

Race and the Making of American Liberalism

Carol A. Horton

OXFORD UNIVERSITY PRESS

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AND
THE MAKING
OF AMERICAN
LIBERALISM**

HARPER'S WEEKLY.



Vol. XXIII.—No. 1134.]

NEW YORK, SATURDAY, FEBRUARY 8, 1879.

[WITH A SUPPLEMENT. PRICE TEN CENTS.]

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MY DAY IS COMING

"EVERY DOG (NO DISTINCTION OF COLOR) HAS HIS DAY"

RED GENTLEMAN TO YELLOW GENTLEMAN: "Pale face, 'traid you crowd him out, as he did me."

This cover illustration from an 1879 edition of *Harper's Weekly* illustrates both the complexity and fluidity of racial categories and their relationship to critical social, economic, and political developments of the day.

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Oxford University Press, Inc., publishes works that further
Oxford University's objective of excellence
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Oxford New York

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Published by Oxford University Press, Inc.
198 Madison Avenue, New York, New York 10016

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Library of Congress Cataloging-in-Publication Data
Horton, Carol A.

Race and the making of American liberalism / by Carol A. Horton.
p. cm.

Includes bibliographical references.

ISBN-13 978-0-19-514348-5

ISBN 0-19-514348-5

1. United States—Race relations—Political aspects—History.
2. Racism—Political aspects—United States—History.
3. Social classes—Political aspects—United States—History.
4. Liberalism—United States—History. 5. United States—
Politics and government. 6. United States—Social conditions.
7. Civil rights—United States—History. I. Title.

E184.A1H656 2005

320.51'3'0973—dc22 2004024156

9 8 7 6 5 4 3 2 1

Printed in the United States of America
on acid-free paper

To Gary, Luke, and James

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Acknowledgments

I have worked on this book on and off for longer than I care to state. It's correspondingly hard to find words that describe how I feel to be at the point where I can formally thank all of the individuals and organizations that have assisted and supported me along the way. But I am grateful, and there are many to thank.

Way back long ago in graduate school at the University of Chicago, I was fortunate enough to study and work with the late J. David Greenstone. His work on liberalism and American political thought set me on a path of inquiry that has sustained me throughout the course of writing this book. David exerted a formative influence on my intellectual development and I am grateful for it.

While it would require too long a list to acknowledge all of the individuals who influenced my thinking about race and American politics while at the University of Chicago, I would like to once again thank John Comaroff, Michael Dawson, Gary Orfield, and Cass Sunstein for serving on my dissertation committee and providing me with such varied and exciting examples of politically relevant scholarship. I would also like to specially thank Cass

Sunstein for his continued support as I took on the project of turning my dissertation into a book. I feel very fortunate to have had the opportunity to connect with such a brilliant and socially engaged scholar.

After leaving the University of Chicago, I had the good fortune to join the faculty of Macalester College in St. Paul, Minnesota. Macalester provided me with an environment that valued excellent pedagogy, intellectual creativity, and civic engagement. I learned much while I was there and grew as both a scholar and a person. I would particularly like to thank Chuck Green and David Blaney for being such supportive colleagues, Peter Rachleff for deepening my knowledge of the American labor movement, and my many wonderful students for inspiring me with their talent, energy, and ideas.

In 1997, I made the difficult decision to leave academia so that I could live in the same city as my husband and start a family. Back once more in Chicago, the Center for the Study of Race, Politics, and Culture at the University of Chicago generously provided me with temporary office space to work on what would eventually become this book. Thanks to Evalyn Tennant for helping me out with this arrangement and for her comradeship throughout the years.

In 1999, while living with my husband and young son in Göttingen, Germany, the Soziologisches Forschungsinstitut (SOFI) provided me with an office in which I could once again work on this manuscript. Officials at the Georg-August-Universität Göttingen also agreed to provide access to their library, which, to my good fortune, had an excellent collection of English-language social science materials. Many thanks are due to Professor Dr. Volker Wittke, Professor Dr. Michael Schumann, and Professor Dr. Martin Baethge for their generosity in extending these resources to me. I would also like to thank Ulrich Voskamp and Beate Henschel for their friendship and support, and Eva Bojemski for her help in taking care of Luke and for the opportunity to develop a relationship that crossed a formidable language barrier.

Upon returning from Germany, I was fortunate to be able to secure a book contract with Oxford University Press and to have Dedi Felman as my editor. Dedi and several anonymous reviewers provided me with wonderfully constructive criticism and insightful suggestions that enabled me to improve this book tremendously. I am particularly grateful to them for insisting that I develop my own voice and present my ideas as clearly and directly as possible. I am also indebted to Dedi for her patience and understanding through the course of an on-again, off-again writing process that had to be balanced with the birth of my second child and the development of a second career.

I would like to thank David Ericson, Tony Pinn, David Roediger, Rogers Smith, and Rick Valelly for reading and commenting on work that would eventuate in this book. Special thanks are due to Kelly Kleinman for helping me with my book proposal and for her friendship over the past seven years. Although they did not engage with me directly on this project, I would like to thank Marcia Kingslow and Robert Halpern for their friendship, collegiality, and support. The applied research that I have done with each of them on issues ranging from the building of women's health coalitions to the assessment of an after-school program initiative in Baltimore broadened my horizons and had an important impact on how I thought about the issues addressed in this book.

I would additionally like to thank my mother, Phyllis Horton, and my sister, Marion Horton, for their love and support over the years. Marion also helped me with my book proposal and provided needed assistance with child care at critical junctures in the writing process.

Words once again fail me when I try to think of a way to thank my husband, Gary Herrigel, for his love and support in the course of not simply writing this book, but living our lives and creating our family. We have been blessed with two amazing children, Luke and James. The love that we experience as a family has immeasurably deepened my experience of and appreciation for life. I am most grateful because I know that we share what words cannot express.

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INTRODUCTION

Race and American Liberalism

What is the best way to understand the relationship between race and liberalism in American political development? Has the historical experience of racial inequality been a troubling exception to a generally liberal rule of equal rights and opportunities? Or, has racial oppression constituted a basic component of American liberalism—albeit one that has been imperfectly masked by cultural pieties of individualism and equality? Has liberalism, in other words, functioned primarily as a progressive engine for racial equity or as an oppressive tool of racial injustice?

The American experience would be much easier to comprehend if such questions could be given simple answers. If liberalism could be neatly categorized as either a positive or negative force with regard to the nation's racial history, it would be easy to judge. This would be ethically and politically comforting, as we could rest secure in our estimation of the nation's primary political creed. The historical record, however, has been vexingly variable and complex. Viewed dispassionately, it cannot affirm that liberalism has played a consistently positive or negative role in whatever movement the nation has made toward the realization of racial justice.

Powerful variants of American liberalism have endorsed the maintenance of racial hierarchy while asserting fidelity to the principle of equal rights under the law. Alternative constructions of liberalism have combined the goals of nondiscrimination and social equity to produce exceptionally radical visions of American democracy. Viewed across a broad historical expanse, both more racially equalitarian and hierarchical forms of liberalism have played significant roles in the nation's political development. Consequently, it is impossible to issue a verdict regarding the fundamental nature of liberal politics with regard to issues of racial justice.

This does not mean that the relationship between race and liberalism has been inconsequential. When considered as a complex and variable dynamic, rather than as a singular set of substantive positions, this relationship has embodied an important set of historical patterns. Most notably, it demonstrates the long-standing significance of liberalism as the primary language of American politics, the pivotal importance of race in constructing different varieties of liberalism, and the tendency of racial politics to cement the dominance of forms of liberalism that erase socioeconomic factors from the calculation of civic equity in the United States.

Viewed from this perspective, race has played a primary role in the making of American liberalism. This has been a complex and double-edged phenomenon. On the one hand, race has been instrumental in creating some of the nation's most radically democratic forms of liberal politics, which emphasize the inclusion of the disfranchised, the importance of socioeconomic equity, and, more recently, the value of cultural diversity. On the other, it has reinforced the dominance of relatively inequitable forms of liberalism, which use the equation of equal rights and free markets to legitimate grossly unequal distributions of wealth, power, and status. As such, the story of race and liberalism in the United States is not one that simply concerns the racially disfranchised. On the contrary, it includes the entire nation and the dominant vision of civic equity that it embodies.

Multiple Liberalisms

Many, if not most, students of American politics would likely view the claim that liberalism is capable of encompassing positions with either an emancipatory or an oppressive relationship to racial justice as unacceptably broad. With regard to basic equity issues, liberalism tends to be viewed in all-or-nothing terms. Scholars with generally positive attitudes toward liberalism typically define it in ways that exclude the possibility of its support of as-

criptive social categories or group-based discrimination.¹ The minority that holds a more negative view of liberalism follows a more Marxian-influenced line of argument, holding that it necessarily produces such inequities and exclusions.² Consequently, the claim that liberalism is flexible enough to have historically represented both racially progressive and retrogressive positions (as well as a variety of intermediate options whose ethical weight is more open to debate) is generally either not considered or dismissed as overly broad or illogical.³

Treating liberalism as a variegated, flexible, and politically contested discourse is in keeping, however, with widely accepted theories of cultural practice. Following the historical and linguistic turns in the social sciences, it is reasonable to examine American liberalism as a historically embedded, socially constructed discourse that has been of long-standing importance in American political development, even while it has remained open to continual contestation and change.⁴ While liberalism can be defined as representing a core set of political commitments, these are large and indeterminate enough to be understood in a wide variety of ways. Viewed from this perspective, liberalism represents an evolving political language that has encompassed a variety of particular and often competing formulations. What it means in practice has necessarily varied substantially across time and among competing groups of political actors.⁵

For the purposes of this book, *American liberalism* may be defined as a framework for the fundamentals of political life that prioritizes the value of individual rights and liberties, limited and representative government, private property and free markets, and constitutionalism and the rule of law. Although these are broad categories whose precise meanings are open to interpretation, they represent principles that are by no means shared by all varieties of political thought. As decades of historical work have demonstrated, Americans have subscribed to a wide range of nonliberal political beliefs, including civic republicanism, anarchism, socialism, communism, religious fundamentalism, radical feminism, and varieties of black and white nationalism, among others. Lacking an essential commitment to political individualism, free-market capitalism, or constitutional government, such traditions cannot be considered part of an even broadly defined liberalism.⁶

Such cases have been used to discredit the idea of a singular liberal “consensus,” in which all Americans share the same set of substantive political beliefs.⁷ Following the popular demise of civic republicanism in the late eighteenth century, however, such nonliberal positions have generally occupied a relatively small corner of the American political landscape.⁸ When liberalism is considered as a variegated discourse rather than as a monolithic con-

sensus, the case for its historical dominance remains strong. The breadth and depth of liberalism in the United States has enabled it to encompass positions that are strongly opposed to one another: support for laissez-faire economics versus the welfare state, abolition of the income tax versus progressive taxation, unrestricted trade versus industrial planning, traditional gender roles versus feminism, Christian morality versus secular humanism, color-blindness versus affirmative action, and so on. The fact that both self-styled conservatives and social democrats have spoken the language of American liberalism attests to its long-standing and wide-ranging importance in American political development.⁹

Race and Liberalism

Since the abolition of slavery in 1863, there has been an extremely wide range of responses to the question of what it would take to establish racial equity in the United States, particularly with regard to the African-American population. As the following chapters demonstrate, these have included liberal positions that alternately endorsed or rejected racial hierarchy, race-based discrimination, and a more equitable distribution of social or economic resources. Although nonliberal positions that have advocated an alternative path to racial justice have also existed, these have not occupied nearly as important a position in the mainstream (read: white-dominated) political environment. The most influential nonliberal racial ideologies have in fact existed on the far right of the political spectrum, representing an extreme form of white nationalism that would deny even the most elemental rights to the black population.

Racial politics in the United States has of course encompassed many other groups besides African Americans. Few would deny, however, that black Americans have represented the nation's most politically consequential racial group. With notable exceptions, racial politics in America has largely turned on issues associated with Africans who were enslaved during the first two centuries of European habitation in North America and their descendants. This is not to deny the importance of other racially defined groups or the significance of their particular histories. All represent an important part of American history and political development. The culturally dominant understanding of race that developed in the United States has remained, however, fundamentally structured by a black-white dichotomy. As such, it has played a particularly important role in the evolving relationship between race and American liberalism.

If this dichotomy has remained central to American racial politics, the socially dominant understanding of “race” has in many other respects been fluid. *Race*, like liberalism, can be understood as a historically embedded discourse whose substantive meaning has varied across time and among groups.¹⁰ Although it presents itself culturally as a simple and self-evident category, race is a complex social construct with several important dimensions. Most basically, the concept of race encompasses different understandings of the origins of racial categories: what some take for granted as biological fact, others understand to be social fiction. As the recent explosion of “whiteness” studies has demonstrated, the boundaries of particular racial designations have changed substantially over time, with groups such as the Irish, Italians, and Jews shifting from being defined as races to being understood as ethnic groups, or simply as whites.¹¹

Different understandings of race also embody different ideas about the structure of social relations, particularly with regard to issues of inequality. Currently, for example, different explanations of why the black population remains disproportionately poor hinge on competing conceptions of race, which alternately emphasize its significance as a discriminatory barrier, proxy for class, or marker of cultural deficiency. Such different understandings of race are logically connected to different perceptions of what the legitimate role of government and the law should be with regard to issues of civil rights and racial justice. Those who believe that race represents a discriminatory barrier, for example, tend to favor affirmative action. Those who believe that it is a proxy for class are more concerned with universal strategies to mitigate poverty. If race is viewed as a marker of cultural deficiency, government-sponsored attempts to leverage increased opportunity are likely to be viewed with skepticism or hostility. In this sense, different understandings of the meaning of race have a direct impact on alternative constructions of liberalism.¹²

Race and Social Equity

Race is a particularly important construct in the United States because it plays a pivotal role in structuring perceptions of equity issues more broadly. Within the academy, this phenomenon is typically discussed in terms of the relationship between race and class. The literature on American exceptionalism in particular has frequently argued that race in the United States has served to mystify class relations while keeping the poor and working class politically divided. This line of argument differs from the one presented in this

book to the extent that it is influenced by the traditional Marxian position that class represents an objective category of social relations that is determined by the economic system.¹³ Such an approach, in essence, treats class as a fact that is obscured by the fiction of race. The constructivist approach taken in this analysis, in contrast, assumes that both class and race are contingent social categories whose existence depends upon historically embedded patterns of cultural and social practice. From this perspective, it is misleading to assert that race obscures the reality of class, as this assumes that class is something that must be recognized rather than invented.¹⁴

An alternative way to conceptualize this relationship is that race has severely constrained the development of class as a meaningful social category in the United States. At first glance, this may seem to represent little more than a hairsplitting difference with the traditional exceptionalist position. When considered more carefully, however, it rests on very different assumptions about the nature of human beings and social relations. For example, it does not assume the existence of a universal structure of rationality that would cause people to agree that their primary social and political identities are determined by their relative position in the structure of economic relations (if only they could be roused out of the mystification produced by the ruling class and its cultural machinery). Instead, it proceeds from the hypothesis that humans have an innate need to locate themselves in a meaningful structure of individual identity and social relations. These structures of meaning are created and recreated through sociohistorical processes of cultural formation that may alternately assign a greater significance to tribal, religious, materialist, or other understandings of the world. Consequently, there is no reason to assume that class, as understood in traditional Western terms, has a privileged status as a more objective way of understanding individual or group identity.

This type of constructivist approach also presents a very different understanding of the real and potential relationship between liberalism and capitalism. If capitalism is similarly considered as a flexible, nondetermined system with a variety of forms that have been constructed by particular cultural and social practices, then the possibility that significantly different varieties of liberalism may exist widens considerably. Most pointedly, if the market economies that are a part of a liberal political order may dramatically increase social exploitation and inequality, they may also be structured to minimize such outcomes, while supporting both social flexibility and innovation, and individual freedom and self-determination. From this perspective, even “free” markets have been necessarily structured by the law and government regulations in the context of large, complex industrial or postindustrial societies.

The question at issue is therefore not the presence or absence of politics in markets, but rather the particular goals, structures, and social organization of market economies.¹⁵

This, in turn, points to the possibility of significantly different conceptions of moral economy existing within a common liberal framework. American liberalism has historically contained significant strands of political thought that have been dedicated to the proposition that both individual rights and liberties and the civic virtue of the nation as a whole are threatened by the existence of huge disparities in wealth and social standing among the population.¹⁶ Along the same lines, it has embodied a moral tradition dedicated to a distribution of social and economic resources deemed to be sufficient to provide every citizen with a meaningful opportunity to develop her full range of individual talents and capacities.¹⁷ Other, more conservative traditions of American liberalism have of course rejected such equalitarian commitments as wrong-headed, arguing that individual morality and social virtue flourish best under conditions of unrestrained market competition, regardless of the inequities produced. Inequality, in fact, has been in many cases considered to be a vital feature of a desirable social order, as social hierarchy is assumed to be the necessary product of different and inherently unequal individual and group capacities that will naturally manifest themselves in a free society.¹⁸

The Limits of American Liberalism

In this sense, race has a broad impact on the structure of liberalism that goes substantially beyond the scope of formally defined racial issues such as nondiscrimination or affirmative action. In order to develop a form of liberalism that prioritizes goals such as structuring markets to promote equity, it is necessary to have a working conception of the social structure that includes but extends beyond divisions created by race. It must include race because it has always been a fundamental part of the structure of inequality in the United States. It should also extend beyond race, however, because at no time in American history could inequality be reduced simply to race. It should, in other words, include some conception of class, even if that term is not explicitly used. The politics of race in the United States, however, has made such group-based conceptions of structural inequality very difficult to create and sustain.

Movements to increase race and class equity in the United States have been repeatedly (although by no means consistently) disassociated or even

in conflict with one another. On the one hand, efforts to secure basic standards of nondiscrimination and equal treatment for racially disadvantaged groups have had no necessary connection to a broader commitment to social equity, whether liberal or otherwise. (Although the predominant pattern within the African-American political tradition has been to oppose racial discrimination and support increased social equity, this has not held true more broadly.)¹⁹ In some cases, strong antidiscrimination positions have served to legitimize continued racial and social inequality, as it was argued that the market system would inevitably produce fair (if unequal) outcomes once all discriminatory barriers were removed. At other times, the struggle to achieve basic antidiscrimination guarantees simply did not leave sufficient time or energy to pursue broader issues. And, in some instances, a commitment to increased social equity has been understood in purely racial terms, with support for racially targeted redistribution but not for universal laws and policies.

On the other hand, movements for increased social equity have not necessarily included racial minorities or addressed issues of immediate importance to them. In some cases, this was the product of a racially discriminatory world view, which was committed to greater equity for whites but not for racial minorities. In others, it was a matter of priorities: while racial equity was supported in principle, it was considered to be too difficult and divisive to pursue in practice. Either way, racial issues proved to be too deeply rooted in the social fabric to remain hidden forever. Sooner or later, suppressed racial divisions erupted that disrupted and discredited the form of politics that these movements represented.

In some cases, movements for greater social equity have tried to take on both racially specific dimensions of inequality and its broader societal form. This has required attempting to address both racially specific concerns, such as discrimination, and more universal issues, such as the structure of the labor market. Pursuing such an ambitious goal has necessarily involved attempting to transform the meaning of race in order to bridge racial divisions, while at the same time developing some functional understanding of class. It has necessitated attempting to create political solidarity across racially divided groups, trying to convince racial minorities to put their faith in those that have mistreated them and attempting to persuade members of the white majority to identify themselves with the racially stigmatized.

The creative tensions generated by these demands have produced forms of American liberalism characterized by radical visions of democratic inclusiveness. Such versions of liberalism have had a broad impact on American political development, particularly by inspiring other movements dedicated

to the full political and cultural enfranchisement of socially marginalized groups. In this sense, American liberalism has contained variants that have significantly influenced and expanded the scope of traditional left-of-center politics, which has overwhelmingly focused on an implicitly male and racially homogeneous conception of class. Most historians would agree, for example, that recent social movements dedicated to achieving greater equality for women, sexual minorities, the disabled, and other marginalized groups were directly inspired by the Civil Rights movement of the 1950s–1960s.²⁰

Within this proliferation of social equity movements, however, those dedicated to the simultaneous pursuit of racial and class equity have experienced relatively little success. This has been particularly true with regard to institutionalizing the broad goals of such movements in the government arena and achieving lasting structural reforms. In both the late nineteenth and late twentieth centuries, popular mobilizations geared around equity issues have been overwhelmed by the strength of racially charged countermobilizations. In short, although race has helped to create exceptionally democratic visions of American liberalism, it has also reinforced the dominance of comparatively inequalitarian forms of liberal politics in the United States.

Reconsidering the First and Second Reconstructions

The following eight chapters provide a historical examination of how multiple forms of racial and liberal discourse have intersected with one another to form competing understandings of civic equity. Focusing on the periods 1865–1896 and 1945–1980, this analysis centers around the epochs commonly referred to as the “first and second Reconstructions” and their aftermaths. Although many important racial developments occurred outside of these periods, any historical narrative that focuses on the evolving relationship between race and liberalism in the United States must include them as central building blocks of the larger story. Consequently, while this book cannot claim to be comprehensive, it does lay a foundation for broader efforts.

Chapter 1 describes the substantive content and political dynamics of what is here referred to as “anti-caste liberalism.” Developed by Radical Republicans and their allies during the late 1860s, anti-caste liberals claimed that the Reconstruction amendments had placed the principle of racial equality at the pinnacle of the American constitutional order, charging the federal government with the responsibility to take action against the continued maintenance of racial caste. This position was quite radical for its time, as it insisted on the political imperative of a strong standard against racial

discrimination. It was essentially conservative, however, with regard to economic issues, as it assumed that antidiscrimination measures would be sufficient to eradicate racial caste and establish a full measure of civic equality throughout the nation. This indifference to the economic bases of citizenship stood sharply opposed to the views of both the vast majority of the freedpeople themselves and the nascent labor and agrarian movements—which, as discussed in chapter 3, argued that the growing inequality of the postbellum era threatened the foundations of republican government.

Chapter 2 examines the highly influential position of Darwinian liberalism, which represented the primary counter to the anti-caste position during the 1870s. During that time, Darwinian liberals argued in favor of a minimalist conception of black citizenship rights. This position, however, was coupled with an insistence that equal rights could not and should not be expected to produce “social equality” between the races. In the context of a free-market order, Darwinian liberals claimed, the innate superiority of the white race ensured that it would forever dominate the black. The fact that this insistence on racial hierarchy was linked to a commitment to a minimal standard of black rights made it a politically moderate position in the context of the 1870s. By the turn of the century, however, this commitment had largely eroded, as Darwinian liberals forged an even more exclusive conception of white supremacy in reaction to the labor and agrarian movements of the 1880s–1890s.

Chapters 3 and 4 examine the rise and fall of these movements, which were commonly organized around the ideology of “producer republicanism.” In contrast to both anti-caste and Darwinian liberals, producer republicans prioritized the economic foundations of citizenship. The extremes of wealth and poverty that had developed in conjunction with the rise of corporate capitalism, they argued, had effectively nullified the rights of millions of citizens and threatened the integrity of American government. In keeping with this position, republican activists attempted to organize a broad constituency of workers and farmers around the common identity of “producers,” arguing that their interests and values stood opposed to those of the “nonproducing classes.” Forging such an identity, however, required bridging racial divisions between not only whites and blacks, but between native-born whites and the rapidly growing population of Southern and Eastern European immigrants. While both movements made significant progress on this front, the subsequent force of racially charged reaction proved overwhelming. Following the denouement of this struggle, which was marked by the election of 1896, the nation entered the twentieth century with a highly exclusive conception of citizenship, which championed the necessity of both racial and class hierarchy, securely instated as the dominant cultural norm.

Although the political order inaugurated by the election of 1896 underwent significant reforms during the Progressive Era and was eventually overturned by the New Deal, no politically consequential opposition to racial discrimination emerged until the post–World War II period. Chapter 5 examines the content and context of what is here referred to as “postwar liberalism,” which coupled a new commitment to antidiscrimination with a rejection of the more class-conscious and social democratic orientation of the New Deal. While representing a historic advance against deeply embedded norms of white supremacy, postwar liberals failed to recognize the immense significance of growing patterns of racial inequality that did not fit into their ideological frame.

As chapter 6 demonstrates, the early Civil Rights movement radicalized the postwar liberal agenda by infusing it with much more expansive conceptions of both racial equity and social justice. While postwar liberalism remained focused on the problem of Jim Crow in the South, the movement also emphasized problems of segregation and discrimination in the rest of the nation. At the same time, it encouraged the development of a new form of racial consciousness, particularly a more positive and empowered sense of black identity. The movement also advocated an essentially social democratic agenda, whose primary goal was to increase social and economic equity among all Americans. By the early 1960s, these commitments had created a pronounced rift between “white liberals,” who favored the more moderate politics of postwar liberalism, and black activists, who supported the new form of social liberalism developed by the Civil Rights movement.

Chapter 7 focuses on the meteoric rise and fall of social liberalism during the mid- to late 1960s. In 1964, movement activists and their allies optimistically believed that they could form a new coalition of minorities, labor unionists, left-of-center liberals, and low-income voters that would have the political muscle to move the Democratic party substantially to the left in order to pursue the ambitious agenda of eliminating both poverty and racial injustice. By 1968, however, these hopes had been crushed. As the social and political turmoil growing out of racial politics and the Vietnam War engulfed the nation, a growing conservative “backlash” gained momentum. Although the election of President Richard Nixon in that year did not inaugurate the sort of extreme reactionary regime that some hoped for and others feared, it was widely taken to mark the beginning of a new, more conservative era.

Chapter 8 analyzes the development of the contemporary conservative movement from the late 1960s through the 1980s. In the 1970s, the neoconservative movement played a particularly important role in fashioning a new brand of racial conservatism with a powerful cultural resonance. Framed in the liberal

language of nondiscrimination and equal rights, this position denounced race-conscious policies and equalitarian politics more broadly as politically illegitimate and socially destructive. During the same period, veteran conservative activists regrouped to organize the New Right, which combined a powerful appeal to the intertwined racial and class identities of working-class whites with innovative and effective techniques of political organizing. Together, the neoconservatives and the New Right laid the foundations for a new conservative political establishment with the organizational muscle to systematically market conservative ideas, engineer a conservative takeover of the Republican party, leverage a more conservative federal judiciary, and mobilize grassroots support for conservative causes. While encompassing a wide range of issues, a central—and ultimately successful—goal of the movement was to banish socioeconomic equity issues from the forum of legitimate political discussion.

Placing the contemporary weakness of equalitarian liberalism within a broader historical perspective enables a deeper understanding of the fundamental political dynamics at issue. The problem of developing a strong constituency dedicated to addressing growing socioeconomic inequality in a society that has been powerfully structured and deeply scarred by racial divisions is not new. Similarly, the tendency to justify entrenched racial inequality as the natural product of a competitive free-market system has deep roots. Yet, it is also true that simple formulas that prioritize class over race or equate racial inequality with discrimination do not work. Nor is it a simple matter of “good” forms of liberalism that promote civic equity and “bad” forms that negate it.

The interplay of race and class and the many competing understandings of liberal equality have been too variegated and complex to reduce to a single dynamic. Still, certain patterns are particularly striking. American liberalism has proven capable of generating inspiring visions of civic equality. Some have been deeply committed to the goal of a racially equalitarian society. Others have focused on the universal ideal of a nation in which all citizens possess the socioeconomic resources necessary to participate fully and to develop their innate human potential. Still others have understood these dreams as necessarily intertwined. All of these equalitarian conceptions of American liberalism have, however, proven extremely difficult to sustain—and even more difficult to realize concretely. Although there can be no single explanation of why this has been the case, race has consistently played a central role in undermining the strength of more equalitarian conceptions of liberalism. For this reason, developing a more nuanced understanding of the complex politics of race allows us to gain deeper insight into the strengths and limitations of American liberalism.

Our Constitution is colorblind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law.

—Justice John Marshall Harlan, *Plessy v. Ferguson*, 1896



Anti-Caste Liberalism

Justice Harlan’s dissent in the Supreme Court case of *Plessy v. Ferguson*, which sanctioned racial segregation under the auspices of the “separate but equal” doctrine, represents one of the most famous statements, as well as one of the most infamous cases, in the history of American constitutional law. This was not always true: at the time it was decided, neither Harlan’s dissent nor the case itself generated any notable public reaction.¹ By 1896, the battle over the legality of racial discrimination and segregation had already been effectively decided. Although there had been a long and determined effort to prohibit these practices in the spheres of government action and public accommodations, this movement had lost its political and legal strength in conjunction with the larger abandonment of the racially equalitarian experiments of Reconstruction. Rather than a powerful affirmation of a strong civil rights tradition, Harlan’s dissent—laudable as it was—represented only a weak shadow of a formerly robust position.

This chapter relocates the Harlan dissent within this larger position, here referred to as “anti-caste liberalism.”² From the mid-1860s to the mid-1880s, anti-caste liberalism represented an important current of radical thought

and activism with regard to both racial and constitutional issues. All anti-caste liberals strongly opposed racial discrimination and segregation. A majority affirmed the then-radical proposition that there were no essential differences between the black and white races, except those imposed by slavery and its legacy. In support of these racial commitments, anti-caste liberals advanced a radical theory of constitutional government based on a highly equalitarian reading of the Thirteenth and Fourteenth amendments. These amendments, they argued, had been passed in the wake of the Civil War to create a new standard of national citizenship. Most critically, the federal government was required to take action to prevent conduct that would perpetuate the legacy of slavery by creating new systems of racial caste. As required by this responsibility, the power of the federal government had been significantly expanded, while the corresponding authority of the state governments had been sharply curtailed. In this sense, the Reconstruction amendments had recalibrated the entire system of government, creating a “new” constitutional order to replace a failed model that had been unfaithful to the fundamental principle of equal rights under the law.

Although anti-caste liberals took a radically equalitarian position on racial and constitutional issues, they were silent with regard to economic concerns. After a brief period during the mid-1860s when they championed the losing cause of land redistribution to provide the newly freed black population with homesteads, leading figures in the anti-caste movement disassociated economics from their understanding of both the rights of citizenship and the requirements of racial equality. Adopting the laissez-faire assumptions that came to dominate the Republican party by the 1870s, anti-caste liberals—both white and black alike—argued that the former slave population needed only to be protected from discrimination to have an equal opportunity to find their fortunes within a free-market order. In pursuit of this goal, they focused their energies on the passage of the Civil Rights Act of 1875, which prohibited discrimination in places of public accommodation. Although the battle for the passage of this legislation was eventually won, the law rapidly became a dead letter under the rule of an overwhelmingly hostile, white-dominated public sphere and judicial system. By the time of the *Plessy* decision, anti-caste liberalism was a relic of the past.

Despite its practical failure, the case of anti-caste liberalism is instructive for both what it did and did not represent. On the one hand, it demonstrates that mid- to late nineteenth-century liberalism was capable of supporting what was for its time a remarkably radical commitment against racial discrimination. This issue was deemed so important by a small, but nonetheless prominent political coalition that it succeeded in developing a

coherent theory of constitutional interpretation that was correspondingly radical in its own right. Although only briefly upheld as the law of the land, anti-caste constitutionalism continued to find expression in legal arguments, books, speeches, and political meetings into the 1880s. On the other hand, anti-caste liberalism represented an essentially conservative position on economic issues. Particularly given the growing economic divisions and class antagonisms of the time, this combination of economic conservatism and racial, political, and legal radicalism illustrates the tremendous disjuncture that existed between the struggle against racial discrimination and the battle for economic justice in late nineteenth-century America.

Land and the Foundations of Citizenship

Anti-caste liberalism was a product of the historical period known as Reconstruction. Reconstruction began in the wake of the Civil War when the Republican party, representing the forces of the victorious North, used its dominance of the federal government to attempt to build a new social and political order in the South. The central challenge of Reconstruction was coping with the question of how best to incorporate almost four million former slaves into the social fabric of the nation. In sharp contrast to the Democrats who overwhelmingly dominated the white South, Republicans were commonly committed to the formal abolition of slavery. They divided, however, over the issue of what the consequent civil status of the ex-slave population should be.

With the commencement of the more radically reformist stage of congressionally directed Reconstruction in 1867, two competing positions dominated Republican debate over this issue. The majority position held that the freedpeople should be guaranteed basic rights of property and contract. These rights, it was argued, would allow them to compete on an equal basis in the free-market system that was claimed to now encompass the South. A small but vocal minority, however, held that the peculiarities of the southern situation required a redistribution of land to the former slaves. This was necessary, it was argued, to provide them with the economic foundation necessary for the effective extension of these and other citizenship rights.³

The most important figures in the minority contingent of Radical Republicans promoting land reform were Senator Charles Sumner of Massachusetts and Representative Thaddeus Stevens of Pennsylvania.⁴ In March 1867, Sumner argued before the Senate that the “principles of justice and morality which constitute the foundation of republican government” de-

manded not only the extension of the ballot, but the provision of education and a homestead to the freedmen.⁵ Congress, he maintained, should confiscate the land of former Confederates, “whose crimes had forfeited all their rights.” This land should be redistributed so that “each liberated slave who is a male adult, or the head of a family” would have “a homestead of forty acres of land,” along with \$100 with which “to build a dwelling.” Pointing out that the freedpeople and their ancestors had “toiled, not for years, but for ages, without one farthing of recompense,” Stevens argued that “they have earned from their masters this very land and much more.” These “disloyal” landowners, Sumner argued, should be prevented from continuing to appropriate the fruits of their former slaves’ toil.⁶

In keeping with a long tradition of Jeffersonian thought, Stevens argued that land redistribution represented the necessary foundation of equal citizenship for the freedpeople. Stevens recognized that without some basis for economic independence, their widespread lack of education, skills, and resources left them far too defenseless against exploitation. The freedpeople would, Stevens warned, become “the servants and victims of others unless they are made in some measure independent of their wiser neighbors.” Consequently, homesteads were “far more valuable” to them than even the right to vote—although, Stevens added, “both are their due.”⁷

Certainly, the redistribution of land for the provision of homesteads constituted the first priority of the vast majority of the freedpeople themselves. Southern blacks considered the achievement of both individual and community autonomy to be a vital component of their newly won freedom and viewed landownership as a precondition of that goal.⁸ Similarly, land was widely understood to represent the economic foundation necessary for any meaningful extension of legal and political rights. As one Charleston resident succinctly explained to a northern journalist in 1865: “without land, the old masters can hire or starve us, as they please.”⁹

Black residents of Edisto Island elaborated on this theme. This group of freedpeople had settled upon abandoned plantation lands with the initial support of the Freedmen’s Bureau, fully expecting to be given title to forty-acre plots. Upon learning that the government now planned to restore the land to its former owners, they formed a committee to write collective letters of protest to President Andrew Johnson and General O. O. Howard, commissioner of the Freedmen’s Bureau. “General we want Homesteads; we were promised Homesteads by the government,” they asserted. If the government reneged upon this promise, “we are left In a more unpleasant condition than our former . . . at the mercy of those who are combined to prevent us from getting land enough to lay our Fathers bones upon.” Despite owning “property In Horses, cattle, car-

riages, & articles of furniture,” being “landless and Homeless” rendered them once again subject to the will of their former owners. “We can not resist It In any way without being driven out Homeless upon the road,” they explained. “You will see this Is not the condition of really freemen.”¹⁰

Despite such protests, the few small-scale efforts at land redistribution that were attempted were quickly aborted. By 1870, it was clear that the entire issue was dead. The key reason for this failure was that the central power bloc in the Republican party was made up of northerners who were strong advocates of, and often investors in, a newly emerging system of corporate capitalism that could now be more easily extended into the South. Land redistribution posed a potentially serious threat to their economic interests. While other, similarly disruptive measures championed by the Radical wing of the party, such as the extension of suffrage to the freedmen, offered potentially significant gains (in the case of suffrage, for example, the chance to consistently win southern elections with the support of the black vote), land reform offered only potential costs. In all probability, such a move would drastically reduce the already slim chances of building any base of white support for the party in the South. At the same time, it would lessen opportunities for profitable northern investment in, trade with, and export to that region. In principle, it also set a potentially dangerous precedent for the abrogation of vested property rights.

Despite the practical failure of land redistribution, the larger political vision that it represented remained vital—at least outside of the realm of institutional party politics—throughout the remaining decades of the nineteenth century. Although many black political leaders, particularly those involved in mainstream party politics, increasingly took on a more moderate posture in the face of an ever more conservative political climate, many other African Americans turned toward either the resurgent black nationalism of the late 1870s–1880s or the radical labor and agrarian movements of the 1880s–1890s.¹¹ In the latter case, blacks joined with majority-white movements whose insistence that effective citizenship rights required a solid socioeconomic foundation very much paralleled the ideological structure of the earlier land reform movement.

The Rise of Laissez-Faire

Within the realm of institutionalized party politics, the defeat of the land reform issue coincided with the development of a new laissez-faire ideology that was embraced by radical, moderate, and conservative Republicans