

2004


Degrees of Freedom: Building Citizenship in the Shadow of Slavery

Rebecca J. Scott

University of Michigan Law School, rjscott@umich.edu

Available at: <https://repository.law.umich.edu/articles/758>

Follow this and additional works at: <https://repository.law.umich.edu/articles>

 Part of the [Civil Rights and Discrimination Commons](#), [Human Rights Law Commons](#), [Law and Politics Commons](#), [Law and Race Commons](#), and the [Legal History Commons](#)

Recommended Citation

Scott, Rebecca J. "Degrees of Freedom: Building Citizenship in the Shadow of Slavery." *Law Quad. Notes* 47, no. 2 (2004): 86-92.

This Article is brought to you for free and open access by the Faculty Scholarship at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Articles by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.



Degrees of Freedom:

Building Citizenship in the Shadow of Slavery

The following essay is based on the inaugural lecture for the Charles Gibson Distinguished University Professorship, delivered last spring to the University by Professor of Law and History Rebecca J. Scott.

By Rebecca J. Scott

I have borrowed my title today — *Degrees of Freedom* — from four colleagues the physicists. For them, it is a technical term, used to speak about dynamical systems with many interacting parts. The degrees of freedom are the number of independent dimensions along which one must specify values for each of the component elements, in order to specify fully the state of the entire system. Over time, as values are fixed on each of these dimensions, the range of possibilities for the next state of the system narrows. As a historian, I am tempted to use the metaphor expansively, because it suggests an image of historical dynamics that takes account of the range of motion possible at a given time, both its scope and its limits. By seeing events in the past as part of a dynamically evolving system with a large, but not indefinite, number of degrees of freedom, we can turn our attention to the multiple possibilities for change, and to the ways in which societies that are initially similarly situated may go on to diverge very sharply. Thus it is, I will argue, with societies in the 19th century that faced the challenge of building citizenship on the ruins of slavery.

At the midpoint of the 19th century, the economies of both Louisiana and Cuba rested on the enslaved labor of some 300,000 Africans and their descendants, many of them living on sugar plantations. From sunup to sundown enslaved men and women used hand tools to plant, hoe, weed, cut, lift, and haul the cane. During the harvest they labored through the night in the sugarmill with sophisticated equipment to process the cane juice into crystals.

In the second half of the 19th century, each of these slave systems was destroyed by war and by the upheaval and legislation that followed war. Former slaves and other descendants of Africans stepped forcefully onto the public scene, seeking to give durable meaning to their legal freedom. Over the ensuing decades, in each region, a postemancipation order was forged through a deadly serious competition for power, resources, and the right to define membership in the political community. The place of workers designated black or white in the society, and the conditions of their encounters with each other, proved to be crucial elements in a struggle in which labor and politics were inextricably linked. There is, in effect, no convincing way to isolate something called “race relations” from the specific ways in which labor was employed in the countryside and power was contested in the polity. People did not live their color separate from their work and their politics. Hence the complexity of the historian’s task.

Louisiana and Cuba were similar societies, suitable for comparison, each evolving along close yet crucially different trajectories. In this way, they were “alternative possible worlds” relative to one another, but, unlike the philosopher’s notion of alternative possible worlds, they lived side-by-side in the same real world, separated by a stretch of the Gulf of Mexico. Their economies were part of a larger Atlantic sugar economy. And at key moments, their histories overlapped and intersected, and the alternative worlds that each represented became visible to men and women from the other. Travelers, soldiers, and exiles — as

well as those who met them — could begin to see what freedom had come to mean on the other shore, with all that this might suggest about their own future. Observers have long commented on the differences between the social meanings of color in the United States and in Latin America, but such observations have been hard to interpret rigorously. Practices found in Cuba, for example, could be attributed to Latin culture or to Catholic doctrine, to different states of economic development, or to different experiences of emancipation. Moreover, appearances of difference could themselves be deceiving. Seemingly more flexible etiquettes might disguise a reality of dichotomies and discrimination. But simply seeing that things were different elsewhere did make that which was here seem less natural.

Today I’ll try to demonstrate that a pair of life histories can illuminate key points of inflection in the evolution of these two societies. I will look at two men of color who came of age during the period of slave emancipation, each of whom served as a soldier in the 1890s, and each of whom lived on into the third decade of the 20th century.

Pierre Lacroix Carmouche was born in Ascension Parish, Louisiana, in 1861, a year or so before the forces of the Union Army pushed their way up from New Orleans into the rich sugar-producing countryside of Louisiana and created the conditions for the breakdown of slavery in the areas that they occupied. His home district of Ascension held a population of about 7,400 slaves, 3,900 free people counted as white, and just 168 free people categorized as colored. Pierre Carmouche’s mother had been born a slave, and his father was a free man of color.

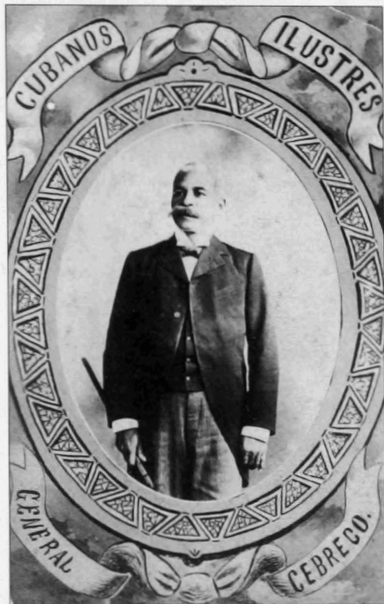
Agustín Cebreco was born in Cobre, in eastern Cuba, in 1855. Cobre was a mining and agricultural district of low mountains, adjacent to the rich sugar-growing area of San Luis. At mid-century the district held a population of about 6,300 slaves, 4,700 free people of color, 2,600 free people counted as white. Ascension Parish and the district of Cobre were thus roughly the same size, but Cobre had a much larger number of free people of color. Cebreco’s father was apparently a Spaniard, his mother a woman of color.

The focusing device of these life histories may enable us to see two things: first, the networks of collective support on which these men built the various initiatives and campaigns in which they participated; second, the pivot points at which their lives — and the lives of others similarly situated — moved in new directions. Pierre Carmouche and Agustín Cebreco were exceptional, rather than typical, of people who lived through the process of slave emancipation. But they are examples of what Jacques Revel calls the “normal exceptional.” Their exceptional lives are illustrative of the evolving norms and possibilities of the societies in which they lived.

By the time Pierre Carmouche was three years old, slavery had ended in Louisiana, and local common schools were opening to children of color. At school, he seems to have acquired substantial competence in reading and writing, in English as well as his native French. He would go on to become a lifelong generator of written words. The death of Carmouche’s father in 1876 thrust him into

the labor market at the age of 15. To train as a blacksmith, he went downriver to New Orleans, a city which at the time was boiling with political debate, activity, and violence.

Under Louisiana's Reconstruction-era constitution of 1868, all citizens could claim equal "civil, political, and public rights" and nearly all adult men had the right to vote. In a state whose population was about evenly divided between those counted as white and those counted as black, the result was a highly competitive political system. With an alliance between the great majority of



black voters and a minority of white voters who supported the Republican Party, an ideology of equality and the rejection of rules of caste was momentarily ascendant. The state legislature mandated equal access without regard to color to restaurants, cafes, streetcars, and steamboats.

Many of the local activists were, like Carmouche, bilingual men and women of color who looked not only to the Union Army but to France and the Caribbean for inspiration. During

Reconstruction they worked in a tense but largely effective alliance with black Anglophone Protestants in the state. Both groups faced a formidable opponent: The White Leagues and the state Democratic Party itself, which sought to silence the public voice of people of color and restore a politics of privilege, by any means necessary.

To someone like Pierre Carmouche, this political contest in the 1870s was critically important, and its outcome was by no means foreordained. When federal troops were withdrawn from the region in 1877, the Democrats took power, and it became even more dangerous for black citizens to vote. In 1879 the previous constitution was replaced by one that no longer affirmatively guaranteed their "civil, political and public rights" though it did not explicitly violate them either. Many things were still possible; a formal system of Jim Crow was not yet in place. In 1886, Carmouche ran for the office of tax assessor in Donaldsonville, and won.

At that same moment, 1886–87, the sugar plantations of Louisiana held thousands of workers who, unlike sharecroppers in cotton, were brought together in large groups both in the plantation quarters and in work gangs. Around 1886 the Knights of Labor, a vigorous and highly political union movement, began to organize in southern Louisiana, first on the railroads and in the sugar towns, and then in the cane fields. Pierre Carmouche joined this effort, and soon the Donaldsonville branch of the Knights of Labor claimed 1,200 members, most of them black, some of them

white, and nominated him for what was to prove an unsuccessful campaign for the state legislature.

In November 1887 the Knights of Labor formulated their key local demands: a dollar a day for labor in the cane fields, better pay for night watches, payment in cash, not scrip redeemable only at the company store, and so forth. Planters categorically refused to negotiate, and in November of 1887 10,000 workers went out on strike — most of them black, some of them white. In the face of evictions from plantation housing and the intervention of the state militia, however, the Knights of Labor were unable to sustain the strike movement. And as they faltered, white supremacist vigilantes pressed their advantage, portrayed the labor conflict in stark color terms, and hauled black strikers out of the homes in which they had taken refuge in nearby Thibodaux. An unknown number of black workers were shot dead in the streets. The movement was broken by this state-sanctioned terrorism.

Pierre Carmouche, however, was not a man who was easily deterred. He continued to see himself as an able artisan, a loyal Republican, and a public servant. Equally important, even after the killings in 1887 he kept open the lines of communication up and down the Mississippi river between activists in the countryside and those in the city who were organizing a legal challenge to new laws imposing separation by color. Digging through issues of the New Orleans newspaper, *The Crusader*, I came across a list of contributors to the shoemaker Homer Plessy's challenge to Louisiana's Separate Car Act, which had mandated compulsory color segregation on the railways. There was Pierre L. Carmouche, Donaldsonville, along with his neighbor, a Donaldsonville schoolteacher named Alice E. Hampton. Hampton wrote to the paper that it was hard to do one's duty in the hot summer of 1895, but that she and other young ladies from the local school were pleased to send their contribution to the challenge.

Here, long after the end of Reconstruction, an alliance of urban and rural activists was trying to win back through litigation the rights to equal standing in the public sphere that had been undermined when Democrats had taken hold of the state. But this strategy, like the electoral and labor strategies that preceded it, ended in a devastating defeat. In the 1896 case of *Plessy v. Ferguson*, the U.S. Supreme Court accepted the arguments of the state of Louisiana, which accused Plessy and his allies of attempting to claim an unearned "social equality." The Court turned back Plessy's argument that the law had no business forcing the railways and their passengers to conform to white-supremacists' insistence that public conveyances be "equal but separate." After *Plessy*, the way was clear for the state to impose systematic public humiliation on its citizens of color.

By 1896, then, the Knights of Labor had been crushed in the cane fields and its vision of cross-racial labor organization had been overwhelmed by racially-specific repression. The public rights sought by the activists in the *Plessy* challenge had been denied, and a new set of electoral laws had squeezed black voters off the registration lists. Pierre Carmouche's vision of freedom, however, encompassed more than Louisiana and the

United States, where these disappointments were multiplying. By his own account, Carmouche was following events in Cuba, and hoping for the victory of what he described as the “cause of Antonio Maceo,” the rebel general who had been fighting at the head of a cross-racial army seeking Cuban independence from Spain. *The Crusader*, the newspaper of the New Orleans activists, had been reporting in its pages on General Antonio Maceo’s progress. In February of 1898, the battleship *Maine* exploded in Havana harbor, and it became clear that the United States might enter the war in Cuba. Within days, Pierre Carmouche wrote to the U.S. Secretary of War to offer his services and those of 250 other “colored Americans, on short notice, in the defence of our country, at home or abroad.” The Secretary of War did not know quite what to make of this offer, which would have implied arming black men in the heart of a southern state ruled by a governor and legislature categorically opposed to such displays of citizenship.



If we leave Pierre Carmouche’s offer hanging for a moment, we may turn to Cuba, particularly its eastern region of Oriente, home to Antonio Maceo himself and to Agustín Cebreco. Cebreco’s family, like that of Pierre Carmouche, crossed socio-racial categories in what was still, at the time of his birth, very much a slave society. Like Pierre Carmouche, Agustín Cebreco left home at the age of 15. In 1868 an armed movement for the separation of Cuba from Spanish rule, and for the abolition of slavery, had begun to take shape. Agustín Cebreco and two of his brothers soon joined the rebellion, serving under Antonio and José Maceo. This military movement for national independence was self-consciously anti-slavery, and drew on a broad social base, including free people of color, disaffected white farmers and artisans, and some slaves. Most important, it brought Cubans together under white, mulatto, and black rebel officers. There were some tensions, but there was no firm color line in the rebel ranks.

After a decade, however, the first Cuban rebellion exhausted itself without achieving its goal. The leading white rebel officers were ready to sign a treaty and lay down their arms, but Agustín Cebreco followed Antonio Maceo and some white radicals and men of color in refusing the treaty because it did not grant the immediate abolition of slavery. Cebreco was soon captured by the Spanish, however, and sent to prison in Spain. Across the 1870s and 1880s, the Spanish crown and parliament did carry out a defensive, gradual abolition of slavery in Cuba, in part in order to deprive the rebels of a continuing moral claim against them. By 1886 slavery in Cuba had ended, but the island remained under Spanish rule.

In the 1880s, Cebreco escaped from a Spanish prison and made his way back across the Atlantic, first to the United States, and then to Central America, where he linked up again with Antonio Maceo to continue planning rebellion. In 1891, still in exile, they proceeded to Costa Rica, where Agustín Cebreco acquired a small banana farm on the east coast, while they planned together for

a return to Cuba. (The photo on page 86 that opens this article shows Maceo and Cebreco, third and fourth from the left in the back row, in Costa Rica.)

Here, then, was a nexus for mobilization: a cross-racial community of Cuban exiles, encompassing tobacco workers in Tampa, Florida, activists in New York City, veterans in Central America, all providing support for the rebuilding of a cross-racial political movement. In early 1895, Agustín Cebreco joined in an expeditionary force of 24 men who sailed from Costa Rica to Jamaica and from there to eastern Cuba, where they landed secretly and made their way inland to link up with local rebels. With Antonio Maceo and Máximo Gómez in command, Cebreco and others recruited men and some women from the eastern countryside. Cebreco eventually pulled together an entire division of the First Corps of the rebel army, which he would command until the end of the war.

The nexus had now expanded far beyond the exiles, and the movement would recruit within the rural population, including sugar workers, on the basis of an ideology that explicitly refused color as a dividing line. For the next three years the formative collective experience for thousands of Cubans was this cross-class, cross-racial struggle for national independence — precisely the sort of shared pursuit of a goal that modern psychologists tell us is most likely to overcome pre-existing prejudices and stereotypes.

This does not mean that the rebel army was a color-blind band of brothers. On the contrary, rebel General Calixto García routinely accused Generals Antonio and José Maceo of “racial” favoritism for having built up the corps of officers of color; and admirers of the Maceos would in turn mutter that it was the white Calixto García who was the racist. But the Cuban rebel army as an institution built on the multiracial communities of workers, artisans, and small farmers in the Cuban towns and countryside, and reflected their diversity. Ideologically, it represented a decisive break not only with colonialism, but also with key elements of colonial society in matters of color. Racism as a legacy of slavery thus came to be strongly associated at the symbolic level with Spain and with colonialism, and anti-racism became, at least at the level of political belief, part of what it meant to be Cuban. And as Cubans, the rebels pounded away at the Spanish forces through three long years of guerrilla warfare.

This brings us, then, to 1898, and to the last months of the Cuban war. And it is there that we will find the pivot point at which Louisiana’s and Cuba’s two histories, with their elements of parallelism and elements of divergence, will come together on the ground, but separate in their trajectories so sharply that they can never again resume parallel paths.

In the spring of 1898, the U.S. government entered the Cuban war, unbidden, intent on expelling the Spanish and on taking credit for that expulsion. One of the McKinley administration’s main concerns seems to have been that the multiracial Cuban rebel army might, if and when it proved victorious, define a very new kind of Cuba. In uneasy alliance, the U.S. forces and the Cuban troops of Generals Calixto García and Agustín Cebreco besieged the eastern port city of Santiago. A portion of Spain’s

naval forces were bottled up in the harbor, and when Madrid ordered them to attempt to break out, the U.S. Navy sank them. Weakened by the siege and by this and other blows, Spanish forces in Santiago surrendered. The U.S. high command, however, ordered the Cuban rebel forces to remain outside the city; the formal capitulation would involve only Spain and the United States.

In the summer of 1898, then, the two lives that we have been following abruptly converge. As he had promised the War Department, Pierre Carmouche had persuaded men of color from



Pierre Carmouche

his neighborhood around Donaldsonville to volunteer for service, and they joined a unit of federally-recruited infantry. Carmouche had a harder time persuading his neighbors to accept the ruling that every company of black soldiers would be placed under the command of a white captain, a concession the federal government had made to the Louisiana authorities. But in July of 1898 Carmouche was mustered into the Ninth U.S. Volunteers, and commissioned first lieutenant. It was just days before the Spanish troops would capitulate in Santiago de Cuba. There would soon no longer be a war to fight in, only an occupation to impose. In August, Carmouche's regiment shipped out from New Orleans to Santiago, and was sent to garrison the town of San Luis, adjacent to Agustín Cebreco's home district of Cobre.

So by September of 1898 these two men were in the same place — Lieutenant Pierre Carmouche stationed in San Luis, his unit charged with keeping the peace and suppressing “banditry;” General Agustín Cebreco in the nearby countryside, in command of some 4,000 troops, waiting to see what relationship would be established between those who, like himself, had been engaged in an armed struggle against Spanish colonialism for much of the last 30 years, and the occupying U.S. forces, who had entered this battle only in its final stages. Cebreco's soldiers, moreover, were in limbo, prohibited from foraging because hostilities had ended, but refused rations by the U.S. authorities who held Santiago.

If I were a novelist or a filmmaker instead of a historian, I could at this point bring Cebreco and Carmouche face to face. Would each recognize the other as a kindred spirit? Or, equally likely, would each offend the other's patriotic sentiments? But I am not a novelist, so I have to leave them a few miles apart, each only obliquely aware that there exist men like the other.

I cannot bring the two men together, but it is possible to reflect

on the ways in which this moment functions as a pivot point in the histories of their societies. For the struggles surrounding questions of class, color, and citizenship were soon to be given formal constitutional expression at this turn of the century, highlighting what was at stake, and setting the parameters for the future.

The U.S. military occupation government that ruled Cuba from 1899 to 1902 was prepared to accept popular sovereignty on the island only in a very limited form. In the name of providing democratic elections for municipal office and for a constitutional assembly, U.S. Military Governor Leonard Wood imposed in 1900 a set of electoral rules for Cuba that sharply limited access to the vote. Only those with substantial property or the ability to prove that they could read and write could register, though an exception was made for those honorably discharged from the Cuban rebel forces. But the results of this constrained election were somewhat surprising. Cuban voters sent to the constitutional convention a set of strongly nationalist figures, including the black activist and journalist Juan Gualberto Gómez and, as an alternate delegate, General Agustín Cebreco. And in this powerful “constitutional moment,” the convention placed a robust guarantee of universal manhood suffrage into what would be the founding document of the Cuban republic — something the U.S. Constitution had never done, and that even the Fifteenth Amendment to the U.S. Constitution did not guarantee. The popular and anti-racist tenor of the Cuban rebellion itself, combined with its broad cross-racial and cross-class base, made such a step seem to be a matter of honor. To do anything else would be to disrespect those who had fought and died.

As a result, when the U.S. flag came down in Havana on May 20, 1902, and the Cuban Republic began, a broadly inclusive set of political rules had been put in place. And while the vote itself was limited to men, such a system invited electoral alliances that could provide important room for maneuver for women as well. Thus, for example, when a former slave named Andrea Quesada from the town of Cienfuegos decided in 1906 to sue the heirs of her former master, asserting that she had been held in bondage illegally in the 1870s, a white attorney and politician took up her case, and carried it to the Cuban Supreme Court.

A constitutional convention had also been deliberating in Louisiana in 1898, its members chosen under an even more restrictive set of electoral rules than those General Wood had imposed on Cuba. The Louisiana convention, a lily-white conclave dominated by white-supremacist Democrats, represented a very different constitutional moment. It proposed literacy and property requirements designed to disqualify the great majority of black men who might seek to register to vote, and combined these with a grandfather clause that readmitted most white voters excluded by those requirements. The legislature then promulgated the whole text as a new state constitution, without putting it up for ratification — precisely because

experience had shown that voters had a tendency to reject such proposals. The chair of the convention was perfectly blunt:

“What care I whether the test which we have put be a new one or an old one? What care I whether it be more or less ridiculous or not? Doesn’t it meet the case? Doesn’t it let the white man vote, and doesn’t it stop the negro from voting, and isn’t that what we came here for?” The record then reads — “applause.”

What was at stake was not just the exercise of the franchise. Access to the vote could mean negotiating power as a potential member of alliances, and was emblematic of the right to voice as well as to formal representation. Denial of the vote meant that there was virtually no recourse in cases of political abuse and no recognition of one’s standing as a member of the political community.

Louisiana activists of color, in alliance with some white Republicans, tried one last time to challenge this attempt to lock them out of the political process, and brought suit against the new state constitution under the Fourteenth and Fifteenth Amendments. But before their case could reach the U.S. Supreme Court, the issue was resolved in a similar case brought from Alabama. In *Giles v. Harris*, Justice Oliver Wendell Holmes, speaking for the majority, concluded that if Alabama’s new constitution excluded from the franchise black citizens and voters who had been members of the political community for the previous 30 years, the individuals denied registration had no federal constitutional remedy. The Supreme Court would take no action against a state or its registrars, and would reject even a simple suit for damages.

The divergences marked in these two constitutions are visible in the subsequent lives of Pierre Carmouche and Agustín Cebreco. When Pierre Carmouche was mustered out and returned to Donaldsonville in 1899, he found that some of his white neighbors refused the very idea that a man of color might presume to the standing of an officer and a gentleman. They boycotted his blacksmith shop, and testified against him when he applied for a federal war pension. Carmouche continued to try to operate as a public figure, writing with some anguish to President McKinley that if ever there was a time when a “colored Republican” needed assistance, it was now. But to no avail. One door after another closed.

In despair, Carmouche left the state and moved with his family to Detroit in 1902. Carmouche had been weakened by illness during his time in Cuba, and he eventually could find work only as a janitor in the Wayne County Courthouse. In 1912 he wrote bitterly to Booker T. Washington: “What I did and encouraged our people to do, in our war with Spain in 98, is what I would not attempt to do again Not Unless it was for the complete and permanent rights, liberties, opportunities, and freedoms of the Colored Citizens of America or U.S.”

Agustín Cebreco, by contrast, remained active in the Cuban public sphere, dignified by the respect accorded officers in the war, independent of color. He ran for congress from his home

region of Oriente, and was elected for several terms. At a critical moment in the early Republic, 1912, when a group called the Independent Party of Color organized an armed protest in pursuit of greater political representation, Cebreco was proposed as a mediator between the government and the leaders of the protest. The army nonetheless carried out a massacre of those suspected of affiliation with the protest. The killings showed that in Cuba in 1912, as in Louisiana in 1887, it was possible for the state to racialize a labor or a political struggle, and to employ violence when the existing relations of power were threatened.

In Cuba, however, the doors to public and political participation for men and women of color had not been slammed shut. Men of color remained active and visible leaders in national politics, journalism, and labor unions. In 1915, Cebreco took the lead in a symbolic affirmation of the vision of Cuban nationality that both transcended color and respected Cubans of African descent. On horseback, he led a column of 2,000 veterans — black, white, mestizo; Liberal, Conservative, and socialist — who rode together in a public procession into the mountains to the sanctuary of the Virgin of Cobre, the popular figure of veneration generally portrayed as a woman of color. There, the veterans’ group delivered a formal petition to be conveyed to the Pope, asking him to declare this Virgin the *patrona de Cuba*, the patroness of the island. Their request was granted a year later.



So where are we, then, at the end? If we return to our metaphor of degrees of freedom, what have we learned about the range of possibilities for building citizenship in the shadow of slavery? Perhaps something about the function of law, and something about the experience of cross-racial mobilization.

Slavery in the modern world had been a system that relied upon law. To transform a human being into property required the legal construct of a “person with a price.” Slavery may have been regionally specific in its geography, but it had to be national in the maintenance of its controlling fiction. What the comparison of Cuba and Louisiana after slavery suggests is that the same is true of white supremacy as a postemancipation project. Not color prejudice as a predisposition, or even white supremacy as a kind of psycho-social pathology — those can emerge in many situations. But white supremacy as an organized structure constraining the life prospects and attempting to undercut the dignity of those whom it labeled inferior, was not simply the natural legacy of slavery. Upon abolition, the legacy of slavery was a contest between contending pictures of citizenship. White supremacy was a political project aimed at ending that contest, at locking in a permanent structure of privilege. In the United States, the project of white supremacy, like slavery before it, required legal backing right up to the top of the system. And, by 1896–1904, *Plessy to Giles*, it found it.

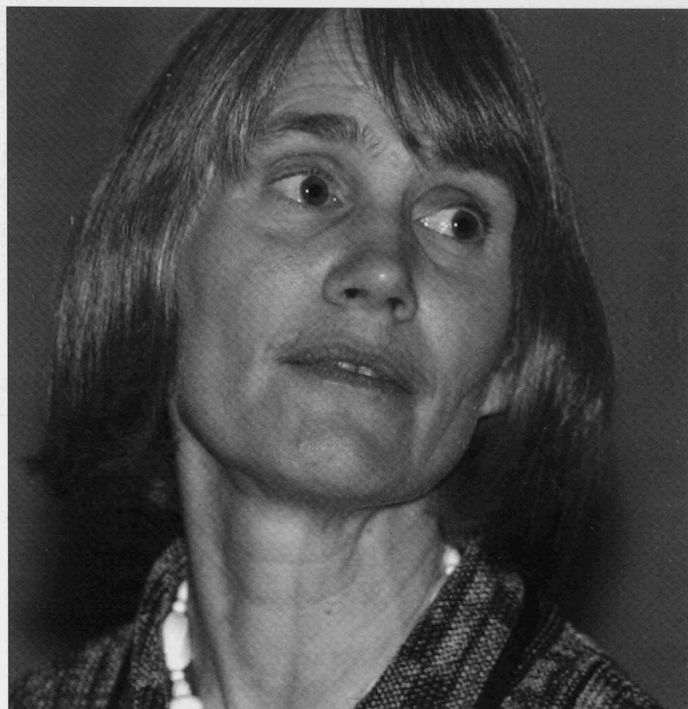
So if we think of our two cases as complex dynamical systems in motion, over time, we can see that in the years after slavery various possibilities were in play — an inclusive citizenship that would transcend color, or a white-supremacist project that would constrain public rights. As long as the struggle had a strong electoral and labor dimension, as it did in Louisiana during Reconstruction, or involved a cross-racial movement for national independence, as it did in Cuba, the struggle remained a true contest. But in Louisiana the underpinnings of collective action were knocked out one by one.

In Cuba, there was significant momentum behind the transracial project, reinforced by the character of the fight against slavery, the increasing heterogeneity of the rural work force, and the experience of the rebel army that had made the nation possible. When the moment of truth came in the Cuban Constitutional Assembly in 1901, the arc was bending toward inclusion. Even conservative white delegates, even men who were moved by sentiments of prejudice, voted for an inclusive citizenship and universal manhood suffrage.

That did not mean that the contest was won, or that equality was guaranteed. The army killings in 1912 made that clear. It meant instead that the contest would continue, that alternatives would remain in play, and that conflicts would continue. Within each of these horizons of possibility, then, one relatively broad in Cuba, one quite narrow in Louisiana, there unfolded different degrees of freedom for men and women of African descent.

Within each horizon, however, there was also a vernacular sense of the deeper meaning of freedom, an interior experience of rights and claims to dignity even in the face of constraint. And this vernacular sense of rights was expressed with particular conviction by those who looked out on the narrowed horizon. So we might end with words written by Rodolphe Desdunes, one of the activists in the *Plessy* challenge, as he braced for their defeat in the Supreme Court. He suggested, in effect, that the meanings of freedom could be defined by those who had fought for it, not just by those who now controlled the state:

“It is well for a people to know their rights even if denied them,’ and we will add that it is proper and wise for a people to exercise those rights as intelligently as possible, even if robbed of their benefits.”



Rebecca J. Scott, a 2004 Guggenheim Foundation Fellow, was named the Charles Gibson Distinguished University Professor of History at the University of Michigan in 2003. She is a specialist on the history of slavery and emancipation in plantation societies, as well as a professor of law at the Law School. Dr. Scott received an A.B. from Radcliffe College, an M. Phil in economic history from the London School of Economics, and a Ph.D. from Princeton University. She has recently coauthored, with Michael Zeuske, “Property in Writing, Property on the Ground: Pigs, Horses, Land and Citizenship in the Aftermath of Slavery, Cuba, 1880–1909” *Comparative Studies in Society and History* (December 2002). She also wrote “Reclaiming Gregoria’s Mule: The Meanings of Freedom in the Arimao and Caunao Valleys, Cienfuegos, Cuba, 1880–1899,” *Past and Present* 170 (February 2001). She is coauthor, with Frederick Cooper and Thomas Holt, of *Beyond Slavery: Explorations of Race, Labor, and Citizenship in Postemancipation Societies* (The University of North Carolina Press, 2000). She has recently finished a book titled *Degrees of Freedom: Society after Slavery in Louisiana and Cuba* (forthcoming, Harvard University Press, fall 2005). At the Law School, Scott offers two seminars under the rubric, “Law, History, and the Dynamics of Social Change.” One addresses questions of race and citizenship; the other looks at the law in slavery and freedom. Currently, Scott is also developing, with Martha Jones (of the University’s Department of History and the Center for Afro-American and African Studies), an international research and teaching project titled “The Law in Slavery and Freedom.”