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Chapter 2 - Anticlericalism and Antistatism

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CHAPTER TWO

(Note: this is the first draft of the second chapter of a manuscript which, through the lens of abolitionism and women's rights, traces the transformation of the ideology of individual rights over the course of the nineteenth century as it expanded to encompass, not just rights in the civil sphere, but rights of the person in private life. Part I of this paper examines nineteenth-century intellectual movements that located moral authority in the individual; Part II outlines the attack on authority within liberal Protestantism; Part III traces the extension of that critique to the state; and Part IV discusses the new forms which rights language took in the antebellum era.)

Chap. 2 -- Anticlericalism and Antistatism¹

Introduction

One strain of individual rights thought newly emphasized by nineteenth-century abolitionists and reformers was the claim to bodily integrity, the need for which was so dramatically illustrated by the case of slavery.² This claim represented a departure in kind from the civic and property rights at the forefront of Revolutionary rhetoric. While bodily autonomy could be pared down to "self ownership" to fit the familiar possessive paradigm, in its fullest expression it was far more dynamic, connoting not just an individual's right to do as he or she pleased, but describing the ecology of moral relations with others, and ultimately with God. Abolitionist writing, though, rooted a body's right to direct its own actions in its companion moral

¹note that much of the material in this chapter has been covered by others including Lewis Perry in Radical Abolitionism and Staughton Lynd in The Intellectual Origins of American Radicalism.

²See chap. 1.

attributes, the spiritual nature and the conscience.³

Bolstered by antiauthoritarian trends within liberal Protestantism, the appeal to conscience became a powerful tool in the antebellum North's struggles over slavery. More broadly, the work of conscience, particularly as interpreted through the revived dissenting traditions of radical Unitarians and Garrisonian abolitionists, fused anticlericalism and antistatism into a powerful ideology of limited state power, a prerequisite to the reform vision of a strong individual rights regime. Sheldon Wolin has described Locke's distrust of conscience's role as an effort to limit it to "an internalized expression of external rules rather than the externalized expression of internal convictions."⁴ By 1830 the Lockeian demotion of private judgment did not sit well with liberal reformers in matters spiritual or political: the innate ideas which Locke had so convincingly dismissed reappeared in religious reform thought.⁵ The antebellum resurgence of intuitionism and belief in private judgment gained strength from its location at the convergence of two different types of historical movements: the broader intellectual shift characterized by the notion of subjective reason and experience as the touchstone of authenticity in movements as diverse as romanticism, transcendentalism, evangelicalism, and liberal Protestantism; and

³Channing, Works, vol. 1, Introductory Remarks, channing.1.

⁴Wolin, Politics and Vision, 338.

⁵Staughton Lynd, Intellectual Origins of the American Revolution (IOAR), 23.

the specific challenge legal slavery posed to many northern consciences, particularly after the fortification of the Fugitive Slave Law by Congress in 1850.

The autonomic individual exercising private judgment became the model for moral action within antebellum reform: Garrisonian abolitionists had little use for external authority as embodied in civil government or the courts. But despite such provocative utterances as Thoreau's "I am a majority of one," most reformers who employed the language of conscience did not intend to throw American society into full scale anarchy.⁶ Nonetheless, the critique of external authority was not without teeth. One clear target was positivist visions of law and rights. A broad spectrum of American thinkers repudiated Benthamite utilitarianism, which they interpreted as holding that law represented simply a set of sovereign commands without moral content--an unsurprising attitude in a country where the traditions of God's personal sovereignty and the admixture of legal and moral rules was so strong.⁷

In this fluid period, so formative of individual rights ideology, rights claims became "individual" precisely by identification with the right of private judgment. Giving new content to old forms, abolitionists claimed entitlements that were "natural," not in the sense of being anterior or uniform, but of being subjective and personal, deriving from the needs and habits

⁶Richard O. Curry, ed., American Chameleon, p. 4; tho note some reformers did.

⁷Daniel Rodgers, Contested Truths, 33.

of the person. Liberal reformers sought to relocate the source of rights, arguing strongly that governments, laws, and constitutions did not give rise to rights, but could only recognize the rights necessary for each person to achieve autonomy and self-development in accordance with the unique blueprint for each human being drawn up by a benevolent God. While most expressions of the law remained keyed to a positivist structure, the growing popular ideology of individual rights, capacious and accommodating in this period, provided an arena for the expression of the subjective needs of the individual; and a bulwark against the corrupt universal commands of a morally insensitive state.⁸ In both church and state, the impersonal uniformity of creed and statute offended reformers' belief that divine as well as human justice were defined by their response to divergent individual circumstances. Liberal religionists' revolt against orthodox Calvinism proved a rich seedbed for abolitionists' revolt against civil government: both movements embodied a larger struggle over the nature of authority in the post-Calvinist world.

I. The Autonomic Individual

The demotion of external authority by many in sympathy with liberal trends went hand-in-hand with a new heuristic style that emphasized more personal or subjective forms of authority. Both the sources for and applications of the new respect for personal experiences and ideas as morally authoritative were legion in antebellum America. One source was German romanticism, which, in

⁸Rodgers, Contested Truths, on fluid rights discourse.

reaction against Enlightenment rationalism's assumptions of the uniformity of persons and the corresponding universality of laws, stressed subjectivity, originality, and diversity; as well as the roles of intuition and experience in revealing the right and the true.⁹ Certainly Kant's efforts to relocate morality in the individual were attractive to radical Unitarians and Transcendentalists, in so far as they understood him.¹⁰ But for most, whose taste ran more to the British romantics, Coleridge in particular helped to popularize German romantic philosophy second hand.¹¹

In addition, the Scottish Common Sense scholars, whose teachings were pervasive in American institutions, reintroduced certain forms of intuitionism into American moral philosophy, particularly the belief that each individual possessed a potentially complete innate moral sense, whose evidence was more trustworthy than authoritative sermons or didactic treatises.¹²

However the pot may have been spiced by European influences, Americans embraced and developed notions of innate morality as

⁹Curry, American Chameleon, libpol2.13-14; Bolster, unit.1. While some American philosophers did know German philosophy, many knew it only sketchily, mistranslated or misunderstood it, or took it out of context for their own ends: see Wellek on Emerson, and other writings; Grozdins on Parker; Dirks on Parker, Park.8-10; Madden, Civil Disobedience and Moral Law, antinom.17; Bolster, unit.2.

¹⁰Curry, p. 9; Pochman, German Culture in America; Wellek.

¹¹Dirks, Parker.9; Madden, antinom.19; Rodgers, libpol2.4.

¹²May, Enlightenment in America, 355-56; Curry, libpol2.14; Howe, Unitarian Conscience, unit.12; Meyer, Instructed Conscience, misc.4.

uniquely their own.¹³ Although I will focus primarily on the Unitarian-Garrisonian axis centered in Boston, who espoused intuitionism most fully, other groups as well moved away from notions of morality as dictated by larger institutional forces or prescribed practices, preparing a more receptive atmosphere for liberal arguments from conscience or private judgment. Evangelical revivalism in Finney's mold divested the clergy of responsibility, instead charging every Christian with the duty of securing their own salvation, not through obedience to the law, but through personal holiness. New evangelical practices required the congregant to engage in constant emotional scrutiny, against the misfortune of possessing a "wretched cold heart."¹⁴ The measure of moral authenticity, then, was strictly internal--that the emotions were stirred, and the heart opened. The logical corollary of this religious style was Finney's method of resolving disputed questions: rather than relying on the teachings of elders, he often "'spread the subject before God, and soon made up my mind what to do,'" a process of measuring truth by his own reason and sense of right.¹⁵ Both the Baptists and more ultraist Methodists also put unmediated experience of God at the center of their religion, often

¹³Howe, Whigs, libpol2.8; Wellek, "Emerson."

¹⁴Harding, Finney, finney.12; Abzug, Passionate Liberator, abolsec.15.

¹⁵Cross, Burned Over District, reviv.3. The evangelical Gardiner Spring claimed that "'the moral quality of every action lies in the disposition of the heart with which it is performed.'" (Foster, Errand of Mercy, p. 40.)

to the exclusion of civil or ecclesiastical governance.¹⁶

Other antebellum reformers moved away from organized churches toward a personal spirituality centered around health reform movements--manual labor, dress reform, Grahamism, temperance--that "began to see the human body as the source of moral and physical order that might help collectively reshape society." Robert Abzug suggests that the body in this period had become "a physiological companion to the Bible," the prooftext of the natural laws that God had inscribed in each individual soul.¹⁷

Other, closer allies of the Unitarian camp also developed theories of subjective or intuitive knowledge in this period in ways that had substantial influence in Boston reform circles. Quakers had appeared in antislavery ranks early and often; but after 1830 the Society of Friends had little formal affiliation with immediate abolitionism. That movement, though, sported a disproportionately large number of members with current or former ties to Friends' meetings, and the core Quaker belief in the inner light or the immanence of the divinity meshed neatly with antinomian traditions of free conscience.¹⁸ Staughton Lynd suggests that an intellectual "philo-Quakerism" pervaded New England reform, and that the doctrine of the inner or inward light

¹⁶Hughes and Allen, Primitivism, amrel.6; Cross, reviv.6; for Baptists see also McLoughlin, New England Dissent.

¹⁷Abzug, abolsec.15-16, 23; Leach, True Love and Perfect Union; Abzug, Cosmos Crumbling.

¹⁸get cites from chap. 1; Boorstin, Decline of Radicalism, chap. 4, Perils of Indwelling Law.

"facilitated the rejection of Locke by offering a homegrown equivalent to the doctrines of Price, Kant, and Coleridge." Although they styled it to their own ends, for many Garrisonians the inner light represented a move away from external authority while maintaining the intimate connection with God sacrificed by less theistic forms of natural religion.¹⁹

Finally, on the literary front, two major traditions, romanticism and sentimentalism, both broke with classical and Enlightenment epistemological modes by emphasizing imagination, intuition, and empathy over reason and knowledge. With Coleridge and Carlyle as sources, romanticism dwelt more on individual self-knowledge and the contemplation of the natural world; while sentimental writers turned their talents to the problems of human connection and separation. But a critical aspect of both genres was the widespread diffusion of authority as sentient experience became clothed with the moral authority formerly reserved for more traditional forms of social ordering. Even the problems posed by these literatures were not by and large the classic restraint problems of sovereignty, but rather the problems of perception and

¹⁹Ingle; Lynd, Intellectual Origins, 101-111, 2pol.16-17. On Quakers in 18th century see Jordan, White Over Black, 271-76. On lack of Quaker participation in abolitionism see Soderland, Quakers and Slavery, antinom.10, conclusion; on early participation see Essig; on conflict between Hicksite and orthodox Friends see Forbush, atone.15; Higginson, Scriptural Idolatry. More on role of Lucretia Mott: see Furness, "God and Immortality: Discourse in Memory of Lucretia Mott," (blue card) .

connection, for which law is useless but intuition is key.²⁰

Transcendentalism, too, was a home-grown intuitionist philosophy inspired by romanticism that manifested itself literarily. An outgrowth rather than an antithesis of Unitarianism,²¹ the movement shared some members and strong intellectual sympathies with antinomian abolitionists. Emerson staked out his ground against the mainstream Unitarian religion of reason in his infamous "Divinity School Address" delivered at Harvard in 1837, declaring that truth "is an intuition. It cannot be received at second hand." The answer to moral dilemmas, he suggested, cannot be found in bibles, constitutions, laws, or churches: "The Devil nestles comfortably into them all. There is no help but in the head and heart and hamstrings of a man." Abandoning the possibility of the comforts and safeguards of the external law internalized, Emerson cast the individual onto his own resources, with "no church for him but his believing prayer; no Constitution but his dealing well and justly with his neighbors."²²

This same confidence in humans' innate and God-given moral

²⁰get romanticism cites; for influence of romantics on Units, see Bolster on Clarke, unit.1; Yacovone on May, unit.18. Fisher, Hard Facts; Tompkins, Sensational Designs. Note Wolin's suggestion that Locke is about lack of communication based on common inner life -- is sentimentalism a reversal of that?

²¹Buell, antinomsec.19.; Wellek on Emerson; Rose, Transcendentalism as a Social Movement, trans.6, 9.

²²Emerson, mantinom; Emerson, Lectures and Biographical Sketches, trans.4 (hamstrings quote is from address on FSL, see also modern library ed. 870); Cashdollar, Transformation of American Theology, amrel.1-2; Child, zabolpri.15-16; Channing, 3, 5; Hosmer, antinom.27; Parker.10; R. Walters, Antislavery Appeal, abolsec2.21-22.

sense as a reliable guide to right and wrong proved a strong point of agreement for a wide variety of Boston reformers. Radical Unitarians were generally of the transcendentalist persuasion; Parker announced, "I try all things by the human faculties...Has God given us anything better than our nature?"²³ For Garrisonians, who vehemently believed in legalized slavery's moral iniquity, belief in an individual's superior moral judgment was a touchstone of the movement.²⁴ They were particularly vocal and aggressive in asserting that "self-evident" truth was intuitively available, not just to the well-born, but to "men of every sect and party, evangelical creed and persuasion, every cast and color," a philosophy with a strong egalitarian bent.²⁵ For many non-Garrisonian abolitionists, too, religion and the apprehension of right were "as simple and instinctive as eating or drinking."²⁶

In addition to the moral sense, liberal reformers paid much attention to the individual conscience, another related natural faculty through which humans had a direct channel to God,

²³antinom.19; note that while I am not including Channing in the "radical Unititarian" category, his points of difference were largely with abolitionist techniques; his philosophy, while more discrete, was an important influence on Transcendentalists and Garrisonians alike.

²⁴Wright, abolpri2.1; Garrison, zabolpri.2; on women see abolsec4.10?.

²⁵abollib2.5; Lynd, IOAR, 34-37; abolsec4.10.

²⁶Gerrit Smith, Religion of Reason (blue card); Goodell, Democracy of Christianity, xanticler.4. Look again at Davis on immediatism, abolsec3.20.

unmediated by civil or ecclesiastical authorities.²⁷ The appeal to conscience as a superior form of truth seeking had a venerable history going back to the Protestant Reformation's elevation of private judgment, or the "Christian Liberty" of uncoerced belief. Lockean liberalism, grounded in the individual's material interests and experiences rather than the inner life of the spirit, defended the citizen's right to hold any set of beliefs, but downplayed the function of conscience as a way of knowing, a method of inquiry, or a dynamic component of communication between individuals engaged in a common moral quest.²⁸ Post-Revolutionary movements concerned with reasserting the moral authority of innate knowledge and the inner life re-established conscience as a subjective and highly individualized function. Although there was some disagreement about its limitations, conscience, associated as it had traditionally been with piety and a heart open to God's will, commanded respect from a broad spectrum of antebellum Protestants from liberals to moderate evangelicals.²⁹ The recovery of conscience as a principle form of direct communication with God was an important part of the assertion of individual moral agency

²⁷Parker, Levi Blodgett Letters; 2abollib2.16; Parker.10. On childrens' consciences see abolpri2.4; Howe Unitarian Conscience 53-56; get other cites. On intuitive nature of conscience see Parker.16; Grimke.21.

²⁸Wolin, Politics and Vision, 274; and polnts.32, 38.

²⁹Lynd, IOAR, pol.12; Meyer, Instructed Conscience, misc.6, 2sense3.7; Meyer, Winterthur article; Channing.7; Howe, Unitarian Conscience; Madden, Civil Disobedience, antinom.17-18. On Quakers and conscience see Brock, Radical Pacifists, antinom.9; Davis on E. Heyrick, abolsec3.20. On Unitarians see Channing.7; Howe, unit.13 ff; Duban; May, Unit.18.

in spiritual matters as against older, disabling forms of orthodox practice. As one abolitionist saw it, "This necessity of answering for himself at the bar of God, obliges every man to act an independent part."³⁰

For abolitionists, conscience played a particularly valuable role; while innate moral sense was a trustworthy informant, they used conscience to signify more than a Lockean liberty to believe; rather, it connoted "the attribute of mind, in which reason and conscience have begun to act" affirmatively on its own moral promptings.³¹ "Why it is that we, Protestants, venerate Luther?" Garrison asked. While the Founders and their Enlightenment forebears had little use for Luther, his bold stance, both feet firmly planted on his inner conviction, became a model for abolitionists' life work as they arrayed themselves against church and state.³² Conscience for Garrisonians became the highest expression of individual morality, which itself became the highest expression of right. Thomas Wentworth Higginson told the story from the east, popular again today, of the elephant resting on stack of tortoises. But when asked what the last one rested on,

³⁰Hosmer, abolpri.29; antinom. 26, 28; Grimke.4; Grimke, antinomsec.9; Rodgers, Contested Truths, pol.42.

³¹Channing, Election Sermon (card); Lynd, polnts.16; Alton Anti-Slavery Convention, 1837, 1 (card).

³²Garrison, abolpri2.3; Duban, antinomsec.20; James Freeman Clarke, The Church As It Is; Parker.29; F. H. Hedge, Martin Luther And Other Essays (1888) (blue ink); May, 2abolpri.8-9; S.P. Andrews, Science of Society, 2antinom2.2; lib.12; Child, Appeal, 6; Antislavery Tracts, Whipple, BPL tracts, 5. On Luther's career in America see Hartmut Lehmann, Luther in AMERICA; Clarke, Antislavery Lecture (card).

Higginson--constitutionally unable to utter the response "another tortoise"--answered that it rested on "conscience and Reason, and if these are not infallible, nothing else is."³³

Sheldon Wolin has noted that while conscience was fundamentally a religious construct, it could easily be turned to political advantage: for "conscience was a response to power; it had to do with the individual as the object of compulsion in a governed order."³⁴ Abolitionists did not forget the traditional link between freedom of belief and expression and resistance to tyranny: William Hosmer's The Higher Law discussed conscience in a chapter entitled "Limitations on Civil Government."³⁵

But antislavery activism posed a new problem: not resistance to tyranny, but to laws democratically made under a republican government. Luther's self-proclaimed heirs did not shrink from the conclusion that "when either the community or the autocrat undertake to 'frame mischief by a law,' " then "our own consciences (must) repeal and annul" it; and they believed that they had the power to accomplish those ends.³⁶ As the Liberator declared in

³³Higginson, Scriptural Idolatry (1854) (card); stone.6; see also John Bodo, The Protestant Clergy and Public Issues, 25.

³⁴Wolin, Politics and Vision, points. 32, 38.

³⁵Lynd, Intellectual Origins, points.12; Furness, Religion and Politics, 2abolpri.10; Cheever, Sin of Slavery (card); Hosmer, antinom.26.

³⁶Goodell, Democracy of Christianity, xanticler.2,9; Liberty Bell, 11; S. Sewell, ?. See Goodell, Comeouterism, "IT WAS AS COMPETENT IN LUTHER TO EXCOMMUNICATE THE POPE...AS IT WAS IN THE POPE TO EXCOMMUNICATE LUTHER." See also Bowditch, Antislavery Reform, 2abolpri.7.

1835, "moral right is ever paramount to legal right, and may freely interrogate it."³⁷ The consciences of abolitionists were often put to the practical test, particularly after the national fugitive slave legislation of 1850 reasserted a legal "duty" to cooperate in returning escapees, thus turning the north into a "slave hunting ground" and its citizens into "slave catchers."³⁸ Parker's priorities were clear : "My own conscience is to declare that law to me, yours to you, and is before...the decision of majorities and a world of precedents."³⁹ Reviving the dormant theory of juror nullification, Parker cautioned that even jurors should consult their own inner oracles over "the Attorney...the community...or the ambition, the venality, the personal or purchased rage of the court..each man in the light of his own conscience, under the terrible and beautiful eyes of God."⁴⁰ In Channing's representative words, the human being, receptacle of indwelling divine law, "was plainly made to obey a Law within Himself...(as) master of Himself, to excite him to act from a principle in his own mind, to lead him to propose his own perfection as the supreme law

³⁷Liberator.9.

³⁸Child, Letters, zabolpri.15.

³⁹Parker, "Function of Conscience in Relation to the Laws of Men," park.4, 17; Child, "Duty of Disobedience to the Fugitive Slave Act," abolpri.11. From the evangelical side see [Lewis Tappan], The Fugitive Slave Bill, const.4, saying that the northern freeman "MUST DISOBEY THE LAW."

⁴⁰Trial of Theodore Parker, Parker.33; see also Parker.17, 32; Goodell, Democracy of Christianity, xanticler.3.

and end."⁴¹

Critics of conscience feared the anarchistic implications of private judgment, or the a la carte approach to obeying the law, as undermining both to the "public confidence" and the "public mind."⁴² But the paradox of antinomianism in the nineteenth century, and what finally set it apart from the secular liberal individualism that permeated other spheres of American life, was that a higher law did imply a higher lawmaker.⁴³ True, the higher lawmaker's will was most fully revealed in the physical natures of humankind and of the natural world. But while influenced perhaps indirectly by Kant, Christian antislavery advocates never suggested that humans were self-sufficient: even the wild-eyed Henry Clarke Wright, often accused of atheism, took as his motto, "Alone with God in the Universe."⁴⁴ Many in the reform party, of course, recognized that individual intuition might be flawed, or independent judgments come into conflict.⁴⁵ Different solutions

⁴¹Channing, zabolpri.25. See also Wright, abolsec4.2; Bowditch, 2abolpri.7; G. Smith, antinom.16; Channing.1.

⁴²Abzug, abolsec.18; Walter, Antislavery Appeal, abolsec2.16; Cover, Justice Accused, abolsec.20; antinomsec.11; antinom.23.

⁴³Note that taking seriously the quest for universal or immanent values or rules conflicts with Boorstin's categories of immanent and instrumental theories of lawmaking as "unself-conscious" and "self-conscious" respectively: "The Perils of Indwelling Law," in The Decline of Radicalism. (xeroxed). Also cf Demos, "Problem of Violent Means," on abolitionists substituting their own morals for God's.

⁴⁴Curry, 8, libpol2.12; Perry, Henry Clark Wright, xii.

⁴⁵Madden, Civil Disobedience, antinom.19; Commager, Parker, Parker.3; 2abollib2.30.

commended themselves to different thinkers: Parker, George Ripley and others emphasized "the common mind" and the universality of the moral law, such that correct intuitions would produce harmonious results and private goodness yield public order; while Thoreau, Emerson, and to some extent Channing championed the authenticity of the lone voice, and the value of the dissenter's "irrepressible conviction."⁴⁶

The expansive rights language of the abolitionists sought to temper the anarchistic or subjective tendencies of new rights claims, though, by situating them within strong Christian dialogic communities and harnessing them with a theory of the underlying universal harmonies of natural law.⁴⁷ The danger that one antinomian posed to society was mitigated by the fact that "his conscience, in revealing the moral law, does not reveal a law for himself only, but speaks as the Universal Legislator. He has an intuitive conviction that the obligations of this divine code press on others as truly as on himself."⁴⁸ In perfect sync with the

⁴⁶Dirks, Parker, parker.10-11; Ripley, Latest Forms of Infidelity (card); Whitson, abolpri2.1; Howe, Unitarian Conscience, 55-56; Channing.3; Channing, Self Culture (blue card); Channing, zabolpri.30; Channing.8; libpol2.15. On Thoreau see libpol2.16, Duban; and antinomsec.19; on Wendell Phillips see anitnomsec.11. Also see Buckingham, 2abolpri2.6.

⁴⁷Proceedings of the American Anti-Slavery Society at Its Second Decade, abolpri2.1; Park.27; G. Combe, misc.1; D. Mayer, Instructed Conscience, misc.5; Howe, Unitarian Conscience, chap.4; C. Finney, CF.19-20; 2abolsec2.9 (Thomas on Garrison).

⁴⁸Channing, Slavery, zabolpri.26; Duban, antinomsec.19; Howe, Unitarian Conscience, 55-56; Curry, American Chameleon, libpol2.15. See Cheever, Address (card) on the possibility of a public conscience.

liberal understanding of the nature of legitimate power, conscience was in harmony with God's law but no more bound by it than "light binds the eye." Rather, the continuity of the physical and spiritual worlds informed the internal workings of conscience such that "the perfect law of duty corresponds with the laws of chemistry, of vegetation, of astronomy, as face to face in a glass."⁴⁹ The optimistic belief, characteristic of liberal Protestantism, that humans could live by the Golden Rule meant that society--the agglomeration of individuals in their private capacities, responsible first to God--could reason together toward a common understanding of God's natural laws. Ecclesiastical and civil corporate bodies, by contrast, were incapable of moral reason in their collective function: so the role of conscience in standing against iniquitous external authority was relished as a duty by Channing, Emerson, Thoreau, Garrison, and many others.⁵⁰

Perhaps most important for the development of a rights philosophy in this period, in radical Unitarian and abolitionist thought, conscience was a dynamic process, rather than a possessed attribute or a set of beliefs. The conscience that fed on "formal precedents and rules, \The low expediency of the states, the hollow maxims of the schools" was a frozen, insipid affair.⁵¹ It was Channing's work--tremendously influential for radical Unitarians,

⁴⁹Emerson, transc.4.

⁵⁰Duban, antinomsec.20; Curry, American Chameleon, libpol2.16; get primary cites from notes.

⁵¹J.F. Clarke, Liberty Bell, 31.

Transcendentalists, Garrisonian abolitionists and women's rights advocates alike--that best laid out its parameters. Spiritual freedom required perpetual vigilance; it was "moral energy...put forth against the world, and thus liberating the intellect, conscience, and will...That mind alone is free which...in obedience to (God's will), governs itself, reveres itself, exerts faithfully its best powers, and unfolds itself by well doing." The free mind resists "passive or hereditary faith," habit, and public opinion in favor of constant, vigorous moral scrutiny and interrogations of authority.⁵² The high functionalism of liberal protestantism dictated that no faculty or talent was given that was not meant to be used; the right to exercise conscience was "guarantied...by the same principle that ensures us the use of our hands and feet, our eyes and ears," and was as dynamic and individual as those capacities.⁵³

The antebellum emphasis on the conscience's intuitive and immediate grasp of truth, "as the flower turns to the sun," and on the process of examining the legislator within for moral guidance, described a relation between the Christian and the law that departed from classic notions of sovereignty.⁵⁴ Obedience to law for the "good man" became, not automatic compliance with sovereign commands, but an interactive process between two lawgivers, the

⁵²Channing, Spiritual Freedom, channing.8; Cheever, Address in Tremont Temple (card); antinom.8.

⁵³Hosmer, The Higher Law, 64.

⁵⁴Grimke.21; Parker.33; antinom.17; Meyer, Instructed Conscience, misc.4.

public and the private. James Freeman Clarke sought to downplay the danger of anarchy by suggesting that in most cases the private law-maker sanctioned righteous public rules. While the Christian conscience might nullify the law, Clarke asserted, few had consciences so morally developed: "good men obey the law mainly from conscience, bad men mainly from fear, and the majority of men from self-interest."⁵⁵ But at every juncture the good man, the moral role model, engaged in a complex assessment of right and wrong. Human rights, the particular province of the Christian conscience, required an especially careful evaluation: "rights do not admit of very precise definition, for the spiritual cannot be weighed and measured like the material."⁵⁶ Parker described Christianity as not a system of doctrines but as a method of moral scrutiny.⁵⁷ In the liberal Protestant scheme, the individual's role as law-finder was paramount.

II. Anticlericalism and the Liberal Tradition

The privilege given to individual moral autonomy came, of

⁵⁵Clarke, Anti-Slavery Lecture at Indiana Place, 1855; cf. Holmes, Path of the Law; Goodell, Democracy of Christianity, xanticler.9, quoting Paul, "Law is not made for the righteous man."

⁵⁶Channing, Slavery, zabolpri.26. Note that Holmes in Path of the Law says that the "rights of man" in its moral sense signifies that "we mean to mark the limits of interference with individual freedoms which we think are presecrived by conscience." See also Furness, Religion and Politics (blue card); Mott, abolpri2.4; Marsh, God's Law Supreme, on the Bible as a "friend of human rights."

⁵⁷Parker, Discourse of Matters Pertaining to Religion, parker.28. See also Minow, Ackerman.

course, at the expense of traditional sources of authority: in the religious sphere, the Bible, the minister, and the Church itself. Theodore Parker, one of the best known if most radical Unitarian ministers of his day, declared in 18xx that "the church has nothing to teach which is worth learning for grown men, and even the baby virtue of America turns off from that lean, haggard, and empty breast."⁵⁸ The church had been challenged before. From outside the Christian fold, the influence of deistic thought, though never strong in America, combined with a native pluralist belief in religious tolerance to lay the groundwork for formal disestablishment.⁵⁹ From within the church, both the first and second Great Awakenings represented evangelicals' successful attempts to reformulate religious orthodoxy.⁶⁰ In the early nineteenth century, Harvard-centered Unitarianism, too, sought to save the baby and change the bathwater, tempering Calvinist theology with a gentler brand of liberal Protestantism.

The strain of Unitarian thought associated with Garrisonian abolitionism, though, went much further than other religious movements in repudiating Christian orthodoxy without renouncing a religious affiliation. As influenced by the writings of William Ellery Channing, and by both the writings and the abolitionist

⁵⁸Parker, in The American Scholar, ed. George Willis Cooke, p. 166.

⁵⁹Wilson, Clark; May, Enlightenment in America, esp. 251, 326; Lynd, IOAR, 26-31; Levy, Establishment Clause; McLoughlin, New England Dissent.

⁶⁰Wilson, ed., Church and State in America, vol. 1, Fitzmier and Valeri essays.

practice of others including Theodore Parker, Samuel J. May, and, by the 1850s, James Freeman Clarke, the attack on the institutional church and on theocratic patterns of power tapped into a broad-based backlash against Calvinism that was sweeping evangelical denominations as well. Together the two synthesized into an intense antipathy to external authority which ultimately provided an ideology and vocabulary for liberal reformers' critique of the state: as Clarke opined, "'the only escape for the slave from his bondage was over the ruins of the American Church and the American State."⁶¹

The liberal movement in religion was marked by a rejection, common to a broad spectrum of Protestant denominations, of the determinist theology according to which, as Charles Finney famously remarked, you would be "damned if you do and damned if you don't."⁶² Parker, a chief architect of the more optimistic liberal creed, parodied Calvinism's lugubrious message as "Alas, my fellow worm, there is no more sunshine, for the world is damned."⁶³ Those who challenged orthodoxy rejected the finicky trappings of authoritarian religion: as James Birney wrote to Gerrit Smith, "I

⁶¹Clarke, Antislavery Days, zabolpri.10, quoting Edmund Quincy; see also Grimke, Letters, letter of 8/37 p. 431 (xeroxed). (go back to Walters notes; make more distinction between factions of antislavery movement.)

⁶²Barnes, Antislavery Impulse, abolsec3.1; also Weld Grimke Letters, Grimke.10; McLoughlin, Lectures on Revivals of Religion, ix, xii; note that the rejection of Calvinism's creed was going on simultaneously in formally "liberal" and in evangelical denominations.

⁶³Parker.3, quoted in Commager, Theodore parker; on Garrisonians' rejection of Calvinism see abolsec3.19

have lost all confidence in mere beliefs as necessary to happiness hereafter. Whether we believe in the Inspiration of the bible--in the vicarious atonement--in the personality of the Holy Ghost appears to me a small and deceptive business."⁶⁴ In combatting Calvinism's grim hold, the traditional sources of authority were jettisoned ruthlessly. The Bible was toppled from its preeminent place as the infallible source of God's word, and, while still recognized as a sacred text, subjected to the indignities of interpretation and critical examination.⁶⁵ Thomas Wentworth Higginson labelled the Old Testament merely an "arbitrary collection of the best early Hebrew literature." Far from an infallible word, he argued, the scriptures offered multiple interpretive possibilities, chosen by each reader according to "his own temperament, education, and circumstances"--a faithful echo of the revered Dr. Channing.⁶⁶ American reformers didn't need European critical theory to clue them in to the problem of scriptural indeterminacy; pro- and anti-slavery forces often waged war in scriptural terms, each side wielding shards of divine writ

⁶⁴Birney, Letters, abolpri.11.

⁶⁵Both the radical Unitarians and German higher criticism, which influenced them, stressed the necessity for biblical interpretation: Kraditor, abolsec.5 (p. 92); get cites.

⁶⁶Higginson, Scriptural Idolatry, esp. 14, 13; Channing, Unitarian Christianity, in Conrad Wright, ed., Three Prophets of Liberalism, mantinom.12. SEe also Parker, Discourses of Politics, parker.29; Parker, Transient and Permanent, parker.29.

to good effect.⁶⁷ Reformers across a wide spectrum argued that Bible reading, like "all books...require(s) in the reader or hearer the constant exercise of reason."⁶⁸ The provocative Henry Clark Wright argued ad absurdum that the Bible was no more authoritative a script than Mother Goose, and that any biblical passage that contradicted "self-evident truth" was a "self-evident lie."⁶⁹ While the reasoned approach to biblical interpretation was more characteristic of liberal than evangelical Protestantism, both wings of abolitionism moved away from a reliance on scripture as their primary authority.⁷⁰

Other trappings of ritual authority fared as poorly as the Bible. A broad reform consensus saw the venerable Nicene and other creeds as the dead letter of the law, "skeletons, freezing abstractions, metaphysical expressions of unintelligible dogmas," killing the warm and living spirit.⁷¹ Fanny Garrison Villard

⁶⁷Kraditor. Note that abolitionists had similar problems with legislation, which the Liberator caloled "incoherent and contrarious," (Lib.3, blue card); and Addison.2 calls it "a tissue of absurdities and inconsistencies."

⁶⁸Channing, Unitarian Christianity, 49.

⁶⁹Wright, Holy Bible and Mother Goose.

⁷⁰Stewart, "Abolitionists, the Bible, and the Challenge of Slavery," in E. Sandeen, The Bible and Social Reform, abolsec4.10; see also Walker, abolsec4.10. On Unitarians and the Bible see Howe, Unitarian Conscience, esp. chap. 3.

⁷¹Channing, Letter on Creeds, in Works, vol. 2, p. 293; Weld, in Birney, Letters, p. 1121, abolpri.11; G. Smith, Discourse on Creeds (card). See also Whittier's poem on John Brown's sentence: "Still let a mousing priesthood ply/Their garbled text and gloss of sin,/And make the lettered scroll deny/Its living soul within..." (abolpri.22).

reported that, as a child, she asked her father whether she had been baptized; he replied that she had a bath every morning and that was better.⁷² In abolitionists' eyes, the mainstream Protestant denominations' continued tolerance of slave-owning members leached the moral content from their rituals, prepared as the churches were to "exclude from fellowship the infant-sprinkler, and then welcome the infant-stealer."⁷³ Doctrine in general had a bad name, representing the barren antithesis of true spirituality; reformers lauded religion and derided theology.⁷⁴

While the more rabid forms of anticlericalism were reserved for the Garrisonians and their militant fringe, by the mid-1830s no dedicated abolitionist could fail to be disillusioned by organized religion's persistent refusal to condemn slavery publicly. While a number of non-Garrisonian activists continued to work directly or indirectly through the churches,⁷⁵ others drifted out of denominational congregations toward more fluid and less sectarian forms of worship, hoping to become "less orthodox but more Christian."⁷⁶ Many found themselves in circumstances similar to those of friends of Lydia Maria Child's, "formerly of the Society

⁷²Villard, William Lloyd Garrison and Non-Resistance (New York, 1924).

⁷³Pillsbury, Acts of the Anti-Slavery Apostles, abolpri.24.

⁷⁴Weld, Weld-Grimke Letters.35; Child, Letters, zabolpri.15.

⁷⁵McKivigan, War Against Pro-Slavery Religion; Barnes, Church and Slavery, anticler.16.

⁷⁶Walters, Antislavery Appeal, chap. 3; Lesick, Lane Rebels, 197; Stewart, Holy Warriors, 114 (abolsec4.12.).

of Friends--now, I believe a little Swedenborgian...and swinging loose from any regular society."⁷⁷ Another large group--a mixture of Garrisonian and non-Garrisonians--effected a more purposeful pullout. Tens of thousands of church goers--perhaps as many as a quarter-million--sought to maintain their own purity by following the teaching of Revelations 18:4, "come out of her, my people, that ye receive not of her plagues."⁷⁸ At least in the early years of the movement, these Christian abolitionists saw the organized church's lack of support as the primary obstacle to the abolition of slavery--backhanded testimony to their belief in the power of religion.⁷⁹ But many were wistful about their forced separation from their spiritual communities, and resentful that the church's actions took from them the ability to be "righteously sound in the faith," since they were forced by conscience to "impeach whatever is popularly accounted piety as but an empty observance, a lifeless tradition, a sanctified villany, or a miserable delusion."⁸⁰ The larger lesson, one easily translated into political terms, was that corporate entities, having no souls, could not exercise moral judgment or engage in moral behavior, a capacity that remained

⁷⁷Child, Letters, 72 (zabolpri.12).

⁷⁸McKivigan, "Comeouter Sects," (mantinom); McKivigan, War, chap. 5 (abolsec.31); Goodell, Come Outerism (blue card); Antislavery Convention of American Women...1838 (BPL); 2femabol.6; Perry, Radical Abolitionism, antinomsec.8-9; Liberator, Feb. 28, 1840.

⁷⁹Hosmer, anticler.15; Proceedings of the New England Anti-Slavery Convention 1834.1.

⁸⁰Garrison, Infidelity of Abolitionists, 2abolpri.12; Child, zabolpri.12.

strictly human and individual.⁸¹

In addition to the come outers, there was also a more radical anticlerical strain, most prominently developed among Boston and new Hampshire-based abolitionists and their militant non-resistant flank. For them, the churches were dead institutions, profoundly corrupt: a "cage of unclean birds and synagogue of Satan."⁸² One essayist claimed that abolitionism operated on organized religion as an electric shock upon a corpse, provoking ghastly convulsions.⁸³ In the same way that Christian abolitionists sought to refocus attention from the institutional evils of slavery to the sin of individual slave-holders, they depicted pro-slavery clergy as personally corrupt: "we have men-stealers for ministers, women-whippers for missionaries, and cradle-plunderers for church members."⁸⁴ In raucous, vivid language antislavery advocates lampooned the "pharisaical and the time-serving clergy" as "corrupt priests, false prophets, blind guides, dumb dogs that bark not, and hireling shepherds..."⁸⁵ In language reminiscent of the anticlerical strain of thinking in Paine, Owen, and Wright, they condemned the malignant "professional priesthood" for using their "priestcraft" to "get behind a pulpit and stab the unsuspecting

⁸¹Parker, Lessons from the Worlds of Matter and the World of Man (Cobbe, ed., London, 1865), 193.

⁸²Liberator.17.

⁸³Liberator.3/30/40; 2abollib2.32.

⁸⁴Brooke, Slavery and the Slave Holder's Religion (Clements).

⁸⁵Grimke.27; Whipple, Relation of Anti-Slavery to Religion, anticler.4.

citizen...like the midnight assassain."⁸⁶ Attacking their chastity, reformers suggested that southern men of the cloth defended slavery to insure themselves a steady sampling of concubines.⁸⁷ Before one meeting in New York to which southern clerics were invited the Liberator warned free black citizens to stay indoors lest lurking clergy gag, chain, whip and ultimately kidnap them.⁸⁸

Oratorically placing whips, chains, handcuffs and branding irons in the hands of ministers vividly illustrated abolitionist notions of personal responsibility for the institution of slavery, often to the outrage of their audiences. Parker Pillsbury and his non-resistant comrade Stephen Foster made a practice of disrupting church services, paying congregants the "compliment of presuming that they wished to know the exact truth as to their connection to slavery" and the guilt borne by each member of the corrupt institution. Pillsbury recounted with surprise the outraged response he received from a New England church as he was "proceeding to compare (their minister) Mr. Holt as a murderer with Ferguson, the Exeter murderer, and to give (Mr. Holt's) offense the

⁸⁶H.C. Wright, Liberty Bell 1848, 156; see Cole in amrelnts on limits of true freethinking tradition in America; also 2abollib2.27; Bourne, abolpri2.nts; May on flourishing of radical deism in 1820s, zsense.15; but note that Garrison reportedly doesn't read Paine til 1845.

⁸⁷Foster, antinom.20.

⁸⁸Liberator 3/24/37; 2abolprilib.24.

preeminence..."⁸⁹ Such attacks angered the faithful, including many abolitionists; but at a time when both the reign of orthodoxy and the male church-going population were in decline, they also played to an audience, some of whom were prepared to reconsider the role of clerical authority.

Garrisonians may or may not have believed their more extravagant charges against the clergy to be literally true; but murder was an apt analog to their most serious charge, spiritual domination. Liberal reformers correctly understood that formal disestablishment had not toppled the local minister from his seat as "village patriarch," and that the authority of denominations to shape belief and culture was paradoxically growing under a voluntarist regime.⁹⁰ For them the object was to decentralize religion; to diminish the deference and subordination that marked pastoral relations with congregants; to make each Christian his or her own minister.⁹¹ Channing as so often happened spoke for all in rejecting the feudal trappings of power: "as justice may be administered without a wig, and the executive function without a crown or sceptre, so Christianity may be administered in more natural, and less formal, ways...and hierarchies will be found no more necessary for religion, than literature, science, medicine,

⁸⁹Foster, Brotherhood of Thieves, antinom.20; Pillsbury, Acts of the Anti-Slavery Apostles, abolpri.23. On the divisiveness of anticlericalism see abolsec3.2, 24.

⁹⁰Pillsbury, abolpri.23; Moore, Religious Outsiders, anticler.17; Butler, Awash in a Sea of Faith, chaps. 4, 9.

⁹¹May, Our Anti-Slavery Conflicts, zabolpri.21.

law, or...the arts."⁹²

The liberal critique of religion illustrates vividly one aspect of the dialectic between theology and other forms of social thought. Even the most flamboyant of the non-resistants was sincere in rejecting the label "atheist:" each retained at a minimum a belief in God's governance through natural law, and a hearty respect for Christ as an ethical paragon. Yet the notion of human rights so imbued their world view that it became an elemental force in reshaping the structure of relationships between laypersons, ministers, and God within liberal Protestantism. One main component of the great struggle, as it was cast by reformers, between the old religion of authority and the new religion of reason involved the integration of human rights into the spiritual economy, even for so apolitical an actor as Channing.⁹³

Perhaps the true measure of the power of rights was that, as in any good democratic governing scheme, while they emanated from God, now he was also bound by them. Even Charles Finney--no great radical on this score--resolved the problem of God's powers by denying that he himself could enact a law that sanctioned slavery: "God's arbitrary will is not law." Natural law, Finney claimed, was prior to the exercise of "Voluntary Divine Right." God, a slow learner perhaps, had finally absorbed the unfortunate example of

⁹²Channing, lib20 (? see rough); on the representations of power as symbolized by material emblems see Habermas, Structural Transformations, 8 (pol.nts).

⁹³Smith, Discourse on Creeds; note on the semiautonomy of religion?

Charles I, that "the divine right of kings to bear sway over the Body, and the divine right of the churches to bear sway over the Soul, both rest on the same foundation--on a LIE."⁹⁴ Even God himself was chastened: Channing declared, "We cannot bow before a being, however great and powerful, who governs tyrannically."⁹⁵ In the natural law regime of liberal religion, arbitrary power was an anomaly, a physical and moral impossibility; the system of rights presented by reformers made individuals players in the game of checks and balances in both the spiritual and temporal arenas. From far out in left field, Henry Clarke Wright echoed his agreement that even God had no right to make a slave: if he tried, Wright said, "'I would fasten the chain upon the heel of God, and let the man go free.'" Wright consigned to history the antiquated doctrine that "all rights belong to God, and all duties belong to man," arguing that God had no more right to invade the rights of man than the reverse.⁹⁶

Rights language also came into play frequently in struggles against authoritarian ecclesiastical policy on matters of conscience. Despite the relative weakness and leniency of religious establishments in colonial America, Garrisonians imported

⁹⁴Vesey, Perfectionists, antinom.13; Weddle, finney.23; parker.29. Also on the rights of God and man see Rudisill, atone.13.

⁹⁵atone.19; see also Ballou, atone.18; Finney, CF.19, 20.

⁹⁶Walters, Antislavery Appeal, abolsec2.2; Proceedings of the Anti-Slavery Society At Its Second Decade, abolpri2.2; Wright, The Holy Bible and Mother Goose. Note on the debate over the rights of God: 2abolsec.5.

the extremes of the medieval church--the "dungeon, and rack, and gallows and the stake"--as the appropriate metaphor for clerical domination in the nineteenth century.⁹⁷ Like formal establishment, ecclesiastical courts had largely died out by 1830 in the northeast; and civil actions for blasphemy were scarce, although Abner Kneeland's trial in Boston in 1833? gave ammunition to the anticlerical forces.⁹⁸ But the growing centralization of power in "consociations" or ministerial associations seemed to Channing and others to pose an equivalent threat of "ecclesiastical tyranny" since such groups often monitored topics, speakers, and events to exclude reform-minded subjects from the church or church-related gatherings. Many ministers even refused against long-standing precedent to read notices of abolitionist meetings from the pulpit. Mainstream Unitarian ministers went so far as to exclude Parker, an ordained Unitarian cleric, from the traditional Sunday pulpit exchanges, for fear his incendiary rhetoric might incite their parishoners.⁹⁹ Angry abolitionists accused clergy of limiting their right to free speech, which they characterized as a foundation of free moral inquiry and of private judgment in the reformed tradition.¹⁰⁰ And while some of the movement's unabashed

⁹⁷Proceedings of the Anti-Sabbath Convention, 1848.

⁹⁸Levy, Blasphemy; Trials of Abner Kneeland, State Trials, mantinom; Lib.3; Lib2.10.

⁹⁹Channing, On the System of Exclusion and Denunciation in religion, chan.4; Right and Wrong in Boston, 1836, 2femabol.3; get Parker cites from Commager; Goodell in Proceedings of the New England Anti-Slavery Convention 1837.4; Channing.12.

¹⁰⁰Lib.18; Foster, Brotherhood of Thieves, antinom.20.

anti-Catholicism undoubtedly reflected ethnic and class antagonisms, the more pressing concern seems to have been the Catholic church's perceived antagonism to free thought, speech, and freedom of conscience: in 1836 the Liberator linked Chief Justice Taney's early pro-slavery jurisprudence with his status as "a devoted and confirmed slave of the Pope."¹⁰¹ The infamous Pastoral Letter of 1837, in which a group of ministers rebuked the Grimke sisters for their public appearances on behalf of antislavery and women's rights, capped Garrisonian abolitionists' detestation of the church's attempts to silence free inquiry. Sarah Grimke, not crushed, "rejoice(d) in the belief that our slavery to ecclesiastical domination is tottering to its fall."¹⁰²

In two other related debates over clerical authority, reformers' arguments helped to flesh out liberal principles of governance that had political application as well. In the first, taking the spritual autonomy of the person as the baseline, liberal reformers rejected the clerical role of intermediary between the individual and God. In the orthodox tradition pastors had assumed the position as the "sun, the source of light," while "laymen are dark planets, capable only of reflecting such light as may fall on us from our pastor, and dependent upon him for all knowledge."¹⁰³

¹⁰¹Lib.15; Parker, Rights of Man, park.23; Channing, Letter on Catholicism, channing.4; Thomas absolves Garrison of charges of bigotry, 2abolsec2.9.

¹⁰²Grimke.26; Lerner, Grimke Sisters, grimke.15; May, Our Antislavery Conflict, zabolpri.20; Ceplair, Grimkes. For Weld criticism see Walter, Antislavery Appeal, abolsec2.19; Stone.6.

¹⁰³"Clerical Despotism," Lib.18; see also Curry, libpol.12.

Returning moral authority to the laity, antebellum reformers lauded the Reformation principle that each must consult scripture for himself.¹⁰⁴ The "democracy of Christianity," William Goodell suggested, required that no human authority be interposed between the individual and the sovereign in either church or state, thus avoiding the "necromancy and legerdemain of...empirical statesmanship."¹⁰⁵ The antinomian position of an unmediated relationship between the Christian and God--God manifest in each heart--had a radical career in colonial America, and carried with it a subversive threat against both church and state, bypassing as it did all forms of worldly authority.¹⁰⁶ Human beings with reason, conscience, and moral sense required "no advocate to plead for men, who need not pray by attorney."¹⁰⁷ In a radical theological move, even the traditional role of Christ as mediator was downplayed by the most liberal critics of spiritual hierarchy: if spiritual truth was innate, Christians had no need for a Christ who functioned as a "moral broker," "Ready, for a fixed percentage, to deal out these soul-conditions or qualities to all

¹⁰⁴Parker.28; Wright, Errors of the Bible, p. 20; zabolpri2.4; Walters, abolsec2.18; antinomsec.20.

¹⁰⁵Goodell, xanticler.5A; note Finney.12 on evangelicalism and this question; see also Channing.5.

¹⁰⁶Perry, Radical Abolitionism, 32-37; Hall, Antinomian Controversies.

¹⁰⁷Parker.28, Discourse on Religion.

customers."¹⁰⁸ Reformers argued that the law and the gospel both should be easily accessible to the intellect; and that "there is nothing too good to be given" to the common person for their understanding and consideration.¹⁰⁹

A second mark of the liberal religious tradition in this period was a dislike of personal or charismatic authority, and a preference for governing forces that were neutral, mechanical, unseen: a "government of laws not men," in this case as long as they were God's laws.¹¹⁰ To be subject to the vicissitudes of nature through illness was unfortunate; to be subject to the whims of a master or despot was unjust, and far less tolerable.¹¹¹ The Unitarian embrace of natural law principles was itself a move away from a sovereign God personally meting out penalties and favors; natural laws were self-executing, and their consequences were not the result of an exercise of arbitrary will.¹¹²

Catholicism again provided the negative stereotype of the clerical abuse of personal authority. The Liberator, for example, published an expose of the adventures of a Miss Reed's "Six Months

¹⁰⁸Wright, The Merits of Jesus Christ and the Merits of Tom Paine, 15-16; Parker, Levi Blodgett Letter, 18; Emerson, Miscellanies (works vol. 11), "The Lord's Supper," transc.3.

¹⁰⁹Goodell, xanticler.5C; Weddle, Law as Gospel, finney.20.

¹¹⁰Wolin, Politics and Vision, 347-48, pol.39; Emerson, Divinity School Address, mantinom; Shklar, Legalism, 20. But see Wolin, 347 on fear of subjectivism.

¹¹¹Channing, find cite.

¹¹²Howe, Unitarian Conscience, chap. 3; Birney, abolpri.4; Emerson, Divinity School Address, mantinom.

in a Convent," which involved abject grovelling to superiors and much undemocratic kissing of feet. Channing for one was also suspicious of the power which the confession of sins gave to the priest; the good Unitarian confessed to God alone in his closet.¹¹³ Liberal Protestants also found distasteful the personalized and charismatic techniques of Finney's revivalism, which in addition to public or "social" prayer included pastors calling congregants by name, exhorting public confession, and visiting parishoners to pray with them in their homes.¹¹⁴ Orthodox clerics, liberals felt, had menaced the population for years with the threat of eternal damnation; even prophets of the more hopeful new theology encouraged spiritual awareness in passers-by on the street with casual greetings like "There is not a fiend in hell, nor out of hell, so bad as you are."¹¹⁵

The move in religion against external authority, while passing in some quarters as rebellion, was very much a product of its time. Liberal notions such as the belief that "artificial" systems and restraints, once removed, would be naturally replaced by superior forms of private ordering; the belief in the authentic or spontaneous self as the source of authority; and the dislike of personal or intermediate governing structures, all owed a great

¹¹³Lib.6; Channing.4; Clarke, monograph on prayer (1841), section on private prayer.

¹¹⁴evang.7; antinomsec.27; reviv.4; grimke.21; finney.3, 9, 10. Note that mainstream evangelical religious styles were also becoming more personalized and sentimentalized in this period.

¹¹⁵Cross, Burned Over District, rev.4.

deal to both enlightenment thought and to classical economic theory.¹¹⁶ In its turn, liberal religion's turn toward an impersonal system of authority that governed by mechanical rather than discretionary rules, and one that diminished personal discretion in human intermediaries, contributed substantially to the development of liberal political preferences that contributed to the delegitimization of hierarchical status relationships. Several decades later, Herbert Spencer, a theorist widely read in America, was to write that man "'must have a master; but the master may be nature or may be a fellow man. When he is under the impersonal coercion of Nature, we say that he is free; and when he is under the personal coercion of some one above him, we call him...a slave, a serf, or a vassal.'"¹¹⁷ The impassioned antebellum revolt against Calvinism made widely available a critique of power that facilitated the collapse of those structures of personal authority; it also contributed to a theory of limited state power that has been one contributing strain to a liberal theory of the state.¹¹⁸

III. The Religious Critique of the State

Liberal doctrines like the intuitive nature of religious

¹¹⁶Stewart, *abolsec*4.16; Perry, *abolsec*3.23.

¹¹⁷Quoted in Wolin, Politics and Vision, 348.

¹¹⁸John Thomas, Garrison's biographer, notes that because the separation of church and state in America was already virtually complete, anticlericalism in America lacked revolutionary content; this overstates the importance of formal disestablishment and particularly ignores the process of legal and cultural disengagement which went on over the course of the century: Thomas, Liberator, 2*abolsec*2.9.

belief and the corruption of the institutional church had a lively career within the Protestant domain. Given the still close relations between church and state, spiritual rebellion could not but threaten temporal power as well. Moncure Conway claimed that it was when Garrison publicly burned the U.S. Constitution on July 4th, 1854, that he recognized the abolitionist as in the line of "inspired axe-bearers" that included Luther and John the Baptist.¹¹⁹

But the potential for the organized church to counterpose itself to the state as a form of public authority was limited. Between the growing acceptance of universal salvation and the declining role for complex theological disputation, the boundaries of the institutional church's distinct jurisdiction had blurred. In reformers' eyes its interests and pursuits became practically indistinguishable from those of the state, particularly after it failed to stand in opposition on the question of slavery.¹²⁰ Critics of both, abolitionists used good religion to critique bad politics, and vice versa: Parker characterized perfectionist antislavery as the new "church of America (acting) to criticize the politics of America."¹²¹ The principles of power embodied in natural law were uniform, and ruled both church and state; a tract on religion could be transformed into one on politics by

¹¹⁹Walters, abolsec2.20.

¹²⁰Wolin; Haratounian, From Piety to Moralism; Douglas, Feminization of American Culture; Hosmer, Slavery and the Church, 115, 199.

¹²¹Parker, abolsec3.18; see also Hosmer, abolpri.29.

substituting "state" for "church," "constitution" for "Bible," and "higher law" for "conscience."¹²² The most optimistic virtually eradicated the distinction between the spiritual and the temporal, proclaiming that their inherent likeness was such that "Christianity and Democracy" would soon be "wallking hand in hand."¹²³ The pessimist was not so pleased by that vision, seeing the reality as the transfer rather than the demise of authoritarian power: "the American Papacy is the Federal Government..." But, reformers promised themselves, what the First Reformation achieved in the Popedom of the church, the Second is destined to achieve in the Popedom of the State."¹²⁴ Radical abolitionists adopted Jefferson's slogan, "Resistance to tyrants is obedience to God," though for them the stress fell as heavily on the second half of the equation as on the first.¹²⁵ But it was the Reformation, not the Revolution, that provided the primary model and the mythology for antislavery rebels.

The collapse of the sharp institutional distinction between the religious and the political spheres, and the organized churches' refusal to stand in opposition to "secular" policies, meant that any religious critique of politics had to be based in individual morality. The individual who opposed the magistrates

¹²²Commager, Theodore parker, park.5.

¹²³Goodell, Democracy of Christianity, xanticler.1; Hosmer, Slavery and the Church, 173 (look at this again).

¹²⁴Staone, The Second Reformation, 2abolpri2.4.

¹²⁵pol.18; Park.28; phrase originates with Algernon Sydney.

claiming intuitive knowledge from the indwelling spirit conjured up images--sometimes uncomfortable ones--of Anne Hutchinson's antinomian stance. Emerson, whose Divinity School Address enthroneing intuitive knowledge was delivered within months of the 200th anniversary of her trial, flirted with identifying himself as an antinomian, though cautiously.¹²⁶ Citing Hutchinson but implicating female reformers of their own day, Emerson and especially Hawthorne warned of the dangers of a cult of pseudo-inspired females run amok outside the law. But Emerson's own philosophy went well beyond Hutchinson's in his claim that "if a man is at heart just, then in so far is he God."¹²⁷ Transcendentalist, Unitarian, and Quaker writing all counterposed personal conviction of the indwelling spirit against the state in a way that inscribed a new chapter in the history of antinomianism.¹²⁸ By the 1840s antislavery evangelicals like Finney and moderates like Francis Wayland were echoing similar sentiments about the duty of conscience to interrogate positive law.¹²⁹

Because of its dangerous overtones, reformers themselves

¹²⁶Porte, ed., Emerson's Journals, May 6, 9, 1837.

¹²⁷Whicher, Emerson, 102; Emerson, Journals; Hawthorne, Works, Biographical Sketch of Anne Hutchinson, antinom2.4; M. Colacurcio, "Footsteps of Anne Hutchinson," antinom.2; letter from Henry Blackwell, Stone.2; Rose, Transcendentalism as a Social Movement, 85.

¹²⁸Lynd, 111 ff; Curry, libpol2.15.

¹²⁹Wayland, antinom.18; Finney, cf.15-17; 2evang.1; abolsec3.21; abolsec4.12.

largely avoided the term "antinomian:" indeed, it was most often used as a derogatory term to describe anarchic forms of both religious and political experience.¹³⁰ Abolitionists, who righteously believed themselves to be under the superior rule of God's law, avoided the label "antinomian" as they did "atheist," as not just inflammatory but inaccurate. But the rejection of legalism served as a leitmotif in the struggle against Calvinism and slavery both: as Bronson Alcott declared, "Church and State are responsible to me; not I to them...They cease to deserve our veneration from the moment they violate our consciences...Why would I employ a church to write my creed or a state to govern me? Why not write my own creed? why not govern myself?"¹³¹ The rigid formalism of law characterized the loveless reign of orthodox theology, as well as the corrupt rule of the slave-tolerating civil state. The letter of the law was literally killing; only its spirit gave life.¹³² Even antislavery conventions' own formal procedures came in for mockery: a group of adherents, adrift overnight in a small boat without provisions, passed resolutions asserting that they had had both rest and a repast, in parody of abolitionists' endless enthusiasm for platform measures.¹³³

In fact, abolitionists assessed law's ability to effect change

¹³⁰Taylor, antinom.1; G. Smith, 2abolsec.12; Noyes, antinom.32; abolsec.18 (check this).

¹³¹Quoted in Curry, American Chameleon, libpol2.12.

¹³²Perry, Radical Abolitionism, antinomsec.2; Howe, Unitarian Conscience, unit.15; Child, Appeal, 3.

¹³³Perry, "Spontaneity and Abolitionists," abolsec3.24.

as on a par with that of the Indiana Legislature, which in this century passed a bill setting the value of pi at an even three. Injustice and delusion did not change their spots because they were cloaked in statutory authority. As one abolitionist asked rhetorically, "When the French Assembly voted there was no God, was there, therefore, no God?"¹³⁴ Reformers were fond of pointing out that any law that contravened human moral nature or divine mandate--a law sanctioning adultery or forbidding parental love, for example--was a dead letter regardless of its sovereign imprint.¹³⁵ The non-resistant Nathaniel Rogers even questioned abolition's holy grail, the emancipated status, dismissing legal freedom in the north as having merely turned slaves into "free niggers" without achieving the promised transformation to social equality.¹³⁶ For better and worse, the law was only as good as God and human nature made it. Goodell argued that, rather than searching for rulers, the people must realize that "the LAW is already made to their hands, (the law of their social nature as well as their physical constitutions) that all they have to do is learn to obey and apply it."¹³⁷

¹³⁴Marsh, God's Law Supreme. Note that antilegalism of course is a common response by groups out of power: Shklar, Legalism, pol.1.

¹³⁵Hosmer, Slavery and the Church, 116; Hosmer, antinom.39; Channing.16; B. Wright, American Interpretations of Natural Law, 216; Noyes, antinom.32; (missing one cite).

¹³⁶Scott, abolsec4.15.

¹³⁷Goodell, xanticler.4; 2abolpri.13; but for criticism of public opinion in the lawmaking process see abolpri.7, 18.

Statutory law came in for particular criticism; like creeds, it most fully represented the benighted attempt to capture a dynamic process in a frozen form, rather than appealing "from statute to justice...from the state to the soul...from dead words to living spirit."¹³⁸ Garrison vowed never to consult "any other statute book than the bible," since government was too fallible to be trusted with the enactment of rules.¹³⁹ Reformers criticized the gall of legislators who understood their job as constructing rather than discovering laws, "which they can no more do than they can manufacture the laws of gravitation and motion."¹⁴⁰ Garrison made a sweeping dismissal of all forms of human lawmaking power in 1854, when at a 4th of July celebration he burned in rapid succession a copy of the Fugitive Slave Law, a judicial decision, and the Constitution, to the wild cheers of his audience.¹⁴¹

While many across the antislavery spectrum shared in criticism of particular laws that contravened natural law, the small New England group known as non-resistants, comprised largely of the left wing of the Garrisonians, did not discriminate between just and unjust human laws: declaring themselves under the government of God and no other, they rejected even the civil authority of law in private actions, encouraging their members to eschew bringing suit

¹³⁸Stone, Second Reformation, 2abolpri2.5; Emerson, transc.1; LIB.9.

¹³⁹2abolsec2.3; LIB.32.

¹⁴⁰Goodell, xanticler.4; libpol2.4.

¹⁴¹abolsec4.12.

or participating in the normal civil and criminal workings of law.¹⁴² One antislavery speaker was accused of being a non-resistant because he "quoted Scripture instead of ordinary legal definitions." Like religious comeouters, the non-resistants aimed for complete non-complicity in a corrupt system: as one said, "I wash my hands, clean as an angel's, of the whole of it."¹⁴³

[put section here on debate over the Constitution and the Garrisonians disunion strategy]

As with the clergy, radical abolitionists never allowed civil magistrates off the hook for their part in enforcing pro-slavery laws. The good judge, Parker noted, "modifies the laws of his country to the advantage of mankind. He leaves bad statutes...to sleep till themselves become obsolete...he selects good statutes which enact natural justice into positive law; and mixes his own fresh instincts of humanity with the traditional institutions of the age."¹⁴⁴ Rejecting the theory of the judge as an "homme couverte" whose duty as a Christian is overridden by his civil responsibility, they stressed rather that "the very wish to be a lawgiver, judge, and ruler among men, is totally at variance with

¹⁴²Birney, Letters, abolpri.1; Perry, Radical Abolitionism, chap. 3; antinomsec.7, 2; Pillsbury, abolpri.21 (or 2.1?)

¹⁴³Pillsbury, abolpri.25; marsh, God's Law Supreme, 3 (card); for Noyes influence on Garrison see antinom.32; 2abolsec.24; 2abolsec2.4-5.

¹⁴⁴Park.32; see also 23, 34.

Christianity," as a usurpation of God's authority over the individual.¹⁴⁵ The non-resistant Stephen Foster, arraigned for disturbing the peace, agreed only to speak to the magistrate as a friend or a brother, but refused to plead or acknowledge him in his official capacity.¹⁴⁶

In one view the Garrisonians lost ground in the 1840s with the advent of an opposing group that espoused political measures, and certainly the non-resistant stance lost credibility in the 1850s as the use of force to end the conflict came to seem inevitable. But the relevance of higher law doctrine and of the Garrisonian critique of state power became much clearer after Congress in 1850 reinforced the Fugitive Slave Law, stressing the duty of citizens to cooperate in returning escapees.¹⁴⁷ That legislation made it a legal duty for the angel to soil his clean hands: for many it foreclosed the option of signing off and required a more direct challenge to government through active civil disobedience.¹⁴⁸ Calling the thing by its real name, Boston abolitionists constituted themselves the "Committee on Kidnapping," a crime that

¹⁴⁵parker, park.17; H. Wright, Liberator, abollib2.6. SEe also Goodell, Proc. of NEASC 1837.4; Hosmer, antinom.27; Hossack, 2abolpri.13.

¹⁴⁶abolpri.22.

¹⁴⁷get cite; D. Child, 2abolpri.8 (or zabolpri.8); Brock, antinom.9; Furness, Discourse on the Fugitive Slave Law, 2abolpri.8; The Fugitive Slave Law and its Victims, BPL; Liberty Bell 29; Emerson, The Fugitive Slave Law, Modern Library ed. works; Lynd, pol.20; Campbell, Slave Catchers, 2abolsec.17.

¹⁴⁸Pease, unit.23; Lynd, pol.nts on civil disobedience; Parker, "Boston Kidnapping," park.18.

could not be dressed up in legalese as a "rendition" to pass in Christian society.¹⁴⁹ After the Fugitive Slave Law and the Kansas-Nebraska Act of 1854, which repealed the Missouri Compromise's ban of slavery above the x parallel and provoked the fight for "Bleeding Kansas," the struggle in the north between the individual conscience and temporal powers was fully joined for a broad section of reformers.¹⁵⁰ By 1850 even a large range of moderate antislavery sympathizers, who rejected indignantly what they considered to be the anarchism of the Garrisonians, agreed, both in the specific case of the Fugitive Slave Law and in the larger principle, that a human law that contravened moral or divine law wasn't worth the price of its paper.¹⁵¹

In Boston's antebellum reform faction, so influential for the first generation of women's rights advocates, the inferiority or inadequacy of positive law became an article of faith. Parker proposed a convention which would label obligations owed to God "duty" and those to the state "business," cautioning that "the law of God has eminent domain everywhere...over all customs, all official business, all precedents, all human statutes, all

¹⁴⁹get committee cite; 2abolsec.9; TenBroek, chap. 2 on FSL, 2abolsec.12; Campbell, 2abolsec.17.

¹⁵⁰prob. of public acceptance; Wiecek, abolsec4.16.

¹⁵¹abolpri.1 (Liberty Party); abolsec4.12 (Stewart); zabolpri.23 (Finney); antinom.18 (Wayland); some cite to May but can't read. For arguments by Lynd on Dissenters' influence on abolitionist natural laws tradition see IOAR, 60 ff.

treatises..."¹⁵² Channing asked rhetorically, "Is human legislation the measure of right? Are God's laws to be repealed by man? can government do no wrong?"¹⁵³ As a number of commentators have pointed out, the career of the higher law in the courts was not a distinguished one; the concept never transcended the suspect association with anarchism, and the reform vision never ultimately translated into a judicially applicable source of law that could sit easily alongside a positivist regime.¹⁵⁴ Nor did natural law theory make much headway in the political arena. One of its few congressional outings was in a speech of Seward's, after which it was clubbed into submission by Webster's mocking inquiry, "What is higher law?...How high is it? Is it higher than the Blue Ridge? Higher than the Alleghany Mountains?"¹⁵⁵

Despite the failure of higher law to embed itself formally in American jurisprudence, the suspicion and hostility generated by the slavery controversy helped to shape the views of a generation of reformers on the character and function of the developing American state. Taken in their totality, antislavery writers' attitudes toward the individual and toward authority resounded in

¹⁵²Park.17, 2; Channing, 16; Perry on Garrison, Radical Abolitionism, 50; Hosmer, Higher Law, chap. 4, p. 156 ff. and passim; Marsh, God's Law Supreme; Hosmer, Slavery and the Church, 131, 170, etc. See also Fellman on parker, park.2.

¹⁵³zabolpri.25.

¹⁵⁴Cover, esp. 29; Commager; Constitution Reconsidered (on file); Wiecek; Rodgers, Contested Truths, 134-35.

¹⁵⁵Clarke, Antislavery Days, zabolpri.10; see also Whipple, anticler.4.

the American political tradition some have called the paranoid style.¹⁵⁶ The fear of centralized power, of the loss of virtue, of conspiracy in high places were tied into a seamless package with reenforcing strands of thought. From one side abolitionists shared a dedicated belief in optimistic laissez-faire principles of governance; they rejected the notion that "the outward can compel the inward," convinced that only the lifting of artificial restraints and rules would generate the self perpetuating natural harmonies of true governance.¹⁵⁷

From a darker province came the philosophy, bolstered by such evidence as government's tacit support for the brutal southern regime, that the state was itself an instrument of violence. Most in the antislavery movement did not espouse antistatist views as sweepingly as did the Garrisonians and the non resistants; many members of the American and Foreign Anti-Slavery Society and the Liberty Party, while sharing a critique of proslavery policies, continued to share with other evangelical Protestants a normative view of government as God's civil agent.¹⁵⁸ Indeed, Garrison's no government position was a major point of conflict within the

¹⁵⁶Bailyn; Wood; Hofstadter; Wilson, Church and State, vol. 1, 120 on role of antistatism in republican thought. On abolitionists' criticism of their paranoiac forebears see Wendell Phillips, quoted in Yacavone, Liberal Persuasion, unit.19.

¹⁵⁷Lydia Maria Child, Letters, zabolpri.13; Friedman, Gregarious Saints, abolsec.3, 5.

¹⁵⁸Cole, Social Ideas of Northern Evangelists, amrel.9; Wyatt-Brown, Lewis Tappan, abolsec2.15; Goodell, 2abolllib2.35.

American Anti-Slavery Society before its rupture in 1839.¹⁵⁹ Conflicts between the Grimke sisters, enthusiastic followers of Garrison, and the more cautious Theodore Dwight Weld, for example, may have hastened their retirement from active participation in the antislavery movement.¹⁶⁰ Even some of Garrison's most faithful friends, while sympathetic, felt backed into too tight a corner by his extreme antistatism.¹⁶¹ Nevertheless, Lewis Perry has suggested that, rather than identifying a discrete antistatist wing, the problem of authority and undercurrents of Christian anarchism provided a critical problematic and an important backdrop to abolitionist argument in general. Gerrit Smith expressed his own quandry in commenting on Garrison's views on civil government, "the soundness of which, if I do not admit, I nevertheless do not deny."¹⁶²

Despite the controversy, during the formative period of the 1830s and 40s many members of the AASS including Abby Kelly Foster, the Grimkes, Lucretia Mott, and other founding members of the woman's movement largely followed Garrison in rejecting human

¹⁵⁹Wyatt-Brown, Lewis Tappan, 193; Kraditor, 2abolsec.4.

¹⁶⁰Grimke, Lerner, Weld-Grimke Letters.

¹⁶¹Child, 2abolpri.12-14; Samuel J. May, Unit.19.

¹⁶²2abollib2.28; see also Walters, Antislavery Appeal, abolsec2.17; Perry, Radical Abolitionism, antinomsec.1 ff; Curry, American Chameleon, 109 ff. (reread). Stanley Elkins's scathing attack on Garrisonians as irresponsible antiinstitutionalists has ben largely refuted by Aileen Kraditor in Means and Ends, 2abolsec.2; Sorin, Abolitionism; Stewart, Holy Warriors. See also Walters, Antislavery Appeal, abolsec2.16. Gilbert Barnes in Antislavery Impulse, abolsec3.3, was also quite critical of Garrison.

government as "a bloated, swaggering libertine...with one hand whipping a negro, tied to a liberty pole, and with the other dashing an emaciated Indian to the ground."¹⁶³ The radical perfectionist wing of Massachusetts and New Hampshire abolitionism formed itself into a parallel organization, the New England Non-Resistance Society (NENRS), at the Marlboro Chapel Peace Convention in 1837; while that group's institutional energy diminished by the late 1840s, a strong commitment to non-violence binding both persons and governments persisted in New England abolitionism through the 1850s. Some stalwarts, moved to deep emotion by the raid on Harper's Ferry, only abandoned the mandate "turn the other cheek" on the eve of the war.¹⁶⁴ While the peace movement in its earlier manifestation had a place in its scheme for a just civil government, the Garrisonian formulation set up a direct opposition between human government and the righteous pursuit of non-violence. The Declaration of Sentiments of the NENRS declared at the outset, "We cannot acknowledge allegiance to any human government."¹⁶⁵ Some of the more wild-eyed non resistants like Henry Clark Wright

¹⁶³LIB.39; quote taken by Garrison from Noyes, see Grimke.14; Perry, antinomsec.4-7; Garrison, Letters, vol. 2, p. 145; Kraditor; Thomas; Brock, Radical Pacifists. On perfectionist influence on Garrisonians see McKivigan, abolsec.25; Grimke.26; sense.6, 7. 2antinomsec.1; Fredrickson, Black Image in the White Mind, pp. 6-7; Filler, Crusade Against Slavery, 2abolsec.24. On evangelical perfectionism, see Finney.4, 6, 13-15.

¹⁶⁴See mantinom.nts; Perry, Radical Abolitionism, chap. on Non-Resistance; Brock, Radical Pacifists, antinom.2, 5; Demos, "Problem of Violent Means," 2abolsec.25; Curti, "Non-Resistance in New England," antinomsec.22; Walters, Antislavery Appeal, abolsec.2.17-18.

¹⁶⁵Brock, Radical Pacifists, antinom.4, 6.

went so far as to impugn family governance and to reject the notion of authority over children, leaving many former colleagues to wonder about their sanity.¹⁶⁶

Despite the appellations "Jean-Paul Foster" and "Jean Baptiste Pillsbury" given to two of the NENRS's most dedicated members, non-resistants did not harbor fantasies of overthrowing government by force: critical of the violent actions of their revolutionary forbears, Garrisonian abolitionists preached personal non-compliance or political comeouterism known as "signing off," but looked to the peaceful dissolution of the state into an all-encompassing Christian anarchism, or moral self-government of the people under God.¹⁶⁷ Despite its Marxian conclusion, the notion of the atrophy of the militarist state in a progression from monarchy to democracy to no-government was in many respects a logical outgrowth of the liberal belief in the superiority of laissez faire principles of governance by spontaneous harmonious interaction.¹⁶⁸ Indeed, the old positivist forms of legislation

¹⁶⁶Wright, in Perry; AK Foster, in abolsec2.23.

¹⁶⁷get cite to Pillsbury etc. See Friedman, Gregarious Saints, abolsec.3, 7, on moderation among nonresistants; Brock, Radical Pacifists, antinom.8; LIB.21. On political comeouterism see Walker, abolsec4.1; Garrison, Letters, II:145-48; Lerner, Grimke Sisters, grim.14. Also the disunion strategy followed by Garrisonians was a form of political comeouterism: Walter, Antislavery Appeal, abolsec2.27; Kraditor, Means and Ende, 196 ff; Proceedings of the State Disunion Convention; const.4; antinomsec.11. PUT govt of god cites here?

¹⁶⁸Parrington, park.13; Perry, antinomsec.2; view shared by communitarians, eg Stephen Pearl Andrews, antinom.15; and embraced by ultraist revivalists as a form of "millenarian anarchism," Cross, Burned Over District, reviv.5.

and enforcement seemed pathetically out of date, even when wielded by a democratic majority. Thoreau, after his brief night in jail, sneeringly dismissed the state as "half-witted...as timid as a lone woman with her silver spoons...I lost all my remaining respect for it, and pitied it."¹⁶⁹ Looking to the end of government as the start of the millennium, crusaders from the antislavery church tossed around phrases like "downfall" and "overthrow" with abandon.¹⁷⁰ But the insurgent this time would be Christ, who would "put down all the kings, rulers, and magistrates of the earth, and himself rule over all," a belief which Lawrence Moore characterizes as "a thoroughly ordinary conceit among antebellum American reformers."¹⁷¹

John Demos has suggested that the non resistant movement might better be labelled the non-coercion movement since coercion was the evil at the heart of the issue;¹⁷² and indeed, many who would not formally call themselves "no government" reformers nonetheless shared with non-resistants a liberal critique of the use of external force or coercion to exact compliance. So broad was the definition of coercion that it could comprehend behaviors ranging from the brutal to the merely paternalistic. The non-resistant

¹⁶⁹Parrington, vol. 2, 401-402; Jacker, Black Flag of Anarchy, antinomsec.24; Duban; note that Thoreau not a member of NENRS but influenced by them: Brock, antinom.8.

¹⁷⁰LIB.33; Grimke.17; Revolution the Only Remedy for Slavery, Anti-Slavery Tracts 1 (BPL cards).

¹⁷¹Abollib2.18; Moore, Religious Outsiders, anticler.17; Todgers, Contested Truths, 132-34.

¹⁷²Demos, "Problem of Violent Means," 2abolsec.25.

Adin Ballou defined human government--by definition illegitimate--as "any condition in which the will of one man holds superiority over another," lumping together evil rulers, slave masters, and petty domestic tyrants as indistinguishable to the eye of God; specific critiques of a variety of status relationships was forthcoming.¹⁷³ Abolitionists charged that the exercise of arbitrary authority, whether by ruler, master, or the man in the street, was a violation of the tradition of Boston's Puritan founders, who "sought a church without a bishop, a state without a king, a community without a lord, and a family without a slave."¹⁷⁴ Perhaps in theory one could posit a form of human government that was non-coercive; but reformers saw overwhelming evidence that "every actual state is corrupt."¹⁷⁵ Angelina Grimke declared simply, "Civil government is based on physical force, physical force is forbidden by the Law of Love."¹⁷⁶

Casting government as a bogeyman, or sometimes the Devil incarnate,¹⁷⁷ abolitionists were uninhibited in their vivid denunciations of "the overshadowing and well nigh annihilating and murderous ideas of 'the nation--the state,' and especially the 'government--the government!'" which reduced people to mere

¹⁷³Ballou, in Perry, Radical Abolitionism, antinomsec.10; see also Friedman, abolsec.3; antinom.35; abollib2.21.

¹⁷⁴Parker, The Boston Kidnapping, park.18.

¹⁷⁵Emerson, quoted in Jacker, Black Flag, antinomsec.24.

¹⁷⁶Weld-Grimke Letters, grim.27; see also Parker, park.4; Perry, antinomsec.4; abollib2.31.

¹⁷⁷abollib2.28

"passive, inert matter, brute engines, mere machines, to be possessed, owned, moulded, used, wielded, at pleasure, by 'the government,' for 'reasons of state.'" ¹⁷⁸ They saw a potential for government to become "the most terrific engine of oppression that can be conceived. Satanic malice could invent nothing worse." ¹⁷⁹ A common theme, often echoed by woman's rights advocates in years to come, was the rejection of the "might makes right" theory of the state. Denying that the "selfishness of strong men" was an appropriate basis of power, abolitionists sought to delegitimize the state built on force, for "it enthrones Brute strength as absolute lord of the world. Recognizing no basis of things by arbitrary power, it degrades men to beasts of prey." ¹⁸⁰ Analogizing all forms of coercive behavior, on his lyceum lecture tour Parker routinely compared slavery to "Popism, Czarism, Hereditary Nobility, or Hereditary Monarchy;" ¹⁸¹ another condemned slave masters as "pigmy despots." ¹⁸²

Abolitionists adopted and elaborated on the precept derived from Montesquieu and critical to revolutionary political philosophy that unchecked power was always subject to abuse. In his book The

¹⁷⁸Goodell (tho note not Garrisonian), xanticler.5B.

¹⁷⁹Goodell, xanticler.5B; Hosmer, antinom.27.

¹⁸⁰Parker, park.7; Furness, Right of Property in Man.1 (clements); see also park.10; Demos, 2abolsec.26; abollib2.2; Brooke, clements; May, Emancipation in the British West Indies, (card box).

¹⁸¹unit.7; see also Shively's introduction to Andrews, 2antinom2.1.

¹⁸²2abolpri2.3.

Slave: or Memoirs of Archy Moore, abolitionist Richard Hildreth penned the inner thoughts of his fictional slave character Archy, recently promoted to the position of driver:

and I verily believe that no man ever exercised an unlimited authority who did not abuse it. The consciousness of my power, made me insolent and impatient; and...the whip had not long been placed in my hands, before I caught myself in the act of playing the tyrant. Power is ever dangerous and intoxicating. Human nature cannot bear it. It must be constantly checked, controled and limited, or it inevitably declines into tyranny. Even all the endarmments of the family connexion; the tenderness of connubial love, and the heart-binding ties of paternity, seconded as they always are by the controlling influences of habit and public opinion, have not made it safe to entrust the head of a family with absolute power even over his own household. What terms then are strong enough in which to denounce the vain, ridiculous, and wanton folly of expecting any thin but abuse where power is totally unchecked, by either moral or legal control.¹⁸³

Another well known tract encouraged readers to ask themselves to whom they would be willing to entrust complete power over their lives and persons; to whom would they hand the whip?¹⁸⁴ This literature across the board made a strong link between the exercise of arbitrary authority and cruelty, as did other humanitarian reform movements of the time.¹⁸⁵

The denunciation of the state closed the circle of condemnation of arbitrary authority which had begun for the antebellum generation in a critique of religious authority. Pillsbury's Acts of the Antislavery Apostles gives a description of

¹⁸³Hildreth, The Slave: or Memoirs of Archy Moore, slavelit.17.

¹⁸⁴Child, Appeal, 3; see also abolpri.17, 18; chan.1, 2.

¹⁸⁵Masur, Rites of Execution; Glenn, Campaigns Against Corporal Punishment.

the overbearing orthodox cleric which emphasizes the personal cast abusive power had taken on in this period; the minister whose authority is challenged blusters, swears, and forbids his interlocutors to speak. "His large size and great agitation, his lip actually quivering with rage, and the haughty manner in which he stormed at us" typify the volatile and profane nature attributed to all discretionary human authority by antebellum reformers.¹⁸⁶ Slavery, similarly, calls out in masters "the sort of giddiness which absolute power communicates to Kings."¹⁸⁷ In describing a slave as one who is subject to the "passion, to lust, to ambition" of another, Hosmer captured the sense in which power lodged in human hands had come to represent the excesses and breaches of self-discipline so offensive to a northern reform contingent--liberals and evangelicals alike--that had espoused a wide variety of personal and body reforms reenforcing the notion of self control through temperate, abstinent living.¹⁸⁸ The face of power that haunted abolitionists' dreams was flushed with a surfeit of rich food and drink, and contorted with unholy lust and rage.¹⁸⁹ By

¹⁸⁶abolpri.23.

¹⁸⁷LIBBELL.34.

¹⁸⁸Hosmer, anticler.10. See also Hildreth, Despotism in America (box); Child, Appeal.2; Hildreth, 2abolpri2.2; Sumner, Barbarism of Slavery; D.Child, Despotism of Slavery. On the body reform movements see, inter alia, William Leach, True Love and Perfect Union; and Robert Abzug, Cosmos Crumbling.

¹⁸⁹See Ronald Walters, "The Erotic South." Charles Shively notes that the communitarian Josiah Warren was so hypersensitive to the excesses of power that he invented a system of musical notation that eliminated the need for a conductor: 2antinom2.1.

personifying tyranny, not as a dim, distant, loopy king, but as of a piece with the temptations and threats to personal self governance that intruded on everyday living, 'abolitionists made the question of appropriate authority very real to their audiences.

Having dismissed both the fiction of the social compact and the construction of civil government as god's agent on earth, abolitionists allowed the state no quarter, condemning it as merely coercion by committee. A catechism for reform children developed by Henry Clarke Wright includes the question, "Ought you to pray that the President's or Governor's will be done on earth?" The correct answer was "No sir--never."¹⁹⁰ If anything, injustice "mounted on a statute" was the more heinous crime.¹⁹¹ Abolitionists insisted that groups "moving in a body and called the state" were held morally accountable under exactly the same rules as the individual:¹⁹² each individual "carries with him into the service of the community, the same binding law of morality and religion which ought to control his conduct in private life."¹⁹³ No combination of individuals could get together to change the moral character of an act, or escape moral accountability by acting at the behest of a group.¹⁹⁴

¹⁹⁰LIB.22.

¹⁹¹Parker, find cite; Chan.25.

¹⁹²2abollib2.25, 20; Chan.27.

¹⁹³Goodell, xanticler.8; 2abollib2.19, quoting Kent.

¹⁹⁴"Can Abolitionists Vote?" (BA --prob Phillips). Brock, Radical Pacifists, antinom.3, 6; Vesey, Perfectionists, antinom.11; Hosmer, antinom.27. Look into theories of corporate liability in

What role could government play, then, in abolitionists' view? Although divided between seeing government as a necessary and an unnecessary evil, there was widespread agreement that the government "governs best that governs least."¹⁹⁵ As Miss Eliza Wright stated at an American Anti-Slavery Society Meeting of 1853, "every man or woman in the wide world was master of himself or herself, and that no one else had the right to interfere with him or her, in any possible way, so long as they interfered with no others. That was the sum and substance of the whole thing."¹⁹⁶ To the extent that government had become "something distinct from the community,"¹⁹⁷ its power should be limited even as its abilities were limited. In Channing's eloquent phrases, government

does its good chiefly by a negative influence, by repressing injustice and crime, by securing property from invasion, and thus removing obstructions to the free exercise of human powers. It confers little positive benefit. Its office is, not to confer happiness, but to give men opportunity to work out happiness for themselves. Government resembles the wall which surrounds our lands; a needful protection, but rearing no harvests, ripening no fruits...How little positive good can government confer! ¶ does not till our fields, build our houses, weave the ties which

this period.

¹⁹⁵Perry, antinom.11; Lynd, pol.20; SPA, 2antinom2.3; antinom.15, 19; antinomsec.19, 24; chan.1; Madden, Civil Disobedience. (note == HCW LIB. 29 on govt as result of human disobedience to God; also other quotes about govt as judicial punishment)

¹⁹⁶Proceedings of the American Anti-Slavery Society At Its Second Decade (1853), abolpri2.2. Josiah Warren's utopian community, Modern Times, had just one law: Mind Your Own Business (see fn. 93 for cite).

¹⁹⁷Goodell, xanticler.6

bind us to our families...¹⁹⁸

Channing was of the view that the government's only legitimate function was the enforcement of God-given individual rights,¹⁹⁹ a view which many others espoused as well. Goodell, not a Garrisonian but a pivotal figure who spoke to a wide spectrum of abolitionists, brought many around to this position.²⁰⁰ Civil freedom was a purely negative state, the state of those around you--including the government--minding their own business. Law could only clear the way for beneficial human interactions: "The law does not say you shall help and bless others but only that you shall not hurt them...Civil law is not the law of love but its moral negation. It commands nothing, only forbids, and that, too, only those acts that injure others."²⁰¹ True freedom was not a negative state, but "the attribute of mind, in which reason and conscience have begun to act, and which is free through its own energy, through fidelity to the truth," to govern itself under God's laws.²⁰² The state in the guise of Thoreaus's half witted

¹⁹⁸Channing.2, Remarks on Napoleon Bonaparte; see also chan.12, 16. Note Foster, Errand of Mercy, abolsec.3 on evangelical support for Jacksonian notion of no big government; Walter, Antislavery Appeal, abolsec2.26 on no big government attitudes of abolitionists; tho note that Parker had more faith in govt; Aaron, 1. Note attitudes contrasting with Bill Novak's people.

¹⁹⁹Channing, Duty of the Free States; antinomsec.25; 2abolpri.27 (or is this zabolpri?).

²⁰⁰xanticler.8; Walters, abolsec2.26; Hosmer, Higher Law, antinom.28.

²⁰¹Weld, "Man's Disparagement of Woman" (Clements)

²⁰²Channing, Election Sermon, BA; see also Goodell, xanticler.8; Channing.2.

old woman guarding her spoons offered little help to that enterprise; and in the form of Garrison's vicious libertine threatened to destroy it completely.

IV. Rights of the Person

For its opponents, higher law methods of consulting conscience or intuitive moral reasoning represented the antithesis of political truths "publicly arrived at and publicly demonstrable."²⁰³ But while it failed as a form of jurisprudence, the intuitive model of truth-seeking using human nature as a guide to divine laws was of paramount importance in another area: it provided reformers with a new method for discerning the "rights" of the individual; and substantively shifted the focus from the rights of citizens to the rights of persons both in their physical and spiritual lives.

The rights of many Englishmen under the unwritten constitution had been well established as part of the citizen's baggage in the seventeenth century, largely protecting property and due process. In the eighteenth century, however, notions of rights slipped their formal bounds. Revolutionaries declared them anterior to laws and constitutions, which could only confirm the rights that sprang from some higher source, one whom John Adams named "The Great Legislator."²⁰⁴ Like the Revolutionaries, abolitionists rejected the Lockean theory that a person relinquished rights on entering

²⁰³Wolin, pol.21.

²⁰⁴Rodgers, Contested Truths, chap. 2, esp. 46.

into society as the "logic of despotism."²⁰⁵ Civil government was chartered directly by God, and civil rights and duties could in no way infringe on or subsume an individual's duty to "the TRUE and the RIGHT," as interpreted through the conscience.²⁰⁶ Channing argued that rights were so bound up with both the gifts and the commands of the Creator that "the consciousness of rights is not a creation of human art...but essential to and inseparable from the human soul."²⁰⁷ Again following in the revolutionary tradition, abolitionists declared that rights emanated from God alone:²⁰⁸ to deny it would be "making war upon God himself."²⁰⁹ Casting civil government--"devil government" as some would have it--as the source of rights was but a "miserable subterfuge" foisted by Hobbes upon an unfree people.²¹⁰ The American Anti-Slavery Society summed up the relative positions of the two claimants to sovereignty by saying, "God has made out 'free papers' for every human being. our fathers, in signing the Declaration of Independence, republished

²⁰⁵Channing, Slavery, 32, 36-38; Channing, zabolpri.27; Channing.9; Parker.23; Rodgers, 57 ff., 134; Howe, Unitarian Conscience, 122. On continuing Federalist notions of rights as embedded in the social fabric see Shalhope in Curry, esp. 67-68.

²⁰⁶Goodel, xanticler.1-2; Hosmer, antinom.30.

²⁰⁷Channing, Slavery, 32.

²⁰⁸Rodgers, 48-57; May, zabolpri.22; Channing, zabolpri.26; Pillsbury, abolpri.22; Smith, LIB.11.

²⁰⁹American Anti-Slavery Almanac.1 (box)

²¹⁰2abolllib2.28; Hosmer, antinom.30; Channing, zabolpri.26; pol.20; Channing, Duty of the Free States; 2abolllib2.31.

and endorsed them."²¹¹

The paradox here of course was that while Channing, Parker, and others declared that the notion that rights were "uncertain, mutable, and conceded by society, shows a lamentable ignorance of human nature," rights as they envisioned them were in fact as individual and open-ended as the vista for each body and soul.²¹² The Christian notion of rights carried with it a notion of universal entitlement, that "each child as a birthright has a code of laws engraven on its nature."²¹³ But because God's design was most fully revealed, not in the written word but in the natural world, the laws "written on body and soul" were also as distinctive as each body and each soul.²¹⁴ Gerrit Smith had proclaimed, "Fifty or a hundred people in Peterboro or Cazenovia, however much alike in their views and spirit, should no more be required to adopt a common religious creed than to shorten or stretch out their bodies to a common length."²¹⁵ Rights, William Goodell similarly

²¹¹AASA 1838, vol. 1, no. 3, p. 7.

²¹²check this fn. with rough draft; may be fn. 150.

²¹³H. Wright, Errors of the Bible. See also zabolpri.2; Channing, Duty of the Free States, 2; Alton.8; Grimke, abolsec2.22; abolpri2.3 (Quincy); Grimke.6, 15; Weld-Grimke Letters 435-36 (xeroxed); pol.20; chap. 1.

²¹⁴Wright, Errors of the Bible. For a similar discussion among socialists see Stephen Pearl Andrews, Josiah Warren, and Robert Owen, see Andrews, Science of Society, 15, 2antinom2.1, 2.

²¹⁵Smith, A Discourse on Creeds and Ecclesiastical Machinery, 2. SEe also Andrews, The True Constitution of Government, "diversity reigns throughout every kindgom of nature, and mocks at all human attempts to make laws, or constitutions, or regulations...which shall work justly and harmoniously..."

claimed,

must grow out of (man's) essential nature, capacities, relations, duties, and destiny. To the idea of these must the idea of his rights be conformed, and by these must those rights be defined. To understand what man is, what his Creator requires him to be and to do, and what he is destined to become, is to understand man's essential and inherent rights, and the tenure by which they are held.²¹⁶

Once again subordinating the citizen to the person, abolitionists insisted that, important as the civic rights fought for by the Founders and enumerated in the Constitution were, the rights bearing individual needed protection, not just in the public square, but in more private pursuits as well.²¹⁷ In the early years, abolitionists disagreed over whether emancipated slaves should be granted political rights, in particular the right to vote.²¹⁸ Many also rejected or downplayed the notion of social rights as raising the controversial spector of intermarriage or social mingling, potentially detrimental to the cause.²¹⁹ Much less contentious was the notion that all slaves should be protected by such civil rights as would allow them the equal protection of the laws of property, contract, and crime.²²⁰ But the entitlement

²¹⁶Goodell, Democracy of Christianity, 51-52 (xanticler.7); see also Wright, Errors of the Bible.

²¹⁷2abolsec.12, TenBroek; for criticism of distinctions between "droits de l'homme" and "droits du citoyen" see Marx, On the Jewish Question, 107.

²¹⁸Grimke.10; pol.7; const.5; TenBroek, Wiecek, etc.

²¹⁹pol.8; Grimke.24; but see abolpri.2. SEe const.6 on merging of social and civil rights.

²²⁰Foner, pol.7; hyman and Wiecek, const.5-6.

which abolitionists claimed passionately for slaves, and the one developed most fully in Garrisonian abolitionism, was to human or natural rights, the rights of slaves as "intelligent creatures of God, formed with susceptibilities of happiness and entitled to its pursuit."²²¹

The natural person's laundry list of rights was expansive and open ended; one particularly full definition comes from William Goodell's The Democracy of Christianity, which enumerates

the right to be what his Creator made him, to do what he requires of him, to become what he designs him to become; the right to exercise freely and to expand fully his own faculties, unrestrained, except by the law of rectitude and the corresponding rights of those by whom he is surrounded; the right to obey God rather than man; the right to do right, and to refuse wrong; the consequent right to investigate, to know, to utter, to argue freely, according to the dictates of conscience...the right to worship God in accordance with his own convictions; the right to provide for his own wants, and the wants of those naturally dependent upon him; the right to himself, to his own muscles, intellect, affections, and volitions; the right to the avails of products of his own industry, and to the free sale and interchange of them; the right to his equal share of the elements of nature, the earth, the air, and the ocean; to a dwelling place and a habitation on the earth which God has made and given to the children of men. In a word, the right to life, to liberty, to the pursuit of happiness, the pursuit of moral excellency, or immortal blessedness.²²²

Two strains discernable in this natural rights discourse represent substantial departures from the standard menu of constitutional rights put in place by the revolutionary settlement.

²²¹abolpri.3, Birney.

²²²Goodell, xanticler.7; for other catalogs of rights see Channing, Slavery, 35; abolpri.10, 13; Alton, 2.3, 2.4; TenBroek, abolsec.11-15.

First, going well beyond the vague formulations of "life, liberty, and happiness," abolitionists focused in a way earlier theorists had not on the physical wants and needs of the natural person, whose deprivations slavery made so obvious. Rights claims that came under this heading included those to self ownership; freedom of movement; freedom from physical abuse; the right to marry and establishe domestic relations; to refuse non-consensual sexual relations;²²³ to work and keep one's earnings;²²⁴ and to engage in social relations with others in their community.²²⁵ So closely was the abolitionist notion of rights tied to embodied personhood that arguments analogizing natural rights to bodily attributes were introduced as the most compelling. The right to liberty, William Hosmer argued, was no more within the control of government than the rights to see, to eat, or to walk: such "conditions of being" fall solely under God's jurisdiction.²²⁶ Conscience, the arbiter of rights, is a faculty so elemental it is as "man's...eyes, or his hands, or his feet--that is, a part of himself--made by the Creator."²²⁷ Relying on their northern audiences' own conviction of self ownership, abolitionists stressed that natural rights

²²³see chap. 1; also chap1.nts.40 on right to family; Whipple, Family Relations; zabolpri.2; Channing, Slavery, 35; TenBroek, 2abolsec.14.

²²⁴TenBroek, 2abolsec.11-12.

²²⁵Alton, 2, 3.2, 4; get others.

²²⁶Hosmer, Higher Law, abolpri.27.

²²⁷Hosmer, antinom.26; see also antinom.40; Meyer, misc.6; hosmer, Higher Law 20.

belong to the slave as "inalienably as the blood in his veins, or the breath in his lungs" (although in fact both were in doubt);²²⁸ to be deprived of rights would be the equivalent of "dismemberment."²²⁹ Human's rights were made "unmistakably plain" by scrutinizing their natural constitutions; to mistake the needs and capacities that gave rise to rights would be as likely as attempting "to walk on the hands instead of the feet, or to hear with the eyes instead of the ears."²³⁰

The second strain of rights claimed in broad phrases that each individual's "first grand right is that of free action; the right to use and expand his powers; to improve and obey his higher faculties; to seek his own and others' good; to better his lot; to make himself a home; to enjoy inviolate the relations of husband and parent; to live the life of a man."²³¹ The notion that each individual was alike, not perhaps in raw talent, but in God-given capacities that could be developed and improved, was deeply engrained, an argument that perhaps reflected Lockeian environmentalism become Christian nurture.²³² The rights philosophy which reifies skills, intelligence, affections, labor as

²²⁸Hosmer, *abolpri*.27.

²²⁹LIB.11; G. Smith

²³⁰Hosmer, *Higher Law*, 20.

²³¹Channing.15, *Duty of the Free States*, Works, vol. 6, p. 238; see also Rodgers on Channing.

²³²see Bowditch, *2abolpri*.8; Hosmer, *antinom*.29; Furness, *2abolpri*.9; on environmentalism see Jordan, *White Over Black*, 282, 287 ff.

separate entities within the purview of the individual has been described as a form of possessive individualism, or putting rights in the form of commodities for easier transport and sale.²³³ But the nature of the rights enumerated by antinomian abolitionists differed from property rights in fundamental respects: Daniel Rodgers characterizes it as "redefining freedom as a realization of one's potential self rather than the cashing in of primordial claims, as process rather than property."²³⁴ The paradigm for these rights was not static possession but dynamic growth and interaction. Slavery's most heinous crime was that it trammelled the will, and deigned to "move all the machinery of (slaves') bodies and minds by a mainspring out of themselves."²³⁵ Rights were the scythe that cleared the path for the individual--self-willed in the best sense--to grow and develop.

Abolitionist rights rhetoric remained in many senses profoundly individualistic: judgment day was a lonely encounter, hence the need for Christians to have the power to choose their own steps freely and carefully.²³⁶ But at the same time rights, in this vision, connected individuals with one another, and with God. Rights claims for liberal religionists like Channing, Parker, and

²³³redo these two fns0. Ballou, antinom.12; Alton 2, 3.2, 4; anticler.13; Homser; Marx; McPherson.

²³⁴Rodgers, Contested Truths, 132. Minow? Ackerman?

²³⁵American Anti-Slavery Almanac 4; channing.17; Furness, Rights of Property in Man; Rodgers, 131.

²³⁶Goodell, xanticler.8; Wayland, LIB.8; G. Fredrickson, Black Image in the White Mind, sense.7.

Goodell did not describe the isolation or privatization of the human being, but were intimately connected with the "idea of man, of his origins, of his nature, of his capacities, of his relations, of his responsibilities, of his duties, of his destiny."²³⁷ Rights paved the path of enlightenment that each individual must take; but they also fostered, through the zealous protections of first amendment entitlements, a community of inquiry critical to that self-knowledge. Channing most fully envisioned a vigorous, interactive culture of speech and print, in which neighbors could know each other by the inner workings of their consciences and hearts, rather than just by their neighborhoods, incomes, or professions.²³⁸

Abolitionists' dynamic model of rights and their derisive critique of pro-slavery rights thought highlighted the tension between rights of property and of the person latent in the founding documents.²³⁹ Anti-slavery groups across the board, of course, condemned the law's shocking misassignment of humans to the category of chattel holdings for any purpose whatsoever, and strove to distinguish between what was appropriately commodifiable and

²³⁷Goodell, xanticler.7; compare Marx, Jewish Question.108 on the notion of liberal rights as isolating with Habermas on the public sphere.

²³⁸See Victoria paper on Unitarian-abolitionist dialogic community; Wolin, Politics and Vision, 340; Habermas on the public sphere; Minow, "Interpreting Rights: An Essay for Robert Cover;" Ackerman, Social Justice in the Liberal State; White, When Words Lose Their Meaning.

²³⁹Lynd, 67-69; Nedelsky, Private Property, esp. chap. 2.

what was not.²⁴⁰ Drawing on mid-century concern about the commercialization of human activities, Garrison denied that human nature could be "coped by the grasp of ownership." He penned a scene of a peddler hawking Garrison himself from a tin cart plastered with advertisements for editors, haggling with housewives over pennies, thus translating the sale of flesh into a familiar northern market transaction to render it the more absurd.²⁴¹

But misassignment was not the sole problem. For northern crusaders, the form of property entitlements itself seemed inadequate to describe the role of rights in the individual's development and social relations: Channing declared, "justice is a greater good than property, not greater in degree, but in kind."²⁴² True, a number of writers opined that self-ownership, or the right to oneself, was the paramount entitlement.²⁴³ But the description of the powers accruing to the Christian individual broke out of the static mold that circumscribed the possessive individual's portion: self-ownership included but went well beyond the ownership of time, labor, or the body itself.²⁴⁴ Despite new

²⁴⁰LIB.16; Child, Appeal.5; 2abolsec.11; Weld, American Slavery As It Is, abolpri.17; Lesick, Lane Rebels, abolsec.2; Channing, Duty of the Free States; Green, Chattel Principle (clements).

²⁴¹abollib2.14; Harriet Beecher Stowe expressed popular concern over the commercialization of marriage in her satirical novel, Pink and White Tyranny.

²⁴²Channing, Slavery, 40.

²⁴³Goodell, santicler.15; Hosmer, Slavery and the Church, 185 (85?); Henry B. Stanton, "Remarks;" Furness, Right of Property in Man; abolsec2.20, Walters, citing Weld.

²⁴⁴Rodgers, 130-36, esp. 131; MacPherson.

concern for humane treatment of dependents, owning a body, after all, could not fully comprehend the outrage of slavery's usurpation of the mind, the conscience, and the soul. Abolitionists rejected protection "which merely offers us a useless life and useless property, on condition that we shall not improve them, according to the dictates of our own consciences."²⁴⁵ Once again mounting their natural rights stilts to joust with government, they denied that the power to define what constituted property was within the jurisdiction of the state. This argument rested in part on government's inability to alter nature by decree: in a familiar exercise Channing queried whether, if government declared cotton to be bloodstock and marked bales of the stuff with the label "horse," legislative alchemy could make it so?²⁴⁶ Reformers insisted that property was a natural and not a social phenomenon. Nature created the material world to be held as property: the poppy, Channing suggested, "is not wronged by being owned and consumed. It has no intelligence, no conscience for its own direction, no destiny to fulfill by the wise use of its powers. It has therefore no rights...Here are the grounds of property. They are found in the nature of the articles so used." A human, having a conscience, a destiny, a capacity for tender familial relations, was by nature disabled from becoming "property." It was an entity's nature, not

²⁴⁵Goodell, quoted in TenBroek, 2abolsec.10.

²⁴⁶Channing, Duty of the Free States, vol. 6, 264-68; Channing.11; Brooke (Clements); Rodgers, Contested Truths, 124-29 on the conflict between natural and social forms of property rights.

a statute or ordinance, that qualified it as property or denied it that status.²⁴⁷

In rejecting as inadequate the familiar form of the property right, abolitionism parted company smartly with the labor movement, whose efforts to define property rights as the possession of wealth-producing assets represented an older vision, one that stressed the right to the fruits of one's own labors rather than the independence and mobility so dominant in abolitionist rhetoric.²⁴⁸ Garrisonian abolitionists have been accurately described as failing to espouse a class-based economic analysis or strong theory of property rights, focusing instead on the body's freedom and opportunity for spiritual self-development rather than its sustenance.²⁴⁹ Certainly the "negative equalitarianism" of Christian antislavery, an individualistic form of levelling, combined with the desire of the Boston-based abolitionists to disengage from corrupt, coercive central power in a way that provided inhospitable grounds in their own thought for any theory of the state as a benevolent agent of redistribution, or for the rights of groups.²⁵⁰ Reformers suggested that utilitarians

²⁴⁷Channing, Duty of the Free States, 265-66.

²⁴⁸Foner, "Abolitionism and the Labor Movement in Nineteenth-century America," in Bolt and Drescher, ed., Anti-Slavery, Religion, and Reform, abolsec.12-13; Rodgers, 74 ff; Wilentz, Chants Democratic.

²⁴⁹Walters, Antislavery Appeal, abolsec.2.26; Perry, Radical Abolitionism, 32-33; Davis, etc; Foner, abolsec.13.

²⁵⁰Davis, zsense2.9. On individualism in abolitionism see Foner, abolsec.13; Kraditor, abolsec.4.9; on Wayland see LIB.8; Stephen Pearl Andrews, antinom.14. For general works on

like Paley and Bentham had confused the cart and the horse, and that the maxim "whatever is useful, is right" should be turned on its head.²⁵¹ Only a handful of Americans styled themselves utilitarians, and most political and moral philosophers espoused deontological philosophies instead, branding utilitarianism as both selfish and amoral in holding that "UTILITY is VIRTUE, and that GAIN is GODLINESS: --that expediency is a measure of duty; and that morality may be resolved into an estimate of consequences."²⁵² Channing found that the contemporary invocation of the General Good--also known by its other name, cupidity--trammelled the individual's rights much as Divine Right had in a monarchy.²⁵³ Further, the positivist notion that the mere act of issuing "the ukase, the edict, the proclamation, or the enactment" binds the citizen regardless of its moral content clearly violated the democratic norms of the conscientious, morally scrupulous

individualism in the American context, see Y. Arieli, Individualism and Nationalism in American Ideology, pol. 40; Richard O. Curry, American Chameleon.

²⁵¹King, Utilitarian Jurisprudence in America, esp. 142-45; Cover, Justice Accused, abolsec.19, 20; Howe, Unitarian Conscience, 165-67; on the role of utilitarianism in civil disobedience see Madden, Civil Disobedience, antinom.17; Meyer, Instructed Conscience, misc.4; Rodgers, Contested Truths, chap.1. For Thoreau's attacks on Paley see Lyne, Intellectual Origins of American Radicalism, 117.

²⁵²Proceedings of the New England Anti-Slavery Convention, 1837; see also Goodell, Democracy of Christianity, xanticler.1; Channing, Slavery, 40-42; abolsec3.21; antinomsec.19.

²⁵³Channing, Slavery, zabolpri.27.

polity.²⁵⁴

Utilitarian theory proved dangerous on another ground as well: it threatened to subsume the individual in the state, to elevate the citizen over the person; or, as two well-known poets exclaimed, "Before man made us citizens, great Nature made us men."²⁵⁵ Channing intoned more somberly, "The nation is too often the grave of the man."²⁵⁶ For many within abolitionism, the foremost drama remained man's (and occasionally woman's) engagement with the moral universe, through perfecting the self as "an ultimate being, made for his own perfection as the highest end...and to serve others only as far as consistent with his own virtue and progress."²⁵⁷ Unlike other antislavery factions which developed systematic political and economic critiques of slavery, Garrisonians' psychic energies--fed by the struggle against a Calvinist God--remained focused on the individual struggle to free body and soul from the coercive grip of slavery. In Garrisonian thought, slavery became a metaphor for all conditions that hampered self development. The sacrifice of even one soul was too high a price to pay although it

²⁵⁴Goodell, xanticler.2; Park.23; for similar assessment of the role of the jury see Park.32. Note Sklar on legalism, pol.1.

²⁵⁵James Russell Lowell and John Greenleaf Whittier, The Branded Hand (clements notes).

²⁵⁶Channing.15; see also Channing.9; xanticler.5B; Can Abolitionists Vote?, 2abolpri2.13.

²⁵⁷Channing, Spiritual Freedom, chan.9; for Weld see abolsec.23.

secured happiness for the multitudes.²⁵⁸

This intense focus on the drama of individual emancipation and salvation made a systemic or class analysis all but impossible: Garrison announced that he refused to engage in systemic critique because it "'makes a man a creature of his circumstances and denies that he is responsible to God for his actions.'"²⁵⁹ After the war, Lydia Maria Child, loyal to her intellectual roots, criticized aspects of both the woman's and the labor movements' political agendas: "I don't believe in classes. I believe only in individuals. Human souls have been stunted for centuries...by the arrangement into classes, by reason of sex, or sect, or color, or employments..."²⁶⁰ These sentiments were echoed by Elizabeth Cady Stanton and other leaders of the fledgling woman's movement for decades, and profoundly influenced the political struggle of the first generation of woman's rights advocates.

Perfectionist abolitionism, shaped by the struggle against authority within liberal Protestantism, brought to the fore a theory of the rights of the natural person, as opposed to the rights of the citizen; and through the mediation of conscience laid out an open-ended, highly subjective process through which the natural person was to determine what his or her rights were. This

²⁵⁸Kraditor, Means and Ends, 2abolsec.5; for broader antislavery arguments see Foner, Free Soil, Free Labor, Free Men.

²⁵⁹quoted in Kraditor, Means and Ends, 253 (2abolsec.7, 6). Foner, "Abolitionists and the Labor Movement," in Bolt and Drescher, eds., abolsec.23.

²⁶⁰Child, Letters, 484, 486, 500 (zabolpri.18).

rights theory addressed poorly the rights and problems of groups. But it provided excellent terrain for an expanded theory of the rights of the person, accommodating as earlier rights theories had not both the public and private duties, functions, and needs of the individual in daily life, providing a framework which both enhanced and limited the claims of the early woman's movement.

Conclusion