

The 13th Annual Gilder Lehrman Center for the Study of Slavery, Resistance, and Abolition International Conference at Yale University

Beyond Freedom: New Directions in the Study of Emancipation

November 11-12, 2011
Yale University
New Haven, Connecticut

Emancipated into the Necessary, Impossible Arms of the State: Governance and the Limits of Liberation

Gregory P. Downs, City College of New York

Available online at <http://www.yale.edu/glc/emancipation/downsg.pdf>
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What does it mean to go beyond freedom? Is freedom, in fact, something that scholars of emancipation can and should go beyond? As the person who suggested the conference title, I want to pose those questions. I also want to use this talk to raise the need for open engagement—respectful, but still pointed, so as to sharpen our critical lenses—about the broadest issues confronting the field and nudge us to, in E. M. Forster's words, "only connect!"¹ Asking whether and how we might go beyond freedom opens one path for a new moment of engagement and debate about what emancipation did and did not mean. Additionally it may help us to begin to reckon with the association between narrative and argument, and to think about the way the paradigm of freedom produces available storylines that we all fall into, even when, at times, the narrative line of freedom no longer clearly fits our arguments or our evidence. By probing these broad questions, I hope to provoke open discussion that helps us all reckon with

¹ E. M. Forster, *Howard's End* (New York, 1921), 214.

our assumptions, our habits, our through-lines, so that we can place our work more precisely in relation to what has come before and what is appearing now.

First, a couple of caveats. Freedom's centrality arises not from scholarly willfulness but from the actors themselves. Americans frequently speak in the language of freedom—even if different voices project different freedoms—and both Southern freedpeople and Northern Republicans established the centrality of the language of freedom at the time. As a way of conveying the new legal status of ex-slaves, freedom captures profound transformations of their lives, most obviously the validity and defensibility of marriage contracts, property ownership, control over children, and accessibility to legal processes. My question about whether freedom should be *the* central approach to the problem of emancipation does not mean that I doubt that it should *a* central approach.

Second, freedom's scholarly vitality emerges from its extraordinarily useful fluidity. It is, as Carl Becker said, a “magic but elusive word,” or, in Eric Foner's terms, an “essentially contested concept,” a “terrain of conflict.”² Following Foner's lead, scholars have moved far beyond static equations of freedom with legal emancipation or with older notions of positive and negative liberty, and have instead explored legal, political, economic, and gendered definitions of freedom. Inspired by comparative work on the problem of freedom or by gendered critiques of autonomy, scholars examined the role of particular 19th and 20th century formations of freedom in capitalist development in shaping the outcomes of emancipation. The freedom paradigm did

² Eric Foner, *The Story of American Freedom* (New York, 1999), xv. Because Foner makes his claims about freedom so directly in *Story*, I have cited it rather than *Reconstruction*, which makes many of the same claims, among, of course, many others.

not produce a common set of answers; instead it opened up a wide range of analytic possibilities.³

Finally, freedom allows scholars to demonstrate the importance of the past to the present, especially to non-specialists. To once again turn to Eric Foner—surely the most eloquent, sophisticated, and archivally grounded interpreter of freedom in the history of the field—freedom is the “central term in our political vocabulary,” inscribed with its close sibling liberty in the Declaration of Independence and the Bill of Rights, then reinscribed in distinct terms in the Civil War as a New Birth of Freedom, World War Two’s Four Freedoms, and the Cold War struggle to defend the Free World. “No idea is more fundamental to Americans’ sense of themselves as individuals and as a nation than freedom,” Foner writes.⁴

If freedom is historically accurate, nuanced enough to prompt an enormous range of questions, and useful for connecting past events to present readers, why exactly should scholars even try to go beyond it? What, exactly, is the problem that the field has not addressed? In emancipation, freedom is not simply a keyword or a value or a historical problem. It is something closer to a paradigm, a research agenda, and a narrative form. It is not the subject for argument, but the subject that organizes our arguments. Within freedom we have come to agree not on the answers but on the questions to be asked. It tends toward some nuanced, significant interpretations, but away from others. It illuminates some of our sources, makes others less visible. On our bookshelves, and our syllabi, and our journals, we see the benefit of the freedom

³ These broad statements about the field are meant to capture a general set of assumptions, vocabularies, and narrative choices in which we all—me, too—work in, almost always in deeply nuanced ways. I am painfully aware of the impressive range of work in the field, and I am even more painfully aware of my own embedding within these broad assumptions. Because the assumptions are so widespread, and because the big argument is so important, I am not in this paper going to differentiate between works. I am currently at work on a longer historiographical essay that will aim to make more nuanced judgments about exactly where Reconstruction stands.

⁴ Foner xiii.

paradigm, but we also need to stop and assess its costs. One of those costs is analytic; the freedom paradigm clouds important aspects of the formation of individuals, society, government, and politics during the period of emancipation. In many ways, these analytic limitations have become apparent in new work in the field, a good deal of which seems to be straining at the boundaries of the freedom paradigm.

But this new work often does not confront the freedom paradigm directly. Therefore, good work emerges, is assessed and critiqued and celebrated, but rarely placed into sharp engagement with other good works with which it may not be fully compatible. Instead, the role of the freedom paradigm leads us, as with any subtle and slippery concept, to amiably group together works that—in their fullest implications—point in different directions and should be seen as less than fully reconcilable. Wrestling with freedom, therefore, is one way to provoke us all to go beyond assessing the quality of work—which is remarkably high across the board—and to engage more rigorously in the ways some of our work trends in highly different directions.

The freedom paradigm, or narrative, if you prefer, poses four significant challenges to the directions that scholarship is, from my vantage point, taking. Like any paradigm, freedom absorbs and redirects questions that arise. The problems it raises stem from its very success in redirecting questions and narratives. Those questions about the particular formation of individuals, society, government, and narrative are among the questions that we need most self-consciously to wrestle with, and yet are particularly difficult to pose from within the freedom narrative.

First the freedom paradigm tends at times toward producing ahistorical understandings of the subjects we study. Positing freedom as “fundamental” to Americans’ “sense of themselves

as individuals,” scholars working within the freedom paradigm—which, to different degrees, means all of us—inscribe modern bourgeois conceptions onto people who may or may not possess those conceptions. At least their relation to those conceptions is a question for historical analysis. Through naturalization of either our own experience as bourgeois moderns, or through the application of liberal notions of universal drives, scholars presuppose—rather than prove—that their subjects are making recognizable claims based upon their sense of individual autonomy or freedom. Here, the problems of the freedom paradigm echo some of the questions that Walter Johnson asked about slavery and agency.⁵ Do we edge close to naturalizing the concerns of modern bourgeois life? By doing so, do we lose some of our capacity to understand the particular historical and class formations that the freedpeople operated within? Put more simply, the relationship between freedpeople and the idea of freedom should be a question, not an assumption. And we should be open to the idea that this relationship is even more complex than we imagine.

These questions are being asked in the literature. In large part this is because it is impossible to read through the words of freedpeople without finding examples that seem to fit untidily, at best with notions of freedom. Freedpeople—and many other nineteenth-century Americans for that matter—made claims in all kinds of ways, as kingroups in Dylan Penningroth’s work, as political communities, as dependents, as sufferers. Freedom was a powerful mid-nineteenth century rhetoric; it was not, however, the only one, especially as scholars look beneath the high language of formal politics to the way that ordinary people talked about themselves. Historians have found hiding in plain sight all kinds of expressions of doubt about the utility of independence or autonomy and many expressions of dependence,

⁵ Walter Johnson, “On Agency,” *Journal of Social History* 1 (Fall 2003): 113-24.

interdependence, personal survival, or safety. As scholars have investigated the power of starvation, sickness, sexual terror, and other forms of violence, it has become powerfully clear that a great deal of the language of emancipated people centered upon survival, and those strategies for survival. Through those strategies for survival, freedpeople—with real implications—positioned themselves not primarily as free or autonomy, but as belonging to groups defined by kin, race, affection, status. Within the freedom narrative, these recurring claims hide in plain sight, often worried over but rarely theorized.

And yet none of the works that have explored this issue, including my own, have yet successfully, in my view, elaborated the problems that they pose for the freedom paradigm. The reason for this, I believe, is that the freedom paradigm serves as a conceptual roadblock, preventing us from assessing those phenomena to the fullest degree, instead turning them into spinoffs or secondary effects of freedom. As scholars find more and more evidence of other ways of making claims, they seem to be running up against, in their minds, a set of presumptions that these other types of claims cannot reveal much about belief or about what is fundamental to people's sense of themselves. But how do we know that this is true? What makes us so certain that freedom is the fundamental thing, the others mere social barriers or compromises with reality? To what degree are we presuming that values of modern bourgeois life are naturally the values produced by all historical configurations? I do not believe that we have an answer to those questions, but I am confident that we need to wrestle with them, and I am skeptical that we can do so through the freedom paradigm.

Second, the freedom paradigm limits our understanding of society. Posing limitations on freedom as the “social conditions of freedom,” scholars then describe social formations as

“obstacles to the enjoyment of individual freedom.”⁶ These distinctions have been enormously helpful in saving scholars from mistaking the inadequate social conditions of freedom for a lack of freedom altogether. Elisions between sharecropping and slavery, or between the violent denial of a vote and legal exclusion from voting threaten to flatten historical portrayals into an unchanging oppression that does not capture the distinct forms of coercion and violence present at different moments.

But the move to define the social conditions of freedom also raises significant problems in interpretation. The freedom paradigm instead reinforces a sense of high legal rights that should—but do not always—broadcast downward into the populace, then poses as problems the moments when such rights do not trickle down. When legal rights are consistently, even absolutely, unenforceable, then the distinction between social conditions of freedom and fundamental freedom begins to collapse. And the repetitive search for obstacles to freedom seems to bypass important questions about what rights or legal authority actually mean in light of new work on the social history of the law. Scholars like Laura Edwards working within the social history of the law have found that it is not an anomaly but often the rule that people construct legal authority from the bottom up. In ways that should be in keeping with emancipation’s emphasis upon grassroots history, but that cannot be fully integrated because of the power of the freedom paradigm, law is a social and local phenomenon, a site almost always of contest between high and low. Although almost every study nods to this—both because of the impressive nature of the new legal history and because such assertions are commonplace in our nineteenth-century sources—the tendency to treat society as an obstacle to legal rights leads us away from provocative, important questions.

⁶ Foner xix.

If society is primarily an obstacle, then we can isolate the actors self-consciously working to prevent the exercise of high legal rights. But if instead society is the field of analysis, and if all rights are constantly being constructed and reconstructed at local levels, then the freedom paradigm may not tell us enough. How does the denial of high legal rights to ex-slaves relate to other forms of local rights construction? To what degree is the freedpeople's story less the denial of freedom than a window into a broad, disconcerting view of nineteenth-century society and legal culture? By narrowing the question, the freedom paradigm tends to narrow our understanding of society, producing replicable and replicated narratives of social actors self-consciously constructing obstacles to individual freedom, assuming rather than analyzing aspects of the nature of nineteenth-century individuals and society.

From these limitations, we naturally come to the third major problem with the freedom paradigm, the nature of the state or, perhaps better in an American context, of governments and governance. Tied to the freedom paradigm has been an elision between politics and governance. While scholars always acknowledge the limitations of nineteenth-century governments, the freedom paradigm—with its emphasis upon obstacles to freedom—all too often leads scholars to underplay the centrality of government capacity to the questions we study. It is remarkable how often we find in our scholarship freedpeople who receive favorable but unenforceable rulings from Bureau agents or army officers. Scholars constantly are working through—but not fully conceptualizing the importance of—failures not of will or ideology but of capacity. All the time, freedpeople received parchment guarantees that could not be felt because agents lacked soldiers, soldiers lacked horses, horses lacked supplies, commanding officers lacked detachments to send as reinforcements, and so on and so on. By replacing capacity with will or ideology, people working within the freedom paradigm elide the question of what the government could do, edge

perilously close to presumptions that the government could do whatever it would like, then use government failure as proof of its leaders' ideological limitations. With too little sense of ironic disconnect between intentions and effects, the field moves smoothly backward from outcome to intention, but this runs the risk of turning government into a flat field for the enactment of political ideology, beliefs, or will. In this manner, the field has accumulated an enormous amount of information about mid-nineteenth-century governments but has not been able to organize that into any kind of cohesive portrayal of those governments. What were they like? What could they do? How did they operate? What drove decisions about Bureau size, Army size, and other issues that would have a dramatic impact upon the efficacy of government and therefore the enforceability of the rights of freedpeople?

Limitations of the freedom paradigm also prevent our field from placing our work in conversation with an important but also underdeveloped movement in the history of the American state. William Novak, Richard John, and Brian Balogh, among others, have argued for the size and peculiar strength of the nineteenth-century state. But they have perilously little to say about Reconstruction. And we right now have too little to say to them.

Finally, the freedom paradigm affects the arguments we make and the stories we tell about emancipation. For the paradigm and research agenda tend naturally, if often unconsciously, to certain narratives. Individuals face obstacles to their freedom, and the obstacles increasingly stem from government. This produces a declension story of hopes disappointed. That story is a powerful one, but it is not the only one. Across the field I see people working toward narratives that are both more and less hopeful. Some stories trace the endurance of political or economic gains to escape the declension narrative. Others emphasize

incapacity over ideology to such an extent that the revolutionary potential of the post-emancipation period disappears, taking with it the height from which the declension narratives tells the descent. These tensions and disagreements are important ones, and ones that should be voiced more openly, but cannot quite be voiced from within the freedom paradigm.

Beyond this lies a reckoning with the role of government as the obstacle to freedom, and the role of the freedom paradigm in producing an under-theorized anti-statism in the literature. To illustrate what I am saying, let me take a step away from our field of emancipation to urban studies. There, Michael Katz has written provocatively on these topics in “The Existential Crisis of Urban Studies” and “Was Government the Solution or the Problem? The Role of the State in the History of American Social Policy.” To sum up complex arguments quickly, Katz narrates his own role in the 1970s and 1980s in developing state-critical urban studies and social policy approaches. In education, social welfare, and urban policy, Katz and other practitioners produced stories of decline and disappointment, in which government action was the root of the problem. Over time government’s efficacy became not a question but an assumption; careful, even brilliant scholars began with self-evident problems then looked backward for ill-intentioned government programs that explained it. This produced a certain type of flatness (built within extraordinary nuance), an unrealistic view of state efficacy, and a lot of repetition even when works seemed unconsciously to be pulling in different directions. Arising from a New Left critique of the Great Society state in the 1960s and 1970s, this anti-statist or at least deeply state-critical leftism had of course grown alongside a rightist anti-statism, and at times inadvertently fueled it, as Katz learned to his dismay when Milton Friedman praised him for portraying the failure of government so clearly. By the 2000s, then Katz turned toward critiquing his own prior stances, urging his field toward a more nuanced reckoning with the state’s complex role in both

solving and creating problems. Additionally, he asked whether the common declension narratives—tied to a critical view of the state—explained enough about the development of cities and social policy.⁷

We in emancipation studies are lucky in that the greatest practitioner of the freedom narrative, Eric Foner, always had a subtle, nuanced view of the state as both best hope and, potentially, worst oppressor. Foner's avoidance of strident New Left anti-statism gave his books a power that in turn other scholars picked up upon, building fluidity and surprise in the field.

On the other hand, it is also possible that this nuance has delayed a reckoning we need to have in our field about the role of the state. It is intriguing to consider that the freedom paradigm became central during the late twentieth century disillusionment with government. While it would be wrong to call the freedom paradigm a product of an Age of Reagan, since it predated that age and was opposed in intentions to it, it is also hard to shake the sense that there must be some relationship between the paradigm's ascendance and the concurrent sweep of anti-statism across right and left. Freedom's emphasis on, perhaps even naturalization and valorization of, the individual beset by obstacles spoke to common-sense understandings of government as oppressor, understandings fed by both New Left and rightist critiques of the late twentieth-century state. Becoming free, ex-slaves became more American by confronting disappointing government action.

I want to be careful here, as it is easy, perhaps inevitable, to be misunderstood. I am not saying that the freedom paradigm is conservative, much less making the risibly false assertion

⁷ Michael B. Katz, "Was Government the Solution or the Problem? The Role of the State in the History of American Social Policy," *Theory and Society* 39 (2010): 487-502; Michael B. Katz, "The Existential Problem of Urban Studies," *Dissent* (Fall 2010): 65-68.

that its practitioners are or have been consciously or unconsciously working to conservative ends. Instead, I am saying that the commonsensical anti-statism that arose in the 1960s and flourished through the 1980s and 1990s (and perhaps beyond) created a field of discourse that offered enormous opportunities for scholars. By centering freedom, scholars could associate this misunderstood or forgotten moment with a set of important ideas, and in the process channel those present conceptions of freedom in positive ways. Who wouldn't have taken that opportunity? More to the point, who would even have recognized it as an opportunity, rather than intuited it as an obvious, even inevitable path?

This analytic move inevitably produced common narrative tropes of decline, of individuals beset by malicious governments, tropes that captured deep truths and were expressed with great nuance but could not capture everything that we need to say about emancipation. Outside of emancipation history, that state-critical path may have run its course or reached a bend. Modern European history, after centering violence in state actions like the Holocaust and Stalinism, now seems to be moving toward deeper analysis of mass violence as the absence of the state, as indicator less of state intention than of state retreat, thanks in large part to Mark Mazower. And in the field of anthropology, the leading critic of the high modern state, Yale's own James Scott, calls it in "the vexed institution that is the ground of both our freedoms and our unfreedoms."⁸ We may in fact live at a moment of recalibration of the role of the state, pressed in part by the sheer force of the right-wing assault upon basic state functions that, as Katz has written, once seemed worthy of criticism for their imperfections but now seem worthy of support

⁸ Mark Mazower, "Violence and the State in the Twentieth Century," *American Historical Review* 107, no. 4 (October 2002): 1158-1178; James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, 1998), 6.

in the face of their possible extinction. In many areas of study, from history to anthropology to international relations, people are reckoning with the importance not just of ideology but of state institutions and services, recognizing that individuals need not only to be delivered from intrusive governance but delivered into good governance.

Can a paradigm constructed within commonsensical assumptions about the failure of the state continue to speak to the concerns of the present? One reason our literature seems to me brilliant but fragmented is that we speak in a fading language, through metaphors and narrative conventions gone musty and thin. Trapped in meanings that we have inherited, we operate creatively to move in new directions but not always self-consciously, and so our works grows less and less tied to the freedom paradigm even as it wears its language as a shell. Can we ask within the freedom paradigm the question of whether the disappointments of emancipation stem from a failure of government or a defeat of government?

The freedom paradigm, whether it speaks to the spirit of the day, no longer adequately captures the range and import of the new work being done within the field. Instead, in ways acknowledged and unacknowledged, scholars seem to be pushing in different directions, reading new lines of analysis, but as yet either announcing those directions too softly or forcing their insights back into the freedom paradigm, with sometimes ill-fitting results. This, I think, leads to a softening of our own—including my—analytic rigor, a fuzziness about the import of our own arguments, and an understandable but in the long run counterproductive effort to associate unlike works together, square pegs into round holes.

If freedom is displaced from its central position, it will likely be not by one but by many new frameworks. Looking at the work I read, I see people pushing toward other paradigms.

Equality, in the work of Kate Masur, or a range of works that speak to inclusion or belonging. For me, it is bleakly apparent that once we shed our expectations of top-down dissemination of legal rights, emancipation and governance inescapably work hand in hand. Emancipation made freedpeople visible in new, potentially useful and potentially fearful, ways to the government. Rather than emancipated from the state, freedpeople needed to be emancipation into the arms of the state. A better emancipation would have resulted not from state separation or pure politics but from bigger, more effective (and therefore more intrusive or frightening) governments. Whether this constitutes a paradigm of its own or a subset of a paradigm of belonging or inclusion is a question that is literally not for me to answer. The answer lies in the work we all do, and the work that people not at the conference do.

By asking these broad questions about proportion, importance, significance, by teasing apart the implications of works that share similarities but tend in different directions, we can create a passionate, invigorated discussion of what emancipation was and was not. This discussion, rather than bypassing freedom may in fact sharpen it by placing it in conversation with other paradigms and by nudging its defenders into self-conscious clarification. For myself, I am less confident in the idea that I have isolated any one new paradigm, than I am in the idea that the field has exhausted some of the uses of the freedom paradigm. The opportunity to place our work in newly exciting engagement with each other lies in our hands. It is time for us to get about doing it.

