

Volney Gay, Ph.D.

Vanderbilt University, St. Louis Psychoanalytic Institute

7/27/16 7:28 PM

WORDS 3300 (includes URLs)

The Founders and Slavery:

Balance and Reason vs. Unruly Passions

Origin stories matter. Two stories about American origins and American slavery dominate popular culture. One is that the founders, men like Thomas Jefferson, George Washington, and James Madison were guided by God. They gave birth to a new ideal of human freedom that made Americans a chosen people. While some founders owned slaves, as did about one-third of the signers of the Declaration of Independence, they did so with reluctance.

URL about one-third of the signers

<http://www.voanews.com/content/us-celebrates-240th-anniversary-of-declaration-of-independence/3402985.html>

The second, opposing story is that slavery was capitalist exploitation typical of the United States. Howard Zinn, a Marxist's historian, says that slavery was a practical necessity supported by the government. Even the Civil War, that cost 620,000 American lives, Zinn says was constrained by

the wishes of the ruling classes, "its end could be orchestrated so as to set limits to emancipation."

URL that cost 620,000 American lives

<http://www.civilwar.org/education/civil-war-casualties.html?referrer=https://www.google.com/>

URL constrained by the wishes

<http://www.historyisaweapon.com/defcon1/zinnslaem10.html>

The first story is too rosy; slavery was entrenched in the colonies 150 years before the Constitution of 1787. It was protected therein until the conclusion of the Civil War. The Marxist story provides a necessary corrective, but is too simplistic. It is driven by an ideology that places a mystic power in the wishes of the "people" guided by priestly elites.

URL a necessary corrective

<http://www.wsws.org/en/articles/2016/07/26/civi-j26.html>

Each story mirrors the other. "Guided by God" assumes that a divine power selected the American people (mostly white, northern Europeans) to dominate the North American continent. "Mere exploitation" assumes that Marx discovered the scientific laws of society. Using them,

one could construct a socialist paradise, after weeding out those who were unfit or could not be rehabilitated.

URL after weeding out

<http://artukraine.com/old/famineart/SovietCrimes.pdf>

Each story rests upon opposing theological foundations. The first is that God preordained and blessed the American people and gave an Eden to them. For that reason, the United States is an exceptional nation, destined to lead humankind. The second is an anti-theology, rooted in Marx's fervent atheism. Marx viewed religious language used by the founders, and by most Americans after them, as propaganda. Elites use it to obscure their exploitation of the toiling masses. By constant war the United States became a capitalist empire cloaked in Christian language.

A more accurate story of the origins of American slavery appeared in the debates that produced the United States Constitution in 1787. In those debates, the founders struggled with essential questions. What makes a government legitimate and worthy of compliance? How should government respect the power of religious feelings but not automatically comply with them? This last question takes us to the Protestant origins of the United States and to Lincoln's effort to resolve the contradiction of American slavery.

The Protestant Spirit and the Conquest of North America

Using European arms, technologies, and organization white settlers conquered the new land and its ancient peoples. While most settlers struggled and many died violently, many others found undreamed of wealth in land, timber, and waterpower—a virgin continent theirs for the taking.

In 1776, when Jefferson wrote the Declaration of Independence, the thirteen American colonies had one-third of England's population and generated 30 per cent of Britain's wealth. Everyone knew that the land promised immeasurable riches. By 1810, the United States had nearly doubled in size and its economy was growing faster than any other nation. When Texas entered the Union in 1845, it added a state larger than France.

URL 30 per cent

<http://tinyurl.com/hwz26mz>

URL growing faster than any other nation

<https://ourworldindata.org/gdp-growth-over-the-last-centuries/>

URL a state larger than France

<http://www.decisionsciencenews.com/2015/02/20/put-size-countries-perspective-comparing-us-states/>

Alongside their guns, plows, and maps Europeans brought Christianity, especially Protestantism and its many offshoots. Essential to Protestant beliefs was the overwhelming emphasis upon

individuals as opposed to institutions. Although they differ among themselves, as a group Protestants hold that Christian faith begins with intense, personal experience of self and God as a living, present Being that drives human history. Catholicism championed an organized, planned and hierarchical order: God initiated; kings, bishops, and other authorities governed. In a similar way, Catholic theologians, especially Thomas Aquinas, argued that the rule of God, formulated by the Catholic Church, was identical to the rule of reason.

Protestants rejected this theology and its static notion of history. Its three great distinctions from Catholicism—'by scripture alone' versus orthodox teachings; 'by faith alone' versus actions by the Church; 'the priesthood of all believers' versus mediators between God and persons)—blended seamlessly with democratic values.

Protestant Christian convictions guided American political discourse. They were harnessed to develop a small nation into the empire of North America, the American kingdom of God whose destiny was assured by divine approval. Although convinced of their Christian identities and the rightness of their efforts, the founders struggled with a contradiction.

One their founding documents, the Declaration of Independence, proclaimed the essential equality of all persons; the other founding document, the Constitution, reduced some persons to movable property, chattel slavery.

URL three great distinctions

<http://www.theopedia.com/protestant-reformation>

URL the American kingdom of God

<http://tinyurl.com/jq9zkxn>

URL whose destiny

<http://nationalhumanitiescenter.org/tserve/nineteen/nkeyinfo/mandestiny.htm>

The Founders, Unruly Passions, Slavery

The federal protection of chattel slavery began in 1787, when the Constitution was drafted; it ended in 1865 when the South lost the Civil War. Slavery remains a haunting feature of American history. It does not satisfy our wishes to see our country founded on impeccable moral grounds. It tarnishes the picture of American exceptionalism, the shining city on the hill, a model for all other nations.

URL American exceptionalism

<http://foreignpolicy.com/2011/10/11/the-myth-of-american-exceptionalism/>

It also invalidated the aspirations of the Declaration of Independence, that all persons are created equal and endowed with inalienable rights. The Constitution and the Declaration—two founding documents—seem, again, to contradict one another. Which one is therefore false?

The founders, a few score of learned white men, recognized this contradiction. They addressed it but did not solve it when they wrote the Constitution. Their debates and their compromise, the federal system of checks and balances, made room for legalized slavery. It also made room for its eventual demise.

As one may recall from high-school history or the musical “Hamilton,” Alexander Hamilton, James Madison, and John Jay wrote more than 85 articles between 1787 and 1788 to support the US Constitution proposed on September 17, 1787. Collected together they became the *Federalist Papers*. As Hamilton said to Washington, the Constitution had 'warm friends and warm enemies.' To support the first and defeat the second he and his co-authors defended the compromises that produced the Constitution.

Thanks in large part to the *Federalist*, the Constitution was ratified when New Hampshire, the ninth of the nine-states required, voted for it on June 21, 1788. That made it the law of the land.

URL warm friends and warm enemies

<http://tinyurl.com/had2ctx>

URL law of the land

<http://www.history.com/this-day-in-history/u-s-constitution-ratified>

Imbued with Enlightenment optimism about the power of reason, the founders chose to construct the rules of governance without appealing to arbitrary authority.

URL the rules of governance

<http://tinyurl.com/gupdehw>

Arbitrary authority means appeals to forces that lie beyond reason. These include appeals to divine wisdom (theocracy), to common prejudices, to public opinion—the tyranny of the majority—to brute force, and to passionate ideologies.

The founders especially distrusted 'mob rule,' governance by swings in the national mood. Hamilton's distrust of excessive (mob) passions in 1788 prefigured his critique of the French Revolution (1789). In 1794, he admonished Americans who might admire the Revolution's late phase, The Terror. During the year 1793-1794, about 40,000 people were executed; another 300,000 were arrested.

URL 40,000 people were executed

<http://tinyurl.com/zhs88dn>

Any trace of admiring such destruction promised, Hamilton said, 'new treasons and profuse destruction': "If there be anything solid in virtue—the time must come when it will have been a disgrace to have advocated the Revolution of France in its late stages."

URL If there be anything solid in virtue

<https://chnm.gmu.edu/revolution/d/593/>

In their role as architects of the new nation, the founders proclaimed their admiration of reflective reasoning. Throughout the *Federalist Papers* James Madison and Alexander Hamilton, its chief authors, offered "axioms," "lessons of history," and appeals to readers who were "dispassionate and discerning."

Given good design, government could achieve balance between groups (factions) riddled with naked aspirations. Design would overcome the fatal flaws of earlier forms of government. In Madison's famous phrase (from *Federalist* No. 51), "Ambition must be made to counteract ambition." The *Federalist Papers* bear supreme authority for historians, legal scholars, the general public and for members of the Supreme Court.

URL offered "axioms," "lessons of history,"

<http://tinyurl.com/gt2trgs>

URL Supreme Court

<http://tinyurl.com/gt2trgs>

Madison and Hamilton also admired David Hume (1711-1776), the great Scottish-English philosopher whose history of England focused upon the development of liberty. With Hume they rejected charismatic promises to transform society by transforming human nature. In Hume's condensed expression, "All plans of government, which suppose great reformation in the manners of mankind, are plainly imaginary." To the degree that Marxism presupposes precisely such a transformation, it is imaginary.

URL David Hume (1711-1776),

<http://www.econlib.org/library/LFBooks/Hume/hmMPL39.html>

However, they rejected Hume's insight that passions drive human beings, even those engaged in "reflective reason." Underneath reflection are feelings and wishes. In Hume's phrase, "reason is, and ought only to be the slave of the passions."

URL In Hume's phrase

<http://plato.stanford.edu/entries/emotions-17th18th/LD8Hume.html>

Instead, the authors of *The Federalist* affirmed the guiding role of elites. Their self-discipline and allegiance to reason made persons like them fit to govern. Their fitness did not derive from birth or rank; it derived from temperament. Alexander Hamilton championed those who had risen

from lower status to the upper by dint of personal virtue, just as he had. According to Hamilton, persons of discernment and high-moral character naturally choose long-term goods over short-term self-interests. Having achieved self-restraint, they could lead the masses that too easily succumb to immediate passions.

The Experiment Gone Awry: Slavery

Magisterial in many ways, *The Federalist*, remains the most cited and respected work from the early years of the Republic. However, at its center was slavery, the legal idea of property in human beings. Madison addressed it in *Federalist* 54 (February 12, 1788). He asked how slave property should be taxed and how slaves ought to be enumerated for the purpose of representation.

Northerners argued that because slaves were property—not persons—they should be taxed as such, and should not be counted in the enumeration used to assign seats in the House of Representatives. Southerners wanted slaves to be seen as persons, not property, and to count in the enumeration. At the same time, because slaves were "vendable" they also wanted slaves to be treated as property for purposes of trade and investment.

Speaking for "our Southern brethren," Madison, a Virginian, calmly explained that slaves were both property *and* persons. Their dual nature was determined by positive law: "It is the character bestowed on them by the laws under which they live; and it will not be denied, that these are the

proper criterion." While this duality is peculiar, it is not illogical he announced in a composed tone.

To address northern and southern demands, Madison offered a compromise: count slaves as "inhabitants, but as debased by servitude below the equal level of free inhabitants." Madison won and the Constitution counted slaves as 3/5ths persons. Balance was achieved: "the States will have opposite interests, which will control and balance each other, and produce the requisite impartiality."

URL *Federalist 54*

http://avalon.law.yale.edu/18th_century/fed54.asp

"The experiment entrusted to the hands of the American people"

The ideal of founding a nation on reason and experimentation (versus revelation or great personalities) reappeared in Washington's 1st Inaugural Address, April 30, 1789. With characteristic modesty Washington questioned his adequacy to becoming the first U. S. president.

Washington's modesty was grounded on ethics that he absorbed at age 16 when he transcribed "Rules of Civility" first published in 1595. Some rules govern manners ("Kill no Vermin as

Fleas, lice ticks &c in the Sight of Others"), others mandate self-restraint: "When you see a Crime punished, you may be inwardly Pleased; but always shew Pity to the Suffering Offender."

Rule 58 brings us back to balance and self-restraint: "Let your Conversation be without Malice or Envy, for 'tis a Sign of a Tractable and Commendable Nature: And in all Causes of Passion admit Reason to Govern."

URL "Rules of Civility"

<https://www.history.org/almanack/life/manners/rules2.cfm>

His task, Washington said in his inaugural address, was to preserve liberty for later generations. It and "the republican model of government are justly considered, perhaps, as deeply, as finally, staked on the experiment entrusted to the hands of the American people." That sentence is made noble by the word "perhaps." Unlike ideologues who *know* that history is on their side, at the summit of political power, Washington did not claim certainty. Experiments can go wrong; they may need to be assessed.

URL in his inaugural address

<http://www.nationalcenter.org/WashingtonFirstInaugural.html>

Washington's speech exemplified the self-restraint that Madison and Hamilton so admired. He absorbed the lessons and virtues of "Rules of Civility," especially humility and personal rectitude. His tone was dispassionate and reasonable. However, the founders' idealization of dispassionate reasoning blinded them to the defilement of great persons, among them

Washington, Jefferson, and Madison, the first, third, and fourth presidents. Their calm affirmations of legal slavery were shattered by Christian witness, not by dispassionate arguments.

From the beginning enslaved persons resisted domination, even on the ships that carried them across the Atlantic. Soon, the Quakers, then the Shakers, then abolitionists and other adamant Christians attacked legalized slavery with unruly passion. They refused to admire Madison's compromise. In the fiery words of William Lloyd Garrison, the Constitution was a pact with the devil: "Who or what were the framers of our government, that they should dare confirm and authorize such high-handed villainy?"

URL From the beginning enslaved persons resisted domination,
<http://nationalhumanitiescenter.org/tserve/freedom/1609-1865/essays/slaveresist.htm>

URL the Shakers
<http://tinyurl.com/ja7rdcr>

URL William Lloyd Garrison
<http://www.theliberatorfiles.com/5-the-constitution-and-a-call-for-disunion/>

Standing with them but not sharing their disdain for the Constitution was Abraham Lincoln.

Lincoln: the Defense of Constitutional Government

For 19th century abolitionists Lincoln failed because he was not a proper revolutionary. He disowned John Brown who, in religious zeal, mounted an illegal, murderous raid at Harpers Ferry, Virginia seeking to secure weapons for a slave uprising. For some 21st century citizens Lincoln fails because he shared the common belief that Africans were not the social equals of European Americans. Both criticisms overlook Lincoln's commitment to constitutional government.

For example, during the Civil War Lincoln never sought to declare a state of emergency. Although he was the Commander in Chief during a rebellion he did not seek an "Enabling Act" that so many tyrants find expedient. Instead, Lincoln ran for re-election in fall 1864: "And while there was some talk of postponing the election, it was never given serious consideration, even when Lincoln thought that he would lose."

URL "Enabling Act"

http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=1496

URL even when Lincoln thought that he would lose

<http://millercenter.org/president/biography/lincoln-campaigns-and-elections>

In hundreds of speeches and thousands of letters, Lincoln articulated his view of American government. In each he explained his primary task: to preserve constitutional process not to prosecute his moral judgments. As a human being he despised slavery and wished to see it disappear; as President he pledged to uphold the Constitution whose laws he would "cheerfully" execute, even the fugitive slave clause.

In an 1864 letter to A. G. Hodges, a Kentucky editor, Lincoln explained why he postponed emancipating enslaved persons until it was necessary. When his generals urged him to emancipate slaves taken by Union forces and to arm them he refused because he did not think that those extraordinary legal maneuvers were "an indispensable necessity."

In March, May, and July 1862 he asked slave owners in border states to emancipate their slaves in exchange for compensation from the US government. They refused his offer. And so "driven to the alternative of either surrendering the Union, and with it the Constitution" Lincoln recruited black regiments in Kentucky and similar states. The Emancipation Proclamation that followed on January 1, 1863 added 130,000 black soldiers to the Union cause.

URL The Emancipation Proclamation

<http://tinyurl.com/h632s9z>

Lincoln also recognized that many whites who favored emancipation had concerns about mixing in large numbers of freed persons into northern cities. Not sharing their concern, Lincoln did not

dismiss their sentiments: “A universal feeling, whether well or ill-founded, cannot be safely disregarded.” It cannot be safely ignored because representational government drew its authority from the consent of the governed. Although Lincoln abhorred slavery he loved the rule of law more.

URL A universal feeling

http://mason.gmu.edu/~zschrage/hist120spring05/lincoln_ottawa.htm

Aware of the conflict between ethical truths, the Declaration, and the national laws that protected slavery, the Constitution, Lincoln left its resolution to the historical drama unfolding. Was the American experiment worthy of devotion or was it merely a contrivance for enriching one group and dominating others, as Marx had asserted?

The answer, Lincoln said, was to wait for God's judgment: "If God now wills the removal of a great wrong, and wills also that we of the North as well as you of the South, shall pay fairly for our complicity in that wrong, impartial history will find therein new cause to attest and revere the justice and goodness of God." That answer will not satisfy atheists, of course. However, it reveals Lincoln's thought: because North and South constructed legalized slavery, both North and South were complicit. If history follows a moral compass—which Christian faith affirms—no matter how obscure, we must wait for impartial history to reveal what price the nation must pay.

URL If God now wills

<http://www.abrahamlincolnonline.org/lincoln/speeches/hodges.htm>

"Netting was put into place as a method to decrease suicide"

The slave owning founders were men of genius and courage. James Madison was a masterful political thinker; Washington was rooted in the virtues of his time. They lived by the code of calm reasoning, of propriety, and legal argumentation. They remained resolute patriots and showed valor in war and dignity in peace. They also failed to see that one corner of the American experiment rested on the terror of millions of 'persons held to service.'

Terror began with the brutalization of capture, then confinement on the slave ships and continued in the New World—for generations. Contemporary scholars offer systematic studies of the scale and economy of slave transportation. Like any businessmen, shippers measured profits and risk against predictable and unpredictable forces. Among them were market demands (for adult slaves, for children, etc.) and political changes among African groups that captured slaves and readied them for sale to Europeans. Some 400,000 landed in North America; the other 10 million landed in the Caribbean and South America.

URL Some 400,000 landed in North America

<http://tinyurl.com/jy8d94t>

At every juncture shippers looked for ways to expedite the process and lower costs. Regarding the design and running of slave ships we learn that "efficiency gains in the nineteenth century were very strong."

URL "efficiency gains in the nineteenth century were very strong."

<http://tinyurl.com/zg9lyzw>

Deliberative reason and common sense dictated the outfitting of slave ships: "Above the deck, special sails made slavers distinguishable by sight. These sails were used to push air below deck and increase air circulation. . . . netting was put into place as a method to decrease suicide." Suicides diminished profit; clever design prevented that added cost.

URL Above the deck, special sails

<http://digitalcommons.uri.edu/cgi/viewcontent.cgi?article=1668&context=theses>

Persons choose suicide when they feel hopeless and terrified. The Africans' terror was generated by unruly passions, especially greed in merchants who prospered with the Triangular Trade and owners who reaped immense rewards. The brutality and threat of brutality necessary to maintain slavery—for hundreds of years—evoked unimaginable emotions in the enslaved. It also evoked passionate defense of the institution by those whom it made rich.

Those passions blazed into violence in spring 1861 when South Carolina, a state made rich by slavery, initiated the Civil War. What was not decided in the Constitutional Convention of 1787 would be settled on fields of blood. Legalized slavery came to an end in 1865. Its aftermath and its entanglement with racist ideologies and unexamined passions remain with us still.

Volney Gay is professor of religious studies, psychiatry and anthropology at Vanderbilt University. His new book, *On the Pleasures of Owning Persons: The Hidden Face of American Slavery*, IP Books, will appear August 2016.