

W.E.B. Du Bois, Reconstruction, and the Remaking of the Modern American State

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“Reason [is not] content with that cold despair which submits to the view that in this earthly life things are truly bad or at best only tolerable, as though they cannot be improved, and this is the only reflection that can keep us at peace with the world.”

G.W.F. Hegel, *Philosophy of Right*, Preface §25

“...to the Negro ‘Freedom’ was God; to the poor white ‘Freedom’ was nothing – he had more than he had use for; to the planter ‘Freedom’ for the poor was laziness and for the rich, control of the poor worker; for the Northern business man ‘Freedom’ was opportunity to get rich.”

W.E.B. Du Bois, *Black Reconstruction*

Abstract:

W.E.B. Du Bois’s political critique of Reconstruction presupposes a normative theory of the state. This presupposition is evident in his observation that the Freedmen’s Bureau should have become a permanent institution of the federal government. It democratically facilitated a ‘social revolution’ by promoting the integration of black freedmen on basis of free and equal citizenship; it also included black political will in the public adjudication of the common good – historically unprecedented phenomena. In attending to the concrete needs of the postbellum black community, the Bureau provided a federally-supported institutional context for the concentrated expression of black political will (or, in Du Bois’s preferred idiom ‘black striving’), preventing the emergence of a ‘second slavery’, democratizing the basic structure of American society, and encouraging harmonious and mutually-respectful norms of social cooperation. Although Du Bois’s political critique presupposes a normative view of the modern American state, he does not provide a justification for it. I thus turn to G.W.F. Hegel’s political philosophy in *Elements of a Philosophy of Right* for justifying the purposive activities of an institution such as the Freedmen’s Bureau and the radical normative reorientation of the postbellum modern American state that Du Bois applauds as the contribution of black ideals to public reason. To this end, I introduce Hegel’s conception of ethical life (*Sittlichkeit*) and his defense of the ethical function of the modern state (*der moderne Rechtsstaat*). This interpretative move grounds Du Bois’s emphasis on integrative, state-orientated black politics; and it justifies his claim that the Freedmen’s Bureau is a benchmark of political progress and should have been made a permanent institution under the aegis of the U.S. federal government.

Synopsis:

I. Introduction

In this essay, I reconstruct the ideals of ‘black striving’ as contributing to the remaking of the modern American state during Reconstruction (1865-77). Du Bois’s view of black striving is

commonly interpreted in terms of his commitment to a racialist doctrine that curates authentic cultural expressions of black identity. I instead argue that one can soundly reconstruct his view of black striving as presenting a distinct model of freedom, one that highlights basic civil and political rights, as well as representational governmental institutions, particularly the federal government in the postbellum U.S. Such a view not only challenges the dominant reception of Du Bois's racialism, it also foregrounds the civic dimension of the normative basis of his political critique. Du Bois opens *Black Reconstruction*, published in 1935, with the stirring observation: "Easily the most dramatic episode in American history was the sudden move to free four million Black slaves in an effort to stop a great civil war, to end [a] bitter controversy, and to appease the moral sense of civilization."¹ This period witnessed the American state's expanded sense of civic responsibility and fortified state-sponsored social institutions nationwide, but especially in the South, largely on the initiative of, and those in solidarity with, the African-American community.² One Southern politician at the time complained about the federal government's involvement in freedmen's affairs, "That is more than we do for white men!"³ Du Bois's analysis of Reconstruction praises the efflorescence of black political agency that brought about the remaking of the modern American state into an increasingly racially-inclusive representational democracy, propelling forward American modernity.

¹ Du Bois, W.E.B. *Black Reconstruction in America: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860–1880*. New York, London, Toronto, and Sydney: The Free Press, 1998 [1935].

² Foner describes the postbellum ramifications of black citizenship: "[P]olitics and government were the most integrated institutions in Southern life. Blacks and whites sat together on juries, school boards, and city councils, and the Republican Party provided a rare meeting ground for like-minded men of both races. Thus, [...] Reconstruction [...] established a standard of equal citizenship and a recognition of blacks' right to a share of state services that differed sharply from the heritage of slavery [...] and from the state-imposed segregation that lay in the future[.]" Foner, *A Short History of Reconstruction*, p. 159.

³ Foner, Eric. *A Short History of Reconstruction*, p. 134.

In underscoring citizenship as the moral basis for belonging to a social whole – a view consistent with the normative framework of contemporary political liberalism – Du Bois emphasizes black plight, political agency, and historical achievement. While he endorses a model of freedom grounded in free and equal citizenship, he uses it to draw attention to the collective historical experience of the African-American community in particular. He formulates universal concepts such as freedom, personhood, and the common good by underscoring a particular social group’s perspective. I focus on the emergence of the modern centralized American state as an achievement of black collective striving during Reconstruction. I thus enter a terrain seldom explored by contemporary political philosophers or by established Du Bois scholars. But, I believe that my unorthodox line of argument is crucial for appreciating the normative basis of Du Bois’s political critique of late 19th and early 20th American society, as it advances an alternative conception of freedom that is grounded in an ethical model of the modern state and accentuates black collective striving in the realization of this formidable end.

This essay maps out a conceptual space for capturing the African-American contribution to the historical development of American democracy – a point about which Du Bois was adamant throughout his storied career and formed a linchpin of his political critique. For him, the ethical function of the U.S. federal state during Reconstruction not only best captures the “spiritual” aims and achievements of emancipated slaves, but also amounts to a “social revolution” that radically democratized the American social fabric and strengthened – and in some cases, brought into existence – major, state-sponsored social institutions in support of the common good and of the most vulnerable members of American society, namely former slaves.⁴ His political critique thus presupposes a normative theory of the state. He argues that the

⁴ Du Bois, W.E.B. *The Souls of Black Folk*. New York: Penguin, 1989. p. 25.

historical period of Reconstruction demonstrates that realizing the freedom of recently emancipated slaves necessitated a centralized government that could attend to their unprecedented integration into the American polity and social fabric as free and equal citizens.⁵

Du Bois comments that with Emancipation black freedmen became “the ward” of the federal state, shortly thereafter joining legislatures in every existent office of political power.⁶ Thus, the expansion of centralized federal power coincided with the democratization and increased accessibility of political office, at least for a brief time.

In line with a flurry of new Du Bois scholarship, my approach presents Du Bois’s view of freedom by highlighting his debt to late modern German social theory. Kwame Anthony Appiah and Robert Gooding-Williams mark the influence of Gustav von Schmoller, Max Weber, and G.W.F Hegel on Du Bois’s political thought. “Schmoller,” writes Appiah, “thought that the government ‘had a moral duty to alleviate undue hardships.’”⁷ The historian Schäfer observes that Du Bois combined insights from Herder, Schmoller, and Hegel as a way of identifying the ethical content of racial identity, a unique refurbishing of the concept of the *Volk* that is central in modern German social thought:

⁵ The historian Eric Foner observes that postbellum Black political culture evinced a “renewed commitment” to the modern state. Foner, Eric. 1982. “Reconstruction Revisited,” *Reviews in American History* 10(4): p. 91. Foner elaborates: “During the Civil War and Reconstruction [emerged] a national state possessing vastly expanded authority and a new set of purposes, including an unprecedented commitment to the ideal of a national citizenship whose equal rights belonged to all Americans regardless of race. Originating in wartime exigencies, the activist state came to embody the reforming impulse deeply rooted in postwar politics. And Reconstruction produced enduring changes in the laws and Constitution that fundamentally altered federal-state relations and redefined the meaning of American citizenship. Yet because it threatened traditions of local ‘autonomy’ [...] and was so closely associated with the new rights of blacks, the rise of the state inspired powerful opposition, which in turn, weakened support for Reconstruction.” *A Short History of Reconstruction, 1863-1877*. New York: Harper & Row, 1988. p. xvi.

⁶ Du Bois, *Souls*, p. 20. Du Bois comments that Black political inclusion at the state and federal levels at the height of Reconstruction remains unparalleled in American history – and to this day.

⁷ Appiah, Anthony Kwame. *Lines of Descent: W.E.B. Du Bois and the Emergence of Identity*. Cambridge and London: Harvard University Press, 2014. p. 32.

Eager to interpret the black experience in America as an ethical awakening, Du Bois defined black history in those terms in his scholarly work. He presented black institutions, morals, and manners primarily as containing the germ of the ethical self-realization of blacks that would lead to the development of a broader moral vision.⁸

Others have underscored Du Bois's rapport with Max Weber, which began in the 1890s when Du Bois was still a graduate student in Berlin and continued into their professional lives.⁹ However, only Hegel's political philosophy justifies the ethical function of the modern state that characterizes the purposive activities of an institution such as the Freedmen's Bureau and the radical normative reorientation of the postbellum American state that Du Bois applauds as the contribution of black ideals to public reason. To this end, I introduce Hegel's conception of ethical life (*Sittlichkeit*) and his defense of the ethical function of the modern state (*der moderne Rechtsstaat*). This interpretative move grounds Du Bois's emphasis on integrative, state-orientated black politics; and it justifies his claim that the Freedmen's Bureau is a benchmark of political progress and should have been made a permanent institution under the aegis of the U.S. federal government.¹⁰ The absence of a justification of the ethical function of the state is notable in Du Bois's political critique. Hegel's political philosophy fruitfully rectifies it.

I argue that G.W.F Hegel's view of the ethical function of the modern state has three positive contributions to theorizing 'substantive' freedom that contributed to the justification of W.E.B. Du Bois's political critique of Reconstruction: 1) civic education towards political

⁸ Schäfer, Axel R. "W.E.B. Du Bois, German Social Thought, and the Racial Divide in American Progressivism, 1892-1909." *The Journal of American History* 88.3 (2001): 925-949. p. 937.

⁹ Chandler, Nahum Dimitri. "The Possible Form of an Interlocution: W. E. B. Du Bois and Max Weber in Correspondence, 1904-1905," *The New Centennial Review* 7.1 (2007): 213-72. Lewis, D. L. *W. E. B. Du Bois: Biography of a Race, 1868-1919*. New York: H. Holt, 1993. Good-Williams, Robert. *In the Shadow of Du Bois: Afro-Modern Political Thought in America*. Cambridge and London: Harvard University Press, 2011.

¹⁰ For further discussion of the intellectual history of Du Bois's relation to late modern German social thought, see Schäfer, Axel R. "Du Bois on Race: Economic and Cultural Perspectives," in *The Cambridge Companion to W.E.B. Du Bois*. Shamoan Zamir (Ed.). Cambridge: Cambridge University Press, 2008: pp. 102-16.

autonomy, 2) a positive normative ideal enshrined within the background ethical culture (however imperfectly rational) and 3) the modern state as the object of political and social mediation insofar as the moral meaning of citizenship promoted harmonious social integration and cooperation. Additionally, I argue that while Du Bois's view reflects the Hegelian model of objective freedom in ethical life, he propounds two unique insights about the nature of modern freedom in the U.S.: 1) a social movement led by black political actors, rather than civil servants and state administrators, promoted progressive ends that contributed to the creation of a rational social order enabling systematically-disenfranchised citizens to participate in 'universal life,' and 2) the Freedmen's Bureau exemplifies the historical emergence of new social institutions for the rational effectuation of modern ethical life. Du Bois provides a historical example that elucidates how formal, legal freedom – or the freedom of personhood – must be rendered 'substantive' through such institutions, if 're-enslavement' were to be avoided. His defense of the Freedmen's Bureau validates Hegel's argument concerning the ethical role of the state, but he does not rely on the state's 'self-positing' initiative to disrupt the social conditions of second slavery. Instead he marshals collective black striving to exert pressure on the federal judiciary. Thus, Du Bois not only employs, but also develops Hegel's model of freedom as ethical life. Lastly, because he considered Reconstruction a period when racist background conditions of civil society were brought to light and explicitly challenged by political actors *with access to state power*, my interpretation of his view of modern freedom has considerable implications for his conception of black leadership. He was primarily concerned that the postbellum black community realizes effective civic standing, which was a legitimate normative principle motivating social 'uplift.'

The upshot of the view I take here is that the view of American modernity relevant for theorizing racial justice must make substantive reference to the past. My interpretation of Du

Bois's political philosophy does not necessitate a break with the past, but an understanding of how the past – namely, the historical experience of slavery – continues to shape racial identities, as well as our social and political world. It evinces “black slaves’ efforts to constitute and reconstruct freedom in the American republic, signaling the virtues of learning from the humanity of slaves and the world the slaves made.”¹¹ I foreground features of the African-American historical experience that both political philosophers and Du Bois scholars have neglected, such as freedmen’s efforts to establish, run, and personally fund the Freedmen’s Bureau and participate in the American polity as free and equal citizens during Reconstruction, perhaps one of the most contested periods of American history.¹² He counters the then dominant view among historians and in the popular imagination that propagated a degraded view of black citizenship, ignoring its inalienable dignity. In highlighting what Enrique Dussel calls the “underside of modernity,” we find an institution that many anti-racist progressive voices hesitate to include in an emancipatory ideal: the modern American state and black striving that gave an interpretation of the moral meaning of free and equal citizenship.¹³ But, as Lawrie Balfour

¹¹ Roberts, *Freedom as Marronage*, p. 44.

¹² The debate about the moral and political meaning of Reconstruction in American history continues. The Dunning School interpretation argued that the Reconstruction Amendments were a regrettable mistake that left white Southerners and the American nation ‘vulnerable’ to African-American exploitation and political ineptitude in political offices. For a streamlined discussion of the debate among historians, see the recent article: Gonchar, Michael. “Text to Text: ‘Why Reconstruction Matters’ and ‘Black Reconstruction in America.’” *The New York Times*. 9th December 2015. <http://learning.blogs.nytimes.com/2015/12/09/text-to-text-why-reconstruction-matters-and-black-reconstruction-in-america/?emc=eta1>

¹³ Dussel, Enrique. *The Underside of Modernity: Apel, Ricoeur, Rorty, Taylor and the Philosophy of Liberation*. New Jersey: Humanities Press, 2007. Dussel concurs that exclusion from formal political institutions is an obstacle to emancipatory practices but stops short of ascribing to the modern state a positive and integrative ethical function in his philosophy of liberation:

Liberation Philosophy will ask itself always, first, who is situated in the Exteriority of the system, and *in the system* as alienated, oppressed. Within the regimes of "formal" democracy—bourgeois, and within the "late" capitalism of the center—it is asked after

observes, “much of Du Bois’s writing can [...] be summoned in defense of American civic nationalism. Again and again, he returns to ‘the unifying principles of the great republic’ in order to defend the inclusion of nonwhite men and women within their purview.”¹⁴

The Du Bois scholar Chike Jeffers surmises that “a new egalitarian ideal” is in the offing in Du Bois’s political critique. Defending a racially-inclusive state requires undertaking the unprecedented effort of engaging in “compassionate solidarity” with former slaves and adjudicating political interests from a the point-of-view of the worst off, revised conception of citizenship that includes the black historical experience.¹⁵ Such an effort would actualize the ideal function of the modern state, serving its “*best* interests”: “It can see to it that not only no action of this inner group is opposed to the real interests of the nation, but that it works *for* and in conjunction with the *best* interests of the nation.”¹⁶ The onset of black civic power began even before the passage of the 13th Amendment, when slaves held a general strike, stopped working, and simply walked off plantations in the thousands to join the occupying Union forces, thereby changing the course of American history and initiating the radical normative restructuring of the basic structure of 19th c. American society. Yet, “the work of freeing the former slaves and their descendants remain[s] unfinished.”¹⁷

the rights of minorities. In reality, in the nations of peripheral capitalism, underdeveloped and exploited, the oppressed classes, the marginal ones, the ethnic groups and other groups constitute the greater "social block of oppressed," the people. This "people" (as a political category) is excluded from the "formal" democracies (and it is the manipulated "majority" of an institutionalization of the State that makes do, in fact, without the popular will). p. 8.

¹⁴ Balfour, Lawrie. *Democracy’s Reconstruction: Thinking Politically with W.E.B. Du Bois*. Oxford: Oxford University Press, 2011. p 129.

¹⁵ Kirkland, Frank. M. “Modernity and Intellectual Life in Black,” *Philosophical Forum* 24.1-3 (1993): 159.

¹⁶ Du Bois, *Dusk of Dawn*, p. 712. My emphasis.

¹⁷ Balfour, *Democracy’s Reconstruction*, p. 17.

III. Objections

I would like to disarm from the onset two objections to my approach. First, one might object that my approach is a restatement of an old interpretive paradigm that has dominated Du Bois scholarship: Du Bois is an assimilationist, but one who also hopes to accommodate black self-assertion.¹⁸ This interpretation will not do. Short of appealing to notions of ‘authenticity’ and ‘expressivist’ conceptions of modern culture, the concepts ‘assimilation’ and ‘self-assertion’ – as they stand in the current literature – lack a clear articulation as to how their normative content relates to norms of modern freedom that promote collective self-determination within major social and political institutions.¹⁹ This essay aims to establish precisely such a connection by countenancing the imbrication of postbellum African-American political practices with the development of the U.S. federal government. In doing so, I sideline the longstanding debate of whether Du Bois is an assimilationist or a Black Nationalist. I concentrate instead on identifying the norms (of practical reason, if you will) motivating political action in the African-American community following the Civil War, revealing notable traces of both an assimilationist and a Black Nationalist outlook. The critical upshot of my approach uncovers that for Du Bois the ethical function of the modern state was actualized through the aspirations and achievements of the postbellum African-American community *in particular*. Or in Hegelian parlance, the ‘particular’ instilled substantive content into the ‘universal,’ thereby actualizing and developing it – although Hegel himself was blind to the racial dimension of the flowering of American

¹⁸ Good-Williams, Robert. *In the Shadow of Du Bois: Afro-Modern Political Thought in America*. Cambridge and London: Harvard University Press, 2011. p. 1-18.

¹⁹ For example, Gooding-Williams holds the awkward view that Du Bois expected black Americans to passively ‘assimilate’ to the ideals of American modernity, as if the latter were merely a ‘folkway,’ one fundamentally divergent from the self-directed norms of black striving and the goals embedded in the exercise of their political agency.

modernity and largely omitted reference to the United States in his philosophical writings.²⁰ In delineating Du Bois's distinct contribution to Afro-modern political thought, we see that the ethical ideal of the modern American state, in stressing the African-American historical experience, unyokes whiteness from Americanness, white power from political power.²¹

Second, constructing the Hegel/Du Bois connection is still controversial in the current scholarship. Among critical race theorists Hegel holds a (justified) reputation for endorsing bigoted and imperialist views, as well as dismissing the struggle for freedom of black slaves, women, and colonized people of color.²² Whereas Du Bois scholars have more recently posited a fecund connection to Hegel, such a link is often couched in terms of Hegel's philosophy of history and the phenomenology of subjective spirit, especially as it pertains to the normative structure of interracial and intersubjective social relations.²³ No scholar has attempted to connect Du Bois's political critique (of Reconstruction in the postbellum U.S.) with Hegel's political philosophy as Hegel presents it in his institutional model of objective freedom in *Elements of the*

²⁰ In his lectures on history in 1830, Hegel states that the political character of the United States is just emerging and is – at least from his vantage point – too inchoate to judge: “America is therefore the land of the future.” Du Bois offers rich material for us to understand the concrete form that the struggle for the political character of the U.S. took both as historical fact and as the rationally effective reasons that impelled progressive political praxis. Hegel, G.W.F. *Introduction to the Philosophy of History*. Indianapolis: Hackett, 1988. p. 90.

²¹ For a similar argument presented from the Latin-American perspective, see Quijano, Anibal. “Coloniality of Power, Eurocentrism, and Social Classification,” *Coloniality at Large: Latin America and the Postcolonial Debate*. Mabel Moraña, Enrique Dussel, and Carlos A. Jáuregui (Eds.). Durham and London: Duke University Press, 2008.

²² Susan Buck-Morss. *Hegel, Haiti, and Universal History*. Pittsburgh: University of Pittsburgh Press, 2009. Tibebe, Teshale. *Hegel and the Third World: The Making of Eurocentrism in World History*. Syracuse: Syracuse University Press, 2010.

²³ Frank M. Kirkland. “Kant on Race and ‘Transition’ & Hegel on Race and ‘Development,’” in Linda Martin Alcoff, Paul Taylor, and Luvell Anderson (Eds.). *The Routledge Companion to the Philosophy of Race*. (forthcoming). Gooding-Williams, Robert. “Philosophy of History and Social Critique in *The Souls of Black Folk*,” *Sur les Sciences Sociales* 26.1 (1987): 99-114. Shaw, Stephanie J. *W.E.B. Du Bois and The Souls of Black Folk*. Chapel Hill: The University of North Carolina Press, 2013. Zamir, Shamoon. *Dark Voices, W. E. B. Du Bois and American Thought, 1888-1903*. Chicago: University of Chicago Press, 1995.

Philosophy of Right, which is what this essay sets out to do. Without dismissing Hegel's chauvinism as peripheral to his philosophy, I nonetheless believe that its normative promise remains intact, even in light of his ignorant remarks about women, people of color, and the inhabitants of the Americas. Moreover, I argue that Du Bois's understanding of the interrelation between group identities, social practices, and institutions of political power reflects and broadens a Hegelian lens – in ways that Hegel, by his own admission, could not anticipate.

Finally, in closing, I note that an argument that expounds on the moral meaning of American citizenship within the modern American state in the aftermath of the Civil War need not suggest that over his lifetime Du Bois's rich political views were confined to U.S. national borders.²⁴ Du Bois founded the Pan-African movement and was involved in a variety of struggles about the imbrication of race and capitalist political economies worldwide. Neither does my argument deny that at different points in his career Du Bois voices a profound pessimism about the prospect of realizing racial justice in the U.S.²⁵ In basing my analysis on the political critique he articulates primarily in his *The Souls of Black Folks* and *Black Reconstruction*, following Lawrie Balfour, I maintain that he continued to defend political virtues pertaining to civic community within U.S. national borders, which is embedded in the ethical view of the state that I present here. He consistently upheld the significance of black freedmen's political enfranchisement from the point-of-view of the development of freedom in the U.S. This commitment is evident even when he defended black-run institutions in civil society in the Jim Crow era, Pan-Africanism, and came to espouse an explicitly Marxian political analysis. In fact, the latter positions are *compatible* with the analysis of the modern American

²⁴ For more on this topic, see chp 6 of Lawrie Balfour's *Democracy's Reconstruction*.

²⁵ Taylor, Paul C. "What's the Use of Calling Du Bois a Pragmatist?" *Metaphilosophy* 32.1-2 (2004): 99-114.

state I give here.

IV. Conclusion

The teleological primacy that the state maintains over social formations and participation in social institutions is grounded in the radical normative dislocation witnessed in the historical experience of American slavery, as well as in the contemporary experiences of ‘illegal’ migration and of global refugees. With the loss of work and family, one usually does not also lose access to institutional contexts for lobbying for one’s interests as a citizen. The devastating consequence of the loss of citizenship and a homeland, political standing, and the capacity to navigate a political culture in absence of an intelligible civic standing enables the racist juridical exclusion that Charles Mills identifies in the racial contract. The notion that one is Un-American – that one does not belong ‘here’ – attests to a civic death amounting to the demand that people just float out into outer space or disappear somehow, rather than one that soberly and methodically incorporates folks into the social whole on the moral basis of freedom and equality. That way, one need not broach the topic of how to rethink norms of social cooperation within a civic community. In *Souls*, Du Bois punctuates this point in the common view that Blacks and descendants of African slaves are not Americans; this existential bifurcation of civic and racial identity impels the experience of alienation from one’s own standing as a rights-bearer in the U.S. that he describes as double consciousness.