coincided with the emancipation of blacks in the colonies. We can thus understand the irony, on the one hand, of the theorists of the slaveholding South in the United States and, on the other, of the English popular masses faced with a dominant class which, while it lauded itself for having abolished slavery in the colonies, reintroduced it in a different form in the metropolis itself.

3. Liberals, vagrants and workhouses

We have mentioned the role played by Senior in the passing of the 1834 law. But what position did the liberal tradition as a whole adopt towards workhouses and, more generally, the policy of disciplining poverty? According to Locke, it was necessary to intervene thoroughly and drastically in an infected area of society that was constantly expanding. From the age of three, the children of families not in a position to feed them should be sent out to work.[17] Moreover, it was necessary to intervene with their parents. To discourage the idleness and dissoluteness of vagrants, it was appropriate to proceed in areas frequented by them to 'the suppressing of superfluous brandy shops and unnecessary alehouses'.[18] Secondly, begging should be discouraged and restricted. Beggars were obliged to wear a

'badge'; to oversee them, and prevent them practising their activity outside the permitted area and hours, a special body was provided, the 'beadles of beggars', who in their turn were to be controlled by 'guardians' so that they performed their task with the requisite diligence and severity. But the whole community was called upon to participate in the beggar hunt, starting with the inhabitants of the house where the wretches had requested charity.[19]

Draconian penalties awaited vagrants who managed to escape this comprehensive control. It was right that those caught asking for alms outside their parish and near a sea port should be pressed into the navy: they were to be 'punished as deserters'—i.e. with the death penalty—'if they go on shore without leave; or, when sent on shore, if they either go further, or stay longer, than they have leave'. The other illegal beggars were to be interned in a normal workhouse or house of correction. The master 'shall have no other consideration nor allowance but what their labour shall produce; whom therefore he shall have power to employ according to his discretion'. Once again, this arbitrary power summons up the spectre of slavery. As is confirmed by a further detail: that 'whoever shall counterfeit a pass shall lose his ears for the forgery for the first time that he is found guilty thereof; and the second time, that he shall be transported to the plantations, as in case of felony'.[20]

Certainly, in the nineteenth century the situation was different. With the 1834 reform, arriving in the workhouses were those who sought to escape death from starvation in some way: the workhouses must be made as odious as possible in order to reduce the number of those who sought refuge in them to a minimum. In this philosophy, which began to take shape with Malthus,[21] de Tocqueville likewise joined: 'It is obvious that we must make assistance unpleasant, we must separate families, make the workhouse a prison and render our charity repugnant.'[22]

In denouncing this institution, Calhoun referred exclusively to Europe. Yet it was present, in one form or another, in the United States. De Tocqueville referred to it, significantly, in the context of his analysis of the 'prison system'. Who were the inmates? The answer was clear: 'The indigent who cannot earn their living by honest work, and those who do not want to.'[23] It was therefore understandable that workhouses became particularly crowded at times of crisis:

> The fluctuations in industry attract, when favourable, a large number of workers who find themselves without work in times of crisis. Thus we see that vagrancy, which is born of idleness, and stealing, which is invariably the result of vagrancy, are the two crimes that are experiencing the most rapid increase in the current state of society.[24]

The crime that led to internment was already identified with unemployment and poverty. Making the judicial decisions, for example in New York, was a functionary who could readily deprive of their liberty those who in his judgment 'have no means of subsistence'.[25] Protests were understandable: the poor person thus confined 'regards himself as unfortunate, not culpable; he challenges society's right violently to force him to do fruitless work and to deal with him against his will'.[26]

But let us return to England. John Stuart Mill was inclined to trivialize the horror of workhouses when he observed: 'Even the labourer who loses his employment by idleness or negligence, has nothing worse to suffer, in the most unfavourable case, than the discipline

of a workhouse'.[27] But the liberal philosopher's opinion can be contrasted with that of modern scholars: once they had entered workhouses, the poor 'ceased to be citizens in any true sense of the word', because they lost 'the civil right of personal liberty'.[28] And this was a radical loss: the 'guardians' of the workhouses had the discretional power of inflicting the corporal punishment deemed most fitting on inmates.[29]

Bentham was decidedly enthusiastic. He tirelessly lauded the benefits of this institution, which he aimed further to perfect, locating the workhouse in a 'panoptical' building which allowed the director to exercise secret, total control—that is, to observe every single aspect of the behaviour of the unwitting inmates at any point in time:

> What hold can any other manufacturer have upon his workmen, equal to what my manufacturer would have upon his? What other master is there that can reduce his workmen, if idle, to a situation next to starving, without suffering them to go elsewhere? What other master is there, whose men can never get drunk unless he chooses that they should do so? and who, so far from being able to raise their wages by combination, are obliged to take whatever pittance he thinks it most for his interest to allow? … and what other master or manufacturer is there, who to appearance constantly, and in reality as much as he thinks proper, has every look and motion of each workman under his eye?[30]

Hence the contribution to the development of national wealth by workhouses, intended to operate as 'industry-houses', would be enormous. They were to be spread over the whole national territory, confining up to 500,000 detainees, and in any event 'all persons, able-bodied or otherwise, having neither visible or assignable property, nor honest and sufficient means of livelihood'.[31] Thanks to this gigantic concentration-camp universe, where people would be interned without having committed any crime and without any control by the judiciary, it would be possible to perform the miracle of transforming the 'dross' that was the 'refuse of the population' into money.[32] And that was not all. Given the isolation it entailed, the workhouse made it possible to experiment, as we shall see, with producing a stock of especially industrious and conscientious labourers. Certainly, for such objectives to be achieved, rigorous discipline was required, which must be thoroughly internalized by the detainees in the workhouse:

> *Soldiers* wear *uniforms*, why not paupers?—those who save the country, why not those who are saved by it? Not the *permanent* hands only, but likewise the *coming-and-going* hands should wear the uniform while in the house, for order, distinction, and recognition, as well as for tidiness …[33]

4. The servant as soldier

As we can see, it was Bentham who compared the condition of a workhouse inmate with that of the soldier. But it is appropriate to take a step back. During his residence in London, Franklin, discomfited by his English interlocutors mocking the flag of liberty waved by colonists who were often slave-owners, replied by highlighting, among other things, the

persistence in England of slave-like relations even within the armed forces.[34] The reference was above all to the navy. Let us attend to historians of our day: 'the men of the fleet were so ill-paid, ill-fed, and ill-handled that it was impossible to obtain crews by free enlistment'. Many sought to escape this kind of sequestration, but Great Britain gave chase to them, without hesitating to search American ships and take by force deserters, including those who had become US citizens in the meantime. It was necessary to resort to drastic measures to ensure the functioning of 'more than 700 warships in commission, with nearly 150,000 sailors and marines'.[35] And so, like Franklin before him, we have Calhoun denouncing 'the slavery of impressed seamen'.[36]

This was a common theme in the journalism of the time. In Britain itself, defenders of slavery stressed the analogy between this institution and being pressed into the navy. Both practices were justified by exceptional circumstances—namely, the need to maintain the colonies and the navy, respectively. On the other side, the abolitionist Sharp condemned both practices.[37] By contrast, William Wilberforce sought to make distinctions, and was accused of hypocrisy by his opponents:[38] the pious pastor was moved by the condition of black slaves, but was indifferent to the no less grievous suffering of the kind of white slaves on whom the British Empire's military power and glory were based. The argument was far from trivial. Sailors were 'seized by press gangs from the streets of London and Liverpool'; and at a popular level no institution was more hated than the press gang.[39] The conditions to which men were then subjected can be readily be inferred from Locke's indirect comparison between the power of 'the captain of a galley' and that exercised by 'a lord over his slave'.[40] The capture of sailors in popular districts had something in common with the capture of blacks in Africa.

And it was not only the navy. A contemporary scholar summarizes the condition of those military 'captives in uniform' who were soldiers, called upon to defend a rapidly expanding empire in every corner of the world:

> They were shipped abroad, often in foul conditions and sometimes against their will. They could be separated from their families, womenfolk and culture of origin for decades, often for ever. If judged disobedient or rebellious, they were likely to be flogged. If they tried to run away, they might be executed; and if they stayed and obeyed orders, they were apt to die prematurely anyway.[41]

For the rest, the way Locke described 'the common practice of martial discipline' is significant:

> [T]he preservation of the army, and in it of the whole commonwealth, requires an absolute obedience to the command of every superior officer, and it is justly death to disobey or dispute the most dangerous or unreasonable of them; but yet we see that neither the sergeant that could command a soldier to march up to the mouth of a cannon, or stand in a breach where he is almost sure to perish, can command that soldier to give him one penny of his money; nor the general that can condemn him to death for deserting his post, or not obeying the most desperate orders, cannot yet with all his absolute power of life and death dispose of one farthing of that soldier's estate, or seize one jot of his goods; whom yet he can command anything, and hang for the

least disobedience.[42]

This above all calls to mind the 'absolute power of life and death' wielded by officers over their subordinates. It is the phrase Locke habitually used to define the essence of slavery. Is it a rhetorical exaggeration? Already in Grotius we find the observation that the condition of the slave is not very different from that of the soldier.[43] But let us concentrate on liberal England. The mortality rate of soldiers en route to India was comparable to that affecting black slaves during their deportation from one side of the Atlantic to the other. Moreover, British soldiers were subject to the punishment traditionally reserved for slaves—flogging— and, paradoxically, continued to be even when this form of discipline had been abolished for Indian troops.[44]

Power relations in the army reproduced those existing in society. The figure of the soldier tended to coincide with that of the servant. At the start of the eighteenth century, Defoe observed: 'any Man would carry a Musket rather than starve … 'tis Poverty makes Men Soldiers, and drives Crowds into the Armies'.[45] At the end of the century, Townsend reiterated that 'distress and poverty' alone could impel 'the lower classes of the people to encounter all the horrors which await them on the tempestuous ocean, or in the field of battle'.[46] Or, to put the point this time with Mandeville, '[t]he Hardships and Fatigues of War that are personally suffer'd, fall upon them that bear the Brunt of every Thing'— namely, 'the working slaving People'.[47] On the other side, the figure of the officer tended to coincide with that of the master, and the contempt officers/masters had for troops was professed and even ostentatious. Troops of the line (lamented an ordinary soldier) were 'the lowest class of animals, and only fit to be ruled with the cat o' nine tails'[48]—that is, with the whip capable of inflicting the most sadistic punishments, those usually reserved for disobedient slaves.

5. The penal code, formation of a compulsory workforce, and the process of colonization

The problem of military recruitment is thus understandable: prisons were 'rumag'd for Malefactors'; the profession of soldier (observed Defoe) above all devolved on 'Men taken from the Gallows'.[49] Fortunately, there were plenty of them. From 1688 to 1820, the number of crimes carrying the death penalty increased from 50 to between 200 and 250, and they were almost always crimes against property. While attempted homicide was regarded as a petty crime until 1803, the theft of a shilling or handkerchief, or the illegal clipping of an ornamental bush, could entail hanging; and one could be consigned to the hangman even at the age of eleven.[50] In fact, in some cases, even young children ran this risk: in 1833 the death penalty was pronounced on a pickpocket of nine, although the sentence was subsequently commuted.[51]

Even more significant than the increase in penalties was the criminalization of behaviour that had hitherto been licit. The enclosure and private appropriation of common land underwent significant development; and the peasant or commoner who was late in appreciating the new situation became a thief, a criminal to be visited with all the force of the law. This might seem an arbitrary and brutal way to behave; but that is not what Locke

thought. In legitimizing the colonists' appropriation of land left uncultivated by the Indians, the *Second Treatise of Government* simultaneously adopted a clear position in favour of enclosure in England. '[I]n the beginning, all the world was America';[52] and common land was a kind of vestige of this original, wild state, which work, private appropriation and money had subsequently overcome. It was a process that manifested itself on a large scale across the Atlantic, but which was not unknown in England: 'even amongst us, land that is left wholly to nature, that hath no improvement of pasturage, tillage, or planting, is called, as indeed it is, waste', until enclosure and private appropriation intervened positively.[53]

Along with the despoliation of the Indians and English peasants, Locke also justified terroristic legislation in defence of property: it was 'lawful for a man to kill a thief who has not in the least hurt him, nor declared any design upon his life, any farther than by the use of force, so to get him in his power as to take away his money, or what he pleases, from him'.[54] This was only a petty crime in appearance. In reality, the guilty party, if only momentarily, had deprived his victim of his 'right to liberty' and had made him a 'slave'. At this point, no one could exclude the possibility that theft would not be followed by homicide, since it was precisely the power of life and death that defined the relationship of slavery. This was synonymous with a state of war, and hence there was no reason why the thief should not be done to death, whatever the extent of the theft.[55] What Locke seems to be saying is that at stake is not only the shilling or handkerchief or whatever other rather minor stolen good: private property as such and, over and above it, liberty were in danger. Thus, what legitimized the pickpocket's killing or execution is the same liberal pathos that had presided over the condemnation of monarchical despotism as the source of political slavery.

In addition to common land, even birds and wild animals became objects of private appropriation by the landed aristocracy. In this instance, it was not possible to appeal to Locke. In fact, on the basis of his theory, not having been transformed by labour, birds and wild animals should have been regarded as common property. And yet, in accordance with legislation enacted after the Glorious Revolution, while the peasant slid into the condition of thief, the hunter was transformed into poacher; and here too the terrorism of the penal code was called on to compel respect for the incursion.[56]

As with the slavery and trading of blacks, the vulgar historicist explanation does not stand up when it comes to the expansion in crimes against property and the increased severity of the penalties provided for them. It is misleading to refer to the spirit of the times. 'It is very doubtful whether any other country possessed a criminal code with anything like so many capital provisions as there were in this single statute.'[57] The ruthless character of English legislation was already proverbial on its enactment. While Napoleon exercised his iron rule over France, a reformer like Sir Samuel Romilly felt compelled to offer a bitter observation: 'there is probably no other country in the world in which so many and so great a variety of human actions are punishable with loss of life as in England'. [58] Still at the beginning of the nineteenth century, Hegel denounced the 'draconian' severity whereby 'every thief in England [is] hanged', in an absurd equation of life and property, of the two 'qualitatively different' crimes that were homicide and theft. The class origins of such 'draconian' severity were even identified: for peasants guilty of illegal hunting 'the harshest and most disproportionate punishments' were provided, because 'those who made

those laws and who are now sitting in the courts as magistrates and jurors' were the aristocracy, the very class that held a monopoly on hunting.[59]

The need to maintain law and order was only one aspect of the problem. Not infrequently, those sentenced to death (or even a long prison term) saw their sentence commuted to deportation to the colonies. Already in force for some time, from 1717 the practice of deportation assumed an official character and significant proportions.[60] So following the Glorious Revolution, we witness, on the one hand, the enactment of terroristic legislation and, on the other, the burgeoning phenomenon of deportation to remote colonies. Is there a link between the two events? It is difficult to deny that the formation of a large compulsory workforce through drastic harshening of the legal code ultimately made it possible to satisfy 'the labor needs of the plantations'.[61] On the other hand, underlying this practice was a specific theory. Locke repeatedly demanded penal slavery for those who made an attempt on another person's life or property. Already in the state of nature, '[t]he damnified person has this power of appropriating to himself the goods or service of the offender'.[62] Things were even clearer in the social state:

> Indeed, having by his fault forfeited his own life by some act that deserves death, he to whom he has forfeited it may, when he has him in his power, delay to take it, and make use of him to his own service; and he does him no injury by it. For, whenever he finds the hardship of his slavery outweigh the value of his life, it is in his power, by resisting the will of his master, to draw on himself the death he desires.[63]

The theory of the colonial war as just war (on the part of Europeans) and the theory of penal slavery legitimized and galvanized the deportation, respectively, of the black slaves and white semi-slaves required by colonial development. On the eve of the American Revolution, in Maryland alone there were 20,000 servants of criminal origin. To put the point with Samuel Johnson, they were 'a race of convicts, and ought to be content with anything we may allow them short of hanging'. And that is how an inexhaustible source of forced labour was fed.[64]

6. Indentured servants

This labour force proved precious for the purposes of populating and exploiting colonies as they were conquered. Initially, the flow of indentured servants went in the direction of America. Subsequently, supplanted and rendered superfluous by the massive introduction of black slaves, and in any event after the achievement of independence by the United States, white semi-slaves were diverted towards Australia, where they made an even more significant contribution to the process of exploiting the new colony. What were the characteristics of this labour relationship? Let us start with the journey of relocation or deportation from Britain. The horrors and mortality rate call to mind the famous 'middle passage' to which black slaves were subjected. Sometimes not even half the 'passengers' survived the voyage. Among them were to be found children between the ages of one and seven; they rarely escaped death. A witness related having seen thirty-two children of tender years cast into the ocean in the course of a single voyage. Diseases continued to rage

even after the crossing of the Atlantic; as a result, the new arrivals were often subjected to quarantine. There then intervened the moment of the market. In the papers commercial adverts of the following kind could be read: 'Just arrived at Leedstown, the Ship *Justitia* with about one Hundred Healthy Servants. Men, Women and Boys, among which are many Tradesmen … The Sale will Commence on Tuesday, the 2nd of April' (*The Virginia Gazette*, 28 March 1771). Husband and wife were often separated, and might be separated from their children, permanently or for a long period; children under the age of five were obliged to render service until they were twenty-one. Flogged by their masters in the event of indiscipline or disobedience, servants sometimes fled, and then a manhunt was unleashed. The local press provided an accurate physical description of the fugitives who, once taken, were punished and branded with the letter R (standing for 'rogue') or subjected to the excision of ears. Thus rendered immediately recognizable, they no longer had any escape.[65]

What, then, was the difference compared with slaves proper? Sometimes white semi-slaves bemoaned their lot: 'Many blacks are treated better.' In fact, unlike real slaves, servants could turn to the judiciary and hope to be accepted into the community of the free, and were indeed admitted 'assuming they survived their period of labor'.[66] It is true that death often intervened first. But we are dealing with a social relation that is different from hereditary racial slavery.

Was it a social relation marked by freedom? We have seen Locke on the one hand stress the contractual, and hence free, genesis of the figure of servant, and on the other let slip the admission that he was not really free. But on this point we should also attend to Sieyès' opinion. Looking across the Atlantic, he argued thus:

> The final class, composed of men who have only their hands, can have need of regulated *slavery* in order to escape the *slavery of need*. Why restrict natural liberty? I want to sell my time and my services of whatever kind (I do not say my life) for a *year*, two *years*, etc., as occurs in English America. The law is silent in this connection, and it should only speak to prevent abuses of the institution that endanger liberty. Thus it will be possible to hire oneself or serve [*s'engager/s'asservir*] for a maximum of five years.[67]

Sieyès did not disguise the fact that what characterized the figure of the indentured servant was subservience, 'servile engagement' (*engageance serve*), or 'legally regulated slavery'. However, especially after the outbreak of the French Revolution, apologetic concerns seem to have got the upper hand: in the new ideological and political climate, it was no longer possible to declare oneself in favour of an institution whose substantially slave-like character was acknowledged. And so we have Sieyès arguing against those for whom the indentured servant was a person who 'loses some of his freedom'. No:

> It is more accurate to say that, at the point when the contract is drawn up, far from being impeded in his liberty, he exercises it in the way most opportune to him. Any convention is an exchange in which each likes what he receives more than what he gives up.

It is true that for the duration of the contract the servant could not exercise the liberty ceded

by him. But it was a general rule that the liberty of an individual 'never extends to the point of harming others'.[68]

On the other hand, from the outset Sieyès upheld contractual servitude in the name of 'natural liberty', of the right possessed by every individual to draw up the contract that seemed most opportune to him. In other words, the key category of liberal thought (the category of contract), invoked by Grotius to legitimize slavery proper, was applied by Sieyès solely to the labour relation that binds the indentured servant to his master. This was not dissimilar from Locke, the difference being that the French author, prior to the Revolution at least, stressed the fundamentally slave-like character of the relationship. That is why he was concerned to stress the vigilance the law should be called on to exercise: public officials should control the master's actions in order to prevent the 'person' of the servant 'being harmed through unduly prolonged hire or during the hire'.[69] Sieyès seems to propose a kind of code for regulating this white semi-slavery, on the model of the *Code noir* with which, in theory, the masters of black slaves should comply.

7. 'The extensive Herod-like kidnappings'

Among the compulsory labour force called on to ensure the development of the colonies were also youngsters of poor condition, deceived with honeyed words, abducted and deported across the Atlantic.[70] Alternatively, they arrived in America with their parents, who were often compelled to sell them, never seeing them again. The situation of children of popular extraction was not much better in England. Marx denounced 'the extensive Herod-like kidnappings perpetrated in the early days of the factory system, when children were stolen from the work houses and orphanages, and capital thereby incorporated a mass of unresisting human material'.[71] Going beyond the use of orphanages as a source of low-cost and more or less compulsory labour, we can make a general observation here. If, in the proto-liberal theory and practice of the time, the wage-labourer was (as we shall soon see) the *instrumentum vocale* Burke mentions, or the 'bipedal machine' referred to by Sieyès, his children were ultimately *res nullius*, destined to be used at the first opportunity precisely in their capacity as work tools and machines. Locke explicitly declared that poor children, who were to be sent to work from the age of three, must 'be taken off their [parents'] hands'.[72] Over a century later, Bentham's attitude was not dissimilar. He invited people to look for inspiration to 'manufactures where children, down to four years old, earn something, and where children a few years older earn a subsistence, and that a comfortable one'.[73] It was permissible and beneficial to 'tak[e] the children out of the hands of their parents as much as possible, and even, if possible, altogether'. There should be no hesitation:

> [Y]ou may even clap them up in an inspection-house, and then you make of them what you please. You need never grudge the parents *a peep behind the curtain* in the master's lodge … you might keep up a sixteen or eighteen years separation between the male and female part of your young subjects …[74]

The children of the poor were at the complete disposal of society. We are reminded of the fate reserved for slaves across the Atlantic. To end their presence on American soil,

suggested Jefferson, one might at a moderate price, and perhaps even gratis, acquire newborn blacks, place them 'under the guardianship of the State', subject them to work as soon as possible, and thus largely recover the expenses required for their deportation to San Domingo, which should be set in train when convenient. Certainly, '[t]he separation of infants from their mothers … would produce some scruples of humanity', but there was no need to be so fussy.[75] While he was motivated by economic calculations, rather than worries about racial purity, Bentham would have liked to proceed perhaps even more ruthlessly with the children of the poor in England: 'An inspection-house, to which a set of children had been consigned from their birth, might afford experiments enough … What say you to a *foundling-hospital* upon this principle?'[76]

We shall see that Bentham also envisaged experiments of a eugenic character. But for now we can reach a conclusion by attending to an English economist (Edward G. Wakefield), who in 1834 published a successful book devoted to the contrast between America and England: 'it is the whole press of England, not I, that calls English children [of popular extraction] slaves'. The majority were compelled to work such long hours that they inadvertently fell asleep, only to be awoken and forced back to work with beatings and torments of every kind. As to foundlings, they were dispensed with rapidly enough: adverts were affixed to the doors of workhouses promoting their sale. In London the price of male and female children put on the market thus was significantly below that of black slaves in America; in rural regions, such commodities were even cheaper.[77]

8. Hundreds or thousands of wretches 'daily hanged for trifles'

Bearing down on this mass of wretches was legislation that was certainly not marked by the protection of civil liberties. One thinks of the blank warrants that allowed the police to arrest or search a person at will. Abolished by the Fourth Amendment to the US Constitution, this 'intolerable tool of oppression' (to adopt the description of it given by the French liberal Laboulaye in 1866)[78] long continued to survive in England. Smith himself tended if not to justify it, in any case to trivialize it. He was astonished that the 'common people', rather than fighting for the free circulation and buying and selling of labour power, exhibited all its indignation 'against general warrants, an abusive practice undoubtedly, but such a one as was not likely to occasion any general oppression'.[79]

The death penalty was imposed with great facility but also with some discretion. With the passing in 1723 of the Black Act—the 'blacks' were alleged deer rustlers—in some cases it was not necessary to resort to a formal process to provide for the death sentence, which consigned to the hangman even those who had in some way aided a thief (or alleged thief) to escape justice.[80]

Without betraying any disquiet, Mandeville recognized that 'the Lives of Hundreds, if not Thousands, of Necessitous Wretches, that are daily hanged for Trifles' were being snuffed out;[81] execution often became a mass spectacle with pedagogical purposes.[82] The British liberal called upon magistrates not to be inhibited either by misplaced 'compassion' or by undue doubts and scruples. Certainly, thieves might have committed theft under the spur of necessity: 'what they can get Honestly is not sufficient to keep them'. Yet 'the Peace of the Society' required that the guilty be hanged. Yes, 'the Evidences perhaps want clearness or

are otherwise insufficient'; and there was a risk that an innocent person might be put to death. But however 'terrible' that would be, the aim must be achieved that 'not one Guilty Person [be] suffered to escape with Impunity'. It would be a serious thing if overly scrupulous judges prioritized their 'Conscience' over the 'Advantage to a Nation'.[83] The courts of the property-owner judges were called upon to operate as a kind of committee of public safety.

We can then conclude that, setting aside the colonies in their entirety (including Ireland), in Britain itself full enjoyment of a private sphere of liberty guaranteed by the law—the 'modern' or 'negative' liberty that Constant and Berlin, respectively, refer to[84]—was the privilege of a small minority. The mass of people was subject to regulation and coercion that extended far beyond the workplace (or the place of punishment that was the prison, but also the workhouse and the army). While Locke proposed regulating the consumption of alcohol by the popular classes, Mandeville believed that, at least on Sunday, 'every Amusement Abroad that might allure or draw them from' attending church should be 'prohibited'.[85] On the subject of alcohol, Burke argued differently: while it had no nutritional properties, it could alleviate hunger pangs in the poor person; moreover, 'at all times, and in all countries', alcohol, together with 'opium' and 'tobacco', had been turned to for the 'moral consolations' men sometimes needed.[86] Now, even more than the disciplining of workers and vagrants as in Locke and Mandeville, the problem was that of dulling the consciousness and suffering of the starving in general. What remained constant was the tendency to govern the existence of the popular classes even in its smallest details. The reference to opium added a touch of cynicism. Reports by government committees of inquiry would subsequently denounce the catastrophe: in the poorest districts, opium consumption was spreading, and was becoming a means of feeding or a substitute for it. It was sometimes given to infants, who ' "shrank up into little old men", or "wizened like little monkeys" '.[87]

This detailed regulation obviously also included religious indoctrination. In Locke's view, for poor children to start work from the age of three was a beneficial measure not only economically, but also morally: 'Another advantage … of bringing poor children … to a working-school is that by this means they may be obliged to come constantly to church every Sunday along with their school-masters or dames, whereby they may be brought into some sense of religion'.[88] In his turn, Mandeville demanded that Sunday attendance of church become 'a Duty' for the poor and illiterate. Appealing to spontaneous religious feelings was insufficient: 'It is a Duty incumbent on all Magistrates to take particular Care' of what happened on Sundays. 'The Poor more especially and their Children should be made to go to Church on it both in the Fore and Afternoon'. Positive results would not be wanting: 'Where this Care is taken by the Magistrates as far as it lies in their Power, Ministers of the Gospel may instill into the smallest Capacities' devotion and the virtue of obedience.[89]

Controlled in their private life, the popular classes were even more so in the public existence which, amid a host of difficulties, they sought: 'Between 1793 & 1820, more than 60 acts directed at repression of working-class collective action were passed by Parliament.'[90] More even than trade-union activity in the strict sense—that is, action aimed at raising wages and improving working conditions—the very attempt by servants to

escape their isolation and communicate with one another was viewed with dismay. They (thundered Mandeville in alarm) 'assemble when they please with Impunity'. They even developed relations of mutual solidarity; they sought to aid a colleague dismissed or flogged by his master. Simply by virtue of not confining themselves to the vertical, subaltern relationship with their superiors, but seeking to develop horizontal relations with one another, servants were to be considered culpable of unacceptable subversion: they were 'daily incroaching upon Masters and Mistresses, and endeavouring to be more upon the Level with them'; they had already raised 'the low Dignity of their Condition … from the Original Meanness which the publick Welfare requires it should always remain in'. Exceeding every limit, the servant posed as a gentleman; this was the 'comedy' of the 'Gentleman Footman', a comedy which in fact, in the absence of timely intervention, might turn into a 'tragedy' for the whole nation.[91]

Particularly significant in this context was the position taken by Adam Smith. He acknowledged that '[w]e have no acts of parliament against combining to lower the price of work; but many against combining to raise it.' Besides, '[t]he masters, being fewer in number, can combine much more easily … Masters are always and everywhere in a sort of tacit, but constant and uniform combination, not to raise the wages of labour above their actual rate', or 'to sink the wages of labour even below this rate'.[92] Hence even were masters and workers to be treated identically in legislative terms, the former would always enjoy an advantageous situation. But they were also favoured by the precarious living conditions of the opposing party:

> In order to bring the point to a speedy decision, they [the workers] have always recourse to the loudest clamour, and sometimes to the most shocking violence and outrage. They are desperate, and act with the folly and extravagance of desperate men, who must either starve, or frighten their masters into an immediate compliance with their demands.[93]

All this did not prevent Smith from recommending that the government act severely against working-class combinations. Certainly, '[p]eople of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public, or in some contrivance to raise prices'. However, it was 'impossible to prevent such meetings, by any law which … would be consistent with liberty and justice'. But the government must forestall any working-class gathering, even the most casual and seemingly innocuous. For example, the requirement of bureaucratic registration for those who practice a specific profession ended up 'connect[ing] individuals who might never otherwise be known to one another'. Utterly intolerable was any 'regulation which enables those of the same trade to tax themselves in order to provide for their poor, their sick, their widows and orphans, by giving them a common interest to manage'.[94] Consequently, not only trade-union activity, but even a mutual aid society was to be considered illegal. Smith recognized that he was dealing with 'desperate men', who risked dying of starvation. And yet this consideration took second place to the need to avoid meetings, 'conversations' or gatherings that tended to be synonymous with a 'conspiracy against the public'.

In order to criminalize at birth any popular association, the dominant class in England resorted to yet more summary methods, which can be described in Constant's words: 'the

horrendous expedient of sending spies to incite ignorant minds and suggest rebellion to them, so as then to be able to denounce them'. Results were not wanting: 'The wretches captivated those who had the misfortune to listen to them and probably also accused those they did not succeed in captivating.' And justice came crashing down on both.[95]

9. A whole with singular characteristics

We have seen Mandeville call on judges to be summary in condemning to death those guilty or suspected of theft and pilferage, even at the cost of striking down some innocents. The priority was the need to safeguard 'the peace of the society' or 'advantage to a nation'. Blackstone acknowledged that press-ganging men into the navy seemed dubious and detrimental to liberty. It was 'only defensible for public necessity, to which all private considerations must give way'.[96] In his turn, Locke repeatedly called on people not to lose sight of 'the public good', 'the good of the nation', 'the public weal', or 'the preservation of the whole', 'the whole commonwealth'.[97]

What is so passionately invoked here is a Whole demanding the sacrifice, permanent not temporary, of the overwhelming majority of the population, whose condition was all the more tragic because any prospect of improvement seemed pretty remote. In fact, even to entertain projects tending towards such improvement was synonymous not only with abstract utopianism, but also and above all with dangerous subversion. According to Townsend, the 'stock of human happiness is … much increased' by the presence of 'the poor', who were compelled to perform the most arduous and painful work. The poor fully deserved their fate, were by definition wastrels and vagrants. But it would be a disaster for society if, by some chance, they were to mend their ways: 'The fleets and armies of a state would soon be in want of soldiers and of sailors, if sobriety and diligence universally prevailed';[98] and the country's economy would find itself in difficulties. Mandeville reached the same conclusion: 'To make the society … happy … it is requisite that great numbers … should be ignorant as well as poor'; 'the surest wealth consists in a multitude of laborious poor'.[99] And let us now read Arthur Young: 'every one but an idiot knows that the lower classes must be kept poor, or they will never be industrious',[100] and would not produce the 'wealth of nations' referred to by Smith. Later, in France, Destutt de Tracy arrived at the same conclusion: 'In poor nations the people are comfortable, in rich nations they are generally poor.'[101] Why was the proposition, in its various forms, that society's happiness and wealth depended on the hardship and deprivation of the poor, who formed a large majority of the population, not perceived as contradictory? It is Locke who explains the logic of this Whole with special characteristics: slaves 'cannot … be considered as any part of civil society, the chief end whereof is the preservation of property'.[102] And this was also Algernon Sidney's opinion: 'a kingdom or city … is composed of freemen and equals: Servants may be in it, but are not members of it.' Indeed, 'no man, whilst he is a servant, can be a member of a commonwealth'; he is not even a member of the people, because 'the people' comprises 'all the freemen'.[103] The poor were the servile caste required by society; they were the subterranean foundation of the social edifice, those whom Nietzsche defined as 'the blind moles of culture'. With society and civilization, the poor and the moles continued to have a relationship of estrangement.[104]

10. Wage-labour and the categories of slavery

Some decades after Franklin, in transition from the first to the second great controversy in the liberal party, the governor of South Carolina, James Henry Hammond, likewise applied himself to emphasizing how much quasi-slavery persisted in Britain. He sent an open letter to Thomas Clarkson, the venerable patriarch of English abolitionism, putting his finger on the sore point of the workers' condition in the country that boasted of having abolished slavery in its colonies:

> When you look around you, how dare you talk to us before the world of Slavery? … If you are really humane, philanthropic, and charitable, here are objects for you. Relieve them. Emancipate them. Raise them from the condition of brutes, to the level of human beings—of American slaves, at least.[105]

Obviously, reactions in Britain were indignant, insisting on the characteristic feature of the freeman that applied to even the most wretched wage-labourer. However, in defining him, the liberal tradition frequently had recourse to the same categories as were used in classical antiquity and across the Atlantic in relation to the black slave.

In Locke's view, not genuinely capable of intellectual and moral life was 'the greatest part of Mankind, who are given up to Labour, and enslaved to the necessity of their mean Condition; whose Lives are worn out, only in the Provisions for Living'. Wholly absorbed in 'still[ing] the Croaking of their own Bellies, or the Cries of their Children', such people had no possibility of thinking about other things:

> 'Tis not to be expected, that a Man, who drudges on, all his Life, in a laborious Trade, should be more knowing in the variety of Things done in the World, than a Pack-horse, who is driven constantly forwards and backwards, in a narrow Lane, and dirty Road, only to Market, should be skilled in the Geography of the Country.

Locke had no hesitation in asserting that 'there is a greater distance between some Men, and others, in this respect, than between some Men and some Beasts'. To appreciate this, it was enough to contrast 'Westminster-hall' and the 'Exchange' with 'Alms-Houses' and 'Bedlam'.[106] The boundary separating the human world from the animal world was imperceptible and evanescent: 'if we compare the Understanding and Abilities of some Men, and some Brutes, we shall find so little difference, that 'twill be hard to say, that that of the Man is either clearer or larger.'[107]

Similarly, Mandeville, condemning the spread of education to popular strata, compared the wage-labourer to a 'horse': 'No Creatures submit contentedly to their Equals, and should a Horse know as much as a Man, I should not desire to be his Rider.'[108] This was a metaphor that reappeared on the occasion of his polemic against the excessive generosity displayed by the rich master to the servant in England: 'A Man may have Five and Twenty Horses in his Stables without being guilty of Folly, if it suits with the rest of his Circumstances, but if he keeps but one, and overfeeds it to shew his Wealth, he is a Fool for his Pains.'[109]

It was not only English liberalism that argued in these terms. In fact, the process of de-humanization possibly reached its peak in Sieyès:

The unfortunates devoted to arduous work, producers of other people's enjoyments, who receive scarcely enough to sustain their suffering, needy bodies; this enormous crowd of bipedal tools, without liberty, without morality, without intellectual faculties, equipped solely with hands that earn little and a mind burdened with a thousand worries that serves them only to suffer … are these what you call men? They are deemed civilized [*policés*], but have we seen a single one of them who was capable of entering into society?[110]

On other occasions, the process of de-humanization occurred in a different fashion. Adopting the distinction, peculiar to classical antiquity, between the various instruments of labour, Burke subsumed the wage-labourer under the category of *instrumentum vocale*.[111] Similarly, Sieyès referred to the 'majority of men' defined, above all in private notes predating 1789, as 'work machines' (*machines de travail*), 'instruments of labour' (*instruments de labeur*), 'human instruments of production' (*instruments humains de la production*), or 'bipedal tools' (*instruments bipèdes*).[112]

Traces of this process of de-humanization can even be found in Smith. By dint of the duress and monotony of his work, a wage-labourer 'generally becomes as stupid and ignorant as it is possible for a human creature to become', incapable of participating 'in any rational conversation' or 'conceiving any generous … sentiment'.[113]

As across the Atlantic with black slaves and slaves in general, so in Europe the dominant class was separated from white servants by a gulf that had ethnic and racial connotations. In Locke's view, 'a day-labourer [is] no more capable of reasoning than almost a perfect natural [i.e., an ignorant aborigine]': neither had yet reached the level of 'rational creatures and Christians'.[114] In his turn, Sieyès was of the opinion that the 'human instruments of production' pertained to a 'people' different from (and inferior to) that comprising 'the heads of production' or 'intelligent persons', 'respectable folk'.[115]

A further reason intervened to render the gulf separating the community of the free from servants and slaves unbridgeable. The latter were considered incapable of fully appreciating the humiliations, the frustrations, the sufferings, the pain, as well as all the other feelings characteristic of man's spiritual existence. We have seen how Mandeville argued in relation to the mass of wretches in Europe. They were forced to suffer hardship and privations and often ended up on the gallows 'for trifles', which they made themselves guilty of in an attempt to escape hunger. However,

> To be happy is to be pleas'd, and the less Notion a Man has of a better way of Living, the more content he'll be with his own … when a Man enjoys himself, Laughs and Sings, and in his Gesture and Behaviour shews me all the tokens of Content and Satisfaction, I pronounce him happy …

On careful examination, the 'greatest King' could envy 'the Peace of Mind' of 'the meanest and most unciviliz'd Peasant' and his 'Tranquillity of … Soul'.[116] In no less emphatic terms, the Virginian theorist we have already encountered, Thomas R. Dew, expressed himself on the subject of slaves: 'we have no doubts that they form the happiest portion of our society. A merrier being does not exist on the face of the globe, than the negro slave of the United States'.[117]

Not only is it very difficult to define the condition of white servants in Europe as free, but the image of them transmitted by the liberal thought of the time is not much different from the image of the black slave in the southern United States. So was the governor of South Carolina right to mock the abolitionists' hypocrisy and credulity? That would be a hasty conclusion. In any event, we are obliged to reflect further on the characteristics of the society that was being formed either side of the Atlantic and on the categories best suited to understanding it.

1 Adam Smith, *Lectures on Jurisprudence*, Indianapolis: Liberty Classics, 1982, p. 191.

2 David B. Davis, *The Problem of Slavery in Western Culture*, Ithaca and New York: Cornell University Press, 1966, p. 437.

3 John Millar, *The Origin of the Distinction of Ranks*, Aalen: Scientia, 1986, pp. 289–90.

4 Smith, *Lectures on Jurisprudence,* p. 191.

5 William Blackstone, *Commentaries on the Laws of England*, 4 vols, Chicago: University of Chicago Press, 1979, vol. 1, pp. 413–16.

6 Smith, *Lectures on Jurisprudence*, p. 456.

7 David Hume, *Essays, Moral, Political, and Literary*, Indianapolis: Liberty Classics, 1987, p. 386.

8 Smith, *Lectures*, p. 456.

9 Blackstone, *Commentaries*, vol. 1, pp. 412–13.

10 Seymour Drescher, *From Slavery to Freedom*, London: Macmillan, 1999, p. 401.

11 John C. Calhoun, *Union and Liberty*, ed. R. M. Lence, Indianapolis: Liberty Classics, 1992, p. 474.

12 Alexis de Tocqueville, *Oeuvres complètes*, ed. Jacob-Peter Mayer, Paris: Gallimard, 1951–, vol. 5, pt 2, p. 97.

13 Daniel Defoe, *Giving Alms no Charity, And Employing the Poor a Grievance to the Nation*, London, 1704, p. 15.

14 Karl Marx and Friedrich Engels, *Werke,* 38 vols, Berlin: Dietz, 1955–89, vol. 2, pp. 496–7.

15 Françoise Barret-Ducrocq, *Pauvreté, charité et morale à Londres au XIX siècle*, Paris: Presses Universitaires de France, 1991, p. 94.

16 Nassau William Senior, *Three Lectures on the Rate of Wages*, New York: Kelley, 1966, p. ix.

17 John Locke, *Political Writings*, ed. David Wootton, London and New York: Penguin, 1993, p. 454.

18 Ibid., p. 447.

19 Ibid., p. 460.

20 Ibid., p. 449.

21 See Thomas Robert Malthus, *An Essay on the Principle of Population*, 2 vols, ed. Patricia Joyce, Cambridge: Cambridge University Press and Royal Economic Society, 1989, vol. 1, ch. 2.

22 Tocqueville, diary note of 4 February 1851, quoted in Hugh Brogan, Introduction to Tocqueville, *Oeuvres complètes*, vol. 7, pt 2, p. 35.

23 Tocqueville, *Oeuvres complètes*, vol. 4, pt 1, p. 319.

24 Ibid., vol. 4, pt 1, pp. 50–1.

25 Ibid., vol. 5, pt 1, p. 71.

26 Ibid., vol. 5, pt 1, pp. 319–20.

27 John Stuart Mill, *Collected Works*, 33 vols, ed. John M. Robson, Toronto and London: University of Toronto Press and Routledge and Kegan Paul, 1963–91, vol. 2, p. 204.

28 T. H. Marshall, *Citizenship and Social Class and Other Essays*, Cambridge: Cambridge University Press, 1950, p. 24.

29 David B. Davis, *Slavery and Human Progress*, Oxford and New York: Oxford University Press, 1986, p. 122.

30 Jeremy Bentham, *The Works*, 11 vols, ed. John Bowring, Edinburgh: Tait, 1838–43, vol. 4, p. 56.

31 Ibid., vol. 8, pp. 368–70.

32 Ibid., vol. 8, p. 398; Gertrude Himmelfarb, *The Idea of Poverty*, New York: Vintage Books, 1985, p. 80.

33 Bentham, *The Works*, vol. 8, p. 389.

34 Benjamin Franklin, *Writings*, ed. J. A. Leo Lemay, New York: Library of America, 1987, p. 652.

35 Allan Nevins and Henry S. Commager, *America: Story of a Free People*, Oxford: Oxford University Press, 1943, p. 138.

36 Calhoun, *Union and Liberty*, p. 291.

37 David B. Davis, *The Problem of Slavery in the Age of Revolution*, Ithaca: Cornell University Press, 1975, pp. 376, 394.

38 C. Duncan Rice, 'The Missionary Context of the British Anti-Slavery Movement', in James Walvin, ed., *Slavery and British Society, 1776–1846*, London: Macmillan, 1982, p. 151.

39 Foner, *The Story of American Freedom*, London: Picador, 1999, p. 6; E. P. Thompson, *The Making of the English Working Class*, London and New York: Penguin, 1988, p. 88.

40 John Locke, *Two Treatises of Government*, ed. William S. Carpenter, London and New York: Everyman's Library, 1924, p. 118.

41 Linda Colley, *Captives*, London: Random House, 2002, p. 314.

42 Locke, *Two Treatises*, pp. 188–9.

43 See Hugo Grotius, *The Rights of War and Peace*, 3 vols, ed. Richard Tuck, Indianapolis: Liberty Fund, 2005, vol. 2, ch. v, §28.

44 Colley, *Captives*, pp. 314–16.

45 Defoe, *Giving Alms No Charity*, p. 24.

46 Joseph Townsend, *A Dissertation on the Poor Laws by a Well-Wisher to Mankind*, Berkeley: University of California Press, 1971, p. 35.

47 Bernard de Mandeville, *The Fable of the Bees*, 2 vols, ed. Frederick B. Kaye, Indianapolis: Liberty Classics, 1988, vol. 1, p. 119.

48 Colley, *Captives*, p. 314.

49 Defoe, *Giving Alms No Charity*, p. 24.

50 E. P. Thompson, *Whigs and Hunters*, Harmondsworth: Penguin, 1977, pp. 22–3; Anthony Arblaster, *The Rise and Decline of Western Liberalism*, Oxford: Blackwell, 1987, p. 172; Robert Hughes, *The Fatal Shore*, London: Collins Harvill, 1987, p. 30.

51 Ronald W. Harris, *England in the Eighteenth Century*, London: Blandford Press, 1963, p. 211.

52 Locke, *Two Treatises*, p. 140.

53 Ibid., p. 137.

54 Ibid., p. 126.

55 Ibid., pp. 125–6.

56 Thompson, *Whigs and Hunters*.

57 Thus the legal historian Leon Radzinowicz, quoted in ibid., p. 23.

58 Harris, *England in the Eighteenth Century*, pp. 211, 214.

59 Domenico Losurdo, *Hegel and the Freedom of the Moderns*, trans. Marella and Jon Morris, Durham (NC) and London: Duke University Press, 2004, ch. 5, §8.

60 Hughes, *The Fatal Shore*, p. 41.

61 Eric Williams, *Capitalism and Slavery*, London: Deutsch, 1990, p. 12; cf. Hughes, *The Fatal Shore*, p. 40.

62 Locke, *Two Treatises*, p. 122.

63 Ibid., p. 128.

64 Marcus W. Jernegan, *Laboring and Dependent Classes in Colonial America*, Westport (CI): Greenwood Press, 1980, pp. 77–9, and p. 48 (for the quotation from Dr Johnson).

65 Ibid., pp. 50–4.

66 Foner, *The Story of American Freedom*, p. 11.

67 Emmanuel-Joseph Sieyès, *Écrits politiques*, ed. Roberto Zapperi, Paris: Éditions des archives contemporaines, 1985, p. 76.

68 Ibid., pp. 89, 196.

69 Ibid., p. 76.

70 Williams, *Capitalism and Slavery*, p. 11.

71 Karl Marx, *Capital: Volume One*, trans. Ben Fowkes, Harmondsworth: Penguin, 1976, p. 527 n. 62.

72 Locke, *Political Writings*, p. 454.

73 Bentham, *Works*, vol. 4, p. 56.

74 Ibid., vol. 4, pp. 64–5.

75 Jefferson, *Writings*, pp. 1450, 1485–7 (letters to Albert Gallatin, 26 December 1820, and Jared Sparks, 4 February 1824).

76 Bentham, *Works*, vol. 4, p. 64.

77 Edward Gibbon Wakefield, *The Collected Works of Edward Gibbon Wakefield*, ed. M. F. Lloyd Prichard, London and Glasgow: Collins, 1968, pp. 347–8.

78 Édouard Laboulaye, *Histoire des États-Unis*, 3 vols, Paris: Charpentier, 1866, vol. 3, pp. 541–2.

79 Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, Indianapolis: Liberty Classics, 1981, p. 157.

80 Thompson, *Whigs and Hunters*, pp. 23, 175.

81 Mandeville, *Fable of the Bees*, vol. 1, p. 273.

82 Hughes, *The Fatal Shore*, p. 31.

83 Mandeville, *Fable of the Bees*, vol. 1, pp. 272–3, 87.

84 Benajmin Constant, *Political Writings*, ed. and trans. Biancamaria Fontana, Cambridge: Cambridge University Press, 1988, pp. 309–28; Isaiah Berlin, *Four Essays on Liberty*, Oxford: Oxford University Press, 1969, pp. 118–72.

85 Mandeville, *Fable of the Bees*, vol. 1, p. 307.

86 Edmund Burke, *The Works: A New Edition*, 16 vols, London: Rivington, 1826, vol. 7, pp. 413–14.

87 Marx, *Capital: Volume One*, p. 522 and n. 51.

88 Locke, *Political Writings*, p. 454.

89 Mandeville, *Fable of the Bees*, vol. 1, pp. 307–8.

90 Karl Polanyi, quoted in Immanuel Wallerstein, *The Modern World System*, 3 vols, New York: Academic Press, 1974–89, vol. 3, p. 121 n. 333.

91 Mandeville, *Fable of the Bees*, vol. 1, p. 306.

92 Smith, *The Wealth of Nations*, pp. 83–4.

93 Ibid., pp. 84–5.

94 Ibid., p. 145.

95 Benjamin Constant, *Mélanges de littérature et de politique*, 2 vols, Louvain: Michel, 1830, vol. 1, p. 28 and *passim*.

96 Blackstone, *Commentaries*, vol. 1, p. 407.

97 Locke, *Two Treatises*, pp. 202–3, 196–7, 205, 188.

98 Townsend, *A Dissertation on the Poor Laws*, p. 35.

99 Quoted in Marx, *Capital: Volume One*, p. 765.

100 Young, quoted in R. H. Tawney, *Religion and the Rise of Capitalism*, West Drayton: Pelican, 1948, p. 268.

101 Destutt de Tracy, quoted in Marx, *Capital: Volume One*, p. 802.

102 Locke, *Two Treatises*, p. 158.

103 Algernon Sidney, *Discourses Concerning Government*, ed. Thomas G. West, Indianapolis: Liberty Classics, 1990, pp. 89, 103.

104 Cf. Domenico Losurdo, *Nietzsche, il ribelle aristocratico*, Turin: Bollati Boringhieri, 2002, ch. 12, §4.

105 Clarkson, quote in Davis, *Slavery and Human Progress*, pp. 233–4.

106 John Locke, *An Essay Concerning Human Understanding*, ed. Peter H. Nidditch, Oxford: Oxford University Press, 1975, pp. 707, 709.

107 Ibid., p. 666.

108 Mandeville, *Fable of the Bees*, vol. 1, p. 290.

109 Ibid., vol. 1, p. 305.

110 Sieyès, *Écrits politiques*, pp. 236, 75, 81.

111 Burke, *Works*, vol. 7, p. 383.

112 Sieyès, *Écrits politiques*, pp. 236, 75, 81.

113 Smith, *The Wealth of Nations*, p. 782.

114 John Locke, *The Conduct of the Understanding*, Edinburgh: William and Robert Chambers, 1839, pp. 10, 12.

115 Sieyès, *Écrits politiques*, pp. 89, 75.

116 Mandeville, *Fable of the Bees*, vol. 1, pp. 311–16.

117 Dew, quoted in Richard Hofstadter, ed., *Great Issues in American History*, 3 vols, New York: Vintage Books, 1958–82, vol. 2, p. 318.

Were Eighteenth- and Nineteenth-Century England and America Liberal?

1. The elusive liberalism of de Tocqueville's America

How should we define the political regime which, following the Dutch prologue and starting from the liberal revolutions, was established first in Britain and then in the United States? As regards the latter, Washington was in no doubt. We have seen him immediately after the achievement of independence celebrating the 'wise and liberal government' his country had given itself. Some years later, on the eve of the ratification of the federal Constitution, which consecrated a strong executive power, the general-president coined a kind of advertising slogan, declaring himself in favour of a 'liberal & energetic' government.[1] Yet if by liberalism is meant every individual's equal enjoyment of a private sphere of liberty guaranteed by law—'modern liberty' or 'negative liberty'—it is not difficult to perceive the rather problematic character of employing such a category. Even if we discount the problem of slavery, we know the condition of semi-slavery to which notionally free blacks were subjected.

We can ignore the population of colour in its entirety and still not thereby arrive at a different result. Those in the United States who were untainted by any crime, but interned in workhouses that were (as de Tocqueville himself acknowledged) an integral part of the 'prison system', did not exactly enjoy civil equality or modern liberty. And that is not all: such was the condition of the poor that, even in their capacity as witnesses, they were locked up in prison until the legal proceedings were over. And thus, 'in the same country that the plaintiff is put in prison, the thief remains at liberty if he can pay a bail bond'. Of 'three thousand examples' which might be given, there was that of two young Irishmen 'detained for a whole year while waiting for the judges to deign to hear their deposition'. We can now come to de Tocqueville's unanticipated conclusion: we are dealing with laws consolidated by 'customs' and which yet can seem 'monstrous'; they 'have provided everything for the convenience of the wealthy and virtually nothing for the protection of the poor', of whose liberty 'they dispose cheaply'.[2]

But let us now pass over both populations of colonial origin and the poorest strata of the white community, who were denied not only political rights, but also 'modern liberty'. Let us focus exclusively on the dominant class—i.e. on white, male property-owners. Did full civil and political equality obtain in this milieu? There are reasons to doubt it. One thinks of the 'three-fifths' constitutional provision on the basis of which, in calculating the number of seats due to the southern states, partial account was also taken of the number of slaves. Far from being a negligible detail, this clause played a significant role in the history of the United States: 'four southern voters' ended up exercising 'more political power than ten northern voters'. Thus is explained the 'Virginia dynasty' that long succeeded in holding the country's presidency.[3] This was why Jefferson was branded the 'black president' by his

opponents:[4] he arrived in power thanks to the inclusion in the electoral result of blacks who remained his slaves. On the eve of the Civil War, Lincoln proclaimed polemically: 'It is a truth that cannot be denied, that in all the free States no white man is the equal of the white man of the slave States.'[5] This was a thesis repeated in 1864 by a French liberal (Édouard Laboulaye). With the 'three-fifths' clause, it was as if the US Constitution was addressed to 'the folks of the South':

> Because you have slaves, you will be allowed to elect a representative with ten thousand votes, while the Yankees [of the North], who live off their own labour, will require thirty thousand votes. The conclusion for the folks of the South is that they constitute a particular, superior race, that they are great lords. The aristocratic spirit has been developed and strengthened by the Constitution.[6]

Accused of breaching the principle of political equality within the dominant elite itself, the southern planters replied by declaring that, in actual fact, the principle of civil equality was infringed to their detriment. They regarded themselves as suffering negative discrimination, in as much as they were deprived of the freedom to transfer their human cattle to any part of the Union. They considered it inadmissible that owners of the *instrumentum vocale* should be treated worse than the owners of any other movable goods. As Jefferson Davis, president of the secessionist Confederacy, declared at the moment of abandoning the Union, the North was wrong to hamper in any way 'property in slaves', to act 'to the prejudice, detriment or discouragement of the owners of that species of property', which was 'recognized in the Constitution' and which, on that basis, should enjoy complete equality of treatment with other types of property.[7] This exchange of accusations played a far from subsidiary role in the conflict that issued in the Civil War.

2. Absolute power and the community obligations of the slave-owners

From Constant onwards, modern or liberal liberty has been described and celebrated as the undisturbed enjoyment of private property. But slave-owners were in fact subject to a whole series of public obligations. There can be no doubt that the Glorious Revolution and then the American Revolution consecrated the self-government of a civil society composed of, and hegemonized by, slave-owners, who were more determined than ever not to tolerate interference by central political power and the Church. But it would be mistaken to equate the self-government of civil society, now freed from these fetters, with the free movement of the individual members composing it. Certainly, they could reduce the slaves they legitimately owned to chattels. In the New England of 1732, a master put up for sale a nineteen-year-old female slave along with her son of six months: they could be acquired (the advert announced) 'together or separately'. There were no obstacles to bringing to market even adulterous offspring; a New Jersey master did this with the offspring of his relations with three black women whom he owned. Not by chance, slaves were frequently given names usually reserved for dogs and horses.[8]

There can be no doubt that the slave-master wielded absolute power over his legitimate 'property', but not to the extent of being able freely to challenge the process of reification

and commodification that had occurred. In this case, the community requirement prevailed of keeping the barrier between the race of masters and the race of servants clear and fixed. Let us attend to de Tocqueville: blacks had been 'forbidden … under severe penalties, to be taught to read or write'.[9] The prohibition aimed to exclude the race of servants from any form of education, which was regarded as a serious source of danger not only because it was liable to fuel unacceptable hopes and claims, but also because it risked facilitating the communication of ideas and sentiments between blacks that was to be frustrated by any means. And yet, in the case of violation of such rules, to be struck in the first instance were white property-owners, who thus saw their negative liberty seriously restricted. The bans affecting slaves did not leave their masters unaffected. After Nat Turner's rebellion, it became a crime in Georgia even to provide a slave with paper and writing materials.[10]

Particularly significant was the legislation that banned interracial sexual relations and marriages. Later, in 1896, when upholding the constitutional legitimacy of provisions for racial segregation as a whole, the US Supreme Court conceded that the ban on 'the intermarriage of the two races' might, 'in a technical sense', breach freedom of contract, but extricated itself from an awkward situation by adding that the right of any individual state to legislate in this area was 'universally recognized'.[11] In fact, opposition was not lacking. The provision made in Virginia at the start of the eighteenth century, according to which not only those directly responsible for the sexual or marital relation were to be punished, was significant: 'extremely severe penalties' were prescribed for the priest guilty of having consecrated the interracial family bond.[12] And hence, along with 'freedom of contract', religious freedom itself was in some sense affected.

The absolute power exercised over black slaves ended up having negative and even dramatic consequences for whites. Take Pennsylvania in the early decades of the eighteenth century. The free black caught violating the ban on miscegenation (as it later came to be called)[13] risked being sold as a slave. This involved serious consequences for the white woman, who had to suffer forced separation from her partner and the terrible punishment inflicted on him. Let us now see what happened in colonial Virginia immediately after the Glorious Revolution. On the basis of a law of 1691, a free white woman who had had a child by a black man or mulatto could be sentenced to five years of servitude and, above all, be forced to surrender the child to the parish, which then sold him or her as a servant for a term of thirty years.[14] But there is more. Well-nigh insurmountable obstacles were placed in the way of recognition of the offspring of a relationship between an owner and one of his slaves. The father faced a tragic alternative: either to suffer exile from Virginia with his de facto family; or to agree to the child being a slave together with the mother.[15] More summary was New York's legislation, which automatically converted all children born of a slave mother into slaves.[16] We thus find ourselves in the presence of a society that in fact exercised such severe duress over its privileged members, partly legal and partly social, as to choke even the most natural feelings. As has justly been noted, in enslaving 'their children and their children's children', white people were in fact 'enslaving themselves'.[17]

Further to clarify the entanglement between the individual property-owner's absolute power over his human livestock and his subservience to the 'master race' of which he was a member, we can offer a final consideration. We have already noted the law in force in Virginia whereby it was meaningless to define and treat the killing of a slave by his owner

as a 'felony'. Yet in not a few states, on the basis of legislation that survived even after the Second World War (see below, Chapter 10, §5), a white man who had sexual relations with a black woman was guilty of a 'felony'. Thus, it was permissible for an owner to flog and beat his female slave to the point of killing her—property right was sacred; but so strong was the control exercised by the class of property-owners and the community of the free over their individual members that only by exposing himself to risks of various kinds could he have sexual relations with her. Other than by legal provisions, the ban on miscegenation was enforced by the intervention in the 1850s here and there of vigilante gangs, engaged in spying on, intimidating and attacking whites tempted by the fascination of their female slaves and women of colour in general.[18]

While, in one respect, they were a form of property and a chattel completely at the disposal of their legitimate master, in another slaves represented the enemy within, against whom it was necessary to be constantly on guard. Certainly, to avert the threat recourse could be had to terror, ruthlessly and even sadistically striking at guilty individuals and transforming execution into a kind of terrifying educative spectacle for all the rest: the slaves in a particular area were obliged to witness the torment of two of their fellows, guilty of murder and condemned to be burnt alive.[19] But that was not sufficient. Once again, preservation of the institution of slavery required heavy sacrifices even on the part of the dominant class. In 1741, in New York, mysterious fires fanned fears of a slave revolt: condemned to death and burnt alive were two blacks whose lives the master had in vain sought to save, testifying that at the time of the fire they were at home. Some years later, in the environs of the same city, a black, having confessed to setting fire to a barn, suffered the same torment. There was only one difference: the crowd of white spectators contrived to ensure that the flames were not extinguished too quickly, so that the spectacle and sufferings of the rebel black lasted as long as possible; his cries were heard three miles away. In any case, the master heard them very clearly: he sobbed loudly, because his slave was dear to him. But he was powerless, and the most he could do was to see to it that the torture was not prolonged any further.[20] Faced with the security requirements of the community they belonged to, individual slave-owners could not demand free disposal over their property.

Given the circumstances, these security requirements were a permanent given. We can make a general observation:

> While the colonial slave codes seem at first sight to have been intended to discipline Negroes, to deny them freedoms available to other Americans, a very slight shift in perspective shows the codes in a different light; they aimed, paradoxically, at disciplining white men. Principally, the law told the white man, not the Negro, what he must do; the codes were for the eyes and ears of slaveowners (sometimes the law required publication of the code in the newspaper and that clergymen read it to their congregations). It was the white man who was *required* to punish his runaways, prevent assemblages of slaves, enforce the curfews, sit on the special courts, and ride the patrols.[21]

Specific penalties were provided for slave-owners who failed to inflict the punishments prescribed by law. According to a law in force in South Carolina, on her fourth attempt at

flight a female slave was to be 'severely whipped … branded on the left cheek with the letter R, and [have] her left ear cut off'. Until 1722, it was the slave-owners themselves who, directly or indirectly, had to provide for the execution of these operations.[22]

In crisis situations the duty of vigilance made itself strongly felt. We have seen a 'military service' of whites patrolling day and night in Richmond in 1831. In such cases, observed Gustave de Beaumont during his journey in de Tocqueville's company, 'society arms itself with all its rigours' and mobilizes 'all social forces', seeking in every possible way to encourage 'informing' and control; in South Carolina, along with the fugitive slave the death penalty awaited 'any person who has helped him in his escape'.[23] Significant too were the results of the passage of laws on fugitive slaves in 1850. Subject to punishment was not only the citizen who sought to hide or help the black pursued or sought by his legitimate owners, but also those who did not collaborate in his capture. This was a legal provision which (as its critics put it) sought to compel 'every freeborn American to become a manhunter'.[24]

As well as slave-owners, slave society ended up affecting the white community as a whole. Precisely because, in addition to being chattels, black slaves were also the enemy within, abolitionists were immediately suspected of treason, thus becoming the target of a series of more or less harsh repressive measures depending on the gravity of the impending danger. Severe restrictions were placed on the press: in 1800 the slave revolt in Virginia was often ignored by southern newspapers; there was the danger of spreading the contagion of subversion further.[25] In 1836 the president of the United States (Andrew Jackson) permitted the postmaster general to block the circulation of all publications critical of the institution of slavery. Rounding off the gag placed on abolitionists, the House of Representatives adopted a resolution banning the examination of anti-slavery petitions.[26]

Repression could take much more drastic forms. In 1805, denouncing writings liable to have an incendiary impact on slaves, South Carolina passed laws that provided for executing as traitors those who were in some way stained with the guilt of having stirred up a slave revolt or supported it. Georgia proceeded similarly.[27] Bound up with terror from above was terror from below. While it took less ruthless forms in the North (it aimed at preventing meetings and destroying the means of propaganda or the property of 'agitators'), in the South violence against abolitionists took the form of a pogrom that did not hesitate to torture and physically eliminate traitors and their supporters, with complete impunity.[28] The situation in the South in the years preceding the Civil War was described as follows by Joel R. Poinsett, an important political figure in the Union, in a letter written by him at the end of 1850:

> We are both [i.e., Poinsett and his correspondent] heartily sick of this atmosphere redolent of insane violence … There is a strong party averse to violent men and violent measures, but they are frightened into submission—afraid even to exchange opinions with others who think like them, lest they should be betrayed.[29]

In fact, the contemporary historian who cites this testimony concludes that, through recourse to lynching, violence and threats of every kind, the South succeeded in silencing not only any opposition, but also any mild dissent. In addition to abolitionists, those who

wanted to distance themselves from this pitiless witch-hunt felt threatened, and were threatened. They were impelled by terror into 'holding one's tongue, killing one's doubts, burying one's reservations'.[30] There is no doubt about it: the terroristic power wielded by slave-owners over their blacks also ended up affecting, on a lasting basis, members and fractions of the dominant race and class.

3. Three legislations, three castes, one 'master-race democracy'

So how are we to define the political regime of the society we are examining? Are we dealing with a liberal society? The problem posed in connection with a figure like Calhoun is now presented in more general terms. At least until the Civil War, there were three different sets of legislation in the United States. In relation to slaves, things are immediately clear. In the mid-nineteenth century, the black abolitionist Frederick Douglass calculated that there were seventy-two crimes in Virginia which, when committed by a slave, carried the death penalty, whereas only two of them involved the same penalty for a whiteman.[31]

But special laws also affected men of colour who were notionally free—and not only because, in different ways depending on diverse local realities and in different historical periods, they were excluded from certain professions, from the right to own land, from the possibility of testifying in courts against whites or forming part of the judicial panel. There was a still more revealing circumstance: even ignoring slaves, the same crime continued to have very different consequences depending on the skin colour of the person responsible for it. Obviously, only free people of colour ran the risk of being reduced to slavery. This was the fate that befell those in Pennsylvania, who, in the early decades of the eighteenth century, were caught breaking the ban on miscegenation, or if they were not able to pay the fine issued to them for having traded with other blacks without permission.[32] Certainly, the situation in the North changed with the abolition of slavery that followed the Revolution. But the complete control whites had over the magistracy remained in place. This was something highlighted by de Tocqueville, and its consequences were spelt out in the North as follows by a particularly courageous judge from Ohio: 'The white man may now plunder the Negro, he may abuse his person; he may take his life: He may do this in open daylight … and he must be acquitted, unless [there be] some white man present [prepared to give evidence against the culprit]'.[33]

Clear and insuperable was the barrier separating whites, the dominant race, from people of colour as such. In the words of Beaumont, '[w]hether slaves or freemen, negroes everywhere form a different people from the whites.'[34] This was an observation confirmed by de Tocqueville: 'In Philadelphia blacks are not buried in the same cemetery as whites'. Segregation also obtained in prisons: 'blacks were also separated from whites for meals'. And again: 'in Maryland [a slaveholding state] free blacks pay taxes for schools just like whites, but cannot send their children to them'.[35] And (we might add) in mid-nineteenth-century Virginia, the law denied notionally free blacks 'the right to learn how to read and write'.[36]

We are in the presence of a racial state, articulated (according to the explicit declaration of its theorists and apologists in the South), into 'three *castes*— … free whites, free colored,

and slave colored population'.[37] Still in the early decades of the nineteenth century, the caste model was also evoked by some observers of the North. Referring to their own society, where slavery had been abolished, they spoke of a division into 'Brahmins and pariahs', as demonstrated by the racial segregation that operated at every level, from public transport to theatres and from churches to cemeteries, and which allowed blacks to enter hotels, restaurants and meeting-places for the most part solely in the capacity of servants. Yes, acknowledged another observer, who proposed to banish blacks from Indiana in order to spare them a yet worse fate, they were treated like 'a race legally and socially excommunicated, as the Helots of Sparta—as the Pariahs of India—disfranchised outcasts; a separate and degraded caste'.[38]

When we identify three castes in the post-bellum United States, we are obviously ignoring the Indians, who were regarded until the Dawes Act of 1887 as 'domestic dependent nations'—that is, as a set of nations with their own particular identity, under the protectorate of Washington, and whose members did not form part of American society in the strict sense.[39] It should be added that the discourse of the three castes is not without a dubious ideological component: it tends to neglect the differences that remained within the white community, which could impact heavily not only on the material living conditions, but also on the civil rights, of the poorest strata. The Articles of the Confederacy, designed to regulate the new state that was being formed, explicitly excluded 'paupers' and 'vagrants' from the group of 'free inhabitants' (Article IV). But it is true that, when we examine the society as a whole, the main demarcations were colour lines and, within the black community, the line separating slaves proper from the rest—from 'free' blacks, who in fact lived the nightmare of being deported or enslaved in their turn. On the other side, the absolute centrality of the colour line galvanized (as the southern ideologue of the three castes pointed out) the 'spirit of equality' within the white community, with a fairly rapid disappearance of the most odious forms of discrimination.[40]

In this sense we can speak of 'castes', as do distinguished historians of the institution of slavery.[41] But registration of the naturalistic and racial rigidity of the relations between social classes tells us little about the nature of the political regime in the society under examination. On the basis of the history of South Africa, reference has sometimes been made to 'segregationist liberalism'[42] in order to explain the tangle of freedom (for whites) and oppression (of colonial populations). It is a category that completely excludes from the focus of attention the practices of expropriation, deportation and annihilation implemented against the native populations of southern Africa or the Amerindians. Even as regards blacks and other ethnic groups, such a category seems to refer only to the period subsequent to the abolition of slavery. Like the adjective, the substantive is misleading. On the one hand, the white community soon shook off censitary discrimination, long recommended and in fact regarded as insuperable by exponents of classical liberalism. On the other, the property-owner-citizens were subject to a series of obligations that it would be very difficult to integrate into the modern liberty theorized by Constant.

On other occasions, rather than to 'segregationist liberalism', reference has been made to 'aristocratic republicanism',[43] explicitly in connection with the pre–Civil War United States. Such a definition completely obscures the character both of the dominant aristocracy and of the plebs oppressed by it, and the entanglement between social classes and ethnic groups.

Nevertheless, the substantive makes it possible to take a step forward: we are not dealing with property-owners interested solely in the enjoyment of their private sphere; they also led a rich political life. While far from being generally enjoyed, 'modern liberty' was scarcely the sole objective of the protagonists of the Revolution and the Founding Fathers of the United States. For Hamilton, the 'distinction between freedom and slavery' was clear: in the first case, 'a man is governed by the laws to which he has given his consent'; in the second, 'he is governed by the will of another'.[44] Or, in Franklin's words, submitting to taxation from a legislative body where one is not represented signifies being considered and treated as 'a conquer'd People'.[45] To be excluded from political decisions, to be subject to laws imposed from without, however reasonable and liberal, was synonymous with political slavery or, at any rate, represented the onset of it.

In fact, Calhoun, the author with whom we began when we posed the crucial question—what is liberalism?—professed democracy even more than liberalism; he was an eminent member of the Democratic Party of the United States. The category of liberalism should unify the two Anglo-Saxon countries. But Calhoun defined the Constitution of his country as 'democratic, in contradistinction to aristocracy and monarchy', and hence in contradistinction to Great Britain, where 'title[s] of nobility' and other 'artificial distinctions' that had been abolished in the North American republic survived.[46] Certainly, it was not an unqualified democracy, as might appear from the title of de Tocqueville's book, which (as we shall see), in expressing itself thus, thought it possible to ignore the condition of Indians and blacks. Still less was it the 'frontier democracy' to which an eminent US historian, inclined to hagiography, pays homage.[47] Apart from anything else, the definition suggested by him evokes, in reticent, uncritical fashion, only the gradual expansion of the white colonists to the West, and hence only the relationship between two of the 'three races' referred to (as we shall see) by *Democracy in America*.

Calhoun was concerned to distinguish the democracy whose theorist he aspired to be from 'absolute democracy', guilty of wanting to ride roughshod over the rights of states and slave-owners.[48] Hence we are at the antipodes of the 'abolitionist democracy' dear to an eminent US historian and passionate Afro-American activist.[49] But then how are we to define a democracy which, far from wanting to abolish or even simply repress or hide slavery, celebrated it as a 'positive good'? Reference has sometimes been made to 'Hellenic democracy, based on the work of non-European slaves'.[50] But this definition too is inadequate. It overlooks, or does not accurately describe, the fate reserved for Indians. And it does not take account of another crucial element: absent from ancient Greece was the racial chattel slavery which, in the American case, was conjoined not with direct democracy but representative democracy. Corresponding to the modernity of the mode of production was the modernity of the political regime.

With reference in particular to the English colonies, another distinguished black theorist and activist speaks interchangeably of 'white plantocracy' or 'planter democracy'.[51] However, calling attention to but one narrow social caste, this definition commits the error of concentrating exclusively on the South, which was not in fact separated by any barrier from the North. This applies at an economic level: after land, slaves were the country's largest property; in 1860 their value was three times greater than the share capital in manufacturing and the railway industry. The cotton grown in the South was far and away

the most sizeable US export, and made a decisive contribution to financing the country's imports and industrial development.[52] At a political—constitutional level, the obligation to take part in hunting down escaped slaves and returning them obviously also extended to the citizens of the North. Finally, on an ideological level, we must not forget the racial apartheid in force in the free states. If the process of expropriating and deporting Indians is added to this, it is clear that, albeit with obvious differences between its two parts, the racial discrimination practised in the United States played a decisive role at a national level. Finally, although more adequate than those cited above, even the category of 'white democracy'[53] has a limitation—that of not stressing the proud seigneurial self-consciousness of the community of the free and the explosive violence such a community could unleash against the excluded.

Following, then, the suggestion of distinguished US historians and sociologists, we should speak of a '*Herrenvolk* democracy'—that is, a democracy which applied exclusively to the 'master race'.[54] The clear line of demarcation between whites, on the one hand, and blacks and Indians, on the other, was conducive to the development of relations of equality within the white community. The members of an aristocracy of class or race tended to celebrate themselves as 'peers'; the manifest inequality imposed on the excluded was the other aspect of the relationship of parity established between those who enjoyed the power to exclude 'inferiors'. It must be added that the equality in question was primarily a clear line of demarcation from the excluded. This is what was expressed by the slogan that presided over the American Revolution: 'We won't be their Negroes'! For the rest, conflicts and mutual charges of abuses of power and violations of the principle of equality were (as we know) not lacking within the community of freemen and masters.

After all, it was Josiah Tucker who had already come close to understanding the true nature of the republicanism for which he reprehended Locke and the rebellious American colonists: 'all Republicans ancient and modern … suggest no other Schemes but those of pulling down and leveling all Distinctions above them, and of tyrannizing over those miserable Beings, who are unfortunately placed below them.'[55] And again: 'he that is a Tyrant over his Inferiors is, of Course, a Patriot, and a Leveller in respect to his Superiors.'[56]

4. Freemen, servants and slaves

However, if they can serve to analyse the society that emerged from the American Revolution, what help is the discourse of the three castes and the category of 'master-race democracy' when it comes to understanding the politico-social relations that obtained in England? At least until the abolition of slavery in the colonies, the situations on both sides of the Atlantic had not a few points in common—and not only because slaves and the slave market were far from absent from the metropolis itself. More important is the consideration that the British Empire should be analysed as a whole, without repressing the reality of the colonies. Its economic development and political and military rise owed much to the *asiento* —that is, to a monopoly on the slave trade. At the same time, those who derived their wealth from trade and property in human cattle were well represented in the British parliament. Hence we see the caste of white freemen and that of slaves operative here as well. Certainly, viewed from the London observatory, the third caste—notionally free blacks

—was completely irrelevant. An initial difference between the two shores of the Atlantic thus emerges.

There is another, more significant one, which concerns the bulk of the metropolitan population. Within the American white community itself, there were small sections to which legal equality and even negative liberty were denied. This emerges from the description of de Tocqueville, who comments that it was the legacy of the 'civil laws' of England, clearly weighted in favour of the rich.[57] In the United States the group of whites denied these privileges was a rather small sector, which fairly rapidly disappeared. The very presence of blacks, whether slaves or semi-slaves, encouraged the spread of a sense of relative equality between members of the higher 'caste'. The situation of the white community in England was very different. Here exclusion from the enjoyment of legal equality and negative liberty was much more widespread. Let us ignore Ireland, which even after the formation of the United Kingdom in fact continued to be a colony. Let us focus on England proper, starting with Locke.

He made a sharp distinction between three groups: men 'by the right of Nature, subjected to the absolute dominion and arbitrary power of their masters', or subject to a 'perfect condition of slavery',[58] who were the black slaves from Africa; then freemen; and finally, white servants who were blood relations of the freemen. A key paragraph of the *Second Treatise of Government* clarifies this:

> [W]e find among the Jews, as well as other nations, that men did sell themselves; but it is plain this was only to drudgery, not to slavery; for it is evident the person sold was not under an absolute, arbitrary, despotical power, for the master could not have power to kill him at any time, whom at a certain time he was obliged to let go free out of his service; and the master of such a servant was so far from having an arbitrary power over his life that he could not at pleasure so much as maim him, but the loss of an eye or tooth set him free (Exod. xxi).[59]

Here Locke primarily had in mind the two figures of the black slave and the indentured white servant. As we know, even the second was subject to buying and selling, was in large measure a commodity, exported to America and regularly traded on the market where possible purchasers arrived alerted by adverts in the local press. It goes without saying that the master possessed an extensive right of punishment, even if not as unlimited as that wielded over the black slave. We can understand then the comparison with the servant in the Old Testament, who, although not subject to a 'perfect condition of slavery', experiences a condition that might by contrast be defined as 'imperfect slavery'. This imperfect slavery was defined by Locke by the term of servitude or drudgery.

Within the British Empire three different legal situations coexisted—the first marked by liberty, the second by servitude, and the third by slavery in the strict sense. Notwithstanding the racial abyss that was now open, and which separated black slave from white servant, in England the latter did not form part of the community of the free in the strict sense. Even if different from that wielded by 'a lord over his slave', the power of 'a master over his servant', who was subject to the 'ordinary discipline' applied by the master within his family, was indisputable.[60] Significantly, although he was concerned to distinguish between slave and servant, Locke sometimes also used the second term to refer to the figure of the

slave proper. In the *First Treatise of Government*, we can read: 'those who were rich in the patriarch's days, as in the West Indies now, bought men and maid-servants, and by their increase as well as purchasing of new, came to have large and numerous families'.[61] As demonstrated by the reference to the property-owners of the West Indies and the property right they exercised over the offspring of 'servants', it is clear that the discourse here concerns hereditary slavery.

The tripartite division formulated by Locke also appears in Mandeville. In the first place, we have 'the great Number of Slaves, that are yearly fetch'd from Africa' to America.[62] In England, on the other hand, 'Slaves are not allow'd', but free men can avail themselves of 'the Children of the Poor', of 'willing Hands for all the Drudgery and hard and dirty Labour'.[63] Once again we encounter the three figures of the freeman, the servant and the slave. It is so difficult to confuse the second with the first that the similarities with the third leap to the eye: 'the meanest Indigent part of the Nation' is 'the working slaving People', which is eternally destined to perform 'dirty slavish Work'.[64]

Finally, let us turn to Blackstone. In celebrating England as the land of liberty, he stressed that there was no place in it for 'proper slavery', 'strict slavery', 'absolute slavery', wherein the master was endowed with absolute, unlimited power over the life and fate of the slave. This insistent clarification left room for forms of compulsory labour different from that to which blacks in the colonies were subjected. In the great jurist's writings too an intermediate condition between liberty and slavery ends up emerging, a sort of non-'absolute' slavery, slavery not understood in the 'strict' sense. Along with slaves, 'domestics', 'apprentices' and 'labourers' were servants. We are dealing with 'different types of servant', each with its specific characteristics, but all brought together by the fact of being subject to servitude.[65] Active once again is the legacy of Grotius, for whom *servitus* was the general category for understanding and defining the character of work. In Locke, Mandeville and Blackstone what is new is the stress on the distinction between two types of *servitus*—that in force in the metropolis and that operative in the colonies. Thus, we pass from Grotius' bipartite division to a tripartite division.

5. England and the three 'castes'

But now, setting aside major authors, let us take a look at the social reality and ideology that characterized Britain during the eighteenth and nineteenth centuries. Far from the 'vestiges of slavery' referred to by Smith, the persistence of servile relations is very clear from the treatment of the poor and the possibility of disposing of their children as a *res nullius* in workhouses, in the army, in prisons, and in the recruitment of servants sent to settle the colonies. An economist we have already encountered, Wakefield, drew attention to 'English slavery' and 'white slaves' in 1834.[66] At this time authors of the most varied political persuasion compared slaves across the Atlantic with suffering workers in England: anti-abolitionists who echoed Calhoun-type statements; more or less radical currents that aimed at a more general emancipation of labour; more detached observers who confined themselves to registering the fact, like the economist we have just cited. And the comparison was established not simply by focusing on the spectre of death from starvation that constantly haunted the English worker. Certainly, this is an aspect that cannot be ignored:

the number of poor people who, in order to avoid starvation, committed some crime in the hope of being able to survive as deportees or 'galley slaves', was not negligible.[67] But considerable attention was also paid to encroachments on a more specifically liberal freedom—namely, 'modern liberty'. For this to emerge with greater clarity, let us leave behind the cities and industrial centres and move to the countryside to hear the rural labourers' grievances:

> Speaking generally, since all laws have their exceptions, the privileged classes of our rural districts take infinite pains to be abhorred by their poorest neighbours. They enclose commons. They stop footpaths. They wall in their parks. They set spring-guns and man-traps … They build jails, and fill them. They make new crimes and new punishments for the poor. They interfere with the marriages of the poor, compelling some, and forbidding others to come together. They shut up paupers in workhouses, separating husband and wife, in pounds by day and wards by night. They harness poor men to carts. They superintend alehouses, decry skittles, deprecate beer-shops, meddle with fairs, and otherwise curtail the already narrow amusements of the poor.[68]

Around twenty years later, the popular and radical *Reynold's Newspaper,* condemning the 'slavery' that existed in England, listed the flogging of soldiers and sailors, the separation of husbands and wives in workhouses, the obligation of rural servants to request permission from their masters before they could marry, and the systematic sexual abuse to which 'the wives and daughters of the poorer orders' were subject.[69]

Wakefield reported the *cahier de doléances* deriving from the countryside and considered them incontrovertible. Writing on the immediate eve of the abolition of slavery in British colonies, he believed it possible to distinguish three figures—'freeman', 'slave' and 'pauper'—within the empire as a whole.[70] We are put in mind of the discourse of the three castes we have encountered in a theorist from the American South. In fact, in 1864 the *Saturday Review* (a periodical that circulated among the middle and upper classes) observed that the poor in England formed 'a caste apart, a race', placed in a social condition that underwent no alteration 'from the cradle to the grave', and which was divided from the rest of society by a barrier similar to that existing in America between whites and blacks. The respectable English periodical proceeded as follows:

> The English poor man or child is expected always to remember the condition in which God has placed him, exactly as the negro is expected to remember the skin which God has given him. The relation in both instances is that of perpetual superior to perpetual inferior, of chief to dependant, and no amount of kindness or goodness is suffered to alter this relation.[71]

We are—it is important not to forget it—in 1864. Many decades had passed since the Glorious Revolution and the birth of liberal England. And yet, if the situation was unstable and tending to change as a result of popular struggles, the reality of a caste society continued to make itself felt. Already abolished thirty years earlier in the English colonies, the caste of slaves was on the point of disappearing in the United States as well. Having been three, the castes were becoming two in number on both sides of the Atlantic:

corresponding to the black semi-slaves of the United States were the white servants of England. A more or less rigid barrier continued to separate both from the caste of genuine freemen.

A sort of social apartheid seems to correspond to the racial apartheid. In eighteenth-century England we find Charles Seymour, Duke of Somerset, having his coach preceded by outriders who were charged with clearing the road in order to spare the nobleman the annoyance of meeting with plebeian persons and glances.[72] Even a century later, a kind of segregation existed between the different social classes in English churches.[73] And the already noted *cahier de doléances* drawn up by rural labourers bemoaned the fact that even then the aristocracy resorted to a curtain to shield itself from any 'vulgar gaze'.[74] When Senior visited Naples, what made him angry was the mixing of ranks: 'In cold countries the debased classes keep at home; here they live in the streets'. Worse, they were so little removed from the upper classes that they lived in the cellars of seigneurial palaces. The result? '[Y]ou never are free from the sight, or, indeed, from the contact of loathsome degeneration.'[75]

6. The reproduction of the servile caste and the beginnings of eugenics

How to 'continue the race of journeymen and servants'?[76] Smith's phrase reveals that social mobility was limited or non-existent. The heaviest, worst-paid work was entrusted to a stratum that tended to be reproduced from one generation to the next, and hence to a kind of hereditary servile caste.

The reproduction of this caste or race was absolutely necessary. According to Mandeville, a decidedly beneficial role was played by war. If, with its periodic massacres, it did not provide a remedy for excess male births, women, sought after by too many aspiring, competitive males, would become a kind of rare commodity accessible only to the rich. Society would then lose its re-supply of 'the Children of the Poor; the greatest and most extensive of all temporal Blessings'. The hereditary reproduction of the poor destined to perform 'the Drudgery of hard and dirty Labour' would prove difficult or impossible.[77]

The natural order, of which war was a part, spontaneously generated the race of semi-slaves that society could never do without. However, this supposedly spontaneous process must be encouraged by timely political interventions from above. According to Mandeville, access to education on the part of the 'Labouring Poor' was to be avoided at all costs: the 'Proportion of the Society' would be compromised by it.[78] The requisite cheap, docile and obedient labour force would risk disappearing. Other representatives of the liberal tradition invoked much more extensive intervention. For the purposes of generating a potentially perfect race of docile workers and instruments of labour, the concentration-camp universe of the 'workhouses' could prove useful. Locking up the children of delinquents and 'suspects' therein, one could (observed Bentham) produce an 'indigenous class' that would be distinguished for its industriousness and sense of discipline. If early marriage was promoted within this class, treating the offspring as apprentices until they attained their majority, the workhouses and society would dispose of an inexhaustible reserve of manpower of the highest quality. In other words, through the 'gentlest of all revolutions'—a sexual revolution[79]—the 'indigenous class', propagating itself in hereditary fashion from one

generation to the next, would be transformed into a kind of indigenous race.

Sieyès envisaged a similarly 'gentle' revolution, and likewise for the purposes of producing a class or race of labourers as docile as possible. Like Bentham, the French liberal indulged in a eugenicist utopia (or dystopia). He imagined a 'cross' (*croisement*) between monkeys and 'blacks' for creating domesticated beings adapted to servile work: 'the new race of anthropomorphic monkeys'. In this way, whites, who remained at the top of the social hierarchy as directors of production, could dispose of blacks as auxiliary instruments of production, or slaves proper, who would precisely be the anthropomorphic monkeys:

> However extraordinary, however immoral this idea might seem at first sight, I have reflected on it at length, and can find no other way in a great nation, especially in countries that are very hot or very cold, to reconcile the directors of works with the simple instruments of labour.[80]

While, on the one hand, it was necessary to encourage the production and reproduction of a race of servants or actual slaves, on the other, it was necessary to limit, so far as possible, the unproductive, parasitic surplus population, the mass of poor who, far from creating wealth, devoured it like locusts. To maintain the demographic balance, Malthus called for a policy that postponed marriage and procreation among the popular classes; otherwise, nature would dispose of them with wars, famines and epidemics. In this respect the role of medicine was problematic. In 1764 Franklin wrote to a doctor: 'Half the Lives you save are not worth saving, as being useless; and almost the other Half ought not to be sav'd, as being mischievous. Does your Conscience never hint to you the Impiety of being in constant Warfare against the Plans of Providence?'[81] Some decades later, de Tocqueville hoped that one could finally be shot of the 'prison rabble' like rats, maybe thanks to a massive fire.[82] Did the French liberal 'dream of genocide'?[83] The claim is exaggerated. But there remains his harsh polemic against a 'bastard charity' that threatened order: 'It is the philanthropy of Paris that is killing us.'[84]

A general conclusion is indicated. The eugenic temptation runs deep in the liberal tradition. Not by chance, the discipline that took this name had its baptism in Great Britain and experienced extraordinary success in the United States.[85]

7. The elusive liberalism of the United Kingdom of Great Britain and Ireland

As in the case of the United States, we are compelled to pose a crucial question in connection with Great Britain: Was it a liberal society? Even after the abolition of slavery in the colonies proper, we certainly cannot speak of generalized enjoyment of the quintessential liberal freedom—modern liberty—by the United Kingdom's inhabitants.

The Irish certainly did not enjoy it, being as they were (acknowledged de Tocqueville) constantly subjected to 'emergency measures' and at the mercy of 'military tribunals' and a numerous, hateful gendarmerie. In Castlebar, on the basis of the Insurrection Act, 'any man caught without a passport outdoors after sunset is deported'.[86] In the press of the time, the condition of the Irish was often compared with that of blacks across the Atlantic. According to the judgement in 1824 of a rich English merchant, who was a disciple of Smith and an

ardent Quaker and abolitionist (James Cropper), the Irish found themselves in a worse situation than black slaves.[87] In any event, the Irish represented for Britain what the blacks were for the United States; they were 'two phenomena of the same kind'.[88] De Beaumont's opinion found indirect confirmation from de Tocqueville. From *Democracy in America* we know of the complete deafness of the judiciary, monopolized by whites, to the legitimate complaints of blacks. A conclusion suggests itself, also indicated by evidence gathered in Maryland: 'The white population and the black population are in a state of war. They never mix. One of them must give way to the other.'[89] The French liberal heard a similar observation in the island subjugated and colonized by Britain: 'To tell the truth, there is no justice in Ireland. Virtually all the country's magistrates are in open warfare with the population. So the population does not even have the idea of public justice.'[90] In both cases a cornerstone of the *Rechtsstaat*—the judiciary—was at war with a substantial part of the population.

On both sides of the Atlantic, laws that prevented or hampered access to education and outlawed marriage with members of the higher caste served to prolong the oppression of the blacks and the Irish. In Ireland, too, miscegenation was a crime punished with great severity; on the basis of a law of 1725, a priest guilty of secretly celebrating a mixed marriage could even be condemned to death.[91] And in Ireland as well, attempts were made to obstruct the native population's access to education. We can conclude on this point by attending to the words of a nineteenth-century liberal Anglo-Irish historian: British legislation aimed to deprive the Irish of their 'property' and 'industry'; it 'was intended to make them poor and to keep them poor, to crush in them every germ of enterprise, to degrade them into a servile caste who could never hope to rise to the level of their oppressors'.[92]

In 1798, three years prior to the formation of the United Kingdom of Great Britain and Ireland, the Irish numbered 'about four and a half million—a third of the population of the British Isles'.[93] Accordingly, a higher percentage of people were to be deprived of their negative liberty than in the United States, where, at the time of independence, blacks made up one-fifth of the population. It must be added that, before and after the Glorious Revolution, Britain's rulers treated the Irish, on the one hand, like Indians, to be deprived of their land and thinned out through more or less drastic measures; and on the other, like blacks whose forced labour might conveniently be used. Hence the oscillation between practices of enslavement and genocidal practices.

In Britain itself the popular classes saw their negative liberty seriously infringed, to the extent that they were assimilated in the culture and press of the time to an inferior 'caste' or 'race'. But now it is appropriate to concentrate on relations within the upper 'caste'. As we know, the American colonists' rebellion developed out of protests against the negative discrimination they suffered by dint of their exclusion from the legislative body. At the same time, we must not forget that in eighteenth-century Britain the right to representation was a privilege granted by the Crown, so that even large industrial towns were excluded from the House of Commons, where, by contrast, boroughs which had virtually been abandoned, but which had the right to be 'represented' in London mainly by local nobles, were present. Bearing in mind that the House of Lords was the hereditary preserve of the landed aristocracy, a conclusion is dictated: in the case of Britain itself, not even relations within

the property-owning classes were stamped by equality.

Equality was further compromised by another circumstance: only the second electoral Reform Act, put through by Disraeli in 1867, 'effected the full political emancipation of Non-conformists'. Until then, significant forms of religious discrimination were in force:

> Persons, whether Protestant or Catholic, who would not take the Communion according to the rites of the Church of England, were still debarred from holding office either under the Crown or in the municipalities; the doors of Parliament were still closed to Roman Catholics, and the doors of the Universities to dissenters of every kind. [94]

Hence, on closer inspection, the non-conformists (among whom must obviously be included the Jews)[95] were deprived not only of political equality, but also of full legal equality. Only in 1871 did all universities, including Oxford and Cambridge, 'throw open College Fellowships and University posts to persons of every, or of no, religious denomination'.[96]

The argument with which Macaulay criticized the exclusion of Jews from political rights in 1831 is significant:

> It would be impious to let a Jew sit in Parliament. But a Jew may make money; and money may make members of Parliament … That a Jew should be privy-councilor to a Christian king would be an eternal disgrace to the nation. But the Jew may govern the money-market, and the money-market may govern the world.[97]

In a paradoxical argument against the forms of discrimination of which Jews were victims, Macaulay seems to echo anti-Jewish stereotypes, but in reality the meaning of his discourse is clear: it was absurd and inadmissible to seek to deny political and even civil equality to those who, economically at any rate, were already members of the dominant elite.

Finally, it should be borne in mind that, like the class that was the protagonist of the American Revolution and the establishment of a racial state, the English aristocracy in no way restricted itself to aspiring to a merely negative liberty. Some decades before Hamilton (and the American revolutionaries), in England Sidney had already declared that 'nothing denotes a slave but a dependence upon the will of another', or upon a law to which he had not given his consent.[98] Locke did not formulate things very differently, when with political 'slavery' he contrasted 'liberty' understood as 'be[ing] under no other legislative power but that established by consent in the commonwealth'.[99] Again it was Locke who stressed the equivalence between the English and Latin terms;[100] and the latter clearly implied the participation of the *cives* in public life. The English philosopher argued along similar lines to the American revolutionaries, who not by chance appealed to him: he who wants to decide on his own, excluding me from the process of forming laws, may legitimately be suspected of 'hav[ing] a design to take away everything else', not just political 'liberty'; he ultimately aims to 'make me a slave'.[101]

Regardless of the position adopted by this or that theorist, the English aristocracy aimed to play, and really did play, a political role of the first order. In addition to the upper house, 'the lower house of Parliament was essentially a landowners' club' until almost the end of the nineteenth century. The aristocracy exercised political power directly: 'it was the

landed elite, not a separate service elite, that was in control of public affairs'.[102] It was a control that encompassed the judiciary and local government and which, above all in the countryside, was seamless. Virtually until the end of the nineteenth century, 'the grandees and gentry were still the unchallenged authorities, responsible to no one but themselves.'[103]

As in the South of the United States, the uncontested power of a social class in England did not preclude the imposition of restrictions on its individual members. The titled property-owner was required to respect a series of obligations, sanctioned partly by law and partly by custom. One thinks of primogeniture and the inalienability of property, as well as the endogamy that was fairly widespread within the aristocracy—a practice that once again calls to mind the ban on miscegenation in the United States. The members of the nobility 'were concerned with voluntary service to the state, both locally and nationally, as civilians and as military men'. While they enjoyed their property and their wealth, patrician officers adopted the pose of 'chivalric heroes' required, when the nation was in danger, to exhibit 'spartan and stoical bravery'.[104]

How should we define the society we have been analysing? Once again, we encounter the problem that has dogged us since the beginning of this book: Can we speak of liberalism in connection with Calhoun's thinking and the reality of the United States where he lived and worked? And can we speak of it in relation to the United Kingdom of Great Britain and Ireland? Given the dominant representation of liberalism today, what sense would it make to define as liberal a society where a considerable part of the population was subject to military dictatorship, where the popular metropolitan classes were at least partially excluded from negative liberty, where this type of liberty was by no means the ideal of the possessing classes, and where the principle of civil and political equality was limited among the latter in various ways?

A constitutive element of a liberal regime should be competition between various candidates. But what actually happened?

> Many elections saw no contest at all. In seven general elections from 1760 to 1800, less than a tenth of the country seats were contested. Of the boroughs, some were purely inert in that their owners sold the seats or appointed the members without question; some seats were as much a property as seats in the French *parlements*.[105]

8. Liberalism, 'property-owning individualism' and 'aristocratic society'

In an attempt to overcome the difficulty encountered in defining eighteenth- and nineteenth-century British society, reference has sometimes been made to 'individualism' rather than liberalism; and the history of the intellectual tradition being examined now seems profoundly stamped with a 'property-owning individualism' or 'possessive individualism'.[106] This definition has some legitimacy. In Locke, political power begins to be configured as tyranny, and hence violence, when it attacks private property (belonging to the dominant class); and it is then licit to resist such violence. The citizen, in fact the individual, takes back the power he already possessed in the state of nature, which consists in 'us[ing] such means for the preserving of his own property as he thinks good and Nature allows him'.[107] The sphere of legality is the sphere of respect for private property, while

violence is defined in the first instance by its violation.

On closer examination, however, the category of 'property-owning individualism' proves completely inadequate. We are confronted with a society and intellectual tradition which, far from being inspired by a superstitious respect for property and property right in general, in fact promoted and legitimized massive expropriations of the Irish and Indians. It is true that a central chapter in the second of Locke's *Two Treatises of Government* bears the title 'Of Property'. But 'Expropriation' might have been more fitting, given that it aims to justify white colonists' appropriation of land from idle Indians incapable of cultivating it. Ignoring the colonies and colonial populations, or populations of colonial origin, the category of 'property-owning individualism' seems to focus attention exclusively on the white community in the capitalist metropolis, and on the conflict between property-owners and non-property-owners.

Even if we confine our attention to the metropolis, we see that the *Second Treatise* justifies and demands the enclosure of common land in England, and hence the massive expropriation of peasants. Like the transatlantic territories occupied by the Indians, common land was not properly fertilized by labour; and hence in both cases there was as yet no legitimate owner. In classic authors of the liberal tradition, we find the assertion and detailed demonstration that the property claimed by natives, and by social groups in the metropolis assimilated to natives, was in reality *res nullius*.

Paradoxically, despite its critical intentions, the category of 'property-owning individualism' ends up crediting the ideological self-consciousness of the classes that arrived in power in England and America advancing the slogan of liberty and property. Marx argued quite differently. *Capital* denounced the 'stoical peace of mind [of] the political economist' and of liberal thinkers in the face of 'the most shameless violation of the "sacred rights of property"', and 'the forcible expropriation of the people', carried out in England. In the early decades of the nineteenth century, in order to speed up the enclosure process, brutal methods were sometimes employed without hesitation: entire villages were destroyed and razed to the ground, so as to force the peasants to flee and transform common land into private property and pasture in the service of the textile industry.[108]

In examining the category of 'property-owning individualism', we have hitherto concentrated on the adjective. If we now turn our attention to the noun, we shall find that it too proves rather problematic. The excluded were likened by the dominant class to instruments of labour, bipedal machines. In other words, they saw their quality as human beings and individuals denied. Certainly, the privileged insisted strongly on this quality, which they attributed exclusively to themselves. But is this individualism? Here, too, we find the modern historian aligning himself with the ideological self-consciousness of a social class and political movement he intends to criticize.

Rather than 'property-owning individualism', the categories applied to England by some leading liberal authors of the nineteenth century seem more apt. In Constant's view, 'England is, at bottom, simply a vast, opulent and vigorous aristocracy.'[109] The judgement formulated by de Tocqueville in the 1830s was no different: 'Not only does the aristocracy seem more solidly stable than ever, but the nation leaves the government, seemingly without any signs of disapproval, to a very small number of families', an 'aristocracy' primarily based on 'birth'.[110] Hence we are dealing with an 'aristocratic community'

characterized by the domination of 'a small number of powerful and wealthy citizens'.[111] Besides, it was Disraeli himself who criticized the Whig Party, which long dominated the country that emerged from the Glorious Revolution, for having aimed to establish an aristocracy and oligarchy on the Venetian model.[112]

9. 'Master-race democracy' between the United States and England

A question remains unanswered: Albeit intrinsically aristocratic, was England nevertheless a liberal society? Constant was in no doubt: it was the country where 'social differences are most respected' (wholly to the advantage of the aristocracy), but where, at the same time, 'the rights of each man are most guaranteed'.[113] This was also de Tocqueville's opinion, but only after 1848, once anxiety about the socialist and Bonapartist drift of France had eclipsed any other consideration. '[T]he aristocratic constitution of English society' was incontestable, and yet it was still the 'wealthiest and freest country'.[114]

Prior to the fall of the July Monarchy, by contrast, de Tocqueville had his doubts and reservations. It was necessary to distinguish between 'two different forms of liberty'. One should not confuse 'the democratic and, dare I say it, correct conception of liberty' with the 'aristocratic conception of liberty', understood not as 'common right' but as 'privilege'. The latter prevailed in England, as in 'aristocratic societies' in general, with the result that there was no place for 'general liberty'.[115] *Democracy in America* referred and subscribed to the observation of a US citizen who had journeyed extensively in Europe: 'The English treat their servants with a stiffness and imperiousness of manner which surprises us.'[116] Not that the pathos of liberty was absent among those who adopted the stance of absolute masters. On the contrary: 'It can happen that the love of liberty is all the more alive among some the less one encounters guarantees of liberty for all. The rarer it is, the exception in such cases is all the more precious.' This aristocratic conception of liberty produces, among those who have been thus educated, an exalted sense of their individual value and a passionate taste for independence.[117]

Regardless of the value judgement, which is the converse, we are put in mind of Burke's well-known observation: freedom appears even 'more noble and more liberal' to slave-masters. Should we equate England with slaveholding Virginia? In fact, points in common were not wanting, as emerges from a reading of de Tocqueville. He observed that in the United States whites refused to recognize 'the common features of humanity' in blacks.[118] But in England, too, inequalities were so marked and insuperable that 'each class assumes the aspect of a distinct race'; 'general ideas' were lacking, starting precisely with the idea of humanity.[119]

At this point, de Tocqueville was concerned to distinguish American democracy from the aristocracy predominant in England. However, on several occasions his analysis ended up drawing attention to the similarities between the two societies. What took the form of class relations on one side of the Atlantic presented itself as race relations on the other. In the case of England, we can speak of liberal society in the same way that Burke spoke of liberal society in connection with the Virginia and Poland of his time. An essential point remains: often excluded from the enjoyment of civil rights and negative liberty in England itself, the popular classes, by de Tocqueville's indirect but all the more significant admission,

continued to be separated from the upper class or caste by a gulf that calls to mind the one obtaining in a racial state.

In this sense, it can be said that for some time even the society which emerged in England from the Glorious Revolution was configured as a sort of 'master-race democracy', on condition that this category is not understood in a purely ethnic sense. On this side of the Atlantic, too, an insurmountable barrier separated the community of the free and masters from the mass of servants, not fortuitously compared by Locke to 'natives'. And far from being satisfied with negative liberty, the dominant aristocracy cultivated the ideal of active participation in political life, cultivating 'republican' ideals. Several influential contemporary interpreters base their arguments on this, when referring to a 'neo-Roman' vision or 'Machiavellian moment'.[120] And again we face the danger of inadvertent transfiguration: these two categories highlight the pathos of free, egalitarian participation in public life, but end up passing in silence over the macroscopic exclusion clauses presupposed by such pathos. The ideal of a rich public life, of 'neo-Roman' or 'Machiavellian' character, is indeed present in an author like Fletcher, who on the one hand declared himself 'republican in principle', while on the other he advocated slavery for vagrants. Locke can be assimilated to such a milieu. He declared in favour of black slavery in the colonies and 'drudgery' for wage-labourers in the metropolis. At the same time, with his focus on the aristocracy he developed a pathos of the Commonwealth and the *civitas*, which echoes the republican models of antiquity. This, at least, was the opinion of Josiah Tucker, who identified and denounced Locke as a 'republican Whig' and supporter of slavery.[121]

But perhaps the author who in England best expressed the ideal of 'master-race democracy' was Sidney. His insistence on the equality of free men was very marked: 'the equality in which men are born is so perfect, that no man will suffer his natural liberty to be abridged, except others do the like'. Definitive is his condemnation of political slavery, inherent not only in absolute monarchy, but also in any political regime that claimed to subject the freeman to laws decided without his consent. But this pathos of liberty implied the demand for the master's right to be 'judge' of his own servant without outside interference.[122] One should not lose sight of the fact that 'in many places (even by the law of God) the master hath a power of life and death over his servant'.[123] It was understood that 'the base and effeminate Asiaticks and Africans', incapable of understanding the value of 'liberty', were rightly regarded by Aristotle as *'slaves by nature'* and 'little different from beasts'.[124] Not by chance—together with Locke, Fletcher and Burgh—Sidney was indicated by Jefferson as a leading authority for understanding 'the general principles of liberty' that inspired the United States.[125]

Tucker also conjoined Locke and Sidney, but this time critically. He further pointed out that Sidney was an admirer of 'Polish liberty'[126] (and of a country where serfdom in its harshest form, to which peasants were subjected, was intertwined with the rich political life of the aristocracy that dominated the Diet), and paid homage to 'republican liberty' (see below, Chapter 5, §2). Also expressing himself in flattering terms about Poland, as well as the 'southern colonies' of America, was Burke, who not by chance became the tutelary deity of the slaveholding South. Admiration for a regime of republican liberty founded on the slavery or servitude of a considerable proportion of the population, for a 'master-race

democracy', was well represented in English liberalism. The authors expressing such positions could in their turn count on widespread sympathy across the Atlantic.

1 Cf. Domenico Losurdo, *Democrazia o bonopartismo*, Turin: Bollati Boringhieri, 1993, ch. 3, §3.

2 Alexis de Tocqueville, *Oeuvres complètes*, ed. Jacob-Peter Mayer, Paris: Gallimard, 1951–, vol. 4, pt 1, pp. 323–6.

3 Francis Jennings, *The Creation of America*, Cambridge and New York: Cambridge University Press, 2000, p. 301.

4 Garry Wills, *'Negro President'*, Boston: Houghton Mifflin, 2003.

5 Abraham Lincoln, *Speeches and Writings*, 2 vols, ed. Don E. Fehrenbacher, New York: Library of America, 1989, vol. 2, p. 378.

6 Édouard Laboulaye, *Histoire des États-Unis*, 3 vols, Paris: Charpentier, 1866, vol. 3, p. 359.

7 Jefferson Davis, quoted in Richard Hofstadter, ed., *Great Issues in American History*, 3 vols, New York: Vintage Books, 1958–82, vol. 2, pp. 399–400.

8 Arthur Zilversmit, *The First Emancipation*, Chicago: University of Chicago Press, 1969, pp. 10–11, 7.

9 Tocqueville, *Oeuvres complètes*, vol. 1, p. 380.

10 Eugene D. Genovese, *A Consuming Fire*, Athens: University of Georgia Press, 1998, p. 24.

11 Plessy versus Ferguson, quoted in Hofstadter, *Great Isssues in American History*, vol. 3, p. 56.

12 Herbert S. Klein, *Slavery in the Americas*, Chicago: Dee, 1989, pp. 51, 234–5.

13 The term was coined in late 1863: cf. Forrest G. Wood, *Black Scare*, Berkeley: University of California Press, 1968, pp. 53ff.

14 Klein, *Slavery in the Americas*, pp. 50–1.

15 Ibid., pp. 242–3.

16 Zilversmit, *The First Emancipation*, p. 13.

17 Joel Williamson, *New People*, New York: Free Press, 1980, p. 63.

18 Ibid., p. 66.

19 Zilversmit, *The First Emancipation*, p. 21.

20 Ibid., pp. 19–22.

21 Winthrop D. Jordan, *White over Black*, New York: Norton, 1977, p. 108.

22 Ibid., p. 112.

23 Gustave de Beaumont, *Marie, ou L'esclavage aux États Unis*, Paris: Gosselin, 1840, p. 230.

24 Robert William Fogel, *Without Consent or Contract*, New York: Norton, 1991, p. 342.

25 Jordan, *White over Black*, p. 108.

26 Eric Foner, *The Story of American Freedom*, London: Picador, 1999, p. 85.

27 Jordan, *White over Black*, p. 399.

28 David Grimsted, *American Mobbing, 1828–1861*, New York: Oxford University Press, 1988, pp. 85–6.

29 Ibid., p. 114.

30 Ibid., p. 124.

31 Frederick Douglass, 'What to the Slave Is the Fourth of July', in Alice Moore Dunbar, ed., *Masterpieces of Negro Eloquence, 1818–1913*, Mineola (NY): Dover Publications, 2000, pp. 23–4.

32 Zilversmit, *The First Emancipation*, p. 19.

33 Leon F. Litwack, *North of Slavery*, Chicago: University of Chicago Press, 1961, p. 94.

34 Beaumont, *Marie*, p. 3.

35 Tocqueville, *Oeuvres complètes*, vol. 5, pt 1, p. 247.

36 Brenda Stevenson, *Life in Black and White*, New York: Oxford University Press, 1996, p. 275; David B. Davis, 'White Wives and Slave Mothers', *New York Review of Books*, 20 February 1997, p. 35.

37 Dew quoted in Hofstadter, *Great Issues in American History*, vol. 2, p. 319.

38 Litwack, *North of Slavery*, pp. 97, 67.

39 Nelcya Delanoë and Joëlle Rostkowski, *Les Indiens dans l'histoire américaine*, Nancy: Presses Universitaires de Nancy, 1991, pp. 74–5, 124.

40 Dew, quoted in Hofstadter, *Great Issues in American History*, vol. 2, p. 320.

41 Pierre L. Van den Berghe, *Race and Racism*, New York: Wiley, 1967, pp. 6, 10; Robin Blackburn, *The Overthrow of Colonial Slavery, 1776–1848*, London and New York: Verso, 1990, pp. 62, 205, 425.

42 Hosea Jaffe, *Sudafrica*, trans. Alda Carrer and Davide Danti, Milan: Jaca Book, 1997, p. 150.

43 Fogel, *Without Contract or Consent*, p. 413.

44 Alexander Hamilton, *Writings*, ed. Joanne B. Freeman, New York: Library of America, 2001, p. 11.

45 Benjamin Franklin, *Writings*, ed. J. A. Leo Lemay, New York: Library of America, 1987, p. 405.

46 John C. Calhoun, *Union and Liberty*, ed. R. M. Lence, Indianapolis: Liberty Classics, 1992, pp. 81–2.

47 Frederick Jackson Turner, 'The Significance of the Frontier in American History', in *The Significance of the Frontier in American History and Other Essays*, ed. John Mack Faragher, New York: Holt, 1994, p. 54.

48 Calhoun, *Union and Liberty*, pp. 120, 61.

49 William E. B. Du Bois, *Black Reconstruction in America*, ed. David L. Lewis, New York: Athenaeum, 1992, p. 185.

50 Jaffe, *Sudafrica*, p. 177.

51 Eric Williams, *British Historians and the West Indies*, New York: Africana Publishing Corporation, 1972, p. 95 and *From Columbus to Castro*, New York and Evanston: Harper & Row, 1970, pp. 394, 397.

52 George M. Frederickson, 'America's Original Sin', *New York Review of Books*, 25 March 2004, p. 34.

53 Jaffe, *Sudafrica*, p. 150.

54 Van den Berghe, *Race and Racism, passim*; George M. Frederickson, *White Supremacy*, New York: Oxford University Press, 1982, *passim*; Jennings, *The Creation of America, passim*.

55 Josiah Tucker, *Collected Works*, London: Routledge and Thoemmes Press, 1993–96, vol. 5, p. 22.

56 Ibid., vol. 5, p. 20.

57 Tocqueville, *Oeuvres complètes*, vol. 4, pt 1, p. 326.

58 John Locke, *Two Treatises of Government*, ed. William S. Carpenter, London and New York: Everyman's Library, 1924, pp. 158, 128.

59 Ibid., p. 128.

60 Ibid., p. 158.

61 Ibid., p. 90.

62 Bernard de Mandeville, *The Fable of the Bees*, 2 vols, ed. Frederick B. Kaye, Indianapolis: Liberty Classics, 1988, vol. 2, p. 199.

63 Ibid., vol. 2, p. 259.

64 Ibid., vol. 1, pp. 119, 302.

65 William Blackstone, *Commentaries on the Laws of England*, 4 vols, Chicago: University of Chicago Press, 1979, vol. 1, pp. 411–12.

66 Edward Gibbon Wakefield, *The Collected Works of Edward Gibbon Wakefield*, ed. M. F. Lloyd Prichard, London and Glasgow: Collins, 1968, pp. 339, 343.

67 Ibid., p. 344.

68 Ibid., p. 342.

69 Douglas A. Lorimer, *Colour, Class and the Victorians*, Leicester: Leicester University Press, 1978, p. 94.

70 Wakefield, *Collected Works*, p. 339.

71 Lorimer, *Colour, Class and the Victorians*, pp. 101–2.

72 John Cannon, *Aristocratic Century*, Cambridge: Cambridge University Press, 1984, p. 172.

73 Lorimer, *Colour, Class and the Victorians*, p. 104.

74 Wakefield, *Collected Works*, p. 342.

75 Nassau William Senior, *Journals Kept in France and Italy from 1848 to 1852*, 2 vols, ed. M. C. M. Simpson, London: Henry S. King and Co., 1871, vol. 2, p. 7.

76 Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, Indianapolis: Liberty Classics, 1981, p. 98.

77 Mandeville, *Fable of the Bees*, vol. 2, pp. 258–9, 261–2.

78 Ibid., vol. 1, p. 302.

79 Bentham, quoted in Gertrude Himmelfarb, *The Idea of Poverty*, New York: Vintage Books, 1985, pp. 78–83.

80 Emmanuel-Joseph Sieyès, *Écrits politiques*, ed. Roberto Zapperi, Paris: Éditions des archives contemporaines, 1985, p. 75.

81 Franklin, *Writings*, p. 803 (letter to John Fothergill, 14 March 1764).

82 Tocqueville, *Oeuvres complètes*, vol. 8, pt 1, pp. 173–4 (letter to Gustave de Beaumont, 22 November 1836).

83 Michelle Perrot, Introduction to ibid., vol. 4, pt 1, p. 38.

84 Tocqueville, *Oeuvres complètes*, vol. 4, pt 1, p. 38.

85 Cf. Domenico Losurdo, *Nietzsche, il ribelle aristocratico*, Turin: Bollati Boringhieri, 2002, ch. 19, §1; ch. 23, §2.

86 Tocqueville, *Oeuvres complètes*, vol. 4, pt 1, p. 38.

87 David B. Davis, *Slavery and Human Progress*, Oxford and New York: Oxford University Press, 1986, pp. 180, 184.

88 Gustave de Beaumont, *L'irlande sociale, politique et religieuse*, 2 vols, ed. Goderlaine Charpentier, Villeneuve d'Ascq: CERIUL-Université Charles-de-Gaulle Lille III, 1990, vol. 2, p. 307.

89 Tocqueville, *Oeuvres complètes*, vol. 5, pt 1, p. 247.

90 Ibid., vol. 5, pt 2, pp. 94–5. De Tocqueville is reporting a conversation between two influential representatives of the English political world, Nassau William Senior and John Revans.

91 William Lecky, *A History of England in the Eighteenth Century*, 8 vols, London: Longmans, Green and Co., 1883–88, vol. 2, pp. 371–3; cf. also vol. 1, p. 289.

92 Ibid., vol. 1, p. 288.

93 Thomas Pakenham, *The Year of Liberty*, New York: Random House, 1969, p. 30.

94 George M. Trevelyan, *History of England*, London: Longmans, Green and Co., 1945, pp. 631, 474.

95 Michael C. N. Salbstein, *The Emancipation of the Jews in Britain*, London and Toronto: Associated University Presses, 1982.

96 Trevelyan, *History of England*, p. 681.

97 Thomas Babington Macaulay, *Critical and Historical Essays*, 5 vols, Leipzig: Tauchnitz, 1850, vol. 1, p. 295.

98 Algernon Sidney, *Discourses Concerning Government*, ed. Thomas G. West, Indianapolis: Liberty Classics, 1990, p. 402.

99 Locke, *Two Treatises of Government*, p. 127.

100 See ibid., p. 183.

101 Ibid., pp. 125–6.

102 David Cannadine, *The Decline and Fall of the British Aristocracy*, New Haven and London: Yale University Press, 1990, pp. 14, 21.

103 Ibid., p. 14

104 Ibid., pp. 13, 74.

105 Robert R. Palmer, *The Age of Democratic Revolution*, 2 vols, Princeton: Princeton University Press, 1959–64, vol. 1, p. 46.

106 C. B. Macpherson, *The Political Theory of Possessive Individualism*, Oxford: Oxford University Press, 1962.

107 Locke, *Two Treatises*, p. 205.

108 Karl Marx, *Capital: Volume One*, trans. Ben Fowkes, Harmondsworth: Penguin, 1976, pp. 889, 891.

109 Benjamin Constant, *Mélanges de littérature et de politique*, 2 vols, Louvain: Michel, 1830, vol. 1, p. 23.

110 Tocqueville, *Oeuvres complètes*, vol. 13, pt 2, p. 327 (letter to L. de Kergorlay, 4 August 1857).

111 Alexis de Tocqueville, *Democracy in America*, London: Everyman's Library, 1994, vol. 2, p. 107.

112 Benjamin Disraeli, *Coningsby*, ed. Sheila M. Smith, Oxford and New York: Oxford University Press, 1982, pp. 323–4.

113 Benjamin Constant, *Oeuvres*, ed. Alfred Roulin, Paris: Gallimard, 1957, pp. 155, 150–1.

114 Tocqueville, *Oeuvres complètes*, vol. 13, pt 2, p. 333 (letter to L. de Kergorlay, 27 February 1857).

115 Ibid., vol. 2, pt 1, p. 62.

116 Tocqueville, *Democracy in America*, vol. 2, p. 177.

117 Tocqueville, *Oeuvres complètes*, vol. 2, pt 1, p. 62.

118 Tocqueville, *Democracy in America*, vol. 1, p. 358.

119 Ibid., vol. 2, p. 14.

120 Quentin Skinner, *Liberty Before Liberalism*, Cambridge: Cambridge University Press, 1998, pp. 1ff.; J. G. A. Pocock, *The Machiavellian Moment*, Princeton: Princeton University Press, 1975.

121 Tucker, quoted in J. G. A. Pocock, *Virtue, Commerce, and History*, Cambridge: Cambridge University Press, 1988, pp. 119, 187.

122 Sidney, *Discourses Concerning Government*, pp. 548–9.

123 Ibid., p. 312.

124 Ibid., p. 9.

125 Thomas Jefferson, *Writings*, ed. Merrill D. Peterson, New York: Library of America, 1984, p. 479.

126 Tucker, quoted in Pocock, *Virtue, Commerce, and History*, p. 178.