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Moving Forward by Looking Back: How Reconstruction Arguments for Civil Rights Became the Modern Argument for Reparations

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MOVING FORWARD BY LOOKING BACK: HOW RECONSTRUCTION ARGUMENTS FOR CIVIL RIGHTS BECAME THE MODERN ARGUMENT FOR REPARATION

Senior Project Submitted to
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by
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Introduction

Writing a thesis on reparations is as much random as it is something you would expect if you knew me. Believe it or not, reparations are more commonly talked and thought about today than one might think. I often ask myself, how would my life be if my ancestors had received their forty acres and a mule? These quiet thoughts, the what-ifs, linger in every African-Americans mind. Either implicitly or passively, we all have posed the question of what America owes us. Whether it be for slavery, or for current issues surrounding racial injustice, we all have different ways of asking, “What happened to my Forty Acres and a Mule?” This project focuses on the Reconstruction Era because it was from this era that we get reparations as we know it. Demanding any kind of justice for immoral actions is a process, one that has a clear beginning but a murky ending and this case is no different. While the political discussions of this time period were powerful, so much so that we still debate about them today, this project also asks, “Can we find/are there any philosophical elements to these political arguments and do they strengthen or weaken the claims for political rights and/or reparations? The theories I will be using are Consequentialism/Utilitarianism and Deontology, as explained by Immanuel Kant and John Stuart Mill- respectively. The goal of both theories is to create a standard of morality that can be applicable to any situation regardless of circumstances, for consequentialists such as Mill, the best way to judge morality is by the consequences it brings- whether good or bad. In contrast, deontologists such as Kant believe morality lies in our reason and we should act morally because our reason tells us to and not because of circumstances.
Moral Theory: Deontology and Utilitarianism

Mill on Utilitarianism

John Stuart Mill’s *Utilitarianism* is meant to provide a defense of Utilitarianism as a sound moral theory and to debunk common misconceptions about Utilitarianism. Utilitarianism is a normative ethical theory under Consequentialism. Consequentialists believe we need to look at the consequences of an action in order to determine whether it moral. Utilitarian’s takes this a step further by saying we should look at the consequences of an action in terms of its utility, being happiness or wellbeing. Actions that are seen as right are those that promote the most happiness for the most people in society, so that every action should try and create the greatest happiness. The reason emphasis is put on the action itself and not the reason for the action is that, utilitarians believe all action is for the sake of some end. Although deontologists believe all actions are for the sake of an end, they differ from consequentialists because they believe these actions should be done because reason compels us to and not for the end we hope to gain. If this is the case, then it’s only right that we judge the morality based on the effect it has and not what lead to the action itself. This leads to the Greatest Happiness Principle, which believes actions are right as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. (Mill, 13) Happiness is defined as intended pleasure and the absence of pain. In this definition, happiness isn’t necessarily something that you can feel but more of a scientific deduction. It becomes something that you can quantify in the same way you would say seven apples are greater than three apples, or two heads or better than one. If someone were to say three apples are actually greater than seven, they would be just as wrong as an action that helps two people and not five.
Although Utilitarianism is different from deontology in where it places morality, they do agree on a number of things. The first of which is that there is in fact a morality to be defined. For deontologists, morality can be found in the action itself and for utilitarian’s, morality is found in what the action causes. Secondly, they agree there is something that guides morality in general. For Consequentialists, pleasure, and freedom from pain guide morality and are the only things that can be seen as desirable ends. In contrast, deontologists believe our morality is guided by our reason which answers to nothing but its own will. However, Mill believes that the ends that are desired are not ends in themselves. The ends that are meant in an action (consequences) are intended for a greater end which is happiness. Also, in some sense both moral theories acknowledge there are moral laws but disagree on the place where their authority comes from. For demonologists, moral laws are a priori, meaning that they need nothing to made them moral laws expect that our reason compels us to follow them. In contrast, Utilitarian’s believe moral laws are created by what we determine as most useful and produces the best consequences which can only come about through experiencing and observing the world. Which is better to say it’s wrong to kill because we all agree it’s wrong or because we’ve experienced a lot of killing and come to the decision that killing is wrong because it does more harm than good? That is to not killing promotes more overall utility rather than less which is more important than not killing something because it’s simply the wrong thing to do. However, this utility is subject to change if for instance we wanted to kill a group of robbers.

As a response to *Grounding for the Metaphysics of Morals*, by Kant, Mill defends the Utilitarian/Happiness theory. How this theory stands in competition with Kant is Mill wants to show that whatever can show to be good, has to be shown to be a way of gaining something that itself is good without needing to be proven. To support this claim, Mill references, health and
music as things that are good as a way of achieving some end good without needing to be proven that they are good. We know that music is good because it makes us happy but how do we know that happiness is good? The answer Mill, provides is to create a formula that justifies why music is good because it makes us happiness and that happiness is good as well. While he doesn’t provide a clear argument explaining why happiness is good, it can be inferred that happiness is more useful than unhappiness simply by its nature.

The first part of creating this formula is to understand what pleasure is and how it relates to utility. Utility cannot be separated from pleasure but is pleasure itself without pain. What we find pleasurable is useful to us and what’s useful to us is also pleasurable to us. By this definition Mills tends to suggest that since everything that is pleasurable is useful then we have license to do whatever we desire as long it makes us happy. However, this is not the case, because pleasure isn’t something you simply feel. Everything that has utility doesn’t always feel good to us but is useful nonetheless. Think back to the example I gave above about seven apples being greater than three apples and is more useful than having three apples. Let’s the context of its usefulness is that of going on a camping trip. Is it more useful to have three apples or seven apples? The usefulness in this scenario is objective, meaning that it doesn’t answer to anyone or anything except the proven fact that seven is greater than three. Though this is an objective fact, that doesn’t change the fact it is pleasurable to have seven apples as opposed to three.

For Mill, pleasures of the mind are more important and are of greater values than bodily pleasures. This leads into his defense of the Difference of Quality in Pleasures. “Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure.” For instance, if someone wants to live on their parent’s couch for the rest of their life instead of going
to college, Mill would reject living on the couch as having the best utility because the alternative can give pleasure to the mind. This has two implications. The first of these is that utility isn’t something that’s personal but has to be seen in relation to other things and people. For the kid they would prefer personal pleasure, we’ll call him Jack, which would be him staying on the couch provides no utility to the world or to the overall happiness, which is what the purpose of Utilitarianism is for Mill. Secondly, this relates to his political philosophy where he believes knowledge is the most important thing to have and it's something that’s achievable by every man. Knowledge is something that’s cultivated individually and the personal growth of every individual helps society grow as a collective. This desire for knowledge is what leads to Mills arguing that it is better to be a human dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. (Mill, 17) It is better to satisfy something that has more utility but not necessarily pleasurable like the mind, than to temporarily satisfy the body which has less utility. If someone was to argue against this, it would be because they’ve only experienced one kind pleasure which means their argument is ill founded. While it may feel good in the moment to drink one’s life away, it is far better to get a stable job and have a career. Drinking is a temporary pleasure because it only makes you feel good in the moment. Beyond this moment, it has no utility either to the person individually or to society as a whole. In contrast, getting a job helps both the person and society because they are able to support themselves financially and can also be useful to society as a whole because they are able to contribute to it. What’s important in both these examples is that the person's individual pleasures are only useful as they help the overall function of society which is the greatest amount of happiness. With these, there is a need for self-sacrifice in the name of the greater good. If we were to map out Mill's Utilitarian argument so far, it would look as follows:

\[(\text{Intellectual pleasure - Physical pleasure}) \text{ Utility} = \text{Happiness (absence from pain)}\]
With this in mind the purpose of the Greatest Happiness Principle is to explain the end to which all actions are geared towards. This end would be happiness, which is the absence of pain. Though this sounds like an easily attainable means to achieve, there requires some sacrifice in order to achieve this. One must be willing to forfeit things that give them happiness personally but aren't useful for the greater happiness, which is that of society. This leads us to the standard of morality as defined by Mills. This the rules and guidelines for how people should act so that as much is possible humans are able to continue exist not for themselves but for all of the world as well.

Another justification Mill gives for his theory of happiness being the end to which all actions are geared to is his belief that no person would willingly sink below their own existence. For instance, if I know that getting a college education is going to drastically improve my life, more so than working a 9 to 5 job, then I would choose to get a college education. Hence, sinking below someone's existence is similar to not selling yourself short. If you know better, you'll do better. If you are doing less than what you're capable of, and you know you're doing so then it'll make you unhappy. This is why sacrificing your immediate happiness for long-term happiness that'll benefit both yourself individually and the whole of society is more important because it has the most overall utility.

Although the greatest amount of happiness requires sacrifice, not all sacrifice is good. If all sacrifice isn't good then sacrifice in itself isn't a good thing. It cannot be a priori because there are and will always be sacrifices that we think are good but in actuality fail to accomplish the goals we want it to. Mill elaborates on this by saying, "A sacrifice which does not increase, or tend to increase, the sum total of happiness, it considers as wasted. The only self-renunciation which it
applauds, the devotion to the happiness, to to some of the means of happiness, of other; either of mankind collectively, or of individuals within the limits imposed by the collective interests of mankind.” (Mill, 237 Kindle.ed) What makes it a failure is that it doesn’t fulfill the happiness intended for Mill, that is the happiness of all.

Kant and The Categorical Imperative

Like Mill, *Groundwork for the Metaphysics of Morals*, by Kant is an attempt to create a moral theory that all moral actions can be based on. All moral laws are pure in the sense they are not based on knowledge we come to ourselves as human beings but are *a priori* in the sense they are innate in us because we are rational beings. Although experience isn’t the sole creator of moral laws, it helps us understand moral laws so that we know when to apply them and when they are not needed. The necessity for creating a moral theory that guides moral laws is that without it, laws are susceptible to being corrupted without the means needed to ground them definitively. In order for an action taken to be morally good, it cannot agree simply with moral law but be done for the sake of the law. Without creating a means for a moral law to be done for its own sake, each action taken is dependent on the circumstance it finds itself in. If a moral law is subject to the circumstances it finds itself in, it is no longer pure.

Secondly, what separates his metaphysic of morals from that of philosophers such as Mill, is the morality of an action lies in its conception and not the consequences. What makes an action moral is that it comes from a sense of duty meaning that you not only will yourself to do it but everyone as well. Another way of understanding this is to do the good because it is good not because of what it can get you. An example of a moral law lying. If you say it’s okay to lie then it means you will everyone in the world to lie as well regardless of circumstance and it will be seen
as moral. In contrast if you say it’s immoral to lie it should be because lying itself is bad not because there are bad consequences that happen if you lie. This is important because by removing it from circumstances that could arise either way, it becomes a pure moral law and not one that’s based on certain interpretations.

The only thing that can be good in the world is the “goodwill.” Any other attributes, are simply their namesake, but cannot be qualified as good because there are certain circumstances that any attribute such as smarts, kindness, etc. cannot be seen as good. Anything that is constructed or identified in the word cannot be identified as good because it’s always subjected to man's experience of that thing thus making it susceptible to corruption. In terms of the goodwill, since it cannot be used for good or bad purposes, the goodwill is good in itself even if the results you intend for it to have aren’t good. An example is if someone tried to save someone’s life by not letting a car hit them but then another car comes along and kills the person. The good will of preserving one’s life was still done it simply wasn’t enough which is no fault to the person but was an ending that happened by chance. What makes the goodwill good is not what is caused by it but by its own virtue being that it’s good in itself.

Even though the goodwill is good in itself, it still has its own obligations. Every obligation the goodwill has are called duties. Each duty is bound to three propositions also known as the Three Categorical Imperatives. The first of these are that actions are genuinely good when they are undertaken for the sake of duty alone. Actions cannot be taken for a means to an end because Nature provides the means for us already which is to preserve human life. Whenever we try to act in a way that we create happiness we fail to be satisfied with the happiness we create. This is because we are trying to take into our hands something that cannot be physically created because it’s something that exists in the same realm as the goodwill. The more we try to create our own
happiness, the more we hate our own reason because we depend on it to provide the means necessary for us to control our world. Reasons purpose is not to help attain objects and attributes that are subject to our interpretation of them but to produce a will that can be used for other means but for the sake of itself.

The second proposition is “... an action done from duty derives its moral worth, not from the purpose which is to be attained by it, but from the maxim by which it is determined, and therefore does not depend on the realization of the object of the action, but merely on the principle of volition by which the action has taken place, without regard to any object of desire.” (Kant, 14) If you attempt to take an action from duty but the consequences from that action weren’t what you anticipated, it doesn’t change the morality of the action you considered. For instance, if I saw a person drowning and tried to save them for nothing more than because the good will compels me to do so, but I wasn’t successful in doing so, the morality of my action doesn’t change, I was just unable to save the person. Similar to the first proposition, all that matters in moral actions are that the person doing them does so because it is a priori and not from anything that may come from it.

The third proposition is “... Duty is the necessity of acting from respect for the law.” (Kant, 14) Doing something based on instinct as opposed to reason are two important differences for Kant. Any organism, so long as it has to stay alive can act on instinct. If a lacrosse ball is coming towards me at 90mph, I'll instinctively try to stop the ball, not because I'm using some grand amount of my reason or moral law, but that I understand it causes me pain. However, not killing someone out of respect for the law means that I understand laws as something that exists outside of my or any other individuals’ instinct and compels me to do the right thing because it is good in itself. Although he separates the wills obligations into three propositions, it doesn’t mean they’re not connected to each other. First, you have to the good in itself, you can only do this if
you do it for any other reason than for the fact it is good, which is the second proposition. Finally, if the laws are meant to signify the good and what is identified by the previous proposition then you would follow the laws because they are based on an idea of good that’s found in all of our reason, thus they are made for the benefit of society and cannot be corrupted.

**Autonomy and Free Will**

According to Kant, the will is a kind of causality belonging to living beings in so far, they are rational, and freedom would be this property of such causality that it can be efficient, independently of foreign causes determining it. That is to say “will” isn’t something that can be given nor can it be something that can be something that can be taken away. It being something we have is just a result of us being rational beings equipped with reason. The same goes for freedom. We are all freedom in the sense we are all rational beings equipped with the will. It isn’t something that can be taken or given to or from a rational being by a rational being. Kant defines this kind freedom negative in its conception because it’s not something we can control but is there whether we want it or not. However, what makes freedom beautiful is that it doesn’t answer to the will or reason but answers to a law that is above them both. This would be autonomy. Autonomy is the property of the will to be a law to itself. Without autonomy you cannot have a moral law because while it is true what makes laws moral is that it is good regardless of circumstance, that can only be true if every person is able to discern for themselves that this is the case.

From this we get Kant’s principle of morality which is “To act on no other maxim than that which can also have as an object itself as a universal law.” Because free will belongs to no one or nothing but itself, we cannot create any universal laws that would hinder this principle. Here, Kant is making the claim that free will and a will subject to moral laws are the same thing. This is to
say that freedom belongs to all beings in so much that they are rational. He realizes the problem with arguing morality comes from free will i.e.; freedom, can only hold true if we can also prove that all human beings are free. Experience isn’t the best way of doing this for the obvious reason that the world we live in sanctions freedom already. However, a way of proving this is having the assumption that a being really is free if it thinks of itself as free when it acts. Kant is using Descartes “I think, therefore I am.” and applying it to freedom. If a person thinks they are free then they are in fact free. Furthermore, the only way for reason to live up to its namesake is for it to not be controlled by things outside of itself.

Misconceptions of Reparations

The arguments made for reparations today are actually arguments for political and civil rights during the Reconstruction Era (1863-1877). In the days after the Civil War, the country was in shambles. While the North succeeded in bringing the South back into the Union, in doing so there left many unanswered questions, the most potent of this is “What to do with free people?” As much as the Civil War was about slavery as it was about State’s Rights, neither side expected for the slaves to actually become emancipated. Upon the issuing of the Emancipation Proclamation in 1863, while its freed slaves it included no definitive ways to protect their freedom and what they’re freedom looked like once the Civil War was over. During the war the question was able to be avoided because they were used as manual labor and later as soldiers themselves. Nevertheless, this was a temporary fix because once the war was finished and the country started to restructure itself, the question of freed slaves once again became the elephant in the room that needed to be answered.
When we speak of reparations, we do so by moving forward while looking back. We look at the racial injustices still prevalent in the various parts of the country and the inability of laws and social institutions to adequately solve these problems. We look at the conditions we are in now and realized if slavery hadn’t happened we wouldn’t be in the predicaments we are currently in. We look at the loss of history of our own cultures and most of our inabilities to trace our genealogies, how most of the country was built on our forced labor and look to the government to make amends for its injustices. Reparations in modern times are looked at as a way of atoning for an injustice and compensating for loses we as a people could never get back. Finally, we look at reparations as a way of making up for the fact that we dutifully use our political rights but we still have further to go. Reparations becomes the answer in modern times because we realize there is no amount of laws that can change the hearts and minds of its people, a mindset that was slowly but dutifully created over 200 years.

In contrast, in my opinion the Reconstruction Era wasn’t necessarily used to fix the injustices of slavery but to bring the country back together in the quickest way possible. The only way to do this was to answer the question of “what to do with the negro now that he is free?” For this there were two solutions, give them political and civil rights or create the social conditions necessary so that when the time came freed slaves would be able to confidently use their political rights. It was too big of a project to combine so much of the debate was about which was most important. This wasn’t only a debate within government but amongst abolitionists themselves. Clearly, political and civil rights were seen as the most important being that reparations were never given to freed slaves but it didn’t completely solve the problem of race relations between freed people and “freed” people. With this in mind it begs the question of if Reconstruction was a success or a failure?
Dubois: Dawn of Freedom

In his book, *The Souls of Black Folk*, W.E.B. Du Bois provides an in-depth look at the Reconstruction Era, most specifically the Freedmen's Bureau and concludes Reconstruction wasn’t a complete failure but it wasn’t successful for reasons that were outside of its control. First, he turns to the Emancipation Proclamation. It isn’t that the proclamation was bad in its conception because slavery needed to end. What was bad about the Emancipation is that it left too many unanswered questions. It left no outline for how freedom was to look or how to care for the freed slaves after the Civil War. The North was too focused on removing an asset from the South that it left freedom for slaves incomplete.

This problem was shown greater in the creation of the Freedmen's Bureau post-Civil War which for Dubois is the true “Dawn of Freedom.” In essence, the Freedmen’s Bureau was the nation's attempt to grapple with vast problems of race and social condition. (DuBois, 7) The need for something like the Freedmen’s Bureau arose during the war when there were those that were unsuitable for military duty such as women, children, and the elderly. Pierce of Boston is credited with being the founder of what will be formerly known as the Freedmen’s Bureau in that he took the initiative of caring for freed slaves that were unable to serve in the military. Following this came the economic aspect of the Bureau by leasing plantations to work on and through this came miniature governments on the leased plantations because someone had to watch over the freed slaves. On the surface everything seemed to be working well except there were three classes forming the Conqueror, the Conquered, and the Negro. (DuBois, 9) This slowly forming but dangerous hierarchical structure of society post-Civil War, for the most part went unanswered but the consequence of ignorance forever impacted the Reconstruction Era and the Nation far after this era ended.
What hindered the Freedmen’s Bureau from having complete success is that it had to grapple with too many difficulties with not enough people within it to make sure everything was being done correctly. For the most part those involved in the Freedmen’s Bureau were officers in the Army. Realistically, they cannot fully devote their attention to the manage management of freed slaves while also trying to win a war to keep them free. Logistics aside, there was the looming question of what to do with the abandoned lands in the South. At first the obvious answer was to give the lands to freed slaves for justice, but post-Civil War, the South contested this idea saying that the lands, though they are abandoned are still private property and taking away private property was unconstitutional. Secondly, was the Bureau itself. How is it supposed to spread its reach throughout the Nation when the people they have are unqualified and primarily concerned with military responsibilities? Plus, there were people already in the South doing what they thought was necessary to help freed slaves, how then can they put in a new group of people without offending those who are already there? Finally, there was the problem of freed slaves and former master’s themselves. Freedom, for slaves meant freedom from work which you cannot allow to happen because the end of slavery did not mean cease working, but not having to work for free and by force. On the other hand, you had former slaves master who wanted to do everything in their power to recreate slavery in a different way, which you also cannot allow to happen. In sum, the Freedmen’s Bureau is a physical representation of the Reconstruction Era because both tried to solve problems that were beyond them and couldn’t be properly executed because they faced obstacles that neither was equipped to solve and with every improvement made opened another rabbit hole. Finally, both made great strides in trying to answer the negro question but without definitive plans in which to answers these questions adequately, they both fall short.
Chapter One: Douglass on Reconstruction

Frederick Douglass was a well-known abolitionist during the 19th century. Although from a strikingly different background, Douglass, much like Phillips stood apart from other abolitionists by his ability to articulate his words and speak in front of crowds. In particular, it was Douglass’ physical appearance that brought the attention of the crowds he spoke to. Born into slavery in 1818, Douglass spent his life’s work fighting for the civil rights and freedoms of freed slaves in addition to women. Like Phillip’s, Douglass’s journey to become an abolitionist began when he read Williams Lloyd Garrison’s newspaper *The Liberator* while working in Bedford, Massachusetts. After subscribing, he met Garrison and agreed to be a guest lecturer for the abolitionist movement, which is what he would spend his life doing. He too believed that the abolition of slavery wasn’t enough but that civil rights and the freedom of all humans as a collective was necessary. Thus, slavery, and its abolition wasn’t all that Douglass was focused on. For him, slavery was just one of many instances of refusing human freedom and rights were taken and which deserved immediate attention. Aside from his public speaking and writing skills, what made Douglass so influential during the Abolition Movement is that he gave the narrative of the slave. Everything his white counterparts were already saying suddenly became more real when he spoke. We will see on his speech on Reconstruction, Douglass takes ownership of this narrative and speaks as though he is every freed man in the United States when he’s making the case for voting rights for freed slaves.

What’s important about Douglass is the ways in which he used existing laws and traditional values to make an argument that freed slaves were now part of “the people”. In his writings and speeches, it is clear that Douglass is heavily influenced by Locke and Social Contract theory. In
Reconstruction, he goes beyond moral arguments about how slavery was simply wrong and points towards the Constitution and the Declaration of Independence, arguing that the framework for recognizing freed slaves' political and civil rights isn’t something that needs to be made but already exists. Douglass begins by advocating for Universal Suffrage because he knows that’s the first accommodation needed for freed slaves to exercise their political rights and acquire more.

In his speech to Congress, titled Reconstruction, Douglass presents his political arguments for suffrage to be given uniformly to freed slaves. The first of these arguments is that voting rights is the only way to make the government consistent with itself. By having one half of the country able to vote and the other prevented from doing so, the government is only a representation of a particular group of people and not all of them. An infamous line from his speech is when he asserts “No republic is safe that tolerates a privileged class, or denies to any of its citizens equal rights and equal means to obtain them.” (Douglass, 1886) If the negro is intentionally excluded from participation in government they will rebel and there will be another war. To support this argument, Douglass looks to the Constitution which protects the rights of all its citizens regardless of color, and allegiance to any particular State. Secondly without the government being consistent with itself, the Nation would continually be at war with itself because the negro will continue to fight to be a part of government. His second argument for voting rights is that it’s the only way for Congress to show that the emancipation of slaves wasn’t used as a means to win the Civil War but because they really believed slaves deserved to be free and participate in government. His third argument for suffrage is that it will allow the government to gradually change to be a representation of what the people want and need. Douglass understands that it’s much easier to implement the Hobbesian idea of the state and put the South under one law, one rule of authority, and force them to accommodate the negro out of fear of the state. However, in doing so, Congress would be going
against its own principles and against the country's definition of a republic. Continually Douglass recognizes that using the democratic solution by way of voting is a long process to a delicate situation. Regardless, of the time it takes for change to happen, there a certain beauty in the time it takes to make change happen. The beauty lies in the sincerity of the actions taken place. Would a Hobbesian approach be more effective, yes, but it'll mean change happened solely because of the stronger man which would be the Union, where as if change happens democratically, no matter how slow, it's actually showing the change of mindsets in the individuals of the nation, which is far more meaningful and powerful. In all, though the main focus of his argument is to tell Congress why giving voting rights to the freed slave is necessary, it is also a caution to Congress on the dangers of having an excluded class in a republic, which in this case would be freed slaves.

How Douglass' *Reconstruction* speech differs from that of Wendell Phillips, who I'll discuss in the next chapter is in three ways. The first is that Douglass isn't arguing for reparations but political rights as a way to solve the problem of the negro. While reparations are important for atoning for the immoral act of slavery, having political are far more important than social conditions. The problem now is not that freed slaves don't have a proper place to lay their head but that they cannot participate in government yet are subjected to the rules of it. Furthermore, in Douglass' eyes, change by the people through voting is of greater worth than changed forced upon the country by its government. If by chance, reparations are something that comes to be voted on by the people and the majority agrees, that is more valuable than men sitting in Congress forcibly confiscating Southern lands to give to the negro. The second difference, between the two thinkers is how much faith Douglass has in the South and the people as a whole. He truly believes that through time the South will come to see slavery as immoral and that freed slaves have a place in society. On the contrary, it is this distrust of the redemption of the South that causes Phillips to
argue for reparations from the federal government. Finally, it can be assumed that Douglass feels the time it would take to give out reparations to every slave in the way Phillips describes would be equal to the amount needed to create political change. Reparations however great are in fact temporary. You can give land, voting rights, and education to freed slaves but what happens to their descendants? They are still left in a political system that continues to exclude them and doesn’t recognize them as actors in their own right, so what good the reparations actually do, except give them a temporary relief of their problems. In contrast, political change, however tedious, if done right changes the entire fabric of a nation given the right amount of time to let this happen. However, that change cannot happen if freed slaves are prohibited from voting.

State of the Country

As previously stated, Douglass first turns our attention to the state of the county at that particular moment. The legislative body [Congress] is being solicited from two sides, that of the abolitionist and the South. Although both sides are appealing to Congress for different reasons, both are trying to answer the question of what to do with the “negro” now that his is free? For the abolitionist, their agenda is clear, give them political and civil rights so that they can become agents of and for themselves, similar to Phillips’ autonomy argument in the following chapter. Most abolitionists believe the first step is to extend suffrage to all freed slaves. While there are those such as Phillips who believe monetary compensation should also be involved for unpaid labor, he still believes voting rights are a necessary first step to solving the problem of the freed negro. On the other hand, the South is trying to protect the dignity it has left. While there is discussion of dividing the land that was ravaged because of the Civil War and distributing that amongst the freed slaves, the South is pushing back because they believe the lands still belong to
them. In addition, they are trying to receive compensation for themselves. No matter how distasteful it sounds, with the freedom of slaves, the Emancipation Proclamation took away an integral part not only of their way of life but their culture as well. The compensation the South wanted was for the loss of property as they see it. When Douglass is addressing Congress, he is aware of these two opposing sides fighting to have their agenda implemented in Congress. In *Reconstruction*, Douglass proposes voting rights as a solution to dealing with the state of the country because it gives the most crucial thing to freed slaves which are political rights.

**The Importance of War and Rebellion**

The first part of understanding Douglass’ political argument is understanding what his opinion is of war and the rebellion, both as they stand apart of the Union and themselves separately from it, we will begin with the latter. In my opinion, the threat of war and rebellion exists in the Union in so much it is a republic. There will always be a group of people that feel on the outside of their own government. It’s extremely hard, if not impossible to completely meet the needs and desires for every group in the country, but that doesn’t mean we shouldn’t try. For Douglass “War begins when reason ends.” (*Reconstruction*, 4) Here he is making a Lockean assumption about human nature, first that we all have reason and that generally we are peaceful. If anything results in physical conflict, it does so because we are no longer to use our natural born reason to properly handle said situation. To me reason ending means that the conflict in discussion is something that exists outside of us which is why our reason fails us. For Douglass, Rebellion isn’t as bad as what causes it. No matter the outcome rebellion severs as a teacher for both sides. In order for a rebellion to take place, the rebels have to feel as though the only way for them to be heard. Generally, a rebellion comes after repeated attempts from a particular group to be heard, in whatever capacity
to the larger group(s). This leads Douglass to make the point “Whatever may be tolerated in monarchical and despotic governments, no republic is safe that tolerates a privileged class, or denies to any of its citizens equal rights and equal means to obtain them.” (Reconstruction, 3) Douglass isn’t saying that rebellions are only found in republics, but that they’re most common in republics such as ours because it’s built on the idea that everyone is free and has an equal say in government. The minute a group or groups of people feel as though they are inferior they begin to rebel, to once again reclaim their sense of belonging. This is why Douglass doesn’t see rebellion as something that is wrong but something that is restorative because it only arises to restore something that was once lost.

War, as it is understood for the Civil War, has many implications both in causes and effects. For starters, despite claims to the contrary, the Civil War wasn’t fought over the abolition of slavery. If this was the case, the Union side would have thought of the aftermath of its abolition and have framed approaches to this problem in the rational ways. The war was a result of more than the economic advancement of the North over the South, it was about the South not feeling as though they were equal to those in the North. The fact there is a recognizable division between North and South that goes to Douglass’ point that lack of representation from any group is far worse than the actions taken to obtain their sense of belongingness. There is no way to definitively know whether Douglass would have endorsed the Confederate rebellion, it’s safe to assume he wouldn’t. However, Douglass would point out the fact a rebellion happened as result of these issues is something to learn from. Although, slavery was not directly the cause of the Civil War, it was every bit as important as the issue of States Rights, inevitably becoming something that needed to be addressed both because of pressure from the abolitionists as well as the slaves themselves.
Since, the decision of abolishing slavery was taken from the South, the risk of rebellion no longer comes from the South because they already lost the war but from the freed slaves themselves. What then could cause rebellion among the freed people? Isn't freedom enough? For Douglass, and other abolitionists, freedom isn't enough because freedom was something that should’ve been given a long time ago. If not freedom, Douglass believes not giving freed people the right to vote combined with the already accepted superiority of whites over slaves can open the door to rebellion. By giving rights you’re forcing the government to become consistent with itself. You do so by giving a group of people a voice they never had before, and that is to have a say in how the government operates. With all this in mind, I do not believe Douglass assumes extending suffrage to freed slaves would solve the problem of slavery right away. For even he acknowledges that slavery was allowed to exist outside of laws but as a culture independent from them. If laws made are both a reflection and guide of both society and culture, then extending suffrage becomes a way for freed slaves to be a part of reconstructing a new society and culture, one that represents them as freed people. If this through time can be achieved them the war becomes more than an event that divided the North and South and abolishes slavery, instead it becomes the catalyst needed to bring two opposing sides together. This differs from Phillips’s argument for reparations because he’s more concerned about repaying freed slaves for unpaid labor and the overall injustice of slavery. A reason for Phillips’s stance is that he believes the country belongs just as much to freed slaves as it does to the rest of the county. Using suffrage as way of reconstructing society isn’t effective as physically altering society which is what Phillips is an advocate for.
Constitution

An important part of Douglass' argument is the emphasis he places on the Constitution. For him, the Constitution creates the ultimate justification for suffrage to be extended to freed people. For it "... knows no distinction between citizens on account of color. Neither does it now any difference between a citizen of a State and a citizen of the United States." (Reconstruction, 7)

Although the Civil War was to an extent about states versus federal rights, when it comes to protecting the rights and personal liberties of any group of people, the constitution protects and upholds that regardless of what caused the war. The Constitution, though made by white Americans wasn't written simply for white Americans but for every man whether intentional or not. It was made for the people, by the people and the people cannot be compromised in the interests of states' rights or to appease a certain group(s) of people. The importance of the role of the people as a collective is what makes the republic so important as well what threatens it. The republic is always in danger of one class gaining more power over the other and it's up to the republic to prevent and stop this as often as possible.

How then does Douglass use the Constitution to justify his argument for extended suffrage? Most importantly where in the document does he pull his argument from? The answer to both of these questions lie in the Preamble. The beginning of the Constitution says "We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility... promote the general Welfare, and secure the Blessings of Liberty to ourselves... do ordain and establish this Constitution for the United States of America" (Preamble, Constitution)

Beginning the document with an identification of the subject and orator as “the people” as opposed to a single or group of individuals, the writers of the Constitution linked the fate of the document to the concept of the People. If half of freed slaves are allowed to vote in government while another
half, who both can and want to vote are prohibited from voting, then the people as a collective aren’t involved in government, making the government invalid. While it is true women didn’t have the right to vote, they weren’t seen as factors for participation in government, not to mention Douglass also saw this injustice and after Reconstruction fought for women’s suffrage as well. The purpose of the people is to “form a more perfect Union. “is another way of creating a government that’s consistent with itself. A more perfect union is striving for perfection by making the government better than it was before. However, if there are people are not completely in government, then the government becomes subjected to itself, or to a subset of the people which is not recognized as legitimate.

This legitimacy, of the government for the people and by the people is one that Douglass claims the people demand. The end of slavery showed that merely passing a law isn’t enough to secure the freedoms and liberties of freed people. In “merely passing a law”, I’m not trying to diminish the importance of the Emancipation Proclamation. Instead, I am bringing attention to the fact the issuing of this law not only freed the slaves but gave them as well as the entire country another, arguably bigger question to grapple with without the proper means of answering it. Furthermore, a law cannot force people to behave a certain way, because they always have the freedom to not comply, even if there are consequences. Most importantly, the freed slaves not only want their freedoms and liberties to be secured by the Union but for them to be a part of the Union itself as a governing body. The only way for them to express this power is to have power to have power by ways of voting. Douglas also throws Congress a bone by saying up until this point there were understandable obstacles in their way. However, by the Radical Republicans being able to gain control of Congress, these excuses they once had i.e.; an unrelenting President are no longer applicable because they are now in the position to make the change they’ve been petitioning for.
The people Douglass is speaking for care not about the steps that are needed to restore the government back to its former glory but that the means of which is attained which is once again through suffrage. The people no longer want anarchy and fear for their lives but peace and there will be no peace unless everyone feels as though their voices are being heard, which is through suffrage.

The desire for peace ties into the Constitution's goal to have domestic tranquility. For starters no side wants to continue to fight. The South has already been defeated in the Civil War and as it stands are" exhausted, beaten, conquered, State governments ... overthrown, and the lives and property of the leaders of the Rebellion forfeited." (Reconstruction, 5) Even if the South wanted another war they lack the leadership and the means to successfully have one. In terms of the North, they simply have no need and fighting another war with the South would defeat the purpose of the first Civil War, which was to reunite the country. Logistics aside, a country warring amongst itself, isn't a sound country. In the same way, a country divided against itself cannot stand. Since no one creates a country in hopes that it falls steps must be taken to prevent this which begins with peace within itself. This is why Douglass proposes that Reconstruction begins by giving the South a clean state, and integrating them with a government that protects the life and liberties of all its citizens both black and white- a commitment that will ensure domestic tranquility.

Even if the preamble wasn't enough to persuade the Radical Republicans, Douglass points out the citizens which the Constitution protects aren't characterized. There is no reference to how a citizen looks like, only that they apart of the United States. There also is no distinction between a citizen of an individual state and one of the countries because the two are one and the same. Because of this there cannot be one part of the state that has rights that the other does not. If the Constitution doesn't know any difference between citizens then, how can Congress which answers
to the Constitution agree to laws that does create these distinctions? There is no question that the freed slaves are in fact citizens and must be recognized as such in all states not just a few.

Federal Government

There's really only one reason Douglass is appealing to federal government, specifically Congress, he wants to put the country in such a position that individuals such as himself no longer have to appeal to government on behalf of the collective but that the collective can become agents of themselves. This is what Douglass means when he claims that universal suffrage creates the means in which the government can be consistent with itself. All excuses, however valid before the Radical Republicans took ahold of Congress are no longer applicable because they are now in a position to create the change needed so that it doesn’t take a minor overthrow of government to give the people what they require. The notion of voting being a requirement and not a need is incredibly important to Douglas' argument. Even though Douglass doesn’t clearly make the distinction between a need and a requirement, I believe the distinction is still there. Just because something is a need doesn’t necessarily give the agency responsible the ability to get it done as saying that something is required accomplishes. For example, a person may need to wake up early in order to get to work but the urgency isn’t necessarily there because it the need is simply between the person. However, something like distribution requirements in order to graduates creates agency because it’s no longer from yourself, for yourself, but another, outside party that has the means in which to hold you accountable. Making the people that accountable party helps Douglas argument in many ways. First, it strengthens his argument because instead of making his own argument as Phillips does, he's making an argument by the people, for the people, reassuring the Congress that he is not alone in this issue and that if they won’t listen to him there will be people that come after
him to make sure their voices are heard. In relation to Wendell Phillips, it’s not that reparations aren’t on behalf of the people but that they’re appealing to a particular group of people and leaving no means to help the rest of the South. By singling out a particular group of people, even for good reasons, you risk the chance of causing the other group to rebel, regardless of how sound their reasons are. Secondly, by using the people plural, he’s using American ideals against Congress. This is especially crucial when he references the Constitution which I will discuss in the following section. Finally, there’s the question of why federal government and not leaving the decision up to the states. The answer to this question is that a republic cannot stand divided amongst itself. That is to say one part of the country cannot be given the right to vote while the other is unable to under the argument of State's rights. By the country’s own rules, the rights of individual citizens are far more important than the collective right of the state which only exists because of the people in it. Douglas also appeals to the federal government because if the slave important enough during the war, then they must also be important after the war is over. Towards the end of his speech he says “If with the negro was a success in war, and without him a failure, so in peace it will be found that the nation must fall or flourish with the negro.” (Reconstruction, 7) The federal government cannot pick and choose when it’s convenient for them to advocate for the rights of the negro. In the same vein, they cannot use the negro as means to an end to their benefit but as means in themselves.

Douglass recognizes the dilemma which he finds himself in by appealing to the federal government as opposed to leaving the decision of suffrage up to the States. By doing so, he’s minimizing states’ rights and increasing the rights of the federal government. The dilemma is by asking the federal government to give voting rights he’s preventing the States from deciding for themselves whether or not to give suffrage to freed slaves. It can be interpreted that Douglass is neglecting to take his own advice by forcing the federal government to make this decision, but that
is not the case. If there is a decision to be made between the rights of the individual and the rights of the state the rights of the individual must take precedent. The right of the individual must come before the State because the State is created to represent each individual person as one collective. If an individual or group of individuals are left out of representation, then State interest is nothing but the tyrannical wants and needs of the few. While it still remains the right of each state to protect its own interest, this is what creates the problem for Douglas. Although the South lost the war it doesn’t give the federal government the right to take away its autonomy, if their goal is to have the come back into the Union. However, in protecting its own interest inevitably means States will move in the best interests of the majority which doesn’t necessarily mean it’ll be what’s right for all individuals which ultimately is the right action to take. In my opinion what’s right isn’t always what most people want but that doesn’t mean it shouldn’t be done. It can be assumed that most of the South doesn’t want suffrage given to freed slaves but that doesn’t mean it shouldn’t be done. The South also wanted to continue slavery but the Emancipation Proclamation proved otherwise. Hence, when he appeals to the federal government, Douglass isn’t asking that it completely take control in providing rights because doing so would ultimately impede too much on State’s Rights creating a despotic tyranny. Instead he’s simply asking the federal government to provide a way in which the government (including States) are able to be consistent with itself and have uniformity. Douglass along with the rest of the country has no desire to change the character of government simply to make slight adjustments to it.

Although creating a despotic tyranny would undoubtedly be easier in securing rights for freed people, it’s not the American way. It would be nothing to “establish in the South one law, one government, one administration of justice, one condition to the exercise of the elective franchise, for all men of all races and colors alike.” (Reconstruction, 6) The South has already lost
the war and has no power to fight against complete federal occupation. However, it is not just to sacrifice the principles of a particular government in the interest of the individuals or group of individuals, in the same way it’s not right to sacrifice the interest of the individual for that of another or group of people. In a sense, he’s trying to use suffrage to create a middle ground between these two warring ideals. If the federal government were always to intervene, it wouldn’t be making the government consistent with itself as much as it would be the government forcing will of a few on the majority. No matter how well-wishing the sentiment may be, it’ll still be a form of tyranny because it didn’t come directly from the people. What suffrage does is allow the people to reform the government in the way that best reflects who they are. Although it would be easier to force a change threw a slew of legislation, the changes wouldn’t be genuine because the laws are imposing change rather having it happen gradually. While there is beauty in gradual change that change means nothing when there is a particular group or groups of people excluded from having a voice in that change and it’s the purpose of federal government to ensure there is no particular group excluded from this. Furthermore, in the case of the South, if through the suffrage being extended to freed slaves, is able to create its own consistently, they will understand liberty for themselves and it will last longer.

Douglass’s argument to extend suffrage to freed slaves shows that he values suffrage and gradual improvement over that of reparations. It’s not that he feels reparations aren’t helpful, it's that reparations won’t definitively answer the question of the negro as suffrage can. Voting introduce freed slaves to Democracy and the value of being able to have a say in how their government functions, something they didn’t have before. Furthermore, suffrage allows them to work for the country in a way that reciprocates back to them. The ability to vote on laws enables them to mold the country in the way they seem fit. In short, suffrage gives freed slaves something
they didn’t have before, a voice. Having the ability to make change happen, no matter the pace so
more important than giving freed slaves a plot of land which is simply more of the same.

Conclusion

In Douglas’ writing it is important to understand the voice he’s speaking with when
addressing Congress. Not once, in his speech does he use the term “I”, rather he only uses “We”,
“The”, and “It”. This way of speaking makes his speech not only objective but adds a unique power
to it. The importance of his speech being objective is that it takes emotion out of what Douglass is
arguing for and makes it more of a common-sense argument. His political argument takes the
position of, if you want political stability, then you’ll extend suffrage to all freed slaves. While it
may have been impactful to make the moral argument that suffrage is the least accommodation for
what the injustice of slavery, by Reconstruction an if-then argument, Douglass is basically saying
his previous speeches and writings are enough to make the immoral case for slavery, Congress has
all the information they need to come to the right decision and that for Douglass is suffrage.

In his speech, Douglass realizes what he’s asking Congress to do isn’t easy. He’s asking
Congress to allow suffrage to become the way for government to become consistent with itself.
He’s asking Congress to once again give power to the people (all of the people) and allow the
country to gradually reconfigure itself rather than force the country to be what they want it to be.
Would it be easier to take the Hobbesian approach and put the South completely under federal
with one law and government to rule them? Would it be easier to have the South simply fear the
North, yes, but that’s not sustainable nor is it the way the United States governs itself? What’s easy
is not always right, because if the goal is to reintegrate the South then forcing them under one rule
will cause the South to hold a grudge against the North and that wouldn’t promote domestic
tranquility. However difficult Congress' task may be, that doesn't mean the task doesn't need to be done. If political rights aren't secured for freed slaves it would be no one's fault but the Radical Republicans. If they consider themselves radical then they need to enact radical, rational change which is what the people demand.

However objective his argument may be, Douglas doesn't neglect the view of the freed slave in his speech. He says "... it is no fault of his that in peace as in war, that in conquering Rebel armies as in reconstructing the rebellious States, the right of the negro is the true solution of our national troubles." (Reconstruction, 6) This once again references the cause of the civil war. While it may be true that the civil war was about states' rights, it was also a great deal about the right of the negro, which later becomes the negro question. Though it may seem the problem is simply freed slaves themselves, the solution is really quite simple, and that is to give them rights. The lack of rights is not fault of the freed slave but that of the federal government and states as a collective, so to place the blame on freed slaves is nothing short of cowardly.

The second argument he makes is not one directly from the freed slave but on behalf of them. The federal government cannot pick and choose when to acknowledge the freed slaves and when to leave the states to their own devices when it comes to what to do with them. As Douglass says "If the Negro was success in war, and without him a failure, so in peace ... the nation must fall or flourish with the negro." (Reconstruction, 7) Even if Congress tries to acknowledge freed slaves when it's convenient for them, the slaves themselves will push the issue themselves as they've done before.

In sum, Douglas' speech is more than arguing for the importance of universal suffrage for freed slaves. It's a caution to the dangers of an excluded class in a republic. As he says in his speech, the problem is not war or rebellion, for they are simply trying to rectify a problem that
cannot be solved through reason. The problem is what causes rebellions and wars in first place, which more commonly than is because a group or groups of people feel excluded from the majority. Douglas speech to Congress is providing a warning of focusing too much on the reintegration of the South at the expense of the freed slaves. For no matter how much closer the North and South are to uniting, there will always be the ever-looming threat of rebellion from a new group, namely the freed people. The way to prevent this is to this them the voice they’re asking which is voting rights so that the can participate in government.

Douglass and Utilitarianism

Douglass’ Reconstruction speech was presented to Congress four years after Phillips’ speech and has striking differences in terms of political arguments. For starters, Douglass doesn’t argue for reparations but for universal suffrage four years before the 15th Amendment was ratified. As a refresher, Douglass’ argument for universal suffrage is that by extending rights to all freed slaves, it becomes a way for the government to become consistent with itself, by having the government become a reflection of the people in it and not imposing a moral code for its people to live by. In making the rise or fall of the country dependent on the rights of the freed person he’s making a similar argument for stability as Phillips but forces the two to be tied to each other whereas Phillips makes political stability a positive result of reparations. Theoretically, with Phillip’s argument for reparations promoting stability it is promoting the stability of one side while resolving the other of any other actions ensuring freedmen have a secured place in government. In contrast, Douglass is arguing stability isn’t just social conditions for the freedmen to prosper but that the freedmen himself has to feel they are complete apart and in control of something they
weren’t previously. Without this mindset, reparations wouldn’t do as much as Phillips intends for it to do.

What connects Douglass’ political argument with Mill’s *Utilitarianism* is that it utilizes The Greatest Happiness and Utility Principles but in different ways. Through suffrage, which would be the action it would lead to the government being more consistent with itself, leading to political stability which creates the greatest amount of happiness for the country, both for freed people and government as a whole. For Phillips, political stability leads to the greatest amount of happiness because it’ll end war and that’s that. In contrast, for Douglass political stability produces the greatest amount of happiness because it addresses the cause of war and rebellion which for him is of more importance than addressing the war itself. Using the Greatest Happiness Principle to address the cause of war and rebellion and not simply the effects are more useful because the action remains good so long as war, in this case civil war doesn’t happen.

The careful wording Douglass uses to make his political argument is what helps Mill’s *Utilitarianism* become a justification for it. The result Douglass wanted from universal suffrage was that it would allow the government to become more consistent with itself by means of the people. By the sheer fact that another Civil War has not broken out and that as government and Nation we are much closer to resembling the people it governs, however imperfect makes his action morally stable because the results are not only what he wanted but created the greatest amount of good for the country as a whole.
Douglass and Deontology

Douglass’ argument for civil rights is more political than moral, but the moral element is still there. In his Reconstruction speech, Douglass says “If with the negro was success in war, and without him a failure, so in peace it will be that the nation must fall or flourish with the negro.” Douglas is arguing that the federal government cannot treat freed slaves as a means to an end which is what they would be doing if suffrage isn’t extended to freed slaves. As with Phillips, Douglass is also using the Ends in themselves Principle to make the moral argument for voting rights. By allowing them to vote, Congress is acknowledging freed slaves aren’t useful to win wars, but are useful in so much as they have reason and are able to act according to their own desires both to benefit themselves and for the benefit of society.

How this strengthens Douglass political argument is that he already believes that freed slaves are already means in themselves and think voting rights becomes the way to legitimize that autonomy on a federal level. In not giving voting rights to freed slaves, Congress isn’t acting in accordance with the Golden Rule. This rule is to act according to the maxim that you would wish all rational people to follow, as if it were a universal law. Let’s imagine if every group of people were used as ways to win wars but are excluded from government in that country. No one would like that and eventually there will be anarchy because every group is only being used for it can benefit a country and not because they are recognized as agents themselves. Another way of illustrating his point is to imagine two groups of doctors in competition to see who would cure allergies. Let’s suppose Group A recruited two scientists from an unknown school to help them cure allergies which they do but leave the two scientists out of their research paper. However, they know that without those two scientists’ help they wouldn’t have been able to cure allergies. By intentionally leaving them off their research paper, Group A treated the two scientists as means
not ends. They are means in the fact they were only recruited because Group A knew they would be able to help them cure allergies before Group B did getting them fame. But if they were treated as ends in themselves, they would’ve been included in their research paper because they are valued for more than their ability to help win a contest but as scientists in their own rights, regardless of whether or not they won the competition.

This same logic would hold true for voting rights as well. Without voting rights Congress is saying that the only benefit the negros has is in relation to other endeavors for the countries gain and not for themselves as rational beings. Without voting rights, the country is telling the negro you’re only free as far as you can get me want I desire, but not beyond that. Douglass’ argument is that not only is that a false statement, as Kant would agree, but that the countries own laws treats people as ends and not means. If the negro continues to be used as means and not end then they will press the issue until either they are granted their own autonomy or until the country collapses.

Arguably the best Kantian defense of Douglass’ argument for political rights is that he leans on the Constitution to defend his argument for voting rights. In his speech he says “… the Constitution of the United States knows no distinction between citizens on account of color.” This directly relates to Kantians idea of what laws are and what makes people follow them. Laws are the imperative of reason that transcends all other concerns and interests. By the Constitution not having any restrictions on any physical attribute, it has already given Congress the legitimation needed to give suffrage to all freed slaves. This is why Douglass points out that it would be no one’s fault but the Radical Republicans own if suffrage isn’t granted because they already have the moral law it needs to give voting rights. All that’s required is that they follow it. If, as I say early on in this section that the three categorical imperatives are connected to each other, then extending voting rights to freed slaves is from duty, and that duty can be found in the Constitution.
As for the second imperative, it matters not what happens after suffrage is given only that it is in fact given because that is where the moral action is required from Congress that it gave to itself.

Chapter Two: Wendell Phillips and The Negros Claim

Wendell Phillips was an Abolitionist during the early and mid-19th century. What made him important as an Abolitionist was the ways in which he could entice the crowd through his words. The passion with which his speeches engaged those he spoke to became the catalyst to the Abolitionist movement. Phillips’ first ambition was to become a lawyer, but upon meeting fellow abolitionist Williams Lloyd Garrison, Phillips then turned his attention to lecturing for anti-slavery societies. His main mode of communicating his ideas was through writings in Garrison’s, and the indirect route of donating his money to the Abolitionist Movement. Phillip’s an abolitionist but he was also a reformer. He sought not only to abolish slavery but change the way the United States viewed itself as a just society in allowing slavery to be legalized in the first place. Alongside Garrison, Phillips did not attribute the abolition of slavery in conjunction with political action. In holding this view point, both Phillips and Garrison criticized the federal government once again for compromising the beliefs of the nation by allowing slavery to continue. Furthermore, Phillip’s was against reuniting the South with the Union in the North because former still wanted slavery. These interests meant Phillips not only was involved with the groundwork of abolition by writing pieces for The Liberator and giving speeches, but he was also involved in the broader political sphere as well. An example of this is Phillips criticizing President Lincoln for taking so long to end slavery from the beginning of the war. Once the Emancipation Proclamation was given January 1st, 1863, Phillips then focused his attention on securing full civil liberties for freed slaves.
As a concept, reparations were not unique in the abolition of slavery. During the Antebellum Period there were discussions surrounding reparations for slave owners for the loss of their slaves in the event of emancipation. At the time slaves were not seen as people but as property, thus the conversations surrounding this issue were concerned with how to compensate for the loss of property. Such a line of thought was evident in The District of Columbia Compensated Emancipation Act of 1861, which abolished slavery in Washington D.C. but also compensated its slaves' owners for doing so. The Compensation Act was passed nine months before the Emancipation Proclamation and allocated $1 million to slave owners in Washington D.C. who were allowed to receive up to $300 per slave. Calculated today's dollar, that was $8,560.46 per slave. In addition, $100,000 was set aside to give each slave $100 (today: $2,785.45) if they agreed to move out of the United States to Haiti or Liberia.

To secure civil liberties (i.e. civil and political rights) for freed slaves, Phillips used the main sentiments of the Anti-Slavery Movement and took it a step further in making a remarkable and multi-layered call for reparations. The theme of the Anti-Slavery Movement argued "six-sevenths of this Nation have robbed the other seventh for two hundred years." (Finkbine, 105) Through the institutionalization and legalization of slavery the Nation accumulated a debt so massive that, according to Phillips freedom was "only an installment of the debt we owe the Negro" (Finkbine, 105) The argument that freedom is simply an installment rests on the assumption of three things: the first being that the government has an obligation to the people its wronged. The second is the assumption that slavery itself is wrong. Finally, the third premise would be the assumption that the institution and legalization of slavery within a government is wrong. If you take these three premises to be true, then you will conclude as Phillips does that the Nation has an obligation to freedmen because it has wronged them in the institution and
legalization of slavery. The way Phillips reasons that the Nation should atone for its injustice is in the form of reparations.

In an article in the *National Anti-Slavery Standard*, “Negro’s Claim” Wendell Phillips boldly advances and defends his claim that “the nation must compensate slaves for their injury and unrequited toil.” (Finkbine, 106) In writing this article, Phillips’ purpose was to offer a proposal for giving loans to freed slaves so they will have the ability to buy and live on their own land. While on the surface it seems, Phillips is simply making an economic argument based on his view on the nations “Great Debt” to freed slaves in addition to simple practicality; underlying this is an often overlooked political as well and moral justification for reparations to freed slaves.

Starting from the stance that not only was slavery wrong but that the only way to reconcile such an act is to provide compensation from it, he attempts to make a case that reparations, in the form of monetary compensation are necessary. Thus, as he outlines clearly in the “Negro’s Claim” “Every Negro family can justly claim forty acres of land, one year’s support, a furnished cottage, a mule and farm tools, and free schools for life.” (Finkenbine, 116)

Like Douglass, Phillip’s is also answering the question of “What to do with freed people?” His response to this is for the government to give out reparations to atone for the injustices of slavery as opposed to civil rights which Douglass advocates for. While Douglass’ political argument is primarily concerned with how the country looks both for white Americans and freedmen, Phillip’s is looking back at the injustice done to freedmen by having slavery in the first place, hence the different arguments on what to do with freed people. It isn’t that Phillip’s is against voting rights, it’s that he believes it’s absurd to think giving freedmen the right to vote will magically fix what a cultural and political attitude created since the founding of the country. Phillip’s is not saying reparations will change this overnight but at the very least it will strip
freedmen from depending on their former slave masters. Second, Phillip’s believes we cannot neglect addressing the clear injustice/ immorality of slavery in the name of political stability. Bringing the country back together is not the same as being a just country which is what Phillips is trying to use reparations to bring us back to. In addition, voting rights does little if anything to address or fix the two hundred years of free labor free men did to build the country. Finally, what separates Phillip’s from Douglass is that he doesn’t have as much faith in the South as it seems Douglass has. In Phillips view, the South should be seen as oppressors to the Negros freedom not as people that simply need to be shown the right way or what justice is. Accordingly, allowing for gradual change is fine, but what happens to the social conditions of the freedmen in the time it takes for them to vote in the change they need? I believe the answer that Phillip would give is that not only will their social conditions rot, but the neglect of freeing them from dependency on their former slave owners would become the very thing that prohibits them from using their voting rights to the extent Douglass wants them to.

In understanding his political argument it’s important to understand the political nature of the claim that Phillips is advancing. The initial freeing of slaves was not seen as a form of justice for Phillips. Chattel slavery was an obviously immoral action and the Emancipation did what was just but simply reversed an action that shouldn't have happened to begin with. For Phillips, reparations are a way in which the federal government can “... assume the virtue of justice if we have it not.” (Finkenbine, 116) What Phillips is arguing is that if slavery is immoral as I outline in premise one, then by its participation in slavery, the Nation has lost the mantle of justice it once considered itself to have. In turn, reparations become a way to regain something that the Nation had once lost. Phillips supports this claim by arguing that if the Republicans in Congress simply gave universal suffrage without providing for some sort of reparations, they would do nothing but
pretend to have justice because at the end of the day universal suffrage is nothing but words that mean nothing without the means in which to use them.

Although it seems as though suffrage is against suffrage, he’s quite the opposite. Phillip’s problem with voting rights is that it doesn't do anything to effectively sever the tie between slave and master, especially in the South. Land reparations is a way of ensuring that freed slaves can exercise independence from former slave masters for employment and a place to live. From the perspective granted to us by a century and more it seems that the concerns of Phillips are making are valid and well-grounded. However, our point of view is due to the current Nation being a result of these discussions during Reconstruction. In contrast, at the time of Phillip’s writing the points he makes weren't easily accepted, even by abolitionists themselves.

Phillip’s argument for land reparations to the Radical Republican was an appeal for them to be more radical than they already were. Imagine this: A country that has practiced slavery since the beginning of its foundations not only abolishes it, but said that its practice was immoral. Then on top of this, the very same group of people who were once seen as property are now called people and citizens of the State. To put the icing on the cake, these “newfound” citizens are now given the opportunity to vote and participate in government. This was already radical in that it completely redefined who the people are in government as well as completely upending the primary economic livelihood of the entire South as well. Then imagine how the Radical Republicans felt when Phillips makes this big speech saying that what they’re doing isn’t enough? Phillips had to take the position of a great moral wrong in order to prove his point of land reparations.

Because this speech is for the Radical Republicans for the most part Phillips is setting aside his personal beliefs of the practice of slavery, and emphasizes the overall utility if providing reparations. He’s taking something that, for him personally should be understood as a moral wrong,
and creating a common-sense argument to the effect that providing reparations could have a positive impact on the Nation as a whole in addition to helping former slaves. Nonetheless, his argument for reparations gives rise to two important considerations that begin to shape a political worldview related to reparations. The first is who should be responsible for providing these reparations? The second is how should such reparations be delivered? Phillips answers these questions with "the Nation" and "through economic intervention" respectively. But in doing so, he is required to define and justify those answers in ways that lead him to political conclusions about the nature of the Nation and the federal government's capacity to intervene in State economies. In the following section, I will sketch out the paths that Phillips follows in each of these regards. Guiding each one is a strong articulation of the need to ensure the autonomy of the freedmen if Reconstruction is to succeed.

Political Issues

Once the idea that reparations are due to freedmen is accepted, secondary questions then emerge of how the proposed reparations are to be carried out and perhaps most importantly, WHO is to be responsible for them. Phillips believes reparations should be administered by the federal government for two reasons: the first is that the government has an obligation to the people its wronged, the second being that the States lack the ability to and given their history, would not give reparations to freed slaves. Having the federal government hold the burden of reparations helps the country seem virtuous, even though by Phillips' account it is not. From Phillip's perspective, the fact slavery was not only practiced but given legal recognition, shows that the country is unjust. This is why Phillips makes an argument to "assume the virtue of justice, even if we have it not." (Finkenbine, 114) As we will see, making an argument for federal intervention inherently is an
argument against Laissez-faire economics. The justification of this argument depends on whether or not you agree with the premises Phillips gives in relation to the State’s guilt in the institution of slavery as well as the impact reparations are to have with its enactment. Below is how Phillip’s argument functions as a defense of the idea of reparations he has above.

P1: Slavery is immoral  
P2: The Nation is responsible got the institution of slavery  
P3: The Nation has an obligation to right a wrong it has done to its citizens  
P4: Freed slaves are citizens.

In making the Nation responsible for slavery (p2)-and the reparations for it (P3)- Phillips develops a nuanced understanding of what the Nation is. In order to understand Phillips’ argument, one must understand who or what the Nation is to him. The Nation functions both as a physical representation of the country and also “the Nation” with the exclusion of the South. When he speaks of the immorality of slavery, he used the first interpretation placing the burden on the North and South alike. The passage of the Emancipation Proclamation not only gave freedom to slaves but also placed a burden on the government to protect the freedom of said individuals. Within the Proclamation Lincoln commands the Executive and military parts of governments to recognize and protect the freedom of freed people so that they can “make for their actual freedom.” (Proclamation, 1863) Thus, the Nation to Phillips is the protector of the freed people and their freedoms. It must go beyond merely granting freedom to rectifying the horrors of slavery. If you take Phillips’ second premise to be true then it can be seen how such a weight should be placed on the Nation as a whole including the North and the South. Although, the South was the site in which the legalization of slavery was rooted, the North wasn’t innocent either. Phillips doesn’t turn a blind eye to the North’s role in the legalization of slavery even before the Civil War. Hence, Phillips charges the country as a whole with the immorality of slavery.
The second way Phillips understands Nation is the area that remained loyal to the Union. After the Civil War, Phillips didn’t consider the South apart of the country yet. As a result, when he talks about giving independence as well as freedom to freed slaves he means so in relation to the South. Throughout the Negro’s Claim, Phillips warns multiple time of the dangers of having freed slaves be dependent on the South for their well-being and safety. Something that seems so obvious from the modern perspective was not so apparent to the Radical Republicans in Congress. This is why Phillips leniently warned the Republicans in Congress about the dangers of being fully dependent on Universal Suffrage to solve the Post-Civil War problems in the South. By appealing to federal government to take the lead in protecting the freedoms and rights, Phillips indicated that he did not believe that individual states could be tasked with this themselves. This is especially true for the Southern States. How can we reasonably expect States who, if it were up to them would continue the institution and to practice slavery to then acknowledge and protect the rights of those who were once their slaves? For Phillips, the answer is that we cannot reasonably expect such a thing to happen and in truth it will not. Hence the burden is placed on the federal government.

The duality of what or who constitutes the Nation shows an interesting conception Phillips has on where power should be placed within the United States government. Although not explicitly said, it can be inferred Phillips is Pro-Federal Intervention while neutral on States’ Rights. Although it’s hard to conclude where his argument leads in terms of States Rights, it is well within reason to assume that if he had to choose between protecting States’ rights and protecting the rights and freedoms of freed people, he would choose the later. Furthermore, whether this preference for federal Rights would apply to any given situation remains unclear, although with regard to the issue of slavery, Phillips makes it clear the power to address such an issue should rest in the federal government. It is his second premise “The Nation is responsible for the institution of slavery” (P2)
that validates him wanting federal intervention over States Rights. Another way of understanding this is through Phillip’s understanding of the relationship between state and federal government. This I take to be a paternal one in the sense that the Federal government sets the standard to which the States agree to and order themselves accordingly. While the States still have a significant degree of autonomy over themselves, they still do so with accordance to the example the federal government gives to them.

The conceptualization of the Nation provides a basis for Phillip’s further thinking on the topic of reparations. On the basis of this relationship between State and Federal government, premises one and two might be combined. If you believe slavery is immoral and that the Nation is responsible for the institution of slavery then you will agree with Phillips that the burden of protecting the rights and freedoms of freed slaves’ rests, mostly on the Federal government. However, there is still something missing from the two assumptions, something that cannot be answered with the social contract ideal that the government has an obligation to its people. This calls for a subsection to one of the beginning premises. If we assume slavery is immoral and the Nation is responsible for the institution of slavery, we are assuming something about the relationship between morality and the Nation. We’re assuming the Nation has some say about the morality of itself, thus, if at any point, that morality should change (negating consequences) the Nation as a whole is responsible for reconstituting itself accordingly. Consequently, premise one requires a subsection in order for it to justify premise two. If slavery is immoral, then the subsection would be: “The Nation constituting any group of people holds the moral standard to which its society is upheld to.” With this addition the argument go as follows:

P1: Slavery is immoral
P1a. The Nation constituting any group of people holds the moral standard to which its society is upheld to.
P2: The Nation is responsible for the institution of slavery
P3: The Nation has an obligation to right a wrong it has done to its people
P4: Freed slaves are citizens

However, this still leaves the question of how federal intervention in the protecting and securing the rights of freed slaves is somehow more useful than simply leaving the charge to the individual states themselves. With the addition of the sub-premise to premise one, the States cannot be made responsible to correct an immoral wrong. The Nation, though it seems to be something abstract and removed from the immediate eye, is far from that, at least for Phillips. The Nation, in this instance, represents both the North and the South as both played a role in slavery, even if the North got rid of it first. It would be unfair for Phillips to hold one section of the country responsible for an action that took both sides to make. Thus, like a parent responsible for teaching their children right and wrong, and having to take responsibility for any error in their teaching the Nation (North and South) have to take responsibility for the actions each State takes individually. In turn, by having the burden of reparations rest on the Nation, Phillips is urging the country as collective unit to provide justice to the harms of slavery in the form of reparations.

**Federal Economic Intervention**

The second part of Phillips’ argument is that against Laissez-faire economics. Laissez-faire economics rests on a belief that an economic system functions better without regulation from the government. If you leave the market to do its own thing, supply and demand will govern itself thus regulating the prices and needs of goods and services. The attraction of Laissez-faire is that it favors the interest of the individual and competition. Although, the individual is most important in this theory, the government is not completely excluded. Its only role is to prevent coercion against
individuals. Examples of this include theft, fraud, and monopolies. If these kinds of coercions exist, they interfere with the market system greatly and can even prevent the market from working.

During the Civil War, the North’s economy soared while the Southern economy understandably declined. The Republicans in Congress needed to find a way to create an economy in the South now that slavery cannot be used as a way to stimulate economic growth. While they thought a free-market economy would be the right answer to continue economic growth in the North as well as create economic sustainability in the South, Phillips’ idea of federal intervention would mean an economic system that advocates against federal intervention except in extreme cases couldn’t co-exist. Phillip’s problem wasn’t with laissez-faire itself, but federal intervention is needed for freed slaves before leaving the market to regulate itself. As with the earlier discussion, we can separate Phillip’s arguments against Laissez-faire into premises.

P1: Freed slaves need their own land in order to become independent from their former slave owners.
P2: The South will not readily give land to freed slaves.
P3: If land needs to be given to freed slaves, then the federal government should be in charge of its allocation.

This leads to a conclusion that Laissez-faire economics cannot work while the freed slaves are still dependent.

First, let’s break down the first premise, “Freed slaves need their own land in order to become independent from their slave owners.” The reason Phillips believes land is necessary is because it’s the ultimate separator between slave and master. If they are simply given freedom but no means to provide for themselves, the freed slaves will turn back to what is most familiar to them, which is their former slave masters. If this happens then the problem of slavery arises once again just in a different form. This new form would become a false freedom. On paper, they are free but in reality, they are completely dependent on their former masters to live. This would
recreate the racial power structure the Emancipation Proclamation was supposed to fix. While Phillips believes the Emancipation, Proclamation was only made because of the pressure put on Abraham Lincoln, the charge to the federal government to protect and acknowledge the rights given to freed slaves doesn’t lose its meaning. Without land, freed people would still be dependent on their former masters for their well-being and Phillips wants to eliminate that. If there was anything the end of slavery taught was the power in having property within yourself and this is what Phillips is advocates for. If slaves have their own property, then they have autonomy within themselves, giving them the ability to fully participate in the freedoms given to them.

Premise two states that “The South will not readily give land to freed slaves.” Phillips says not only does the South not have the money to lend to freed slaves, they wouldn’t if they did have it to lend. The South at this moment is dealing with two losses, one of losing the war and having the rejoin the Union, and second with the loss of an important part of their economy. No sooner will they recognize freed slaves as people and not property than they will give them property of their own. Phillips believes the South didn’t want to end slavery because they were afraid that fair competition between the two races might prove slaves superior because they know how to do the work slave masters do not. Although this analysis is feasible, there is another reason why the South wouldn’t give land to freedmen. While the government legalized slavery, slavery was also a culture that existed in a way that couldn’t be legalized by the government in anyway. Abolition not only ended the slavery of people, but also a particular way of obtaining property now suddenly deemed immoral. If property is connected to wealth and wealth is what’s needed to live, then, abolishing slavery could be understood as preventing more than half of the country’s population from their natural right to pursue “life, liberty, and the pursuit of happiness.” Why then would the South agree
to give land to the very people they see as the reason for the problems they currently have? The answer is that they wouldn’t.

With these two premises in mind, we arrive at my third premise for Phillips’ argument which is if land needs to be given to the freed slaves, then the federal government should be in charge of its allocation. The “if” part of this argument is already made valid because the Nation recognizes the importance of providing land for freed slaves. This recognition is what he uses to begin his claim for land reparations in the first place. This again goes back to universal suffrage given to freed slaves by the Radical Republicans. For Phillips, there needs to be a provision made by federal government to give slaves the ability to use the freedoms they have been given. This understanding of the role of government is what creates his argument against Laissez-faire economics.

In the beginning of this section I defined what Laissez-faire economics is and the government role within its system. While the Radical Republicans where are all in agreement that freed slaves needed money and land in order to be able to exercise their political and civil rights, they disagreed on where the money should be borrowed from. The problem Phillips recognizes with Laissez-faire economics is that it rests on the “Root, Hog, or Die” rule. Root, Hog, or Die was an idiom that described a practice in the beginning colonial period where settlers would leave pigs in the wild to care for themselves. The purpose of this saying was to advocate for self-reliance. This way of thinking is what came before what we know as “Pulling yourself Up by the Bootstraps.” Both sayings express the importance of self-reliance and perseverance, the main point of this rule is that it believes “... the powers of the race are best developed by leaving men to grapple with difficulties.” (Finkenbine, 115) What this means is if you leave people to deal with problems and overcome difficulties themselves, then the superior being (or race) would emerge
naturally. The idea of letting people overcome difficulties by themselves is not what Phillips is disputing. He does believe, that being able to overcome obstacles by yourself is what makes you stronger rather than having someone or something else fix everything for you. His problem however, is that most people don’t see that there are exceptions to even the most natural laws. In this context, Phillips is calling out Radical Republicans who he also refers to as Grad grinds, for not only seeing that there are exceptions to certain natural laws and that the case to which he is presenting to them, slavery is such an exception. In fact, Phillips believes that those who do not believe in exceptions to natural laws are most dangerous.

What makes slavery an exception to Root, Hog, or Die? The exception is that slavery is not something that is natural, at least in the way that it was practiced in the United States. How then can you apply a natural rule to something that is unnatural in itself? The answer for Phillips is obviously that you cannot, which is why he’s against laissez-faire economics. What the Radical Republicans in Congress are trying to fix is something that is no way the fault of the freed slave.

In sum, Phillip’s call for federal economic intervention for three reasons. First, the State’s don’t have the economic ability to give reparations because they’re recovering from the war. Second, even if State’s (most specifically the South) were able to give economic reparations they wouldn’t do so. Although the South has lost the war, in no way have they relinquished their attachment to slavery and will continually find ways to recreate slavery in different ways. Finally, Phillip’s argues that the economic plight of freed slaves is not their fault but that of the country. Hence, although, Laissez-faire economics encourages the “Root, Hog, or Die Rule, freedmen become an exception to that rule because there is nothing they could’ve done differently to change the circumstances they are currently in, but that the government bears the guilt.
Wendell Phillips and Utilitarianism

In Phillip’s political argument he’s defending reparations on three grounds, political and economic stability, and autonomous individuals. First, we will see if Mill’s utility and greatest happiness principle is enough to justify Phillip’s political argument. As a recap, Mill argues that actions are only good insomuch as they tend to promote happiness and wrong as they tend to produce the reverse of happiness such as pain. The utility principle supports happiness by asserting that the only actions seen as useful are those that promote the greatest amount of happiness. The utilitarian measurement for happiness is not the individuals own happiness but the greatest amount of happiness for all those involved. The measurement of utility isn’t only the pursuit of happiness but the prevention of unhappiness. If you think that happiness is something that is pleasurable then happiness becomes unattainable because pleasure only exists in moments. However, if you imagine happiness as something with few moments of pain and many moments of pleasure, something that’s active and not passive then the happiness Mill talks about becomes something within our grasp.

Phillip’s political stability argument for reparations is in order to heal the nation, freed people need to be able to participate in government. It’s important to understand Phillips isn’t against voting rights but believes there needs to be something put in place so that freed people are able to utilize their rights. The purpose of land reparations is to create a tangible separation between slave and master in order for freed people to feel confident in using their rights as they see fit.

A possible justification of Phillip’s political stability argument is where the standard of morality is placed for Mill. The moral aspect is simply in the consequences of an action taken, and whether or not it provides the most utility. The moral question is (1) if the action fails to accomplish what was expected but still maximizes utility and (2) if what was accomplished provides useful to
the overall happiness of society. If the answer to both of these answers are yes, then the action taken is seen as moral. How this helps Phillip’s argument is it doesn’t require an understanding that slavery was wrong and providing reparations becomes a way of atoning for the immorality of slavery. You can think slavery is completely moral but agree that reparations are necessary for the overall happiness or in this case peace for the country. In turn, all reparations have to do is become useful to heal the nations for Mill to see the action as moral. However, if reparations do nothing to help the nation by freed slaves using their political rights freely, then although the gesture is well-received, it wouldn’t be moral.

This philosophical justification for economic reparations requires nothing on the side of Radical Republicans except to take Phillips at his word that reparations are in fact useful to them. Remember, Mill’s argument for utility is also that all actions taken are for some reason, one of which is simply human dignity. No action will be taken that will intentionally cause any person to sink below their own existence. The question to ask now is if reparations decreases the dignity of any party involved. The two parties involved are the freed people and the government. As long as government is seen as some representation of justice (in what capacity) I believe it has dignity in whether or not reparations would decrease the government’s status as a beacon of justice. The government’s primary concern is bringing the country together and the freedmen’s primary concern is having a place in government. For the government it isn’t ideal to give reparations because it may affect their plan of uniting the country, but does it really? The answer is no. For Mill, happiness isn’t pleasurable but few moments of pain. It also requires sacrifice in order to achieve the greatest amount of happiness. The sacrifice the government would have to make is to actually protect the rights and liberties of the freed people. However, is this a terrible sacrifice if it’s a sacrifice it told itself that it’s willing to make? In both the Emancipation Proclamation as
well as the 15th Amendment, it was said the federal government had to do what was necessary to protect and acknowledge the rights and liberties of the freed slaves. With this being said, Phillips demanding reparations isn’t requiring a sacrifice that strips the government of its dignity as a political power, but holding Congress to its word.

Let’s then turn our attention to the second group involved, which would be freed slaves. What sacrifices do they have to makes? Phillips argues they have already made the biggest sacrifice by providing forced free labor for the past two hundred years. In the Negro’s Claim, Phillips says “… the Nation owes him one-seventh of all the wealth we hold. Freedom is only an installment of the debt we owe the Negro.” (Finkenbine, 116) Phillips is doing a favor to Congress by not demanding they relinquish one-seventh of all their wealth but simply asking for the redistribution of land. However, let’s assume the free labor isn’t seen as a sacrifice, what else would free people have to sacrifice? Since the United States owned millions of slaves, it’s safe to assume it would take a considerable amount of time to accomplish the kind of reparations Phillips is arguing for. It can be assumed freed people would rather not wait, but would do so if they knew what they were waiting for were reparations and that by receiving reparations would increase their place in political society. The “but” is important for Mill because he argues that no one will sacrifice their own happiness unless there is a reason, and that by doing so would increase their own happiness. No one does the good for the good, because for Mills no one is just that good. From these two scenarios, it can be assumed that neither sacrifice decreases the dignity of either group but instead would increase the happiness of both making the action, if accomplished good.

The problem with using Mill’s Utilitarianism argument is that it’s only useful in the theoretical sense. The only way to prove the utility of reparations is for it to actually be implemented because the morality of an action is judged in the results which to give. The two
questions that need to be answered for Mill are (1) if the action taken created the greatest overall utility (2) if what was accomplished provided the greatest amount of happiness in society. In order to answer the second question, we would need a way to evaluate the first, meaning that Phillip’s vision of reparations would’ve actually had to happen. However, we can imagine how Reconstruction would have looked if reparations were given. Clearly what was done during Reconstruction wasn’t the best action morally because Reconstruction did fail. Although, not trying to give reparations does show the problem with bridging philosophical theories with that of political arguments. Sometimes it seems as though the two are at opposing ends and that philosophical theories do little to bridge the gap, political arguments are so desperately trying to do. However, for theories such as Mill’s *Utilitarianism*, the only way to use the theory in its fullness is to actually go through with what you’re arguing for politically. In having the standard of morality be placed in the results of an action and not what causes it like other theories require, Mill is allowing philosophy to meet the political argument where it’s at and not forcing it to meet the theory where it is. What I am saying is that Consequentialism cannot be used as a framework for creating laws only to evaluate it. This is there will always be laws made that aren’t actually acted upon and to place the utility on the consequences it cannot give is to give injustice to the law for what it was trying to accomplish. With this in mind Mill's *Utilitarianism*, leaves the justification for reparations inconclusive while also critiquing the political sphere of arguments because it cannot critique philosophy without at least trying to implement what they are trying to use philosophical arguments for.
Phillips and Kant

A summary of Phillips political argument is that without the social conditions in which to govern themselves then the right to vote will become useless. For Phillips, the importance of social conditions is that they create a definitive division between slave and master, which allows the slave to govern itself in addition to making sound political decisions using their right to vote. The conditions around a freed person must be set for them to actualize their freedom and can be done by giving each family “40 acres of land, one year’s support, a furnished cottage, a mule, and farm tools, and free schools for life.” While Phillips believes political rights are important he believes social condition are more important and should come before political rights.

How Kant could be a way in which to support his political argument is that it shows the importance of Kant's argument that free will is what makes laws moral not just the fact that the law is moral. This is because morality comes from free will, it doesn’t only exist by itself. The morality of killing being illegal is not only the fact it is wrong but that everyone who chooses not to do so, has freely decide for themselves that killing is wrong. Most importantly, they understand that although the law rules killing as immoral that have complete agency to go and kill someone but won’t because not killing is the right thing to. Although Kant places importance doing good because it is good, the only way to know an action is good is to know that another action is bad. In addition, the only way to choose the good is to know for yourself that it is good meaning that you know you have the ability to do the opposite of what you’re doing but decide on doing what’s right.

Let’s take Phillips political argument from another angle and say without freed slaves being able to govern themselves, they won’t be able to participate in government. Without suffrage being extended to freed slaves, they have the ability to participate in government and they will.
this angle participation in government is not so much the problem as following the rules of said
government the problem with this is that their participation wouldn’t be completely free in the
sense that whenever they use their right to vote it would always be out of fear of voting differently.
If we replace will in Phillips sense to good will in the Kantian sense, then the good is held to its
own laws. The first of which is that it is good in itself. The only way for this to be true is if the
good is held to its own conscience and not dependent on any kind of circumstances. If the good is
seen as what could help their social conditions or allow them to eat each day then the good will
isn’t good in itself, but is being used for an end which is seen as immoral to Kant.

Next, let’s switch Phillip’s political argument for that of participating in government to
following the rules of government. Although morality comes from free will, free will also come
from someplace, and that would be reason. What makes reason what it is, is that it’s not subjected
to anything. If the ability to act according to their reason is subjected to their social conditions,
then freed people aren’t actually using their reason freely which means their sense of morality is
also subjected to what actions should they take to increase the quality of their social conditions. In
the words of Kant, the freedom freed slaves have currently is negative freedom for two reasons,
the first of these is that they were already born with freedom in so much as they are rational beings.
If this isn’t enough justification then according to Kant, what actualizes this freedom is that people
think they are free. If frees slaves didn’t think they were free or at least should be, it could be
argued that they wouldn’t have fought for their emancipation. Why fight to be recognized as
something that you don’t believe you are yourself? Phillips is trying to use reparations as a way to
turn the freed slave’s negative freedom into positive freedom Positive being that it isn’t a burden
but something to be proud of because the social conditions reflect how you view yourself. So,
when you vote and follow the laws you do so for the sake of them and not for a particular outcome of circumstance.

The strength Kant’s moral philosophy gives to Phillips political argument lies in where morality exists for Kant. Reparations doesn’t have to be given out for Phillips argument to be moral, only that the reasoning for the argument was moral. Phillips argument for reparations comes from his moral argument that slavery was immoral. With this, he is using Kant’s formula for The End in itself, which says to “act in such a way that you always treat humanity, whether in your person or the person of any other, never simply as a means but at the same time always an end.” Phillip’s argument for reparations goes beyond black slaves in America but in him coming from the stance that slavery is immoral as a whole, he’s creating a universal maxim for all people by saying that slavery is evil. It’s just by happenstance, that in giving reparations, you would also be creating political stability but the most important point of his argument is that slavery itself is an evil and that reparations becomes a way to atone for such an evil. With this, even though reparations didn’t happen, it doesn’t change the fact that Phillips’ argument for reparations was from duty by treating it as an end in itself and not for some benefit to the country.

Conclusion

Philosophically, using moral theories to justify political arguments proved more difficult than imagined, not to the degradation of either side but because there in fact are sides. There is often a disconnect between the two in the sense that in theories philosophy includes all but in practice, most notably race relations it becomes exclusionary. Whether or not this is the fault of the theorists or the people using the theories was not the focus of this project but is something
philosophers and political thinkers should keep in mind. In terms of the theories themselves, if there was a theory that can provide the philosophical backing for the political arguments made by both Douglass and Phillips, it would be Kant's Categorical Imperatives. This is because the obligations duty has come from the Golden Rule "Act so that the maxim of your actions can be willed as a universal law." Both Douglass and Phillip's present their arguments, philosophically from the stance that Civil Rights and Reparations should be universal laws regardless of what could happen as a result of them. While Utilitarianism, defends Douglass' argument in so much as voting rights were given to freedmen and the absence of another civil war/rebellion speaks to the utility of it, the problem with this theory is the morality is dependent on whatever is proposed actually having consequences, meaning it has to happen. Hence from a deontological perspective, Phillip's argument for reparations would been seen as immoral but from a utilitarianism perspective becomes inconclusive because it never happened, allowing no way of definitively determining its utility.

Politically, both Wendell Phillips and Frederick Douglass offer different solutions to the "Negro Question." For Douglass political and civil rights, such as suffrage are the first step to answering this question. Only by voting can the government become consistent with itself. Consistent doesn't mean perfection, but it does mean there is no one group left out of government intentionally. War and rebellion are always a threat to the Union in so much as the people are allowed govern themselves. Without giving voting rights to freedmen, the Nation will never truly be at peace because freedmen will always fight to be a part of government. Secondly, in giving voting rights the government is showing freed slaves that their freedom wasn't simply a tactic to win the war but that it truly believes they deserved to be free. Also, it shows that freedmen aren't
valued only for their physical labor but for their intellect as will. Finally, voting rights enable both freedmen and white Americans to gradually change the country into its best representation of itself. Once again, Douglass isn’t aiming for perfection but for a “more perfect Union (Constitution, 1787) in which freedmen are a part of.

In contrast, Phillips’ answer to the “Negro Question” is for the federal government to give reparations to freedmen. Although the North got rid of slavery, it doesn’t take away from the fact that slavery existed in both the North and the South since the founding of the country, making both sides responsible for the injustice of slavery. Furthermore, if social conditions [land, education, cottages] are given to freedmen, they will confidently be able to use their right to vote knowing the Nation did everything within its power to ensure they can vote freely and confidently. Finally, reparations provide the ultimate separation between former masters and former slaves, allowing them to govern themselves how they deem fit without fear of retaliation from their former masters because they are dependent on them for work and a place to live.

If asked to choose between these two arguments, I would find myself unable to do so. After a years’ worth of research, neither both arguments address the Negro Question in sound ways. Neither argument trumps the other in terms of accessibility, necessity, or overall impact on the stability of the country post-Civil War. With all this in mind, it is clear Douglass’ argument for voting rights won over Phillip’s argument for reparations. Looking at the state of African-Americans in the United States 154 years after slavery was abolished and 142 years post-Reconstruction Era, it is clear how right Douglass was on the importance on allowing the negro to vote. With this, I do believe Reconstruction failed by abandoning reparations altogether. While Phillip’s argument seemed radical in his day even to fellow abolitionists, the argument for reparations didn’t die with The Negro’s Claim but is still talked about today even amongst
politicians. I can't help but wonder how the country would look if the Negro was given his rights and his forty acres and a mule.
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SparkNotes Editors. “SparkNotes on Grounding for the Metaphysics of Morals.”


MOVING FORWARD BY LOOKING BACK: HOW RECONSTRUCTION ARGUMENTS FOR CIVIL RIGHTS BECAME THE MODERN ARGUMENT FOR REPARATION

Senior Project Submitted to
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by
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Introduction

Writing a thesis on reparations is as much random as it is something you would expect if you knew me. Believe it or not, reparations are more commonly talked and thought about today than one might think. I often ask myself, how would my life be if my ancestors had received their forty acres and a mule? These quiet thoughts, the what-ifs, linger in every African-American mind. Either implicitly or passively, we all have posed the question of what America owes us. Whether it be for slavery, or for current issues surrounding racial injustice, we all have different ways of asking, “What happened to my Forty Acres and a Mule?” This project focuses on the Reconstruction Era because it was from this era that we get reparations as we know it. Demanding any kind of justice for immoral actions is a process, one that has a clear beginning but a murky ending and this case is no different. While the political discussions of this time period were powerful, so much so that we still debate about them today, this project also asks, “Can we find/are there any philosophical elements to these political arguments and do they strengthen or weaken the claims for political rights and/or reparations? The theories I will be using are Consequentialism/Utilitarianism and Deontology, as explained by Immanuel Kant and John Stuart Mill—respectively. The goal of both theories is to create a standard of morality that can be applicable to any situation regardless of circumstances, for consequentialists such as Mill, the best way to judge morality is by the consequences it brings—whether good or bad. In contrast, deontologists such as Kant believe morality lies in our reason and we should act morally because our reason tells us to and not because of circumstances.
Mill on Utilitarianism

John Stuart Mill’s *Utilitarianism* is meant to provide a defense of Utilitarianism as a sound moral theory and to debunk common misconceptions about Utilitarianism. Utilitarianism is a normative ethical theory under Consequentialism. Consequentialists believe we need to look at the consequences of an action in order to determine whether it moral. Utilitarian’s takes this a step further by saying we should look at the consequences of an action in terms of its utility, being happiness or wellbeing, Actions that are seen as right are those that promote the most happiness for the most people in society, so that every action should try and create the greatest happiness. The reason emphasis is put on the action itself and not the reason for the action is that, utilitarians believe all action is for the sake of some end. Although deontologists believe all actions are for the sake of an end, they differ from consequentialists because they believe these actions should be done because reason compels us to and not for the end we hope to gain. If this is the case, then it’s only right that we judge the morality based on the effect it has and not what lead to the action itself. This leads to the Greatest Happiness Principle, which believes actions are right as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. (Mill, 13) Happiness is defined as intended pleasure and the absence of pain. In this definition, happiness isn’t necessarily something that you can feel but more of a scientific deduction. It becomes something that you can quantify in the same way you would say seven apples are greater than three apples, or two heads or better than one. If someone were to say three apples are actually greater than seven, they would be just as wrong as an action that helps two people and not five.
Although Utilitarianism is different from deontology in where it places morality, they do agree on a number of things. The first of which is that there is in fact a morality to be defined. For deontologists, morality can be found in the action itself and for utilitarian’s, morality is found in what the action causes. Secondly, they agree there is something that guides morality in general. For Consequentialists, pleasure, and freedom from pain guide morality and are the only things that can be seen as desirable ends. In contrast, deontologists believe our morality is guided by our reason which answers to nothing but its own will. However, Mill believes that the ends that are desired are not ends in themselves. The ends that are meant in an action (consequences) are intended for a greater end which is happiness. Also, in some sense both moral theories acknowledge there are moral laws but disagree on the place where their authority comes from. For demonologists, moral laws are a priori, meaning that they need nothing to made them moral laws expect that our reason compels us to follow them. In contrast, Utilitarian’s believe moral laws are created by what we determine as most useful and produces the best consequences which can only come about through experiencing and observing the world. Which is better to say it’s wrong to kill because we all agree it’s wrong or because we’ve experienced a lot of killing and come to the decision that killing is wrong because it does more harm than good? That is to not killing promotes more overall utility rather than less which is more important than not killing something because it’s simply the wrong thing to do. However, this utility is subject to change if for instance we wanted to kill a group of robbers.

As a response to *Grounding for the Metaphysics of Morals*, by Kant, Mill defends the Utilitarian/Happiness theory. How this theory stands in competition with Kant is Mill wants to show that whatever can show to be good, has to be shown to be a way of gaining something that itself is good without needing to be proven. To support this claim, Mill references, health and
music as things that are good as a way of achieving some end good without needing to be proven that they are good. We know that music is good because it makes us happy but how do we know that happiness is good? The answer Mill, provides is to create a formula that justifies why music is good because it makes us happiness and that happiness is good as well. While he doesn’t provide a clear argument explaining why happiness is good, it can be inferred that happiness is more useful than unhappiness simply by its nature.

The first part of creating this formula is to understand what pleasure is and how it relates to utility. Utility cannot be separated from pleasure but is pleasure itself without pain. What we find pleasurable is useful to us and what’s useful to us is also pleasurable to us. By this definition Mills tends to suggest that since everything that is pleasurable is useful then we have license to do whatever we desire as long it makes us happy. However, this is not the case, because pleasure isn’t something you simply feel. Everything that has utility doesn’t always feel good to us but is useful nonetheless. Think back to the example I gave above about seven apples being greater than three apples and is more useful than having three apples. Let’s the context of its usefulness is that of going on a camping trip. Is it more useful to have three apples or seven apples? The usefulness in this scenario is objective, meaning that it doesn’t answer to anyone or anything except the proven fact that seven is greater than three. Though this is an objective fact, that doesn’t change the fact it is pleasurable to have seven apples as opposed to three.

For Mill, pleasures of the mind are more important and are of greater values than bodily pleasures. This leads into his defense of the Difference of Quality in Pleasures. “Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure.” For instance, if someone wants to live on their parent’s couch for the rest of their life instead of going
to college, Mill would reject living on the couch as having the best utility because the alternative
can give pleasure to the mind. This has two implications. The first of these is that utility isn’t
something that’s personal but has to be seen in relation to other things and people. For the kid they
would prefer personal pleasure, we’ll call him Jack, which would be him staying on the couch
provides no utility to the world or to the overall happiness, which is what the purpose of
Utilitarianism is for Mill. Secondly, this relates to his political philosophy where he believes
knowledge is the most important thing to have and it's something that’s achievable by every man.
Knowledge is something that’s cultivated individually and the personal growth of every individual
helps society grow as a collective. This desire for knowledge is what leads to Mills arguing that it
is better to be a human dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool
satisfied. (Mill,17) It is better to satisfy something that has more utility but not necessarily
pleasurable like the mind, than to temporarily satisfy the body which has less utility. If someone
was to argue against this, it would be because they’ve only experienced one kind pleasure which
means their argument is ill founded. While it may feel good in the moment to drink one’s life away,
it is far better to get a stable job and have a career. Drinking is a temporary pleasure because it
only makes you feel good in the moment. Beyond this moment, it has no utility either to the person
individually or to society as a whole. In contrast, getting a job helps both the person and society
because they are able to support themselves financially and can also be useful to society as a whole
because they are able to contribute to it. What’s important in both these examples is that the
person’s individual pleasures are only useful as they help the overall function of society which is
the greatest amount of happiness. With these, there is a need for self-sacrifice in the name of the
greater good. If we were to map out Mill's Utilitarian argument so far, it would look as follows:

(Intellectual pleasure - Physical pleasure) Utility = Happiness (absence from pain)
With this in mind the purpose of the Greatest Happiness Principle is to explain the end to which all actions are geared towards. This end would be happiness, which is the absence of pain. Though this sounds like an easily attainable means to achieve, there requires some sacrifice in order to achieve this. One must be willing to forfeit things that give them happiness personally but aren’t useful for the greater happiness, which is that of society. This leads us to the standard of morality as defined by Mills. This the rules and guidelines for how people should act so that as much is possible humans are able to continue exist not for themselves but for all of the world as well.

Another justification Mill gives for his theory of happiness being the end to which all actions are geared to is his belief that no person would willingly sink below their own existence. For instance, if I know that getting a college education is going to drastically improve my life, more so than working a 9 to 5 job, then I would choose to get a college education. Hence, sinking below someone’s existence is similar to not selling yourself short. If you know better, you’ll do better. If you are doing less than what you’re capable of, and you know you’re doing so then it’ll make you unhappy. This is why sacrificing your immediate happiness for long-term happiness that’ll benefit both yourself individually and the whole of society is more important because it has the most overall utility.

Although the greatest amount of happiness requires sacrifice, not all sacrifice is good. If all sacrifice isn’t good then sacrifice in itself isn’t a good thing. It cannot be a priori because there are and will always be sacrifices that we think are good but in actuality fail to accomplish the goals we want it to. Mill elaborates on this by saying, “A sacrifice which does not increase, or tend to increase, the sum total of happiness, it considers as wasted. The only self-renunciation which it
applauds, the devotion to the happiness, to to some of the means of happiness, of other; either of mankind collectively, or of individuals within the limits imposed by the collective interests of mankind.” (Mill, 237 Kindle.ed) What makes it a failure is that it doesn’t fulfill the happiness intended for Mill, that is the happiness of all.

**Kant and The Categorical Imperative**

Like Mill, *Groundwork for the Metaphysics of Morals*, by Kant is an attempt to create a moral theory that all moral actions can be based on. All moral laws are pure in the sense they are not based on knowledge we come to ourselves as human beings but are *a priori* in the sense they are innate in us because we are rational beings. Although experience isn’t the sole creator of moral laws, it helps us understand moral laws so that we know when to apply them and when they are not needed. The necessity for creating a moral theory that guides moral laws is that without it, laws are susceptible to being corrupted without the means needed to ground them definitively. In order for an action taken to be morally good, it cannot agree simply with moral law but be done for the sake of the law. Without creating a means for a moral law to be done for its own sake, each action taken is dependent on the circumstance it finds itself in. If a moral law is subject to the circumstances it finds itself in, it is no longer pure.

Secondly, what separates his metaphysic of morals from that of philosophers such as Mill, is the morality of an action lies in its conception and not the consequences. What makes an action moral is that it comes from a sense of duty meaning that you not only will yourself to do it but everyone as well. Another way of understanding this is to do the good because it is good not because of what it can get you. An example of a moral law lying. If you say it’s okay to lie then it means you will everyone in the world to lie as well regardless of circumstance and it will be seen
as moral. In contrast if you say it's immoral to lie it should be because lying itself is bad not because there are bad consequences that happen if you lie. This is important because by removing it from circumstances that could arise either way, it becomes a pure moral law and not one that's based on certain interpretations.

The only thing that can be good in the world is the “goodwill.” Any other attributes, are simply their namesake, but cannot be qualified as good because there are certain circumstances that any attribute such as smarts, kindness, etc. cannot be seen as good. Anything that is constructed or identified in the word cannot be identified as good because it’s always subjected to man's experience of that thing thus making it susceptible to corruption. In terms of the goodwill, since it cannot be used for good or bad purposes, the goodwill is good in itself even if the results you intend for it to have aren’t good. An example is if someone tried to save someone’s life by not letting a car hit them but then another car comes along and kills the person. The good will of preserving one’s life was still done it simply wasn’t enough which is no fault to the person but was an ending that happened by chance. What makes the goodwill good is not what is caused by it but by its own virtue being that it’s good in itself.

Even though the goodwill is good in itself, it still has its own obligations. Every obligation the goodwill has are called duties. Each duty is bound to three propositions also known as the Three Categorical Imperatives. The first of these are that actions are genuinely good when they are undertaken for the sake of duty alone. Actions cannot be taken for a means to an end because Nature provides the means for us already which is to preserve human life. Whenever we try to act in a way that we create happiness we fail to be satisfied with the happiness we create. This is because we are trying to take into our hands something that cannot be physically created because it’s something that exists in the same realm as the goodwill. The more we try to create our own
happiness, the more we hate our own reason because we depend on it to provide the means necessary for us to control our world. Reasons purpose is not to help attain objects and attributes that are subject to our interpretation of them but to produce a will that can be used for other means but for the sake of itself.

The second proposition is “... an action done from duty derives its moral worth, not from the purpose which is to be attained by it, but from the maxim by which it is determined, and therefore does not depend on the realization of the object of the action, but merely on the principle of volition by which the action has taken place, without regard to any object of desire.” (Kant, 14) If you attempt to take an action from duty but the consequences from that action weren’t what you anticipated, it doesn’t change the morality of the action you considered. For instance, if I saw a person drowning and tried to save them for nothing more than because the good will compels me to do so, but I wasn’t successful in doing so, the morality of my action doesn’t change, I was just unable to save the person. Similar to the first proposition, all that matters in moral actions are that the person doing them does so because it is a priori and not from anything that may come from it.

The third proposition is “... Duty is the necessity of acting from respect for the law.” (Kant,14) Doing something based on instinct as opposed to reason are two important differences for Kant. Any organism, so long as it has to stay alive can act on instinct. If a lacrosse ball is coming towards me at 90mph, I'll instinctively try to stop the ball, not because I'm using some grand amount of my reason or moral law, but that I understand it causes me pain. However, not killing someone out of respect for the law means that I understand laws as something that exists outside of my or any other individuals' instinct and compels me to do the right thing because it is good in itself. Although he separates the wills obligations into three propositions, it doesn’t mean they’re not connected to each other. First, you have to the good in itself, you can only do this if
you do it for any other reason than for the fact it is good, which is the second proposition. Finally, if the laws are meant to signify the good and what is identified by the previous proposition then you would follow the laws because they are based on an idea of good that’s found in all of our reason, thus they are made for the benefit of society and cannot be corrupted.

**Autonomy and Free Will**

According to Kant, the will is a kind of causality belonging to living beings in so far, they are rational, and freedom would be this property of such causality that it can be efficient, independently of foreign causes determining it. That is to say “will” isn’t something that can be given nor can it be something that can be something that can be taken away. It being something we have is just a result of us being rational beings equipped with reason. The same goes for freedom. We are all freedom in the sense we are all rational beings equipped with the will. It isn’t something that can be taken or given to or from a rational being by a rational being. Kant defines this kind freedom negative in its conception because it’s not something we can control but is there whether we want it or not. However, what makes freedom beautiful is that it doesn’t answer to the will or reason but answers to a law that is above them both. This would be autonomy. Autonomy is the property of the will to be a law to itself. Without autonomy you cannot have a moral law because while it is true what makes laws moral is that it is good regardless of circumstance, that can only be true if every person is able to discern for themselves that this is the case.

From this we get Kant’s principle of morality which is “To act on no other maxim than that which can also have as an object itself as a universal law.” Because free will belongs to no one or nothing but itself, we cannot create any universal laws that would hinder this principle. Here, Kant is making the claim that free will and a will subject to moral laws are the same thing. This is to
say that freedom belongs to all beings in so much that they are rational. He realizes the problem with arguing morality comes from free will i.e.; freedom, can only hold true if we can also prove that all human beings are free. Experience isn’t the best way of doing this for the obvious reason that the world we live in sanctions freedom already. However, a way of proving this is having the assumption that a being really is free if it thinks of itself as free when it acts. Kant is using Descartes “I think, therefore I am.” and applying it to freedom. If a person thinks they are free then they are in fact free. Furthermore, the only way for reason to live up to its namesake is for it to not be controlled by things outside of itself.

Misconceptions of Reparations

The arguments made for reparations today are actually arguments for political and civil rights during the Reconstruction Era (1863-1877). In the days after the Civil War, the country was in shambles. While the North succeeded in bringing the South back into the Union, in doing so there left many unanswered questions, the most potent of this is “What to do with free people?” As much as the Civil War was about slavery as it was about State’s Rights, neither side expected for the slaves to actually become emancipated. Upon the issuing of the Emancipation Proclamation in 1863, while its freed slaves it included no definitive ways to protect their freedom and what they’re freedom looked like once the Civil War was over. During the war the question was able to be avoided because they were used as manual labor and later as soldiers themselves. Nevertheless, this was a temporary fix because once the war was finished and the country started to restructure itself, the question of freed slaves once again became the elephant in the room that needed to be answered.
When we speak of reparations, we do so by moving forward while looking back. We look at the racial injustices still prevalent in the various parts of the country and the inability of laws and social institutions to adequately solve these problems. We look at the conditions we are in now and realized if slavery hadn’t happened we wouldn’t be in the predicaments we are currently in. We look at the loss of history of our own cultures and most of our inabilities to trace our genealogies, how most of the country was built on our forced labor and look to the government to make amends for its injustices. Reparations in modern times are looked at as a way of atoning for an injustice and compensating for loses we as a people could never get back. Finally, we look at reparations as a way of making up for the fact that we dutifully use our political rights but we still have further to go. Reparations becomes the answer in modern times because we realize there is no amount of laws that can change the hearts and minds of its people, a mindset that was slowly but dutifully created over 200 years.

In contrast, in my opinion the Reconstruction Era wasn’t necessarily used to fix the injustices of slavery but to bring the country back together in the quickest way possible. The only way to do this was to answer the question of “what to do with the negro now that he is free?” For this there were two solutions, give them political and civil rights or create the social conditions necessary so that when the time came freed slaves would be able to confidently use their political rights. It was too big of a project to combine so much of the debate was about which was most important. This wasn’t only a debate within government but amongst abolitionists themselves. Clearly, political and civil rights were seen as the most important being that reparations were never given to freed slaves but it didn’t completely solve the problem of race relations between freed people and “freed” people. With this in mind it begs the question of if Reconstruction was a success or a failure?
Dubois: Dawn of Freedom

In his book, *The Souls of Black Folk*, W.E.B. Dubois provides an in-depth look at the Reconstruction Era, most specifically the Freedmen's Bureau and concludes Reconstruction wasn’t a complete failure but it wasn’t successful for reasons that were outside of its control. First, he turns to the Emancipation Proclamation. It isn’t that the proclamation was bad in its conception because slavery needed to end. What was bad about the Emancipation is that it left too many unanswered questions. It left no outline for how freedom was to look or how to care for the freed slaves after the Civil War. The North was too focused on removing an asset from the South that it left freedom for slaves incomplete.

This problem was shown greater in the creation of the Freedmen's Bureau post-Civil War which for Dubois is the true “Dawn of Freedom.” In essence, the Freedmen’s Bureau was the nation's attempt to grapple with vast problems of race and social condition. (DuBois, 7) The need for something like the Freedmen’s Bureau arose during the war when there were those that were unsuitable for military duty such as women, children, and the elderly. Pierce of Boston is credited with being the founder of what will be formerly known as the Freedmen’s Bureau in that he took the initiative of caring for freed slaves that were unable to serve in the military. Following this came the economic aspect of the Bureau by leasing plantations to work on and through this came miniature governments on the leased plantations because someone had to watch over the freed slaves. On the surface everything seemed to be working well except there were three classes forming the Conqueror, the Conquered, and the Negro. (DuBois, 9) This slowly forming but dangerous hierarchical structure of society post- Civil War, for the most part went unanswered but the consequence of ignorance forever impacted the Reconstruction Era and the Nation far after this era ended.
What hindered the Freedmen’s Bureau from having complete success is that it had to grapple with too many difficulties with not enough people within it to make sure everything was being done correctly. For the most part those involved in the Freedmen’s Bureau were officers in the Army. Realistically, they cannot fully devote their attention to the management of freed slaves while also trying to win a war to keep them free. Logistics aside, there was the looming question of what to do with the abandoned lands in the South. At first the obvious answer was to give the lands to freed slaves for justice, but post-Civil War, the South contested this idea saying that the lands, though they are abandoned are still private property and taking away private property was unconstitutional. Secondly, was the Bureau itself. How is it supposed to spread its reach throughout the Nation when the people they have are unqualified and primarily concerned with military responsibilities? Plus, there were people already in the South doing what they thought was necessary to help freed slaves, how then can they put in a new group of people without offending those who are already there? Finally, there was the problem of freed slaves and former master’s themselves. Freedom, for slaves meant freedom from work which you cannot allow to happen because the end of slavery did not mean cease working, but not having to work for free and by force. On the other hand, you had former slaves master who wanted to do everything in their power to recreate slavery in a different way, which you also cannot allow to happen. In sum, the Freedmen’s Bureau is a physical representation of the Reconstruction Era because both tried to solve problems that were beyond them and couldn’t be properly executed because they faced obstacles that neither was equipped to solve and with every improvement made opened another rabbit hole. Finally, both made great strides in trying to answer the negro question but without definitive plans in which to answers these questions adequately, they both fall short.
Chapter One: Douglass on Reconstruction

Frederick Douglass was a well-known abolitionist during the 19th century. Although from a strikingly different background, Douglass, much like Phillips stood apart from other abolitionists by his ability to articulate his words and speak in front of crowds. In particular, it was Douglass’ physical appearance that brought the attention of the crowds he spoke to. Born into slavery in 1818, Douglass spent his life’s work fighting for the civil rights and freedoms of freed slaves in addition to women. Like Phillips, Douglass’s journey to become an abolitionist began when he read Williams Lloyd Garrison’s newspaper *The Liberator* while working in Bedford, Massachusetts. After subscribing, he met Garrison and agreed to be a guest lecturer for the abolitionist movement, which is what he would spend his life doing. He too believed that the abolition of slavery wasn’t enough but that civil rights and the freedom of all humans as a collective was necessary. Thus, slavery, and its abolition wasn’t all that Douglass was focused on. For him, slavery was just one of many instances of refusing human freedom and rights were taken and which deserved immediate attention. Aside from his public speaking and writing skills, what made Douglass so influential during the Abolition Movement is that he gave the narrative of the slave. Everything his white counterparts were already saying suddenly became more real when he spoke. We will see on his speech on Reconstruction, Douglass takes ownership of this narrative and speaks as though he is every freed man in the United States when he’s making the case for voting rights for freed slaves.

What’s important about Douglass is the ways in which he used existing laws and traditional values to make an argument that freed slaves were now part of “the people”. In his writings and speeches, it is clear that Douglass is heavily influenced by Locke and Social Contract theory. In
Reconstruction, he goes beyond moral arguments about how slavery was simply wrong and points towards the Constitution and the Declaration of Independence, arguing that the framework for recognizing freed slaves’ political and civil rights isn’t something that needs to be made but already exists. Douglass begins by advocating for Universal Suffrage because he knows that’s the first accommodation needed for freed slaves to exercise their political rights and acquire more.

In his speech to Congress, titled Reconstruction, Douglass presents his political arguments for suffrage to be given uniformly to freed slaves. The first of these arguments is that voting rights is the only way to make the government consistent with itself. By having one half of the country able to vote and the other prevented from doing so, the government is only a representation of a particular group of people and not all of them. An infamous line from his speech is when he asserts “No republic is safe that tolerates a privileged class, or denies to any of its citizens equal rights and equal means to obtain them.” (Douglass, 1886) If the negro is intentionally excluded from participation in government they will rebel and there will be another war. To support this argument, Douglass looks to the Constitution which protects the rights of all its citizens regardless of color, and allegiance to any particular State. Secondly without the government being consistent with itself, the Nation would continually be at war with itself because the negro will continue to fight to be a part of government. His second argument for voting rights is that it’s the only way for Congress to show that the emancipation of slaves wasn’t used as a means to win the Civil War but because they really believed slaves deserved to be free and participate in government. His third argument for suffrage is that it will allow the government to gradually change to be a representation of what the people want and need. Douglass understands that it’s much easier to implement the Hobbesian idea of the state and put the South under one law, one rule of authority, and force them to accommodate the negro out of fear of the state. However, in doing so, Congress would be going
against its own principles and against the country’s definition of a republic. Continually Douglass recognizes that using the democratic solution by way of voting is a long process to a delicate situation. Regardless, of the time it takes for change to happen, there a certain beauty in the time it takes to make change happen. The beauty lies in the sincerity of the actions taken place. Would a Hobbesian approach be more effective, yes, but it’ll mean change happened solely because of the stronger man which would be the Union, where as if change happens democratically, no matter how slow, it’s actually showing the change of mindsets in the individuals of the nation, which is far more meaningful and powerful. In all, though the main focus of his argument is to tell Congress why giving voting rights to the freed slave is necessary, it is also a caution to Congress on the dangers of having an excluded class in a republic, which in this case would be freed slaves.

How Douglass’ Reconstruction speech differs from that of Wendell Phillips, who I’ll discuss in the next chapter is in three ways. The first is that Douglass isn’t arguing for reparations but political rights as a way to solve the problem of the negro. While reparations are important for atoning for the immoral act of slavery, having political are far more important than social conditions. The problem now is not that freed slaves don’t have a proper place to lay their head but that they cannot participate in government yet are subjected to the rules of it. Furthermore, in Douglass’ eyes, change by the people through voting is of greater worth than changed forced upon the country by its government. If by chance, reparations are something that comes to be voted on by the people and the majority agrees, that is more valuable than men sitting in Congress forcibly confiscating Southern lands to give to the negro. The second difference, between the two thinkers is how much faith Douglass has in the South and the people as a whole. He truly believes that through time the South will come to see slavery as immoral and that freed slaves have a place in society. On the contrary, it is this distrust of the redemption of the South that causes Phillips to
argue for reparations from the federal government. Finally, it can be assumed that Douglass feels the time it would take to give out reparations to every slave in the way Phillips describes would be equal to the amount needed to create political change. Reparations however great are in fact temporary. You can give land, voting rights, and education to freed slaves but what happens to their descendants? They are still left in a political system that continues to exclude them and doesn’t recognize them as actors in their own right, so what good the reparations actually do, except give them a temporary relief of their problems. In contrast, political change, however tedious, if done right changes the entire fabric of a nation given the right amount of time to let this happen. However, that change cannot happen if freed slaves are prohibited from voting.

State of the Country

As previously stated, Douglass first turns our attention to the state of the county at that particular moment. The legislative body [Congress] is being solicited from two sides, that of the abolitionist and the South. Although both sides are appealing to Congress for different reasons, both are trying to answer the question of what to do with the “negro” now that his is free? For the abolitionist, their agenda is clear, give them political and civil rights so that they can become agents of and for themselves, similar to Phillips’ autonomy argument in the following chapter. Most abolitionists believe the first step is to extend suffrage to all freed slaves. While there are those such as Phillips who believe monetary compensation should also be involved for unpaid labor, he still believes voting rights are a necessary first step to solving the problem of the freed negro. On the other hand, the South is trying to protect the dignity it has left. While there is discussion of dividing the land that was ravaged because of the Civil War and distributing that amongst the freed slaves, the South is pushing back because they believe the lands still belong to
them. In addition, they are trying to receive compensation for themselves. No matter how
distasteful it sounds, with the freedom of slaves, the Emancipation Proclamation took away an
integral part not only of their way of life but their culture as well. The compensation the South
wanted was for the loss of property as they see it. When Douglass is addressing Congress, he is
aware of these two opposing sides fighting to have their agenda implemented in Congress. In
Reconstruction, Douglass proposes voting rights as a solution to dealing with the state of the
country because it gives the most crucial thing to freed slaves which are political rights.

The Importance of War and Rebellion

The first part of understanding Douglass' political argument is understanding what his
opinion is of war and the rebellion, both as they stand apart of the Union and themselves separately
from it, we will begin with the latter. In my opinion, the threat of war and rebellion exists in the
Union in so much it is a republic. There will always be a group of people that feel on the outside
of their own government. It's extremely hard, if not impossible to completely meet the needs and
desires for every group in the country, but that doesn't mean we shouldn't try. For Douglass "War
begins when reason ends." (Reconstruction, 4) Here he is making a Lockean assumption about
human nature, first that we all have reason and that generally we are peaceful. If anything results
in physical conflict, it does so because we are no longer to use our natural born reason to properly
handle said situation. To me reason ending means that the conflict in discussion is something that
exists outside of us which is why our reason fails us. For Douglass, Rebellion isn't as bad as what
causes it. No matter the outcome rebellion severs as a teacher for both sides. In order for a rebellion
to take place, the rebels have to feel as though the only way for them to be heard. Generally, a
rebellion comes after repeated attempts from a particular group to be heard, in whatever capacity
to the larger group(s). This leads Douglass to make the point “Whatever may be tolerated in monarchical and despotic governments, no republic is safe that tolerates a privileged class, or denies to any of its citizens equal rights and equal means to obtain them.” (Reconstruction, 3) Douglass isn’t saying that rebellions are only found in republics, but that they’re most common in republics such as ours because it’s built on the idea that everyone is free and has an equal say in government. The minute a group or groups of people feel as though they are inferior they begin to rebel, to once again reclaim their sense of belonging. This is why Douglass doesn’t see rebellion as something that is wrong but something that is restorative because it only arises to restore something that was once lost.

War, as it is understood for the Civil War, has many implications both in causes and effects. For starters, despite claims to the contrary, the Civil War wasn’t fought over the abolition of slavery. If this was the case, the Union side would have thought of the aftermath of its abolition and have framed approaches to this problem in the rational ways. The war was a result of more than the economic advancement of the North over the South, it was about the South not feeling as though they were equal to those in the North. The fact there is a recognizable division between North and South that goes to Douglass’ point that lack of representation from any group is far worse than the actions taken to obtain their sense of belongingness. There is no way to definitively know whether Douglass would have endorsed the Confederate rebellion, it’s safe to assume he wouldn’t. However, Douglass would point out the fact a rebellion happened as result of these issues is something to learn from. Although, slavery was not directly the cause of the Civil War, it was every bit as important as the issue of States Rights, inevitably becoming something that needed to be addressed both because of pressure from the abolitionists as well as the slaves themselves.
Since, the decision of abolishing slavery was taken from the South, the risk of rebellion no longer comes from the South because they already lost the war but from the freed slaves themselves. What then could cause rebellion among the freed people? Isn’t freedom enough? For Douglass, and other abolitionists, freedom isn’t enough because freedom was something that should’ve been given a long time ago. If not freedom, Douglass believes not giving freed people the right to vote combined with the already accepted superiority of whites over slaves can open the door to rebellion. By giving rights you’re forcing the government to become consistent with itself. You do so by giving a group of people a voice they never had before, and that is to have a say in how the government operates. With all this in mind, I do not believe Douglass assumes extending suffrage to freed slaves would solve the problem of slavery right away. For even he acknowledges that slavery was allowed to exist outside of laws but as a culture independent from them. If laws made are both a reflection and guide of both society and culture, then extending suffrage becomes a way for freed slaves to be a part of reconstructing a new society and culture, one that represents them as freed people. If this through time can be achieved them the war becomes more than an event that divided the North and South and abolishes slavery, instead it becomes the catalyst needed to bring two opposing sides together. This differs from Phillips’s argument for reparations because he’s more concerned about repaying freed slaves for unpaid labor and the overall injustice of slavery. A reason for Phillips’s stance is that he believes the country belongs just as much to freed slaves as it does to the rest of the county. Using suffrage as way of reconstructing society isn’t effective as physically altering society which is what Phillips is an advocate for.
Constitution

An important part of Douglass’ argument is the emphasis he places on the Constitution. For him, the Constitution creates the ultimate justification for suffrage to be extended to freed people. For it “... knows no distinction between citizens on account of color. Neither does it now any difference between a citizen of a State and a citizen of the United States.” (Reconstruction, 7) Although the Civil War was to an extent about states versus federal rights, when it comes to protecting the rights and personal liberties of any group of people, the constitution protects and upholds that regardless of what caused the war. The Constitution, though made by white Americans wasn’t written simply for white Americans but for every man whether intentional or not. It was made for the people, by the people and the people cannot be compromised in the interests of states’ rights or to appease a certain group(s) of people. The importance of the role of the people as a collective is what makes the republic so important as well what threatens it. The republic is always in danger of one class gaining more power over the other and it’s up to the republic to prevent and stop this as often as possible.

How then does Douglass use the Constitution to justify his argument for extended suffrage? Most importantly where in the document does he pull his argument from? The answer to both of these questions lie in the Preamble. The beginning of the Constitution says “We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility... promote the general Welfare, and secure the Blessings of Liberty to ourselves... do ordain and establish this Constitution for the United States of America” (Preamble, Constitution) Beginning the document with an identification of the subject and orator as “the people” as opposed to a single or group of individuals, the writers of the Constitution linked the fate of the document to the concept of the People. If half of freed slaves are allowed to vote in government while another
half, who both can and want to vote are prohibited from voting, then the people as a collective aren't involved in government, making the government invalid. While it is true women didn’t have the right to vote, they weren't seen as factors for participation in government, not to mention Douglass also saw this injustice and after Reconstruction fought for women’s suffrage as well. The purpose of the people is to “form a more perfect Union. “is another way of creating a government that’s consistent with itself. A more perfect union is striving for perfection by making the government better than it was before. However, if there are people are not completely in government, then the government becomes subjected to itself, or to a subset of the people which is not recognized as legitimate.

This legitimacy, of the government for the people and by the people is one that Douglass claims the people demand. The end of slavery showed that merely passing a law isn’t enough to secure the freedoms and liberties of freed people. In “merely passing a law”, I’m not trying to diminish the importance of the Emancipation Proclamation. Instead, I am bringing attention to the fact the issuing of this law not only freed the slaves but gave them as well as the entire country another, arguably bigger question to grapple with without the proper means of answering it. Furthermore, a law cannot force people to behave a certain way, because they always have the freedom to not comply, even if there are consequences. Most importantly, the freed slaves not only want their freedoms and liberties to be secured by the Union but for them to be a part of the Union itself as a governing body. The only way for them to express this power is to have power to have power by ways of voting. Douglas also throws Congress a bone by saying up until this point there were understandable obstacles in their way. However, by the Radical Republicans being able to gain control of Congress, these excuses they once had i.e.; an unrelenting President are no longer applicable because they are now in the position to make the change they’ve been petitioning for.
The people Douglass is speaking for care not about the steps that are needed to restore the government back to its former glory but that the means of which is attained which is once again through suffrage. The people no longer want anarchy and fear for their lives but peace and there will be no peace unless everyone feels as though their voices are being heard, which is through suffrage.

The desire for peace ties into the Constitution's goal to have domestic tranquility. For starters no side wants to continue to fight. The South has already been defeated in the Civil War and as it stands are” exhausted, beaten, conquered, State governments ... overthrown, and the lives and property of the leaders of the Rebellion forfeited.” (Reconstruction, 5) Even if the South wanted another war they lack the leadership and the means to successfully have one. In terms of the North, they simply have no need and fighting another war with the South would defeat the purpose of the first Civil War, which was to reunite the country. Logistics aside, a country warring amongst itself, isn’t a sound country. In the same way, a country divided against itself cannot stand. Since no one creates a country in hopes that it falls steps must be taken to prevent this which begins with peace within itself. This is why Douglass proposes that Reconstruction begins by giving the South a clean state, and integrating them with a government that protects the life and liberties of all its citizens both black and white- a commitment that will ensure domestic tranquility.

Even if the preamble wasn’t enough to persuade the Radical Republicans, Douglass points out the citizens which the Constitution protects aren’t characterized. There is no reference to how a citizen looks like, only that they apart of the United States. There also is no distinction between a citizen of an individual state and one of the countries because the two are one and the same. Because of this there cannot be one part of the state that has rights that the other does not. If the Constitution doesn’t know any difference between citizens then, how can Congress which answers
to the Constitution agree to laws that does create these distinctions? There is no question that the freed slaves are in fact citizens and must be recognized as such in all states not just a few.

Federal Government

There’s really only one reason Douglass is appealing to federal government, specifically Congress, he wants to put the country in such a position that individuals such as himself no longer have to appeal to government on behalf of the collective but that the collective can become agents of themselves. This is what Douglass means when he claims that universal suffrage creates the means in which the government can be consistent with itself. All excuses, however valid before the Radical Republicans took ahold of Congress are no longer applicable because they are now in a position to create the change needed so that it doesn’t take a minor overthrow of government to give the people what they require. The notion of voting being a requirement and not a need is incredibly important to Douglas’ argument. Even though Douglass doesn’t clearly make the distinction between a need and a requirement, I believe the distinction is still there. Just because something is a need doesn’t necessarily give the agency responsible the ability to get it done as saying that something is required accomplishes. For example, a person may need to wake up early in order to get to work but the urgency isn’t necessarily there because it the need is simply between the person. However, something like distribution requirements in order to graduates creates agency because it’s no longer from yourself, for yourself, but another, outside party that has the means in which to hold you accountable. Making the people that accountable party helps Douglas argument in many ways. First, it strengthens his argument because instead of making his own argument as Phillips does, he’s making an argument by the people, for the people, reassuring the Congress that he is not alone in this issue and that if they won’t listen to him there will be people that come after
him to make sure their voices are heard. In relation to Wendell Phillips, it’s not that reparations aren’t on behalf of the people but that they’re appealing to a particular group of people and leaving no means to help the rest of the South. By singling out a particular group of people, even for good reasons, you risk the chance of causing the other group to rebel, regardless of how sound their reasons are. Secondly, by using the people plural, he’s using American ideals against Congress. This is especially crucial when he references the Constitution which I will discuss in the following section. Finally, there’s the question of why federal government and not leaving the decision up to the states. The answer to this question is that a republic cannot stand divided amongst itself. That is to say one part of the country cannot be given the right to vote while the other is unable to under the argument of State’s rights. By the country’s own rules, the rights of individual citizens are far more important than the collective right of the state which only exists because of the people in it.

Douglas also appeals to the federal government because if the slave important enough during the war, then they must also be important after the war is over. Towards the end of his speech he says “If with the negro was a success in war, and without him a failure, so in peace it will be found that the nation must fall or flourish with the negro.” (Reconstruction, 7) The federal government cannot pick and choose when it’s convenient for them to advocate for the rights of the negro. In the same vein, they cannot use the negro as means to an end to their benefit but as means in themselves.

Douglass recognizes the dilemma which he finds himself in by appealing to the federal government as opposed to leaving the decision of suffrage up to the States. By doing so, he’s minimizing states’ rights and increasing the rights of the federal government. The dilemma is by asking the federal government to give voting rights he’s preventing the States from deciding for themselves whether or not to give suffrage to freed slaves. It can be interpreted that Douglass is neglecting to take his own advice by forcing the federal government to make this decision, but that
is not the case. If there is a decision to be made between the rights of the individual and the rights of the state the rights of the individual must take precedent. The right of the individual must come before the State because the State is created to represent each individual person as one collective. If an individual or group of individuals are left out of representation, then State interest is nothing but the tyrannical wants and needs of the few. While it still remains the right of each state to protect its own interest, this is what creates the problem for Douglas. Although the South lost the war it doesn’t give the federal government the right to take away its autonomy, if their goal is to have the come back into the Union. However, in protecting its own interest inevitably means States will move in the best interests of the majority which doesn’t necessarily mean it’ll be what’s right for all individuals which ultimately is the right action to take. In my opinion what’s right isn’t always what most people want but that doesn’t mean it shouldn’t be done. It can be assumed that most of the South doesn’t want suffrage given to freed slaves but that doesn’t mean it shouldn’t be done. The South also wanted to continue slavery but the Emancipation Proclamation proved otherwise. Hence, when he appeals to the federal government, Douglass isn’t asking that it completely take control in providing rights because doing so would ultimately impede too much on State’s Rights creating a despotic tyranny. Instead he’s simply asking the federal government to provide a way in which the government (including States) are able to be consistent with itself and have uniformity. Douglass along with the rest of the country has no desire to change the character of government simply to make slight adjustments to it.

Although creating a despotic tyranny would undoubtedly be easier in securing rights for freed people, it’s not the American way. It would be nothing to “establish in the South one law, one government, one administration of justice, one condition to the exercise of the elective franchise, for all men of all races and colors alike.” (Reconstruction, 6) The South has already lost
the war and has no power to fight against complete federal occupation. However, it is not just to sacrifice the principles of a particular government in the interest of the individuals or group of individuals, in the same way it's not right to sacrifice the interest of the individual for that of another or group of people. In a sense, he's trying to use suffrage to create a middle ground between these two warring ideals. If the federal government were always to intervene, it wouldn't be making the government consistent with itself as much as it would be the government forcing will of a few on the majority. No matter how well-wishing the sentiment may be, it'll still be a form of tyranny because it didn't come directly from the people. What suffrage does is allow the people to reform the government in the way that best reflects who they are. Although it would be easier to force a change threw a slew of legislation, the changes wouldn't be genuine because the laws are imposing change rather having it happen gradually. While there is beauty in gradual change that change means nothing when there is a particular group or groups of people excluded from having a voice in that change and it's the purpose of federal government to ensure there is no particular group excluded from this. Furthermore, in the case of the South, if through the suffrage being extended to freed slaves, is able to create its own consistently, they will understand liberty for themselves and it will last longer.

Douglass's argument to extend suffrage to freed slaves shows that he values suffrage and gradual improvement over that of reparations. It's not that he feels reparations aren't helpful, it's that reparations won't definitively answer the question of the negro as suffrage can. Voting introduce freed slaves to Democracy and the value of being able to have a say in how their government functions, something they didn't have before. Furthermore, suffrage allows them to work for the country in a way that reciprocates back to them. The ability to vote on laws enables them to mold the country in the way they seem fit. In short, suffrage gives freed slaves something
they didn’t have before, a voice. Having the ability to make change happen, no matter the pace so more important than giving freed slaves a plot of land which is simply more of the same.

Conclusion

In Douglas’ writing it is important to understand the voice he’s speaking with when addressing Congress. Not once, in his speech does he use the term “I”, rather he only uses “We”, “The”, and “It”. This way of speaking makes his speech not only objective but adds a unique power to it. The importance of his speech being objective is that it takes emotion out of what Douglass is arguing for and makes it more of a common-sense argument. His political argument takes the position of, if you want political stability, then you’ll extend suffrage to all freed slaves. While it may have been impactful to make the moral argument that suffrage is the least accommodation for what the injustice of slavery, by Reconstruction an if-then argument, Douglass is basically saying his previous speeches and writings are enough to make the immoral case for slavery, Congress has all the information they need to come to the right decision and that for Douglass is suffrage.

In his speech, Douglass realizes what he’s asking Congress to do isn’t easy. He’s asking Congress to allow suffrage to become the way for government to become consistent with itself. He’s asking Congress to once again give power to the people (all of the people) and allow the country to gradually reconfigure itself rather than force the country to be what they want it to be. Would it be easier to take the Hobbesian approach and put the South completely under federal with one law and government to rule them? Would it be easier to have the South simply fear the North, yes, but that’s not sustainable nor is it the way the United States governs itself? What’s easy is not always right, because if the goal is to reintegrate the South then forcing them under one rule will cause the South to hold a grudge against the North and that wouldn’t promote domestic
tranquility. However difficult Congress' task may be, that doesn't mean the task doesn't need to be done. If political rights aren't secured for freed slaves it would be no one's fault but the Radical Republicans. If they consider themselves radical then they need to enact radical, rational change which is what the people demand.

However objective his argument may be, Douglas doesn't neglect the view of the freed slave in his speech. He says "... it is no fault of his that in peace as in war, that in conquering Rebel armies as in reconstructing the rebellious States, the right of the negro is the true solution of our national troubles." (Reconstruction, 6) This once again references the cause of the civil war. While it may be true that the civil war was about states' rights, it was also a great deal about the right of the negro, which later becomes the negro question. Though it may seem the problem is simply freed slaves themselves, the solution is really quite simple, and that is to give them rights. The lack of rights is not fault of the freed slave but that of the federal government and states as a collective, so to place the blame on freed slaves is nothing short of cowardly.

The second argument he makes is not one directly from the freed slave but on behalf of them. The federal government cannot pick and choose when to acknowledge the freed slaves and when to leave the states to their own devices when it comes to what to do with them. As Douglass says "If the Negro was success in war, and without him a failure, so in peace ... the nation must fall or flourish with the negro." (Reconstruction, 7) Even if Congress tries to acknowledge freed slaves when it's convenient for them, the slaves themselves will push the issue themselves as they've done before.

In sum, Douglas' speech is more than arguing for the importance of universal suffrage for freed slaves. It's a caution to the dangers of an excluded class in a republic. As he says in his speech, the problem is not war or rebellion, for they are simply trying to rectify a problem that
cannot be solved through reason. The problem is what causes rebellions and wars in first place, which more commonly than is because a group or groups of people feel excluded from the majority. Douglas speech to Congress is providing a warning of focusing too much on the reintegration of the South at the expense of the freed slaves. For no matter how much closer the North and South are to uniting, there will always be the ever-looming threat of rebellion from a new group, namely the freed people. The way to prevent this is to this them the voice they're asking which is voting rights so that the can participate in government.

Douglass and Utilitarianism

Douglass’ Reconstruction speech was presented to Congress four years after Phillips’ speech and has striking differences in terms of political arguments. For starters, Douglass doesn’t argue for reparations but for universal suffrage four years before the 15th Amendment was ratified. As a refresher, Douglass’ argument for universal suffrage is that by extending rights to all freed slaves, it becomes a way for the government to become consistent with itself, by having the government become a reflection of the people in it and not imposing a moral code for its people to live by. In making the rise or fall of the country dependent on the rights of the freed person he’s making a similar argument for stability as Phillips but forces the two to be tied to each other whereas Phillips makes political stability a positive result of reparations. Theoretically, with Phillip’s argument for reparations promoting stability it is promoting the stability of one side while resolving the other of any other actions ensuring freedmen have a secured place in government. In contrast, Douglass is arguing stability isn’t just social conditions for the freedmen to prosper but that the freedmen himself has to feel they are complete apart and in control of something they
weren’t previously. Without this mindset, reparations wouldn’t do as much as Phillips intends for it to do.

What connects Douglass’ political argument with Mill's *Utilitarianism* is that it utilizes The Greatest Happiness and Utility Principles but in different ways. Through suffrage, which would be the action it would lead to the government being more consistent with itself, leading to political stability which creates the greatest amount of happiness for the country, both for freed people and government as a whole. For Phillips, political stability leads to the greatest amount of happiness because it’ll end war and that’s that. In contrast, for Douglass political stability produces the greatest amount of happiness because it addresses the cause of war and rebellion which for him is of more importance than addressing the war itself. Using the Greatest Happiness Principle to address the cause of war and rebellion and not simply the effects are more useful because the action remains good so long as war, in this case civil war doesn’t happen.

The careful wording Douglass uses to make his political argument is what helps Mill's *Utilitarianism* become a justification for it. The result Douglass wanted from universal suffrage was that it would allow the government to become more consistent with itself by means of the people. By the sheer fact that another Civil War has not broken out and that as government and Nation we are much closer to resembling the people it governs, however imperfect makes his action morally stable because the results are not only what he wanted but created the greatest amount of good for the country as a whole.
Douglass and Deontology

Douglass’ argument for civil rights is more political than moral, but the moral element is still there. In his *Reconstruction* speech, Douglass says “If with the negro was success in war, and without him a failure, so in peace it will be that the nation must fall or flourish with the negro.” Douglas is arguing that the federal government cannot treat freed slaves as a means to an end which is what they would be doing if suffrage isn’t extended to freed slaves. As with Phillips, Douglass is also using the Ends in themselves Principle to make the moral argument for voting rights. By allowing them to vote, Congress is acknowledging freed slaves aren’t useful to win wars, but are useful in so much as they have reason and are able to act according to their own desires both to benefit themselves and for the benefit of society.

How this strengthens Douglass political argument is that he already believes that freed slaves are already means in themselves and think voting rights becomes the way to legitimize that autonomy on a federal level. In not giving voting rights to freed slaves, Congress isn’t acting in accordance with the Golden Rule. This rule is to act according to the maxim that you would wish all rational people to follow, as if it were a universal law. Let’s imagine if every group of people were used as ways to win wars but are excluded from government in that country. No one would like that and eventually there will be anarchy because every group is only being used for it can benefit a country and not because they are recognized as agents themselves. Another way of illustrating his point is to imagine two groups of doctors in competition to see who would cure allergies. Let’s suppose Group A recruited two scientists from an unknown school to help them cure allergies which they do but leave the two scientists out of their research paper. However, they know that without those two scientists’ help they wouldn’t have been able to cure allergies. By intentionally leaving them off their research paper, Group A treated the two scientists as means
not ends. They are means in the fact they were only recruited because Group A knew they would be able to help them cure allergies before Group B did getting them fame. But if they were treated as ends in themselves, they would’ve been included in their research paper because they are valued for more than their ability to help win a contest but as scientists in their own rights, regardless of whether or not they won the competition.

This same logic would hold true for voting rights as well. Without voting rights Congress is saying that the only benefit the negroes has is in relation to other endeavors for the countries gain and not for themselves as rational beings. Without voting rights, the country is telling the negro you’re only free as far as you can get me want I desire, but not beyond that. Douglass’ argument is that not only is that a false statement, as Kant would agree, but that the countries own laws treats people as ends and not means. If the negro continues to be used as means and not end then they will press the issue until either they are granted their own autonomy or until the country collapses.

Arguably the best Kantian defense of Douglass’ argument for political rights is that he leans on the Constitution to defend his argument for voting rights. In his speech he says “... the Constitution of the United States knows no distinction between citizens on account of color.” This directly relates to Kantians idea of what laws are and what makes people follow them. Laws are the imperative of reason that transcends all other concerns and interests. By the Constitution not having any restrictions on any physical attribute, it has already given Congress the legitimation needed to give suffrage to all freed slaves. This is why Douglass points out that it would be no one’s fault but the Radical Republicans own if suffrage isn’t granted because they already have the moral law it needs to give voting rights. All that’s required is that they follow it. If, as I say early on in this section that the three categorical imperatives are connected to each other, then extending voting rights to freed slaves is from duty, and that duty can be found in the Constitution.
As for the second imperative, it matters not what happens after suffrage is given only that it is in fact given because that is where the moral action is required from Congress that it gave to itself.

Chapter Two: Wendell Phillips and The Negros Claim

Wendell Phillips was an Abolitionist during the early and mid-19th century. What made him important as an Abolitionist was the ways in which he could entice the crowd through his words. The passion with which his speeches engaged those he spoke to became the catalyst to the Abolitionist movement. Phillips’ first ambition was to become a lawyer, but upon meeting fellow abolitionist Williams Lloyd Garrison, Phillips then turned his attention to lecturing for anti-slavery societies. His main mode of communicating his ideas was through writings in Garrison’s, and the indirect route of donating his money to the Abolitionist Movement. Phillip’s an abolitionist but he was also a reformer. He sought not only to abolish slavery but change the way the United States viewed itself as a just society in allowing slavery to be legalized in the first place. Alongside Garrison, Phillips did not attribute the abolition of slavery in conjunction with political action. In holding this viewpoint, both Phillips and Garrison criticized the federal government once again for compromising the beliefs of the nation by allowing slavery to continue. Furthermore, Phillip’s was against reuniting the South with the Union in the North because former still wanted slavery. These interests meant Phillips not only was involved with the groundwork of abolition by writing pieces for The Liberator and giving speeches, but he was also involved in the broader political sphere as well. An example of this is Phillips criticizing President Lincoln for taking so long to end slavery from the beginning of the war. Once the Emancipation Proclamation was given January 1st, 1863, Phillips then focused his attention on securing full civil liberties for freed slaves.
As a concept, reparations were not unique in the abolition of slavery. During the Antebellum Period there were discussions surrounding reparations for slave owners for the loss of their slaves in the event of emancipation. At the time slaves were not seen as people but as property, thus the conversations surrounding this issue were concerned with how to compensate for the loss of property. Such a line of thought was evident in The District of Columbia Compensated Emancipation Act of 1861, which abolished slavery in Washington D.C. but also compensated its slaves' owners for doing so. The Compensation Act was passed nine months before the Emancipation Proclamation and allocated $1 million to slave owners in Washington D.C. who were allowed to receive up to $300 per slave. Calculated today's dollar, that was $8,560.46 per slave. In addition, $100,000 was set aside to give each slave $100 (today: $2,785.45) if they agreed to move out of the United States to Haiti or Liberia.

To secure civil liberties (i.e. civil and political rights) for freed slaves, Phillips used the main sentiments of the Anti-Slavery Movement and took it a step further in making a remarkable and multi-layered call for reparations. The theme of the Anti-Slavery Movement argued “six-sevenths of this Nation have robbed the other seventh for two hundred years.” (Finkbine, 105) Through the institutionalization and legalization of slavery the Nation accumulated a debt so massive that, according to Phillips freedom was “only an installment of the debt we owe the Negro” (Finkbine, 105) The argument that freedom is simply an installment rests on the assumption of three things: the first being that the government has an obligation to the people its wronged. The second is the assumption that slavery itself is wrong. Finally, the third premise would be the assumption that the institution and legalization of slavery within a government is wrong. If you take these three premises to be true, then you will conclude as Phillips does that the Nation has an obligation to freedmen because it has wronged them in the institution and
legalization of slavery. The way Phillips reasons that the Nation should atone for its injustice is in the form of reparations.

In an article in the *National Anti-Slavery Standard*, “Negro’s Claim” Wendell Phillips boldly advances and defends his claim that “the nation must compensate slaves for their injury and unrequited toil.” (Finkbine, 106) In writing this article, Phillips’ purpose was to offer a proposal for giving loans to freed slaves so they will have the ability to buy and live on their own land. While on the surface it seems, Phillips is simply making an economic argument based on his view on the nations “Great Debt” to freed slaves in addition to simple practicality; underlying this is an often overlooked political as well and moral justification for reparations to freed slaves.

Starting from the stance that not only was slavery wrong but that the only way to reconcile such an act is to provide compensation from it, he attempts to make a case that reparations, in the form of monetary compensation are necessary. Thus, as he outlines clearly in the “Negro’s Claim” “Every Negro family can justly claim forty acres of land, one year’s support, a furnished cottage, a mule and farm tools, and free schools for life.” (Finkenbine, 116)

Like Douglass, Phillip’s is also answering the question of “What to do with freed people?” His response to this is for the government to give out reparations to atone for the injustices of slavery as opposed to civil rights which Douglass advocates for. While Douglass’ political argument is primarily concerned with how the country looks both for white Americans and freedmen, Phillip’s is looking back at the injustice done to freedmen by having slavery in the first place, hence the different arguments on what to do with freed people. It isn’t that Phillip’s is against voting rights, it’s that he believes it’s absurd to think giving freedmen the right to vote will magically fix what a cultural and political attitude created since the founding of the country. Phillip’s is not saying reparations will change this overnight but at the very least it will strip
freedmen from depending on their former slave masters. Second, Phillip’s believes we cannot neglect addressing the clear injustice/ immorality of slavery in the name of political stability. Bringing the country back together is not the same as being a just country which is what Phillips is trying to use reparations to bring us back to. In addition, voting rights does little if anything to address or fix the two hundred years of free labor free men did to build the country. Finally, what separates Phillip’s from Douglass is that he doesn’t have as much faith in the South as it seems Douglass has. In Phillips view, the South should be seen as oppressors to the Negros freedom not as people that simply need to be shown the right way or what justice is. Accordingly, allowing for gradual change is fine, but what happens to the social conditions of the freedmen in the time it takes for them to vote in the change they need? I believe the answer that Phillip would give is that not only will their social conditions rot, but the neglect of freeing them from dependency on their former slave owners would become the very thing that prohibits them from using their voting rights to the extent Douglass wants them to.

In understanding his political argument it’s important to understand the political nature of the claim that Phillips is advancing. The initial freeing of slaves was not seen as a form of justice for Phillips. Chattel slavery was an obviously immoral action and the Emancipation did what was just but simply reversed an action that shouldn't have happened to begin with. For Phillips, reparations are a way in which the federal government can “... assume the virtue of justice if we have it not.” (Finkenbine, 116) What Phillips is arguing is that if slavery is immoral as I outline in premise one, then by its participation in slavery, the Nation has lost the mantle of justice it once considered itself to have. In turn, reparations become a way to regain something that the Nation had once lost. Phillips supports this claim by arguing that if the Republicans in Congress simply gave universal suffrage without providing for some sort of reparations, they would do nothing but
pretend to have justice because at the end of the day universal suffrage is nothing but words that mean nothing without the means in which to use them.

Although it seems as though suffrage is against suffrage, he’s quite the opposite. Phillip’s problem with voting rights is that it doesn't do anything to effectively sever the tie between slave and master, especially in the South. Land reparations is a way of ensuring that freed slaves can exercise independence from former slave masters for employment and a place to live. From the perspective granted to us by a century and more it seems that the concerns of Phillips are making are valid and well-grounded. However, our point of view is due to the current Nation being a result of these discussions during Reconstruction. In contrast, at the time of Phillip’s writing the points he makes weren't easily accepted, even by abolitionists themselves.

Phillip’s argument for land reparations to the Radical Republican was an appeal for them to be more radical than they already were. Imagine this: A country that has practiced slavery since the beginning of its foundations not only abolishes it, but said that its practice was immoral. Then on top of this, the very same group of people who were once seen as property are now called people and citizens of the State. To put the icing on the cake, these “newfound” citizens are now given the opportunity to vote and participate in government. This was already radical in that it completely redefined who the people are in government as well as completely upending the primary economic livelihood of the entire South as well. Then imagine how the Radical Republicans felt when Phillips makes this big speech saying that what they’re doing isn’t enough? Phillips had to take the position of a great moral wrong in order to prove his point of land reparations.

Because this speech is for the Radical Republicans for the most part Phillips is setting aside his personal beliefs of the practice of slavery, and emphasizes the overall utility if providing reparations. He’s taking something that, for him personally should be understood as a moral wrong,
and creating a common-sense argument to the effect that providing reparations could have a positive impact on the Nation as a whole in addition to helping former slaves. Nonetheless, his argument for reparations gives rise to two important considerations that begin to shape a political worldview related to reparations. The first is who should be responsible for providing these reparations? The second is how should such reparations be delivered? Phillips answers these questions with “the Nation” and “through economic intervention” respectively. But in doing so, he is required to define and justify those answers in ways that lead him to political conclusions about the nature of the Nation and the federal government’s capacity to intervene in State economies. In the following section, I will sketch out the paths that Phillips follows in each of these regards. Guiding each one is a strong articulation of the need to ensure the autonomy of the freedmen if Reconstruction is to succeed.

**Political Issues**

Once the idea that reparations are due to freedmen is accepted, secondary questions then emerge of how the proposed reparations are to be carried out and perhaps most importantly, WHO is to be responsible for them. Phillips believes reparations should be administered by the federal government for two reasons: the first is that the government has an obligation to the people its wronged, the second being that the States lack the ability to and given their history, would not give reparations to freed slaves. Having the federal government hold the burden of reparations helps the country seem virtuous, even though by Phillips’ account it is not. From Philip's perspective, the fact slavery was not only practiced but given legal recognition, shows that the country is unjust. This is why Phillips makes an argument to “assume the virtue of justice, even if we have it not.” (Finkenbine, 114) As we will see, making an argument for federal intervention inherently is an
argument against Laissez-faire economics. The justification of this argument depends on whether
or not you agree with the premises Phillips gives in relation to the State’s guilt in the institution of
slavery as well as the impact reparations are to have with its enactment. Below is how Phillip’s
argument functions as a defense of the idea of reparations he has above.

P1: Slavery is immoral
P2: The Nation is responsible got the institution of slavery
P3: The Nation has an obligation to right a wrong it has done to its citizens
P4: Freed slaves are citizens.

In making the Nation responsible for slavery (p2)-and the reparations for it (P3)- Phillips
develops a nuanced understanding of what the Nation is. In order to understand Phillips’ argument,
one must understand who or what the Nation is to him. The Nation functions both as a physical
representation of the country and also “the Nation” with the exclusion of the South. When he
speaks of the immorality of slavery, he used the first interpretation placing the burden on the North
and South alike. The passage of the Emancipation Proclamation not only gave freedom to slaves
but also placed a burden on the government to protect the freedom of said individuals. Within the
Proclamation Lincoln commands the Executive and military parts of governments to recognize
and protect the freedom of freed people so that they can “make for their actual freedom.”
(Proclamation, 1863) Thus, the Nation to Phillips is the protector of the freed people and their
freedoms. It must go beyond merely granting freedom to rectifying the horrors of slavery. If you
take Phillips’ second premise to be true then it can be seen how such a weight should be placed on
the Nation as a whole including the North and the South. Although, the South was the site in which
the legalization of slavery was rooted, the North wasn’t innocent either. Phillips doesn’t turn a
blind eye to the North’s role in the legalization of slavery even before the Civil War. Hence,
Phillips charges the country as a whole with the immorality of slavery.
The second way Phillips understands Nation is the area that remained loyal to the Union. After the Civil War, Phillips didn’t consider the South apart of the country yet. As a result, when he talks about giving independence as well as freedom to freed slaves he means so in relation to the South. Throughout the Negro’s Claim, Phillips warns multiple time of the dangers of having freed slaves be dependent on the South for their well-being and safety. Something that seems so obvious from the modern perspective was not so apparent to the Radical Republicans in Congress. This is why Phillips leniently warned the Republicans in Congress about the dangers of being fully dependent on Universal Suffrage to solve the Post-Civil War problems in the South. By appealing to federal government to take the lead in protecting the freedoms and rights, Phillips indicated that he did not believe that individual states could be tasked with this themselves. This is especially true for the Southern States. How can we reasonably expect States who, if it were up to them would continue the institution and to practice slavery to then acknowledge and protect the rights of those who were once their slaves? For Phillips, the answer is that we cannot reasonably expect such a thing to happen and in truth it will not. Hence the burden is placed on the federal government.

The duality of what or who constitutes the Nation shows an interesting conception Phillips has on where power should be placed within the United States government. Although not explicitly said, it can be inferred Phillips is Pro-Federal Intervention while neutral on States’ Rights. Although it’s hard to conclude where his argument leads in terms of States Rights, it is well within reason to assume that if he had to choose between protecting States’ rights and protecting the rights and freedoms of freed people, he would choose the later. Furthermore, whether this preference for federal Rights would apply to any given situation remains unclear, although with regard to the issue of slavery, Phillips makes it clear the power to address such an issue should rest in the federal government. It is his second premise “The Nation is responsible for the institution of slavery” (P2)
that validates him wanting federal intervention over States Rights. Another way of understanding this is through Phillip’s understanding of the relationship between state and federal government. This I take to be a paternal one in the sense that the Federal government sets the standard to which the States agree to and order themselves accordingly. While the States still have a significant degree of autonomy over themselves, they still do so with accordance to the example the federal government gives to them.

The conceptualization of the Nation provides a basis for Phillip’s further thinking on the topic of reparations. On the basis of this relationship between State and Federal government, premises one and two might be combined. If you believe slavery is immoral and that the Nation is responsible for the institution of slavery then you will agree with Phillips that the burden of protecting the rights and freedoms of freed slaves’ rests, mostly on the Federal government. However, there is still something missing from the two assumptions, something that cannot be answered with the social contract ideal that the government has an obligation to its people. This calls for a subsection to one of the beginning premises. If we assume slavery is immoral and the Nation is responsible for the institution of slavery, we are assuming something about the relationship between morality and the Nation. We’re assuming the Nation has some say about the morality of itself, thus, if at any point, that morality should change (negating consequences) the Nation as a whole is responsible for reconstituting itself accordingly. Consequently, premise one requires a subsection in order for it to justify premise two. If slavery is immoral, then the subsection would be: “The Nation constituting any group of people holds the moral standard to which its society is upheld to.” With this addition the argument go as follows:

P1: Slavery is immoral
P1a. The Nation constituting any group of people holds the moral standard to which its society is upheld to.
The Nation is responsible for the institution of slavery
The Nation has an obligation to right a wrong it has done to its people
Freed slaves are citizens

However, this still leaves the question of how federal intervention in the protecting and securing the rights of freed slaves is somehow more useful than simply leaving the charge to the individual states themselves. With the addition of the sub-premise to premise one, the States cannot be made responsible to correct an immoral wrong. The Nation, though it seems to be something abstract and removed from the immediate eye, is far from that, at least for Phillips. The Nation, in this instance, represents both the North and the South as both played a role in slavery, even if the North got rid of it first. It would be unfair for Phillips to hold one section of the country responsible for an action that took both sides to make. Thus, like a parent responsible for teaching their children right and wrong, and having to take responsibility for any error in their teaching the Nation (North and South) have to take responsibility for the actions each State takes individually. In turn, by having the burden of reparations rest on the Nation, Phillips is urging the country as collective unit to provide justice to the harms of slavery in the form of reparations.

Federal Economic Intervention

The second part of Phillips' argument is that against Laissez-faire economics. Laissez-faire economics rests on a belief that an economic system functions better without regulation from the government. If you leave the market to do its own thing, supply and demand will govern itself thus regulating the prices and needs of goods and services. The attraction of Laissez-faire is that it favors the interest of the individual and competition. Although, the individual is most important in this theory, the government is not completely excluded. Its only role is to prevent coercion against
individuals. Examples of this include theft, fraud, and monopolies. If these kinds of coercions exist, they interfere with the market system greatly and can even prevent the market from working.

During the Civil War, the North’s economy soared while the Southern economy understandably declined. The Republicans in Congress needed to find a way to create an economy in the South now that slavery cannot be used as a way to stimulate economic growth. While they thought a free-market economy would be the right answer to continue economic growth in the North as well as create economic sustainability in the South, Phillips’ idea of federal intervention would mean an economic system that advocates against federal intervention except in extreme cases couldn’t co-exist. Phillip’s problem wasn’t with laissez-faire itself, but federal intervention is needed for freed slaves before leaving the market to regulate itself. As with the earlier discussion, we can separate Phillip’s arguments against Laissez-faire into premises.

P1: Freed slaves need their own land in order to become independent from their former slave owners.
P2: The South will not readily give land to freed slaves
P3: If land needs to be given to freed slaves, then the federal government should be in charge of its allocation

This leads to a conclusion that Laissez-faire economics cannot work while the freed slaves are still dependent.

First, let’s break down the first premise, “Freed slaves need their own land in order to become independent from their slave owners.” The reason Phillips believes land is necessary is because it’s the ultimate separator between slave and master. If they are simply given freedom but no means to provide for themselves, the freed slaves will turn back to what is most familiar to them, which is their former slave masters. If this happens then the problem of slavery arises once again just in a different form. This new form would become a false freedom. On paper, they are free but in reality, they are completely dependent on their former masters to live. This would
recreate the racial power structure the Emancipation Proclamation was supposed to fix. While Phillips believes the Emancipation Proclamation was only made because of the pressure put on Abraham Lincoln, the charge to the federal government to protect and acknowledge the rights given to freed slaves doesn’t lose its meaning. Without land, freed people would still be dependent on their former masters for their well-being and Phillips wants to eliminate that. If there was anything the end of slavery taught was the power in having property within yourself and this is what Phillips is advocates for. If slaves have their own property, then they have autonomy within themselves, giving them the ability to fully participate in the freedoms given to them.

Premise two states that “The South will not readily give land to freed slaves.” Phillips says not only does the South not have the money to lend to freed slaves, they wouldn’t if they did have it to lend. The South at this moment is dealing with two losses, one of losing the war and having the rejoin the Union, and second with the loss of an important part of their economy. No sooner will they recognize freed slaves as people and not property than they will give them property of their own. Phillips believes the South didn’t want to end slavery because they were afraid that fair competition between the two races might prove slaves superior because they know how to do the work slave masters do not. Although this analysis is feasible, there is another reason why the South wouldn’t give land to freedmen. While the government legalized slavery, slavery was also a culture that existed in a way that couldn’t be legalized by the government in anyway. Abolition not only ended the slavery of people, but also a particular way of obtaining property now suddenly deemed immoral. If property is connected to wealth and wealth is what’s needed to live, then, abolishing slavery could be understood as preventing more than half of the country’s population from their natural right to pursue “life, liberty, and the pursuit of happiness.” Why then would the South agree
to give land to the very people they see as the reason for the problems they currently have? The answer is that they wouldn’t.

With these two premises in mind, we arrive at my third premise for Phillips’ argument which is if land needs to be given to the freed slaves, then the federal government should be in charge of its allocation. The “if” part of this argument is already made valid because the Nation recognizes the importance of providing land for freed slaves. This recognition is what he uses to begin his claim for land reparations in the first place. This again goes back to universal suffrage given to freed slaves by the Radical Republicans. For Phillips, there needs to be a provision made by federal government to give slaves the ability to use the freedoms they have been given. This understanding of the role of government is what creates his argument against Laissez-faire economics.

In the beginning of this section I defined what Laissez-faire economics is and the government role within its system. While the Radical Republicans were all in agreement that freed slaves needed money and land in order to be able to exercise their political and civil rights, they disagreed on where the money should be borrowed from. The problem Phillips recognizes with Laissez-faire economics is that it rests on the “Root, Hog, or Die” rule. Root, Hog, or Die was an idiom that described a practice in the beginning colonial period where settlers would leave pigs in the wild to care for themselves. The purpose of this saying was to advocate for self-reliance. This way of thinking is what came before what we know as “Pulling yourself Up by the Bootstraps.” Both sayings express the importance of self-reliance and perseverance, the main point of this rule is that it believes “… the powers of the race are best developed by leaving men to grapple with difficulties.” (Finkenbine, 115) What this means is if you leave people to deal with problems and overcome difficulties themselves, then the superior being (or race) would emerge
naturally. The idea of letting people overcome difficulties by themselves is not what Phillips is disputing. He does believe, that being able to overcome obstacles by yourself is what makes you stronger rather than having someone or something else fix everything for you. His problem however, is that most people don’t see that there are exceptions to even the most natural laws. In this context, Phillips is calling out Radical Republicans who he also refers to as Grad grinds, for not only seeing that there are exceptions to certain natural laws and that the case to which he is presenting to them, slavery is such an exception. In fact, Phillips believes that those who do not believe in exceptions to natural laws are most dangerous.

What makes slavery an exception to Root, Hog, or Die? The exception is that slavery is not something that is natural, at least in the way that it was practiced in the United States. How then can you apply a natural rule to something that is unnatural in itself? The answer for Phillips is obviously that you cannot, which is why he’s against laissez-faire economics. What the Radical Republicans in Congress are trying to fix is something that is no way the fault of the freed slave.

In sum, Phillip’s call for federal economic intervention for three reasons. First, the State’s don’t have the economic ability to give reparations because they’re recovering from the war. Second, even if State’s (most specifically the South) were able to give economic reparations they wouldn’t do so. Although the South has lost the war, in no way have they relinquished their attachment to slavery and will continually find ways to recreate slavery in different ways. Finally, Phillip’s argues that the economic plight of freed slaves is not their fault but that of the country. Hence, although, Laissez-faire economics encourages the “Root, Hog, or Die Rule, freedmen become an exception to that rule because there is nothing they could’ve done differently to change the circumstances they are currently in, but that the government bears the guilt.
Wendell Phillips and Utilitarianism

In Phillip’s political argument he’s defending reparations on three grounds, political and economic stability, and autonomous individuals. First, we will see if Mill’s utility and greatest happiness principle is enough to justify Phillips political argument. As a recap, Mill argues that actions are only good insomuch as they tend to promote happiness and wrong as they tend to produce the reverse of happiness such as pain. The utility principle supports happiness by asserting that the only actions seen as useful are those that promote the greatest amount of happiness. The utilitarian measurement for happiness is not the individuals own happiness but the greatest amount of happiness for all those involved. The measurement of utility isn’t only the pursuit of happiness but the prevention of unhappiness. If you think that happiness is something that is pleasurable then happiness becomes unattainable because pleasure only exists in moments. However, if you imagine happiness as something with few moments of pain and many moments of pleasure, something that’s active and not passive then the happiness Mill talks about becomes something within our grasp.

Phillip’s political stability argument for reparations is in order to heal the nation, freed people need to be able to participate in government. It’s important to understand Phillips isn’t against voting rights but believes there needs to be something put in place so that freed people are able to utilize their rights. The purpose of land reparations is to create a tangible separation between slave and master in order for freed people to feel confident in using their rights as they see fit.

A possible justification of Phillip’s political stability argument is where the standard of morality is placed for Mill. The moral aspect is simply in the consequences of an action taken, and whether or not it provides the most utility. The moral question is (1) if the action fails to accomplish what was expected but still maximizes utility and (2) if what was accomplished provides useful to
the overall happiness of society. If the answer to both of these answers are yes, then the action taken is seen as moral. How this helps Phillip’s argument is it doesn’t require an understanding that slavery was wrong and providing reparations becomes a way of atoning for the immorality of slavery. You can think slavery is completely moral but agree that reparations are necessary for the overall happiness or in this case peace for the country. In turn, all reparations have to do is become useful to heal the nations for Mill to see the action as moral. However, if reparations do nothing to help the nation by freed slaves using their political rights freely, then although the gesture is well-received, it wouldn’t be moral.

This philosophical justification for economic reparations requires nothing on the side of Radical Republicans except to take Phillip at his word that reparations are in fact useful to them. Remember, Mill’s argument for utility is also that all actions taken are for some reason, one of which is simply human dignity. No action will be taken that will intentionally cause any person to sink below their own existence. The question to ask now is if reparations decreases the dignity of any party involved. The two parties involved are the freed people and the government. As long as government is seen as some representation of justice (in what capacity) I believe it has dignity in whether or not reparations would decrease the governments status as a beacon of justice. The government’s primary concern is bringing the country together and the freedmen’s primary concern is having a place in government. For the government it isn’t ideal to give reparations because it may affect their plan of uniting the country, but does it really? The answer is no. For Mill, happiness isn’t pleasurable but few moments of pain. It also requires sacrifice in order to achieve the greatest amount of happiness. The sacrifice the government would have to make is to actually protect the rights and liberties of the freed people. However, is this a terrible sacrifice if it’s a sacrifice it told itself that it’s willing to make? In both the Emancipation Proclamation as
well as the 15th Amendment, it was said the federal government had to do what was necessary to protect and acknowledge the rights and liberties of the freed slaves. With this being said, Phillips demanding reparations isn’t requiring a sacrifice that strips the government of its dignity as a political power, but holding Congress to its word.

Let’s then turn our attention to the second group involved, which would be freed slaves. What sacrifices do they have to makes? Phillips argues they have already made the biggest sacrifice by providing forced free labor for the past two hundred years. In the Negro’s Claim, Phillips says “... the Nation owes him one-seventh of all the wealth we hold. Freedom is only an installment of the debt we owe the Negro.” (Finkenbine, 116) Phillips is doing a favor to Congress by not demanding they relinquish one-seventh of all their wealth but simply asking for the redistribution of land. However, let’s assume the free labor isn’t seen as a sacrifice, what else would free people have to sacrifice? Since the United States owned millions of slaves, it’s safe to assume it would take a considerable amount of time to accomplish the kind of reparations Phillips is arguing for. It can be assumed freed people would rather not wait, but would do so if they knew what they were waiting for were reparations and that by receiving reparations would increase their place in political society. The “but” is important for Mill because he argues that no one will sacrifice their own happiness unless there is a reason, and that by doing so would increase their own happiness. No one does the good for the good, because for Mills no one is just that good. From these two scenarios, it can be assumed that neither sacrifice decreases the dignity of either group but instead would increase the happiness of both making the action, if accomplished good.

The problem with using Mill's Utilitarianism argument is that it’s only useful in the theoretical sense. The only way to prove the utility of reparations is for it to actually be implemented because the morality of an action is judged in the results which to give. The two
questions that need to be answered for Mill are (1) if the action taken created the greatest overall utility (2) if what was accomplished provided the greatest amount of happiness in society. In order to answer the second question, we would need a way to evaluate the first, meaning that Phillip’s vision of reparations would’ve actually had to happen. However, we can imagine how Reconstruction would have looked if reparations were given. Clearly what was done during Reconstruction wasn’t the best action morally because Reconstruction did fail. Although, not trying to give reparations does show the problem with bridging philosophical theories with that of political arguments. Sometimes it seems as though the two are at opposing ends and that philosophical theories do little to bridge the gap, political arguments are so desperately trying to do. However, for theories such as Mill’s *Utilitarianism*, the only way to use the theory in its fullness is to actually go through with what you’re arguing for politically. In having the standard of morality be placed in the results of an action and not what causes it like other theories require, Mill is allowing philosophy to meet the political argument where it’s at and not forcing it to meet the theory where it is. What I am saying is that Consequentialism cannot be used as a framework for creating laws only to evaluate it. This is there will always be laws made that aren’t actually acted upon and to place the utility on the consequences it cannot give is to give injustice to the law for what it was trying to accomplish. With this in mind Mill’s *Utilitarianism*, leaves the justification for reparations inconclusive while also critiquing the political sphere of arguments because it cannot critique philosophy without at least trying to implement what they are trying to use philosophical arguments for.
Phillips and Kant

A summary of Phillips political argument is that without the social conditions in which to govern themselves then the right to vote will become useless. For Phillips, the importance of social conditions is that they create a definitive division between slave and master, which allows the slave to govern itself in addition to making sound political decisions using their right to vote. The conditions around a freed person must be set for them to actualize their freedom and can be done by giving each family “40 acres of land, one year’s support, a furnished cottage, a mule, and farm tools, and free schools for life.” While Phillips believes political rights are important he believes social condition are more important and should come before political rights.

How Kant could be a way in which to support his political argument is that it shows the importance of Kant's argument that free will is what makes laws moral not just the fact that the law is moral. This is because morality comes from free will, it doesn’t only exist by itself. The morality of killing being illegal is not only the fact it is wrong but that everyone who chooses not to do so, has freely decide for themselves that killing is wrong. Most importantly, they understand that although the law rules killing as immoral that have complete agency to go and kill someone but won’t because not killing is the right thing to. Although Kant places importance doing good because it is good, the only way to know an action is good is to know that another action is bad. In addition, the only way to choose the good is to know for yourself that it is good meaning that you know you have the ability to do the opposite of what you’re doing but decide on doing what’s right.

Let’s take Phillips political argument from another angle and say without freed slaves being able to govern themselves, they won’t be able to participate in government. Without suffrage being extended to freed slaves, they have the ability to participate in government and they will. From
this angle participation in government is not so much the problem as following the rules of said government the problem with this is that their participation wouldn’t be completely free in the sense that whenever they use their right to vote it would always be out of fear of voting differently. If we replace will in Phillips sense to good will in the Kantian sense, then the good is held to its own laws. The first of which is that it is good in itself. The only way for this to be true is if the good is held to its own conscience and not dependent on any kind of circumstances. If the good is seen as what could help their social conditions or allow them to eat each day then the good will isn’t good in itself, but is being used for an end which is seen as immoral to Kant.

Next, let’s switch Phillip’s political argument for that of participating in government to following the rules of government. Although morality comes from free will, free will also come from someplace, and that would be reason. What makes reason what it is, is that it’s not subjected to anything. If the ability to act according to their reason is subjected to their social conditions, then freed people aren’t actually using their reason freely which means their sense of morality is also subjected to what actions should they take to increase the quality of their social conditions. In the words of Kant, the freedom freed slaves have currently is negative freedom for two reasons, the first of these is that they were already born with freedom in so much as they are rational beings. If this isn’t enough justification then according to Kant, what actualizes this freedom is that people think they are free. If frees slaves didn’t think they were free or at least should be, it could be argued that they wouldn’t have fought for their emancipation. Why fight to be recognized as something that you don’t believe you are yourself? Phillips is trying to use reparations as a way to turn the freed slave’s negative freedom into positive freedom Positive being that it isn’t a burden but something to be proud of because the social conditions reflect how you view yourself. So,
when you vote and follow the laws you do so for the sake of them and not for a particular outcome of circumstance.

The strength Kant’s moral philosophy gives to Phillips political argument lies in where morality exists for Kant. Reparations doesn’t have to be given out for Phillips argument to be moral, only that the reasoning for the argument was moral. Phillips argument for reparations comes from his moral argument that slavery was immoral. With this, he is using Kant’s formula for The End in itself, which says to “act in such a way that you always treat humanity, whether in your person or the person of any other, never simply as a means but at the same time always an end.” Phillip’s argument for reparations goes beyond black slaves in America but in him coming from the stance that slavery is immoral as a whole, he’s creating a universal maxim for all people by saying that slavery is evil. It’s just by happenstance, that in giving reparations, you would also be creating political stability but the most important point of his argument is that slavery itself is an evil and that reparations becomes a way to atone for such an evil. With this, even though reparations didn’t happen, it doesn’t change the fact that Phillips’ argument for reparations was from duty by treating it as an end in itself and not for some benefit to the country.

Conclusion

Philosophically, using moral theories to justify political arguments proved more difficult than imagined, not to the degradation of either side but because there in fact are sides. There is often a disconnect between the two in the sense that in theories philosophy includes all but in practice, most notably race relations it becomes exclusionary. Whether or not this is the fault of the theorists or the people using the theories was not the focus of this project but is something
philosophers and political thinkers should keep in mind. In terms of the theories themselves, if there was a theory that can provide the philosophical backing for the political arguments made by both Douglass and Phillips, it would be Kant’s Categorical Imperatives. This is because the obligations duty has come from the Golden Rule “Act so that the maxim of your actions can be willed as a universal law.” Both Douglass and Phillip’s present their arguments, philosophically from the stance that Civil Rights and Reparations should be universal laws regardless of what could happen as a result of them. While Utilitarianism, defends Douglass’ argument in so much as voting rights were given to freedmen and the absence of another civil war/rebellion speaks to the utility of it, the problem with this theory is the morality is dependent on whatever is proposed actually having consequences, meaning it has to happen. Hence from a deontological perspective, Phillip’s argument for reparations would been seen as immoral but from a utilitarianism perspective becomes inconclusive because it never happened, allowing no way of definitively determining its utility.

Politically, both Wendell Phillips and Frederick Douglass offer different solutions to the “Negro Question.” For Douglass political and civil rights, such as suffrage are the first step to answering this question. Only by voting can the government become consistent with itself. Consistent doesn’t mean perfection, but it does mean there is no one group left out of government intentionally. War and rebellion are always a threat to the Union in so much as the people are allowed govern themselves. Without giving voting rights to freedmen, the Nation will never truly be at peace because freedmen will always fight to be a part of government. Secondly, in giving voting rights the government is showing freed slaves that their freedom wasn’t simply a tactic to win the war but that it truly believes they deserved to be free. Also, it shows that freedmen aren’t
valued only for their physical labor but for their intellect as well. Finally, voting rights enable both freedmen and white Americans to gradually change the country into its best representation of itself. Once again, Douglass isn’t aiming for perfection but for a “more perfect Union (Constitution, 1787) in which freedmen are a part of.

In contrast, Phillips’ answer to the “Negro Question” is for the federal government to give reparations to freedmen. Although the North got rid of slavery, it doesn’t take away from the fact that slavery existed in both the North and the South since the founding of the country, making both sides responsible for the injustice of slavery. Furthermore, if social conditions [land, education, cottages] are given to freedmen, they will confidently be able to use their right to vote knowing the Nation did everything within its power to ensure they can vote freely and confidently. Finally, reparations provide the ultimate separation between former masters and former slaves, allowing them to govern themselves how they deem fit without fear of retaliation from their former masters because they are dependent on them for work and a place to live.

If asked to choose between these two arguments, I would find myself unable to do so. After a years’ worth of research, neither both arguments address the Negro Question in sound ways. Neither argument trumps the other in terms of accessibility, necessity, or overall impact on the stability of the country post-Civil War. With all this in mind, it is clear Douglass’ argument for voting rights won over Phillip’s argument for reparations. Looking at the state of African-Americans in the United States 154 years after slavery was abolished and 142 years post-Reconstruction Era, it is clear how right Douglass was on the importance on allowing the negro to vote. With this, I do believe Reconstruction failed by abandoning reparations altogether. While Phillip’s argument seemed radical in his day even to fellow abolitionists, the argument for reparations didn’t die with The Negro’s Claim but is still talked about today even amongst
politicians. I can’t help but wonder how the country would look if the Negro was given his rights and his forty acres and a mule.
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