



Building American citizenship: a matter of rights or of races?

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American citizenship is based on two rights that were the central claims of the War of Independence: the right to vote and the right to property. This is what lies behind the phrase “no taxation without representation”, which expresses the core traditions of English constitutional law. Taxation reflects the ability of a people to raise its own revenue, using a tax base levied on the possessions of each of its members, whereas representation is based on the principle of popular consent to those who embody sovereignty and take decisions in the name of the community. To be an American citizen is to pay taxes and to vote to elect one’s representatives (Shklar 1991). Furthermore, within the framework of American liberal democracy, the postulate of equality can hardly be separated from US thinking about self-government, in other words the capacity of each person to lay down the law of his own action, which implies, in particular, autonomy in designating authority. The American nation supposedly guarantees to each of its members the same rights and privileges. The reason is that human beings are defined as possessing such rights by nature: legal equality is based on natural, ontological equality:

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty,

and the pursuit of happiness: that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. . .

As thus proclaimed in the Declaration of Independence, US citizenship is based on natural law. Republicanism – which essentially expresses the idea of the sovereignty of the people, in so far as the people is the sole judge of the capacity of any particular government to ensure its happiness – derives from this universalistic definition of humanity by the possession of natural rights. The people’s explicit consent is required for the establishment of a just political order, which is in turn just precisely because it gives civil expression to the constitutive natural rights of humanity. At the time of its birth, the United States presented themselves as, in effect, the “nation of nature”

(Miller 1967): a political community in which the natural order, far from being betrayed or corrupted by society, might on the contrary be permanently realised and protected by it. From this point of view, all persons, by definition, are entitled to make themselves heard and to be recognised by others as fully fledged political actors, able to make decisions and to be the masters of their own lives. They are entitled to determine the form of their government and to dismiss the government if it fails to perform the

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function for which it was established, namely to protect their inalienable rights, which were inseparable from the notion of property. Because their voice had been ignored, Americans considered themselves betrayed by their “British brethren” and demanded independence.

However, the very language of the Declaration also points to the presence of another ideological dimension, alongside natural law and the social contract. What makes the “British brethren” peculiarly guilty is that they proved “deaf to the voice of justice and of consanguinity” in spite of repeated appeals to their “native magnanimity” and invocation of “the ties of our common kindred” between them and the peoples of the colonies. Thomas Jefferson, the principal author of the Declaration of Independence, thus unfurls two parallel logics: the one contractarian, the other *organic*. The relation between American citizens is not simply that of contract: an explicit mediation between individuals defined by the rights they possess, from which derives the establishment of common government. It is also the relation of kinship, emotional and irrational, between blood brothers, which refers to a shared origin – the Anglo-Saxon race – the peculiarity of which justifies that the *nation* should be constituted as a distinctive community. The Declaration gives its allegiance to “nature” and to “nature’s God”. These are not simply the rational basis of moral laws to be enshrined in positive law, but also express an *order* reflective of divine will, which establishes distinctions and hierarchies even within such “nature”, including human nature. The alliance, or even the fusion, of the two inherent dimensions of the idea of nature – the ultimate reference underwriting the validity of certain protective principles, as well as the legitimising basis of visible inequalities – is undoubtedly the main distinctive feature of American political philosophy.

More precisely, from the performative and unifying perspective of the Declaration of Independence – the birth certificate of a people that did not yet exist and the diverse components of which were to be gathered together – it appears that the community would be all the stronger that its members were convinced of their sameness and of their manifest God-given mission to achieve the “nation of nature”. In

these terms, imaginary emotional attachment served a universalistically framed nationalistic project. It was, however, all the more indispensable that the birth of the United States as a *political* community in fact predated the formation of American nationalism. This is a reversal of the most usual historical path (Commager 1975), which heightened the need to feed the feeling of national belonging in order to ensure its permanence.

Nonetheless, the theoretical basis of the equal treatment of all members of the American people is the “liberal fiction” of similarity between human beings, strengthened and underwritten by the certainty that each human being in turn is in God’s image:

Behind these “self-evident” liberal truths – that all human beings are equal (...) and that they have binding rights simply because they are human beings –, lies a fiction (...): the difference between human beings is minor; and, beneath the skin, we are all brothers and sisters. (Ignatieff 1998, p. 64)

This fictitious lack of differentiation was the basis for the American republic to conceive of individuals as equal in law to undertake to achieve, in part, this ideal of equality. With the gradual disappearance of property-based suffrage restrictions in all the states during the first half of the nineteenth century, all White men became citizens.¹ Accession of growing numbers of individuals to American citizenship slowly made similarity at once more fictional and more visible. More fictional, in so far as the more numerous were rapidly assimilated immigrant citizens from various European countries, the more difficult it was to stick to the myth of a single common family, of national or Anglo-Saxon origin. More visible because, as property-based restrictions were dropped, it became clear that the ideal of equality was based on the possibility of identifying with a shared sameness: citizens resemble each other (Manent 1993). Real equality gradually stemmed from the imaginary creation of sameness:

At the end of the 20th century, we are heirs to a universalizing language – which talks of all humans enjoying similar rights – but which never intended to include all human beings. To claim that liberalism is a form of organized hypocrisy is to miss the point. Without such imaginative hypocrisy, it would perhaps never have

invented any society of equal individuals. (Ignatieff 1998, p. 67)

In other words, although the solemn proclamation of the principles of freedom, autonomy, and self-government was contemporaneous with slavery, although the affirmation of equality made do with the actual existence of second-class citizens, i.e., women and to some extent Indians, and of non-citizens, i.e., Blacks, the fictitious ideal had first to be formulated before a process of gradual emancipation and equalisation could get under way. The liberal fiction thus enabled the appearance of democracy as a society of individuals thinking of themselves as free and equal. In the process, however, the liberal fiction became over-fixated on similarity. Sameness, or the imagination of sameness, came to replace the concrete identities of individuals.

It was thus during the nineteenth century that equivalence was gradually established between the universality of human nature – regarded as the foundation of the democratic ideal – and an aspiration to unity based on uniformity. From the universality of Man created by God in His image stemmed exclusion of those that the powerful deemed “dissimilar”. Thus, the status of citizens of the United States – the “nation of nature” that supposedly reproduced in the civil order God’s will and the natural order – was reserved for the members of a group defined by its racial homogeneity: Whites, or more accurately Whites of Anglo-Saxon origin. There is an apparent paradox in the fact that, from the birth of the Republic, American citizenship was defined inseparably by reference to individuals’ rights and to their races. The Constitution does not mention the words “Black” or “slave”, but, as a foundational document, it nonetheless gives unquestionable testimony of this original ambiguity in its use of euphemisms or periphrases such as “other persons”, “such persons” and “person held to Service or Labour”.² These “others” teetered on the brink of humanity, depending on whether one considers taxation or representation. On the one hand, they were goods, which should appropriately be regulated on the same basis as other forms of moveable property: slavery was in this respect a corollary of the right to property. On the other hand, they were also “persons”, in other words nearly human: a slave was equal precisely to three-fifths of a man³ according to the

formula eventually chosen to count their “existence” for the purposes of electoral representation.⁴

This article proposes to analyse the intertwining of the two apparently contradictory principles of universalism and “racialism” and the role of this intricate relationship in the birth of the American nation. This will lead to a focus on the emergence and increasingly central character of the “race question”, as a derivation of the “Negro problem”, in the nineteenth-century United States. During this period, the obvious durability of the “peculiar institution” and its extension to the territories of the West gradually came to threaten the moral and political consistency of the American identity, from the ambiguous universalism characteristic of the foundational period to post-bellum segregation. This genealogical sketch of the race question makes it possible to address, on the basis of the dichotomy between rights and races, three questions that lie at the heart of American political philosophy. First, in so far as Americans think of themselves as embodying pre-existing “human nature”, uncertainties about American identity lead to questions of an ontological nature, which relate specifically to the connection between the definition. The second question follows on from the first. Are political subjects individual rights-bearers defined by their inherent dignity or individuals as embedded in social networks, groups, and collectivities that determine them, in however plural a fashion. Finally, is collective life shaped by a implicit mediating contract that brings together rational beings capable through language of setting limits and establishing laws, or rather by the requirement to recognise others as fellows in whom one’s subjectivity is reflected? In the latter case, the social fabric is driven by an epistemology and an aesthetics of reflection in which vision has privileged status as an activity of the political and moral subject.

These three questions will occur in turn within the present inquiry into the process by which the constitutive duality of universalistic human rights and racialism – a dualism already present in the thought of Thomas Jefferson, subsequently unfolded in the 1830s until it dislocated American identity in the 1860s, before being retheorised by the first voice of the black people, W.E.B. Du Bois.

Thomas Jefferson and the question of human nature: emotional identification as the basis of political community

The idea of human nature is central to several largely incompatible doctrines that Jefferson sought to reconcile: the doctrine of natural rights inherited from Locke (Becker 1922), the doctrine of moral sense inherited from Hutcheson (Wills 1978), and the doctrine of natural race hierarchy inherited from Linné and Buffon. While really exclusionary practices directed at certain categories of persons were expanded and strengthened during the nineteenth century, under the pressure of historical integrative forces pushing language and representation towards more radical and more rigid expression, the conditions of exclusion were already present in the inherent “universalism” of Jefferson’s conception of nature, notwithstanding the apparently inclusive language of “rights of Man” that he developed in parallel.

Jefferson’s conception is presented in detail in the *Notes on the state of Virginia*, which Michael Zuckert correctly analyses as a genuinely philosophical text that shows the consistency of Jefferson’s thinking in so far as it bears on his conception of “nature” (Zuckert 1996). It is, however, more debatable whether Zuckert is correct to interpret the *Notes* as designed to support the validity of natural rights theory in order to define American identity and to justify, *on that basis alone*, the American nation. From Jefferson’s perspective, such a basis was not exclusive, as shown clearly by the twenty or so pages devoted to “Query XIV”, “the administration of justice and description of the laws”. In these pages, Jefferson stated his position regarding the humanity of Negroes and declared that Whites and emancipated Negroes could not coexist within the American nation. Michael Zuckert does not give this passage a single mention, despite the fact that it was the most widely read and discussed throughout the nineteenth century (Jordan 1974). Furthermore there is an implicit condition for the very fact that Jefferson inserted his thoughts on the inequality of the races – which was supposedly “scientifically” established – in a chapter on justice and

laws. This presumes that the rule of law on which the American political community was based was not merely the outcome of a contract, nor even really the result of a conventional human decision. Rather it was justified by the order that is everywhere visible in nature itself. It reflected natural order. If America was a natural nation, it was to the extent that such “nature” also accounted for the existence of the various races and for the hierarchy between them.

As emphasised by James W. Ceaser (in Engeman 2000, p. 165ff), Jefferson’s fundamental project in the *Notes* was thus to reconcile the doctrine of natural rights with the theory of racial inequality. This reconciliation was a problem because the two doctrines relied on distinct conceptions of the idea of nature and hence on two different sciences. Natural rights were derived from the universal characteristics of human nature, the study of which was a matter for *psychology*, whereas racial inequality referred to hereditary distribution of diverse attributes among the various human groups, which was an issue for *natural history*. As a result, Jefferson sought to include elements of natural history in the emerging social science that purported to identify the laws of human behaviour and to harmonise the ideas of nature that underlay the two endeavours. The American Republic was founded on the encounter of natural rights and biological nature. The social fabric, in this view, could not be kept whole by contract alone, but necessarily involved something organic.

More precisely, natural law theories provide two possible answers to the ontological question of defining what is human. The first answer is rationalistic: human beings are creatures of reason. The other is “sentimental” and defines humans by their innate moral sense. Both criteria refer to human nature as a normative concept, whereby natural rights are designed to direct humankind towards the discovery of laws that might provide a basis for a legitimate political system. As for *natural history*, its thrust is descriptive. It refers to manifest human diversity and seeks to classify and to organise it by distributing various attributes or capacities as criteria for the definition of different human groups. In this respect, Jefferson sought to use the scientific data of natural history to back up his project for the organisation of American society. Race, as a natural fact, thus appeared as

the principal criterion for the demarcation of political communities.

This led him to downplay the role of contract between rational individuals based on an individualistic morality entailing that each moral agent should decide on its own actions and should be able to judge for itself whether its decision conforms to the law of nature. The contribution of explicit individual consent to the foundation of political communities was thus reduced or at least made conditional upon the existence of natural groups setting natural limits to community belonging. It was important, on this view, to respect the integrity of such groups, and it was for the new science of politics to map their boundaries. In addition, this line of argument challenges, or even dismisses out of hand, the key role of the political *regime* in determining socialisation. Groups outweigh regimes: the latter's nature largely depends on the former's character. Laws follow customs. Finally, the universalistic dimension of natural rights is also challenged by racial classification. Human equality is conceivable only within the various racial groups, which are themselves in a hierarchical relationship.⁵

In this respect, Jefferson starts by emphasising the most manifest and directly perceptible fact: the visually observable physiological difference between Blacks and Whites, which supposedly precluded their coexistence within a single political community. The theory of human nature he refers to is thus premised upon the epistemological pre-eminence of sight:

The first difference which strikes us is that of colour. Whether the black of the Negro resides in the reticular membrane between the skin and scarf-skin, or in the scarf-skin itself; whether it proceeds from the colour of the blood, the colour of the bile, or from that of some other secretion, the difference is fixed in nature, and is as real as if the seat and cause were better known to us. (Jefferson, 1785, p. 264)

Colour is thus a crucial argument. Politically, it prevents emancipated Negroes from mingling with the rest of the free population and merging with it, which distinguishes American slavery from the forms of slavery that prevailed in the republics of antiquity. Negroes' social, cultural, and historical difference is inscribed on their skin. They cannot achieve anonymity, and their individual history is in fact always determined by their collective history, since they are

irreducibly grasped as a group: Sam or Sambo is the generic name of Negroes – all Negroes. Negroes *are* their colour, and that is the obstacle both to their individualisation and to their integration in a supposedly colourless national community. Their specific identity cannot pass unnoticed or blur into the general abstraction of Americanness. They have something too visible for them to fit into the general frame of transparent humanity (of “Americanity”), something that resists identification and intellectual understanding. *This something belongs to nature*. Negroes have a different *nature* from Whites, this difference has been willed by providential *nature*, and it is a social and political necessity to obey nature's laws if one wishes to found a legitimate community.

And is this difference of no importance? Is it not the foundation of a greater or less share of beauty in the two races? Are not the fine mixtures of red and white, the expressions of every passion by greater or less suffusions of colour in the one, preferable to that eternal monotony, which reigns in the countenances, *that immovable veil of black which covers all the emotions of the other race?* Add to these, flowing hair, a more elegant symmetry of form, their own judgment in favour of the whites, declared by their preference of them, as uniformly as is the preference of the Oranootan for the black women over those of his own species. The circumstance of superior beauty, is thought worthy attention in the propagation of our horses, dogs, and other domestic animals; why not in that of man? (Jefferson 1785, pp. 264–265; my italics).

For present purposes, let us pass over the sexist considerations about black women and the mixture of gender and race considerations exemplified by this passage, and rather draw attention to the “veil of black” that covers Negroes and renders them, so to speak, invisible, or at the very least impenetrable and incomprehensible. Jefferson's point relies on the fundamental moral and epistemological principle that human nature is theoretically accessible. Actions can and should be the *signs* of agents' intentions, and should be so visibly and sensibly, in other words with no need to have recourse to reason or reflection. Human nature is legible in each individual. This principle is required once it is given that the American community is theoretically open to all (*white men*) and once men are thought of as endowed with social dispositions due to their innate moral sense, which is a capacity shared by all, rather than to reason

considered as an equally shared capacity to follow through a valid proof-oriented argument that makes it possible to legitimise conduct. From this perspective, whether an action is based on a principle of benevolence or not should be immediately apparent and any man, whatever his individual history, should be immediately able to formulate a moral judgement on that action. The feelings, emotions, intentions, and motivations of human social behaviour should be legible.

Indeed, it is precisely such legibility that offers certainty that one is involved with humans that one can identify with it. The mixture of red and white on white people's cheeks is the "mark" of their emotions and therefore of their humanity, especially as sentiment has been presented as the basis of social life. Conversely, the principle that human nature is legible entails that what is not manifest is not human. For social life depends on the possibility of interpreting others' actions, and thus on the possibility of identifying with others, which may give rise to compassion, benevolence, or hatred. Aesthetic pleasure and the ability to identify with others are thus thought of as necessary for the constitutive social fabric of the nation. This is an American variant of the Scottish philosophy of moral sense, which bases moral judgement on the capacity of spectators to have a disinterested feeling of approval when faced with the disinterested motive of benevolence (Skinner & Wilson, 1975).

According to this theory, which was remarkably widespread in the United States at the end of the eighteenth century, sympathy performs the basic function of ensuring agreement between the individual feeling of benevolence, the interest of the species, and the happiness of society. To feel sympathy for one's fellows – which is a condition to be able to live with them in a single political community – is to have the capacity to identify with them: it is necessary that affinity with others' passions or emotions should be possible. However, not all other people's affections are equally significant for us without reference to circumstances. We are touched more by what is close to us, for sympathy, like any relational structure, is polarised by an identity reference point (Le Jallé 1999). What pleases me and generates sympathy is the reflection in another of my own feeling. I therefore naturally feel greater sympathy for those in my immediate circle, for I need to

communicate my passions and emotions, and familiarity lies precisely in this distribution of shared emotions to those around me, to those closest to me. The relation is then easier because the association is more frequent.

This is why I have more sympathy, in decreasing order, for my family, my neighbours, my fellow citizens, my racial fellows, people *like me*. Negroes' blackness blocks this process of emotional creation of the social fabric, for it precludes, because of its opaqueness, the imaginary permutation of viewpoints and situations. Because it hinders similarity, it stops emotions connecting. Yet "nature has preserved a great resemblance among all human creatures" (Hume 1739, II.2). In the *Notes on the state of Virginia*, Jefferson thus pushes the epistemology of similarity (Foucault 1966) to its ultimate consequences: a nation can survive only if all its members are alike, i.e., capable of recognising each other as similar. Since human nature, by definition, includes the possibility of its own recognition, what is dissimilar is not entirely human. Thus, the problem of American citizenship is stated afresh outside strict moral competence. In order to live with someone else, one must be able to *recognise* in that other the human condition, which requires not merely the existence of *common emotional marks* that make emotions communicable, but in addition acquisition of the capacity to read such marks. Jefferson appears to doubt that Negroes might ever acquire the faculty of communicating their emotions, and reading those of White people, because of their lack of imagination, in which respect "they are dull, tasteless, and anomalous" (Jefferson 1785, p. 266).

In Jefferson's view, the Negroes' imagination precludes them from attaining a viewpoint detached from their everyday life, from their immediate sphere. They are unable to take in imagination the place of another or to overcome social distance. Their lack of imagination condemns them to incapacity for sympathy. Nor, as noted earlier, can they be objects of sympathy, because of the veil that hides them. The veil is at once the screen that blocks identification, in the absence of any feeling of similarity, and the sign that such identification would be in vain, since Negroes do not feel the same emotions as White people and cannot put themselves in their position.

Thus, on the basis of identification through sympathy, Jefferson can simultaneously declare



Segregated cinema in Belzoni, Mississippi, photographed by Marion Post Wolcott in 1939. Library of Congress

that all men are self-evidently equal, appeal to the judgement of humanity to justify the foundation of a new nation as a logical outcome of this first truth, and hold Negroes at a distance from the birth of America by coming to terms with the institution of slavery. In the two dimensions of this apparently paradoxical political move, the same principle is at work, viz. that men acquire the status of political subjects only through recognition by others of their essential similarity, which is a fact of nature. Such recognition, which is in the first instance emotional, is based on signs that are actually cultural and, in a context where the myth of common origin is unsustainable, on sympathy, which is the cultural fiction of natural affection.

The institutionalisation of exclusion in the nineteenth century

It was in the nineteenth century that the alliance of natural law theory and biology as a classificatory science, jointly offering a justification for

slavery, achieved its fullest expression. In this context, race, as a component of “nature” served as a criterion to delineate the group of those deemed to possess “natural rights”. Hence the designation of the American Republic in its initial phase as a “*Herrenvolk* democracy” (van den Berghe, 1967), for which there is justification in so far as the feeling of equality was then profound in the United States and formed the principal foundation of the political regime. White people were truly “peers”, inseparably linked by common citizenship based on the inalienable rights they were recognised as possessing. The consciousness of equality was obviously heightened by the line separating the superior from the inferior group. If the social fabric is based on an epistemology within which perception dominates, then by assumption everything dark or opaque should be kept apart from society. And, obviously, the dominant group defines the cultural criteria of similarity and dissimilarity – i.e., of humanity – that are declared to be universal. Once what is opaque is clearly identifiable and has been unambiguously designated, the idea – the fiction – can be maintained that all other individuals are equal.

Parity within the master class is made possible by the existence of a slave class to which all Negroes are, roughly speaking, assimilated: the boundaries of race and of class thereby come to coincide. What followed was a gradual blurring of perceptions of the socio-economic hierarchy within White society, especially in the South. Doubtless, in the absence of such a feeling of unbridgeable natural difference between Black and White, the universalistic principle that all White people were equal would have found it harder to prevail. Indeed, this point was made by all proponents of slavery, and later of White supremacy, throughout the nineteenth century:

The presence of the Negro has always been and must continue to be the test which proves how insignificant, and indeed null and void, are all those artificial distinctions that rule the word everywhere else, and upon which rests the political and social order. (Van Evrie 1863, p. 271).

According to Van Evrie, the manifest inferiority of the Negro made it possible for social order in the United States to be established on the basis of “natural” distinctions of race rather than on class distinctions. This was the condition for social inequalities, consistently with ideological thrust of meritocracy, to be treated as natural inequalities. For below the lowest rung of the social ladder there remains something: the invisible man with no name, the Negro.

The case of *Hinds vs. Brazeale* (1838) clearly shows the contours of the “Negro problem” as it was then emerging, with reference to slaves but equally – primarily – free Negroes. The latter’s social invisibility made them, in the eyes of White people, even more dangerous to the homogeneity of the American nation (Mac Donald 1999).

At the death of his White father, a Mississippi landowner who had freed him in Ohio and willed his property to him, Brazeale was not recognised as a free man by the courts in Mississippi. Instead of inheriting the property, he was regarded as a component of it. Instead of a son, he was deemed to be a thing, on the grounds that his father had gone to Ohio for the sole purpose of evading Mississippi law. Family ties, property contracts, individuals rights, citizenship, and the very quality of human being, were all, it was claimed, matters of state jurisdiction. Yet slavery relied on the fiction of a racial barrier permanently separating Blacks

from Whites. Movement across state lines thus corresponds to miscegenation, to movement across race lines, and points with particular clarity to the arbitrary character of rigidly exclusive definitions of human nature. The mere fact that crossing a state line should suffice to transform the status of a human being shows the arbitrary character of slavery in its context, and shook it all the more that it no longer coincided neatly with the racial divide. It was impossible to rely on skin colour to determine whether a person was a slave, for while all slaves were black, not all Negroes were, by then, slaves. The dichotomy of slavery (a person is either a slave or free) could no longer rely on the dichotomy of colour⁶ (a person is either black or white), itself interpreted as a transparent sign of racial belonging and of inclusion in or exclusion from American citizenship.

Furthermore, the very existence of “miscegenation” showed the artificial (“unnatural”) character of the race line, and proved the unity of human nature. Reference to race thus no longer sufficed to justify slavery and the denial of rights that it entailed. For such purpose, it was impossible to do without a particularistic definition of human nature, which conflicted with the liberal and egalitarian universalism that was simultaneously called upon to back up the democratisation of American society. To which should be added the fact that miscegenation entailed a call to regard the private sphere as revealing a public problem, and thus as an issue for political debate. Furthermore, the family that was thus thrust into the political sphere was no longer thought of as a fraternal relation between similar individuals with the same status but rather as a relation in which equality was to be accomplished rather than postulated. Such a view precludes thinking of persons in the abstract, as unattached individuals defined only by their capacity for reason. It compels one to take account of bodies as signs of belonging and differentiation. Above all, it challenges the theorising of Americanness as a reflection of nature. The strict equivalence between “being American” and “being human” increasingly came to be seen as a logical circle with doubtful premises, which were at once too restrictive (are Negroes not human?) and too expansive (is a Virginian an American?). The boundary areas between humans were no longer a necessary empty space permitting

difference and deriving its meaning from the relations that fill it. The boundaries thickened and took on a material and legal reality such that persons came to be defined by the closure of their places of residence and the layers of objects relating them to others. The democratic individual thus lost the presumed universality of the republican individual and the self-evident transparency of human nature. Henceforth, individuals were defined only in a local and temporary manner by their relation with others in a given environment.

To summarise, previously republican America was becoming democratic and the American philosophy that emerged in that period was a democratic philosophy. Political-legal and geographical territory seemed increasingly disconnected as the latter expanded and lost its status as a reference, borders and other demarcations became more rigid precisely as their reality became blurred, and the Union cracked as democracy progressed and the contradiction between its principles and reality became more obvious. Power structures multiplied, rights were divided, and the Constitution no longer encompassed *one* Union in thought but rather pushed towards the separation of several sub-units that were ever less mutually intelligible. Nationalistic particularisation, which went along with ever tenser racism, led to the Civil War, exploding the fiction of American identity as equivalent to US citizenship. Nor did Reconstruction produce the durable reformulation of an inclusive conception of citizenship. In fact, the ambiguous articulation between universal rights and the logic of racism was carried to a higher and more explicit level by the ideology of segregation between “separate but equal” races. Crossing the barriers between Black and White was scandalous because it violated the natural principle of racial order. The barriers retained strong legitimacy in a social system that remained based on an ontology and an epistemology dominated by sight and the imagery of the mirror, and were reincorporated in the ordinary social institutions of the post-bellum United States. This was the context in which the metaphor of the veil was taken over by one of the great voices of the Negro people, making it possible to overcome the universalistic liberal fiction of a homogeneous “Americanness”.

W.E.B. Du Bois: seeking an American political identity through race

Du Bois’ use of the metaphor of the “coloured veil” was inseparable from his use of the notion of double consciousness. Together, the two led him to rework the idea of nature, and provide those who hitherto were unseen and deprived of representation the means to claim visibility and to make themselves heard. Thanks in particular to the metaphor of double consciousness, the moral fiction of universal human nature in the image of the white man, which had been made manifestly inadequate by historical evolution, underwent radical transformation. By proclaiming the internal duality of the self, which reflected that of the American nation, Du Bois made it possible to integrate within moral discourse the political demands of the black race and their subsequent developments.

For Du Bois was one of the first to relate questions about the morality of agents’ actions and decisions to the particular identity of moral subjects. According to him, moral philosophy is meaningful only if grounded in a theory of personal identity, which implies that moral thinking is always also historical thinking – that ontology is also sociology. Personal identity should not be understood as a whole that is always already open to view. A person is not a unique and coherent homogeneous entity, and personal identity refers also to each individual’s self-interpretation, which, in Du Bois’ view, implies consciousness of internal duality. The moral requirement that the subject should perceive itself as a unity cannot be applied to American Negroes because of their situation as inherited from slavery, and later segregation. Indeed, this situation is, more generally, the same for all those who are excluded from the definition of the moral individual in God’s image that belongs to the founding liberal fiction of the American Republic. Rebasement moral identity on a consciousness conceived as multiple makes it possible both to integrate in this identity the very substance of individuals’ biographies, without referring them exclusively to the specific requirements of the communities to which they belong – each individual retains the capacity to choose an ultimate viewpoint – and, at the same time, to

make symbolic room for those put aside at the foundation of the Republic, and then again when representative democracy was extended. Thus the description of the moral individual as a site of double consciousness definitively lifts the veil of the liberal fiction that separates the chosen male, white, educated people from other Americans:

After the Egyptian and Indian, the Greek and Roman, the Teuton and Mongolian, the Negro is a sort of seventh son, born with a veil, and gifted with second-sight in this American world, – a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world. It is a peculiar sensation, this double-consciousness, this sense of always looking at oneself through the eyes of others, of measuring one's soul by the tape of a world that looks on in a mused contempt and pity. One ever feels his two-ness – an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder. (Du Bois 1903, pp. 364–365).

Double consciousness and the veil are thus two metaphors for the same condition: the historical and collective condition of the freed slaves and the psychological and individual situation of each American Negro. The veil, in particular, has three distinct meanings. Sometimes, it refers to the ignorance of the white reader, which the author promises to dispel in order to reveal a previously invisible truth. More generally, the veil refers to the segregation prevailing in American society, which prevents mutual recognition and understanding between Blacks and Whites. Finally, the veil is also to be found within the consciousness of each Black individual and acts as a divisive factor. In this case, to reveal the truth about black folk is to reveal not simply something veiled, but something that remains partly hidden and incomprehensible even once it has been uncovered (Bull 1998). The impersonal veil separating Whites from Blacks in America is internalised in black consciousness: each American Negro develops the consciousness of being not just a (white) American and a (black) non-American, but also the *very veil* that separates these partial identities. The Negro is incapable of achieving simultaneous self-perception as Black and as American:

The history of the American Negro is the history of this strife, – this longing to attain self-conscious manhood, to

merge his double self into a better and truer self. In this merging he wishes neither of the older selves to be lost. He would not Africanize America, for America has too much to teach the world and Africa. He would not bleach his Negro soul in a flood of white Americanism, for he knows that Negro blood has a message for the world. He simply wishes to make it possible for a man to be both a Negro and an American, without being cursed (. . .) by his fellows. . . (Du Bois 1903, p. 365)

In this aspiration, and in the consciousness of this aspiration, Du Bois also recognised one of the contradictory effects of sympathy. The reason the aspiration to unify the double consciousness became the aspiration of each American Negro is that “The nineteenth was the first century of human sympathy, – the age when half wonderingly we began to descry in others that transfigured spark of divinity which we call Myself” (Du Bois 1903, p. 490). The White man recognised the Black man as an “other”, which reciprocally enabled the Black man to recognise himself as a self. The nineteenth century thus appeared as the century of mutual recognition between master and slave.⁷ This led white people gradually to accept that black people are also Americans, and black people to represent themselves as sharing a world with white people. To be born “with a veil” is thus not exactly the same thing as to be born “in” or “under” the veil: it describes the condition of those born black in a white world, but in consciousness of their “blackness” (*négritude*).⁸ This is a world in which black people are aware of what they are and what they represent, if only because they have a more general awareness that the world is “interconnected from an imaginary point of view and interdependent from a practical point of view” (Bull 1998, p. 122).

The corollary of this double consciousness is that the American Negro is also gifted with “second sight”. Second sight is more than a mere reflection and enables the Negro, as a moral agent, to perceive the socially constituted character of our representations and of the conditions under which they are arranged. He perfectly grasps his situation; he is capable of adopting another viewpoint of his own; he can also see what the white person sees in him, for while a part of himself is veiled, the consciousness of the white person, on the other hand, is absolutely open to him. This was Du Bois’

answer to Jefferson: the “veil of black” that covers the American Negro may make his emotions incomprehensible to the white person – who therefore confers on him, to make things simpler, a function that excludes him from the moral universe. The converse, however, is not true. Indeed, the American Negro is all the more capable of grasping the white person’s viewpoint that, while slavery had fractured his consciousness, emancipation in segregation did not lead to the illusion of a recovered unity, but rather to realisation of the implicit duality inherent in every individual:

High in the tower, where I sit above the loud complaining of the human sea, I know many souls that toss and whirl and pass, but none there are that intrigue me more than the Souls of White Folk.

Of them I am singularly clairvoyant. I see in and through them. I view them from unusual points of vantage. Not as a foreigner do I come, for I am native, not foreign, bone of their thought and flesh of their language. (. . .) Rather I see these souls undressed and from the back and side. I see the working of their entrails. I know their thoughts and they know what I know. (Du Bois 1920, p. 923).

These remarks can be read as Du Bois’ way to tell white people – adopting ironically a God’s eye view – about the vacuousness of their liberal ideal of universalistic transparency. Furthermore, if the American Negro is able here to see the white American from the encompassing, omniscient, synoptic, and synthetic perspective of divinity, from where the souls of white folk are visible in all *their* transparency, this is possible only because he is American. He was born in America and speaks its language; he knows the nature of the white soul and the way it works because he shares the culture of white America.

One can also read these words – and there is no contradiction between these two interpretations – as a claim to sympathetic identification, this time in favour of the Negro. Henceforth, “they know I know”. The veil of black can no longer be invoked as a mark of strangeness justifying deprivation of citizenship. The position of impartial spectator that Du Bois claims for black people is, by definition, the position of a *Doppelgänger*, but a reciprocal one. In other words, the broadest viewpoint is achieved by intimate understanding, and it is the intimacy of the American people. The common political and cultural identity that enables the American

Negro to perceive the white American as a fellow rather than a stranger is national identity made of “flesh and blood”. The thought and language of America are the organic functions of a unified body. The white soul has “entrails”, a back, a profile: the soul is not an empty moral *function* but a locally situated organic nature.

Finally, one should take seriously Du Bois’ claim that his situation is unusually advantageous. Shared membership of the American nation does not make Blacks and Whites identically situated beings, but rather places black folk above white by giving them an additional asset, viz. a double consciousness that does not make them godlike but does give them a clairvoyance that, in principle, is a divine attribute. Du Bois’ scrutiny of white souls leads also to the affirmation of the organic, particular, situated character of souls, which are not simply the transparent vehicles of natural, divine or moral laws. His gaze sees through the screen of natural law philosophy as framed by the white master for white elites. To see the soul in its full transparency is not to make all particularity invisible, as if the soul were nothing but a moral universal. On the contrary, it is to see the soul’s *body*, its colour, to grasp viewpoints as partial and individual. It is to understand that there is nothing “in God’s image”, but only human representation of likeness to God, *my* representation of God’s viewpoint. Du Bois recreates the white soul in his own terms, not according to terms imposed from the outside or laid down for all eternity. And white souls can but bow before this (re)creation, for the gaze of the American Negro tells also a truth about them. Through the mediation of black knowledge, the white soul is compelled to recognise the working of its moral constitution. No longer is there a screening fiction that enables it to represent itself as alone, coherent, unique, in the image of God. That is the message that black blood delivers to the world, stemming from the values that the American republic bears, and thus illustrating and transforming the ideal of democracy: all men may create themselves equal, and true equality entails recognition of plurality both within and without. For “Merely a concrete test of the underlying principles of the great republic is the Negro Problem” (Du Bois 1903, p. 370).

The model of double consciousness operates both individually and collectively, for it

makes it possible to grasp the relation between identity and slavery, between individual psychology and the socio-historical laws of political communities. Double consciousness thus provides a framework for the successive languages of emancipation, gender, race, and class. It makes it possible to claim the rights attached to citizenship in the name of the minority rather than in spite of it, by reshaping the identity of the political and moral agent outside supposedly timeless human nature. It makes it possible to grasp in thought the moral identities of the various components of the American people that were successively admitted into the community of citizens as representative democracy was established during the nineteenth century. Double consciousness offers a solid alternative solution to the affirmation of a coherent and homogeneous moral subject, embedded by similarity in the

idea of human nature as the only foundation of the universal Republic. It endows multiplicity with visibility, instead of ignoring it as an embarrassing reality blocking the achievement of the normative ideal of unitary democratic humanity. What is transparent is no longer *the* soul or *Man* in the singular, but rather the veil that necessarily divides the various aspects of human consciousness. No longer is it possible to act as if “we, the people” were a natural fact that might develop harmoniously and durably if only it could maintain within itself a fictitious homogeneity, nor as if America were founded on a potentially universalistic contract concluded between individuals considered exclusively as reasonable and rational beings. The American democratic identity developed in a specific context of which the veil dividing black from white appears as the emblematic metaphor.

Notes

1. In 1842, Rhode Island became the last state to adopt white, adult, free, manhood suffrage, without restrictions based on property or wealth.
2. Indeed, the Negro problem was explicitly discussed during the debates of the Constitutional Convention in Philadelphia, where it clearly played a key role.
3. “Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.” (Article I, section II, §3 of the Constitution of 1787).
4. The Northern states, which were small and densely populated, were naturally in favour of demographic proportionality, whereas the Southern states, which were larger and less populous, were intent that each state should have equal representation in Congress. Hence the compromise enshrined in the “three-fifths” clause quoted earlier.
5. For Jefferson, however, the natural inequality of the races did not justify slavery. From his perspective, slavery was no more justified by the inferiority of Negroes to whites than the enslavement of the less able would be justified within a given racial group on the grounds of the differential capabilities of its members. As for his own solution to the race problem – one he deplored his contemporaries continuing unwillingness to accept –, it consisted essentially in the forced displacement of the free black population from the territory of the United States, following a three-stage plan: (i) emancipation of all children of slaves, who were to be separated from their parents and raised together; (ii) colonisation of a territory in Africa by these children once adult; (iii) encouragement of white immigration to the United States to replace the labour force thus lost. Elsewhere, Jefferson did however suggest that colonisation of the Western territories purchased from France in 1803 might lead gradually to the “natural” disappearance of slavery – a theory that was obviously to become less credible with the passage of time.

6. The dichotomy was *de jure* and not *de facto*. It reflected the “one-drop rule” according to which any individual, irrespective of skin colour, was to be deemed black if descended from even a single black ancestor, regardless of degree.

7. The Hegelian reference is apposite here. While Emerson is one of the (American) sources of the metaphor of double consciousness in Du Bois, Hegel was indisputably another important influence, far beyond

the borrowing of a literary trope: cf. Zamir (1995), Bull (1998).

8. See Léopold Sédar Senghor, “Négritude et Modernité, ou la négritude est un humanisme du XX^e siècle”, in Senghor (1977), p. 216: “If one thinks about it, the word [sc. *négritude*] has a double meaning: subjective and objective, particular and universal, current and timeless – in so far as spirit is timeless. (. . .) To this extent, blackness is essentially a refusal and a commitment, a negation and the overcoming of negation in

synthesis, or better in symbiosis.”. Blackness is thus “double consciousness”. Indeed, Senghor pays homage to Du Bois, whom he regards as the father of *négritude* as a movement, “the first mind to think it in its fullness an specificity, its aspects and end, its objectives and means. (. . .) And first of all *The Souls of Black Folk*, his main work. Today, we may say that from it sprang the source of *négritude*” (“Négro-Américains et Négro-Africains”, in Senghor 1977, pp. 274–275).

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