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1990

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Recommended Citation

ON HEGEL, ON SLAVERY, BUT NOT
ON MY HEAD!

Guyora Binder[*]

> With [Hegel the dialectic] is standing on its head. It must be
> turned right side up again, if you would discover the rational ker-
> nel within the mystical shell.[1]

In a comment on my essay *Mastery, Slavery, and Emancipation*,[2]
Professor Thomas offers an intriguing critique of the political culture
of antebellum Southern whites.[3] Likening the political culture of the
master class to the "inverted world" described in Chapter III of
Hegel's *Phenomenology of Mind*,[4] Professor Thomas sketches a boldly
patterned portrait of Southern society that contrasts sharply with my
own. Unfortunately, Professor Thomas has obscured that contrast by
gravely misrepresenting my statements. Constructing an inverted
world of his own, he has represented my claim that masters admired
and emulated slaves as a claim that slaves admired and emulated mas-
ters; he has represented my claim that slaves manipulated and resisted
their masters as a claim that slaves acquiesced in slavery; he has rep-
resented my claim that slaves preferred collective freedom to indepen-
dence as a claim that they preferred slavery to freedom; and he has
represented my refusal to apply Hegel to the interpretation of master-
slave relations as a misapplication of Hegel. In addition, he has
claimed that I deny the obvious truths that slavery was coercive, that
slave deference was insincere, and that African-American freedom re-
mains to be won. In all cases, these accusations are belied by my
statements. Ordinarily, when as upright a colleague as Professor
Thomas tells me I have a leather tongue, I must assume that I have
stuck my foot in my mouth; but on this occasion I am afraid that
Professor Thomas has stood me on my head and taken exception to
my shoes.

In *Mastery, Slavery, and Emancipation*, I argued that Hegel's
well-known dialectic of master and slave should be understood less as

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those assisting me in this project by not identifying them.

[1] K. Marx, Capital 25 (S. Moore & E. Aveling trans. 1906).

[2] Binder, Mastery, Slavery, and Emancipation, 10 Cardozo L. Rev. 1435 (1989).

[3] Thomas, A House Divided Against Itself: A Comment On 'Mastery, Slavery, and
Emancipation,' 10 Cardozo L. Rev. 1481 (1989).

[4] G. Hegel, The Phenomenology of Mind 203-13 (J. Baillie trans. 1964) (1807).

an analysis of actual antebellum slave society than as a critique of freedom as commonly conceived in the Western world of Hegel's time. I argued that the conception of freedom as independence that was critiqued by Hegel was embraced by the Virginia planters that institutionalized slavery, was refined by the Northern Republicans that ultimately abolished slavery, was read into the Civil War amendments by the Supreme Court, and continues to straitjacket the struggle for emancipation to this day.

In attacking the use of this limited conception of freedom to constrain emancipation, I argued that it differed dramatically from the predominantly communitarian conception of freedom African-Americans pursued before, during, and immediately after the Civil War. While a communitarian conception of freedom was also developed by Southern whites, I endeavored to show that we are not therefore entitled to reject community as a value tainted by exploitation. Africans, I argued, held this value before being subjected to Western slavery, and their descendants struggled to realize and maintain this value in the face of opposition by slaveholders. Hence we cannot dismiss community as a "white" Southern value that was imposed upon the slaves. If anything, I argued there is evidence that Southern whites absorbed their communitarian values from the slaves—so that Southern whites may well have expropriated not only African labor, but elements of African political culture as well. The political point of this argument is that we should not confuse the emancipation of African-Americans from slavery with the triumph of free labor, nor should we invest Northern white Republican politicians with authority to define the freedom that was pursued by disenfranchised, mostly Southern blacks. An unsettling corollary is that the world view of Southern whites, for all its blindness and brutality, may have contained more insight into the freedom denied blacks then did the Northern Republicanism.

In a final section, I pointed out that Hegel's racism might have prevented him from extending to African-Americans the communitarian conception of freedom I found implicit in his dialectic of master and slave. I nevertheless argued that we remain faithful to the Hegelian project in fashioning a vision of African-American liberation inspired by Hegel's critique of independence.

Professor Thomas takes exception to my view that there were any positive elements of African-American political culture absorbed into the political culture of the masters. Instead he offers the view that Southern white political culture was an indivisible whole, in which notions of community and honor were inextricably bound up

with exploitation and violence. Southern black culture, by contrast, was inherently divided between authentic conduct and conduct co-erced by or imitative of whites. Black culture was violated by white invasion, while white culture, segregated by its own racism, main-tained its integrity as a pure essence of evil. Hence Thomas feels that any resemblance between the white and black cultures of the ante-bellum South is the joint product of white violence and black dissimulation.

Never denying the reality of white coercion and black deception, I argued that slaves rightly craved power, esteem, and community, values that Southern whites believed themselves to possess. Because I argued that slaves developed these values indigenously, my essay au-thorized no inference that slaves admired or emulated their masters. Hence the real and important issues between Professor Thomas and myself are whether there was anything positive in white Southern political culture and whether there were any values shared by black and white Southerners. Professor Thomas's vigorous view that the worlds of black and white Southerners were radically disjunctive de-serves development. But that worthy project is not advanced by attributing to me the foolish view that African-American slaves acqui-esced in slavery.

I. THOMAS ON BINDER ON SLAVERY

A. *Thomas's Charges*

The basis of Professor Thomas's objection to my paper is the sus-picion that it justifies slavery—a suspicion voiced in the following terms:

> Professor Binder's account of the ways in which slaves civi-lized their masters comes perilously close to supporting an infer-ence that (1) the psychic and social costs incurred in the operation of this symbolic economy of honor were negligible (for masters and slaves alike), and/or that (2) on balance, the benefits in any event outweighed the attendant burdens.[5]

On what does Professor Thomas base this charge? He refers the reader to a single paragraph[6] in my essay, in which, according to Pro-fessor Thomas,

> we are told [that] the slaves saw themselves in some sense reflected in their aristocratic masters; they could (and did) take pride in the success of their tutelary project, secure in the knowledge that the

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[5] See Thomas, supra note 3, at 1484.
[6] See Binder, supra note 2, at 1475.

timocratic manners of their masters "were the values of the slaves,
who understood that their freedom could never be achieved by in-
dividual escape."[7]

According to Professor Thomas, then, this paragraph claims that the
slaves identified with the masters and saw their influence over the
masters as consolation, even compensation, for the perpetuation of
their own slavery.

Later, Professor Thomas escalates his indictment of the para-
graph, attributing to it the view that slaves " 'cultivated' " their own
bondage:

In explaining his thesis on the civilizing role the slaves played in
the life of the antebellum South, Binder contends that slaves "culti-
vated" the ties that bound them to their owners in large measure
because they knew that "their freedom could never be achieved by
individual escape."[8]

As if uncertain whether this second interpretation of the paragraph
has sufficiently alarmed his readers, Professor Thomas finally reinter-
prets the paragraph as a claim that slaves preferred slavery to
freedom:

[T]he fact that so many African slaves decided to escape and face
the unpredictable risks of a solitary existence in a hostile society
should caution us against a generalization that they did not con-
sider even an uncertain, individual freedom preferable to the "hell"
(as Douglass put it) of collective servitude.[9]

B.   *Thomas Misconstrues the Only Paragraph that He Cites*

Let us now examine the offending paragraph, sentence by sen-
tence, and in light of its surrounding context, and see whether it in
fact says that slaves took satisfaction in identifying with their masters,
" 'cultivated' " their bonds to their masters, or preferred slavery to
freedom.

1.   Slaves Are Not Depicted Identifying with Their Masters

Immediately following my discussion of the role modern civil
rights activists played in setting an example of civility for Southern
whites, the paragraph begins as follows: "*Similarly, the slaves used
paternalism, in part, to invest their masters with some of the qualities
that they valued themselves.*"[10] This sentence says only that the slaves

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[7] See Thomas, supra note 3, at 1484.
[8] Id. at 1491.
[9] Id. at 1492-93.
[10] Binder, supra note 2, at 1475 (emphasis added).

valued the qualities that they taught their masters, not that they admired their masters. Earlier, I had suggested that masters may have emulated gracious African manners in hopes of winning the esteem of their slaves.[11] In this context, it is clear that the "qualities that [the slaves] valued themselves" refers to "the way that slaves honored one another."[12] It was the practice of courtesy and concern within their own community that the slaves valued.

Why, then, did they sometimes attempt to inculcate such behavior in their masters? Professor Thomas assumes that they could only have done so out of a need to identify with their masters or to admire authority. My essay, however, had already explained slave efforts to foster an aristocratic ethos among the masters in terms of self-interest:

> The culture, as well as the interests of the slaves, dictated a preference that their masters exercise personal authority. By exalting and flattering their masters, slaves endeavored to shame them into taking personal responsibility for conditions on the plantation. Especially during the last thirty years of slavery, masters increasingly assumed that kind of personal responsibility . . . and, with much self-pity and self-congratulation, erected identities on the sand of their slaves' flattery.[13]

The slaves realized that the masters' own self-images could obligate them "to support their slaves in old age, to side with their slaves against unusually abusive overseers, and to accede to demands if couched as humble appeals for favors."[14] The masters' "revolting"[15] belief that the slaves were helpless and irresponsible children "provided an arsenal of excuses to escape punishment for resisting the slave regimen. It also lulled whites into carelessness. Behind its protective camouflage, slaves could meet, plan, learn, worship, resist, sabotage, steal, shirk, escape, or even kill."[16] There is nothing in these passages to suggest that slaves admired their masters, or indeed that they thought their masters much better than fools. The only passage in the paper that can be read to suggest that slaves identified with their oppressors describes a house servant effectively using his status as the retainer of an important planter to humiliate a white man.[17]

Accordingly, any satisfaction the slaves took "in the success of

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11 Id. at 1467-72.
12 Id. at 1467.
13 Id. at 1474-75 (citations omitted).
14 Id. at 1466 (citations omitted).
15 Id.
16 Id. at 1467.
17 Id. at 1474.

their tutelary project"[18] resulted from the space that success created in which to resist slavery, not from any pride in their masters's accomplishments.

How, then, should we read the paragraph's next sentence? *"The slaves understood that they were deprived of freedom in Southern society; but Southern society was partially of their own making and part of the freedom prized by their masters was the freedom to develop and express those traits of character esteemed by the slaves."*[19] Professor Thomas apparently reads this to mean that slaves felt deprived of freedom, but took comfort in their role in facilitating their masters' freedom. Not only is this reading inconsistent with the passages we have just reviewed, it ignores the central importance of the phrase "Southern society" within the sentence. The sentence is not about slave attitudes toward the masters. It is about slave attitudes toward a Southern society in which they participated, and it is about the way slaves defined the freedom of which that society deprived them. The sentence is premised on the proposition, developed throughout the essay, that freedom was perceived differently in the North and the South. The overwhelming majority of the committed abolitionists in the antebellum United States lived in the slave quarters of the South. Was the freedom pursued by these slaves conceived in Northern terms or in Southern terms? Did the slaves want freedom from Southern society, or did they want freedom within Southern society? The essay's answer is summarized on the following page:

> [W]hen [the] slaves looked at themselves, they did not see laborers disabled from making wage contracts. They saw men and women excluded not only from authority, but even from membership in [the] organic community [envisioned by white Southerners]. More significantly, they saw a group of people prevented from establishing and governing a community of their own. The freedom slavery deprived them of was not the independence offered by Northern free labor society.[20]

If we read the italicized sentence in light of the overall argument of the paper—that the slaves pursued a richer conception of freedom than that promoted by Northern Republicans—it is clear that the sentence expresses a paradox. In one sense, Southern society was the slaves' enemy, the white dominion that had enslaved them. In another sense, however, Southern society was their own society, the homeland of the only American culture that embodied substantial

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[18] Thomas, supra note 3, at 1484.

[19] Binder, supra note 2, at 1475 (emphasis added).

[20] Id. at 1476-77 (citations omitted).

African-American contributions. Even though whites were the exclusive beneficiaries of Southern society and blacks were the principal victims, black and white Southerners associated many of the same benefits and capacities with freedom. Hence the meaning of the sentence is not that slaves enjoyed freedom vicariously through the masters; it is that they aspired to enjoy a freedom that was partly similar to that already enjoyed by the masters.

Does the contested paragraph then imply that slaves aspired to exploit others? No. Its next two sentences delineate the intersection between the values of the slaves and the masters, and make clear that domination fell outside that intersection: *"Thus freedom to the slaves as well as the masters meant taking responsibility for others and receiving in return the esteem of a community. These values were distorted in the behavior of the masters and purchased at the price of others' freedom and dignity . . . ."*[21] Thus far, we have encountered nothing to suggest that the slaves "saw themselves . . . reflected in their aristocratic masters."[22] Instead the idea expressed is that the slaves saw the masters arrogating exclusively to themselves a distorted version of the freedom to which the slaves aspired. Only now do we reach the phrase on which Professor Thomas relies in characterizing my essay as an argument that slaves took satisfaction in identifying with their masters, " 'cultivated' " their own bondage, and preferred slavery to freedom. The final sentence of the paragraph reads in full: *"These values were distorted in the behavior of the masters and purchased at the price of others' freedom and dignity—but they were the values of the slaves, who understood that their freedom could never be achieved by individual escape."*[23] The sentence consists of three unobjectionable claims: (1) the masters exercised responsibility for others and pursued the esteem of a community, but they did both in undesirable ways; (2) the slaves valued mutual responsibility and communal esteem; and (3) the mutual responsibility and mutual recognition that slaves valued could not be fully realized by means of the individual pursuit of freedom.

What in this final sentence suggests to Professor Thomas that the slaves found psychic compensation in identifying with the masters? We have already seen that Professor Thomas systematically misconstrues my use of the preposition "but." The paragraph argues that slaves could not be free in Southern society, "but" that slaves none-

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[21] Id. at 1475 (emphasis added).

[22] Thomas, supra note 3, at 1484. Nor does Thomas's interpolation of the qualifier "in some sense" turn a falsehood into a truth. Id.

[23] Binder, supra note 2, at 1475 (emphasis added).

theless sought freedom in Southern terms. Professor Thomas, how-
ever, understands the paragraph to argue that slaves were not free,
"but" that they didn't mind. He understands the paragraph's con-
cluding sentence to say that the masters abused the slaves, but that
the slaves didn't mind because they liked the masters and wanted to
remain slaves.

2. Slaves Are Not Depicted Cultivating Their Own Bondage

This misunderstanding leads to Professor Thomas's second mis-
construction—his characterization of the paragraph's last sentence as
a claim that slaves " 'cultivated' the ties that bound them to their
owners."[24] Yet, the word " 'cultivated,' " which Professor Thomas
places in quotes, appears nowhere in the sentence criticized. It does
not appear anywhere in the paragraph, nor even on the page. Nine-
teenth century rural America is described as "uncultivated,"[25] and
"cultivation" of rice is discussed,[26] but otherwise, this word appears
nowhere in the essay. Nor does the essay use any other language to
convey the idea that slaves cultivated emotional ties to their masters.
What is expressed is that slaves helped shape the values of the mas-
ters. They did this in part inadvertently, by force of example,[27] and in
part deliberately, in order to exert some control over their masters'
behavior.[28] The fact that slaves might have found it useful to en-
courage paternalistic attitudes on the part of their masters does not
mean that they accepted these masters as fathers. On the other hand,
the fact that slaves may have preferred community to independence
does not imply that they preferred slavery to independence. To the
contrary, the central point of the essay is that slavery is not commu-
nity, that slavery entails the suppression, the fragmentation, the depri-
vation of community.

3. Slaves Are Not Portrayed Preferring Slavery to Freedom

Heedless of this point, Professor Thomas proceeds with his most
hyperbolic charge: that in saying that slaves valued collective freedom
above individual freedom, I imply that they preferred "collective ser-
vitude" to individual freedom. Professor Thomas bases this accusa-
tion entirely on the phrase *"the slaves, who understood that their*

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[24] Thomas, supra note 3, at 1491.

[25] Binder, supra note 2, at 1472.

[26] Id. at 1469.

[27] See Id. at 1467, 1470, 1472-73 (listing reasons why Southern whites, despite their racism,
may have emulated slaves).

[28] Id. at 1466-67, 1474 (detailing the benefits to slaves who encouraged paternalistic atti-
tudes in their masters).

freedom could never be achieved by individual escape."[29] Far from implying that slaves desired slavery, however, this phrase refers to the form slaves hoped their freedom would take. Far from implying that slaves approved of slavery, it implies that their hatred of slavery was so great that they could not feel fully free until the entire system was dismantled. It does not say that slaves eschewed individual escape, but only that the slaves did not see such escape as the full realization of their vision of freedom. It does not say that slaves could not achieve their conception of freedom by means of escape, but only that escape could better advance their conception of freedom if pursued collectively, as it often was. Finally, the phrase is meant to carry the figurative implication that because antebellum African-Americans conceived of freedom in terms of mutual responsibility, their longing for freedom was not primarily a desire to be unencumbered and rootless.

C. *Thomas Invents Claims Not Found in My Essay*

Professor Thomas misrepresents the paragraph reviewed above as an endorsement of slavery, in part by misquoting it, in part by failing to quote it in full, and in part by ignoring its context. He supports this misconstruction by supplying a context that does not exist. Hence he repeatedly and incorrectly informs the reader that I interpret slave displays of deference as evidence of admiration for their masters.[30] From this fallacious premise, he infers that I deny that slave behavior toward whites was influenced by coercion,[31] or involved dissimulation and resistance.[32] In addition he claims that I accept the accuracy of the masters' view of the South as a harmonious community.[33] Yet, all of these inferences are belied by my explicit statements.

1. Slaves Are Not Depicted Admiring Their Masters

What is the sole basis for Professor Thomas's claim that my essay portrays slaves as "servile . . . admir[ers]" of their masters?[34] Without *identifying* a single example, Professor Thomas asserts that

> Professor Binder cites several instances of slave conduct which were expressive of the Southern aristocratic ethos. In his view, these examples provide persuasive evidence of the African slaves'

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[29] Id. at 1475 (emphasis added).
[30] Thomas, supra note 3, at 1487-88, 1490-91.
[31] Id. at 1484-85, 1487-88, 1498 n.62.
[32] Id. at 1489-91, 1498 n.62.
[33] Id. at 1498 n.62, 1510-11.
[34] Id. at 1491.

esteem for timocratic values, and their admiration for the ways in which these values were embodied in their masters.[35]

Now, what are these unidentified examples of slave conduct that I supposedly regard as "expressive of the Southern aristocratic ethos" and of "slaves' . . . admiration for . . . their masters?" Professor Thomas clearly suggests that I draw these conclusions from slave displays of courtesy toward *whites*. Hence he continues:

> [H]owever, ... the ritual of civility was always also a ritual of (coerced) deference . . . . Put bluntly, the slave who failed or refused to act deferentially in the presence of whites would almost certainly be slapped, kicked, flogged, or otherwise humiliated. This being the case, where Binder sees only esteem and admiration on the part of slaves for the forms of Southern civility, we are in fact confronted with attitudes that were considerably more ambivalent and complex.[36]

The difficulty with all this is that my essay describes no examples of slave deference toward whites. In developing my portrait of the values of the slaves, I rarely discussed slave behavior toward masters, and the few black-white interactions I described illustrate slave resistance rather than deference.[37] Most of these interactions reveal how slaves manipulated the forms of civility to gain power over their oppressors.[38] By showing the influence that slaves could sometimes exert over whites and the advantages that could accrue to slaves from inculcating an ethic of civility, these examples contribute to the essay's larger argument that slaves were an important source of Southern civility.[39]

Further evidence that slaves may have influenced Southern white conceptions of honor and civility is provided by the numerous white expressions of admiration for slave demeanor. Some of the statements quoted may refer to deferential conduct by slaves;[40] others clearly do not.[41] But none of the statements are offered as evidence that slaves admired whites or their values. Rather, they are clearly offered as

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[35] Id. at 1487.

[36] Id. at 1487-88 (citation omitted).

[37] Binder, supra note 2, at 1455 (freed slave responds to master's offer of employment by presenting him sarcastically courteous invoice for $12,000 in back wages).

[38] Id. at 1474 (slaves mollifying masters through flattery rather than work; slave humiliating illiterate white visitor; slaves controlling their young mistresses· by defining ladylike behavior).

[39] See id. at 1466-75 ("how the slaves civilized the South").

[40] See, e.g., id. at 1473 (mistress praising her slaves' " 'courtesy and affable condescension' ") (quoting E. Genovese, Roll, Jordan, Roll: The World the Slaves Made 116 (1974)).

[41] See id. (master commenting that his driver " 'looked indeed like one born to command.' ") (quoting E. Genovese, supra note 40).

evidence that many whites admired slaves and cast them in the role of exemplars of their values. Hence white perceptions of slave behavior toward whites are used to document white attitudes toward slaves, not slave values or attitudes toward whites.

By contrast, the evidence on which I relied to establish the commitment of slaves to the values of community, gentility, and honor, consisted of accounts of behavior between slaves, supplemented by descriptions of West African culture. Professor Thomas's implicit claim, that timocratic values were imposed on slaves by whites,[42] is hard to square with the prevalence of such values among the Gullahs of the Carolina rice country—the one group of slaves that had the least contact with whites and that best preserved African cultural idioms. Margaret Washington Creel summarizes:

> The same attachment to religion and community membership that existed among West Africans was observed among the Gullahs. . . . No wife, no children, no membership meant alienation—no place in the community. Gullah religion . . . . was a mutual agreement among themselves which implied that they could not love God without loving each other. . . . A central element in their religious attitude was a sense of individual honor. . . . This orientation was often expressed in terms of "manners." "A Christian is mannerable," the Gullahs were fond of saying. One Gullah soldier, in his supplications to heaven, implored, "Let me lib so dat when I die I shall *hab* manners."[43]

No doubt whites extorted from their slaves the same courtesy that slaves voluntarily extended to one another; no doubt the courtesy slaves extended to whites was insincere, sardonic, and manipulative; and no doubt the courtesy practiced by whites was thoroughly perverted by racism and hierarchy. But none of that implies that the civility whites demanded and learned from their slaves was a white invention.

Having falsely attributed to me the claim that slaves admired their masters, Professor Thomas feels free to infer that I deny white

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[42] See Thomas, supra note 3, at 1487-89.

[43] M. Creel, "A Peculiar People": Slave Religion and Community-Culture Among the Gullahs 279-81 (1988). Creel continues:

> Despite enslavement and poverty, the Gullahs . . . never allow[ed] one of their number to go without food or shelter. Kinship was important, but the Gullah concept of a household did not necessarily mean filial attachment, but all those living within a family and community structure . . . .
>
> While the Christian example contributed to inspiring a kindred spirit, the Gullah's sense of charity also had another source. African peoples have a tradition of politeness.

Id. at 281-82.

coercion and black dissimulation, and that I accept the self-image of slaveholders. While Professor Thomas cannot cite a single passage in support of these claims, he also ignores numerous passages that belie them.

2. The Coercive Character of Slavery Is Explicitly Recognized

Professor Thomas's claim that I deny the obviously coercive basis of slavery is difficult to square with the section of my essay entitled "On the Perils of Applying Hegel,"[44] which explores "the potentially racist implications of reading Hegel's dialectic of master and slave as an account of actual slave societies."[45] The section begins by stressing that "slavery as actually practiced in the Western hemisphere in the nineteenth century . . . always involved massive, sustained politicide by one culture against another, driven by the imperatives of a market economy."[46] This claim refers not only to the eroding and corrupting effects of the slave trade on African political culture, but also to the constant destruction of African-American communal life through the de-recognition and break-up of slave families: "Newly arrived Africans valued and attempted to reconstitute traditional kinship systems in this country. Of course their new families proved no more secure in the face of slavery than their old ones. Gutman describes the torment of slaves, ripped by sale from families they would remember all their lives."[47]

The section proceeds to condemn as racist those paternalistic critiques of slavery that, in attributing slavery to the misguided consent of the slave, imply that slaves accepted slavery.[48] Next, the section argues that Hegel's similar descriptions of "the slave's agency in her own oppression"[49] must be read as

> a hypothetical moment in a dialectical argument—not a description of an actual or even possible scenario. If the master were to blithely rely on the uncoerced will of the slave, she would soon find herself mastered. The only ways to maintain control over the slave are (1) coercion . . . or (2) offering the slave recognition, which would mean that the slave would cease to be a slave.[50]

The balance of the section emphasizes "the agency of slaves in perpet-

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[44] Binder, supra note 2, at 1441-45.

[45] Id. at 1444.

[46] Id. at 1441.

[47] Id. at 1452 n.97 (citation omitted).

[48] Id. at 1442-43.

[49] Id. at 1443 n.41.

[50] Id. at 1443-44 n.41.

ually resisting slavery,"[51] and dismisses "the platitude that slavery hurt the masters more than the slaves."[52]

Later sections implicitly refer to slavery as "exploitation"[53] that "degraded and separated the slaves."[54] Reference is made to " 'whites who had abused or killed' " slaves,[55] to "abusive overseers,"[56] to "punishment for resisting the slave regimen,"[57] to the need perceived by newly freed slaves to engage in collective self-defense in the absence of government protection,[58] and to the "systematic violence and deprivation" that African-Americans have faced since abolition.[59] Hence Professor Thomas's claim that my essay denies slavery's coercive character is simply inaccurate.

3.   The Insincerity of Slave Deference Is Explicitly Recognized

Equally inaccurate is his claim that my essay assumes the sincerity of slave deference to whites and denies the extent of slave resistance. Thus, the essay records the masters's shock on learning that slave professions of loyalty and contentment had been insincere.[60] It describes the use of civility by slaves to mock or manipulate whites.[61] And, it illustrates the use by slaves of class divisions to humiliate or boss whites while appearing faithful to their masters.[62] Professor Thomas complains that the essay "never comes to terms with concrete forms of resistance (e.g., slowdowns, sabotage, escape, rebellion) through which slaves sought to win relative or absolute independence."[63] Yet, this complaint is difficult to square with my observation that: "Even paternalism's revolting corollary—that slaves were high-spirited, if irresponsible children—had advantages. . . . Behind its protective camouflage, slaves could meet, plan, learn, worship, re-

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[51] Id. at 1444.

[52] Id. at 1445.

[53] Id. at 1449, 1462.

[54] Id. at 1453.

[55] Id. at 1455 (quoting L. Levine, Black Culture and Black Consciousness 79 (1977)).

[56] Id. at 1466.

[57] Id. at 1467.

[58] Id. at 1456.

[59] Id. at 1436.

[60] Id. at 1472.

[61] Id. at 1455 (quoting slave's letter to former master professing to "test his sincerity" by requesting $12,000 in back wages); id. at 1474 (exhibitions of deference as substitute for labor).

[62] Id. at 1474 (butler humiliating illiterate white visitor; maids insisting that their charges act ladylike).

[63] Thomas, supra note 3, at 1498 n.62. Thomas never justifies his assertion that the freedom for which slaves collectively struggled in these ways is best characterized as independence.

sist, sabotage, steal, shirk, escape, or even kill."[64] Purporting to correct my misapprehension of Southern society, Professor Thomas announces that "white Southerners had deluded themselves into believing that they could erect a civic community on the shifting sands of a cultured but coerced civility."[65] Yet, this discovery accords with my own observation that "masters . . . with much self-pity and self-congratulation, erected identities on the sand of their slaves' flattery."[66]

4. Hollowness of Masters' Self-Image Is Noted

Accordingly, Professor Thomas's claim that my essay accepts the master class's self-image is also false. Professor Thomas comments that the essay "misses an appreciation of the extent to which the slaveholding South's communitarian conception of itself can be viewed as the neurotic projection of a society shot through with discord and conflict."[67] Yet, my essay describes the Southern concern for honor as "obsessive,"[68] and notes that "Southern slaveholders often showed great status anxiety."[69] It also describes Southern culture as "driven by a contradiction" between independence and community, resolved by "an awkward synthesis" involving a "sentimental description of the South as an organic community."[70] Accordingly, Southern leaders "congratulated themselves" on their beneficence toward less powerful whites, and "reassured themselves that their helpless slaves could hardly survive without them."[71] In contrast to the harmonious arcadia imagined by the masters, my essay describes Southern society as a "constant, anxious competition for 'power in fellowship'—a quest for self, utterly dependent on a collectively constructed community always dissolving into dust, heat, and violence."[72] The essay makes clear that "[m]y contention is not that Southerners realized [their] fantasy of a harmonious and organic society; it is that they found this fantasy appealing because they lived in desperate fear of . . . isolation."[73]

Acknowledging that the self-images of Southern slaveholders

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[64] Binder, supra note 2, at 1466-67; see also id. at 1452-53 (discussing mutinies, collective escapes, establishment of maroon communities, and rebellions by slaves).

[65] Thomas, supra note 3, at 1512.

[66] Binder, supra note 2, at 1474-75 (citation omitted).

[67] Thomas, supra note 3, at 1498 n.62.

[68] Binder, supra note 2, at 1457.

[69] Id. at 1472.

[70] Id. at 1461.

[71] Id. at 1462.

[72] Id. at 1460.

[73] Id.

were sustained by their own violence and their slaves' flattery, my essay never suggests that white Southerners realized the communitarian ideals they largely shared with their slaves. Yet Professor Thomas attributes to me a view of the antebellum South as a communitarian utopia in order to support his interpretation of my essay as an endorsement of slavery. Unfortunately, his zeal to associate *my* communitarianism with slavery, makes it difficult for him to acknowledge the authenticity of the *slaves'* communitarianism.

D.   *The Charge That I Endorse Slavery Distorts Thomas's Own Analysis of Slave Political Culture*

By equating independence with freedom, Professor Thomas misconstrues my communitarian interpretation of slave political culture as an endorsement of slavery. But in thus opposing communitarianism to freedom, he is also driven to minimize the communitarian currents in slave political culture. The unfortunate result is a one-dimensional portrait of the slave struggle for freedom. Hence his strained effort to characterize my essay as an endorsement of slavery sadly distorts his otherwise insightful interpretation of the slaves' world.

1.   Thomas Neglects the Communitarian Dimension of Escape

My essay's claim that the slaves generally did not equate freedom with individual escape from slavery into a hostile and atomistic society is based on examples of slaves' collective resistance and other indications that the slaves associated freedom with collective self-governance. None of this suggests "that they did not consider even an uncertain, individual freedom preferable to the 'hell' (as Douglass put it) of collective servitude."[74] It affirms only that the pallid "freedom" offered by Northern society was something less than the freedom to which they aspired.

Nor is Professor Thomas justified in simply assuming that the frequency of escape is evidence that slaves conceived their struggle for freedom in individual terms. As V.P. Franklin argues, "[r]unning away was not merely an individualistic response to a personal affront or grievance, but a collective act of resistance in which the runaways were assisted by other slaves."[75] Sterling Stuckey has described the carefully organized escape of future activist Henry Garnet's extended family in these terms: "Since the group did not form itself into smaller

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[74] Thomas, supra note 3, at 1493.
[75] V.P. Franklin, Black Self-Determination: A Cultural History of the Faith of the Fathers 79 (1984).

units, to increase the chances that some would escape, no mistake could be made . . . without everyone suffering the terror of a return to slavery and severe punishment."[76] Like Garnet, many who escaped assisted later fugitives, "[f]or in both the literal and figurative sense these so-called 'free' blacks were still 'Bound with Them in Chains.' "[77] Whether by escaping or by assisting others to escape, African-Americans collectively contributed to undermining the profitability of slavery as a whole.[78] An awareness, that, in escaping, slaves joined a mass movement of resistance is implicit in such gospel refrains as "Many thousand go,"[79] and "I can't stay behind."[80]

2. Thomas's Individualist Portrayal of Douglass is One-Dimensional

Professor Thomas argues that slave narratives often use the term "freedom" in association with individual escape to the North.[81] Yet one would have expected a more complex reading of such narratives from one so alert to the layered meanings of slave discourse. There was the limited freedom then available to African-Americans in white society and the greater freedom to which they aspired as a people. And that greater freedom, what I have called "their freedom,"[82] was one that many slaves continued to pursue even after their escape into nominal freedom.

The layered depth of slave discourse on freedom is well illustrated by the only slave narrative that Professor Thomas cites to support his dubious claim that "African slaves sought to achieve an independence that was (again) conceived first and primarily in individual terms."[83] A reading of Frederick Douglass's autobiography in its entirety reveals that Douglass conceived of escape as a collective project, associated freedom primarily with responsibility to others, and did not feel that his personal escape had broken his bonds to those yet enslaved or his bondage to an oppressive society.[84]

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[76] S. Stuckey, Slave Culture: Nationalist Theory and the Foundations of Black America 140 (1987).

[77] V.P. Franklin, supra note 75, at 84.

[78] Id. at 83.

[79] Id. at 40.

[80] S. Stuckey, supra note 76, at 28-29.

[81] Thomas, supra note 3, at 1492.

[82] Binder, supra note 2, at 1475 (see supra text accompanying notes 7, 8, 23, and 29).

[83] Thomas, supra note 3, at 1492 (citing narrative of the life of Frederick Douglass, reprinted in J. Blassingame, The Slave Community 104 (1972)).

[84] F. Douglass, My Bondage and My Freedom (1969). Of the three editions of Frederick Douglass's autobiography, "*My Bondage and My Freedom* contains the most detailed account of his life as a slave." P. Foner, Introduction to F. Douglass, supra, at viii.

The isolated passage from Douglass's writings that Professor Thomas cites certainly identifies freedom with escape to the North.[85] But this imagined speech recalls Douglass's desperation before his dream of escape moved from fantasy to action.[86] Hired out to a vicious slave-breaker, Douglass cries out for release at the moment of his deepest despair and isolation, of abandonment by humanity and God, a moment from which death no less than flight promises deliverance.[87] At this moment, death and Northern society are both preferable to the "hell" of slavery, but neither can fully contain the freedom Douglass will one day claim.

3. Douglass Conceived of Escape As Collective Resistance

Eventually, Douglass's indifference to death enabled him to resist his brutal master, at which point he broke the spiritual bond of despair. Douglass described this result in terms that at first seem distressingly Hegelian:

> I had reached the point, at which I was *not afraid to die*. This spirit made me a freeman in *fact*, while I remained a slave in *form*. When a slave cannot be flogged he is more than half free. He has a domain as broad as his own manly heart to defend, and he is really *"a power on earth."*[88]

Yet the power Douglass thus asserted was not one that he desired to enjoy in isolation. Douglass proudly exercised his newfound freedom by inspiring resistance among his admiring fellows.[89] The more he asserted his inner freedom by organizing and instructing his fellows, the more bound Douglass felt to their fate: "An attachment, deep and lasting, sprung up between me and my persecuted pupils, which made my parting from them intensely grievous; and, when I think that most of these dear souls are yet shut up in this abject thralldom, I am overwhelmed with grief."[90] Increasingly, Douglass found fulfillment in sharing sovereignty over self with his fellow slaves:

> I never loved, esteemed, or confided in men, more than I did in

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[85] In a line that Thomas curiously omits, Douglass exclaims: "[O]ne hundred miles straight north, and I am free!" Id. at 220.

[86] Id. at 221 ("I am a slave . . . with no rational ground to hope for freedom.") (emphasis omitted).

[87] Id. at 219 ("I was sometimes prompted to take my life."); id. at 220 ("I will run away. . . . Get caught, or get clear, I'll try it. I had as well die with ague as with fever. I have only one life to lose. I had as well be killed running as die standing."); id. at 225 ("I had made up my mind . . . that the heartless monster . . . could but kill me, and that might put me out of my misery.").

[88] Id. at 247.

[89] Id. at 251.

[90] Id. at 267.

these. They were as true as steel, and no band of brothers could have been more loving. There were no mean advantages taken of each other . . . and no elevating one at the expense of the other. We never undertook to do any thing, of any importance, which was likely to affect each other, without mutual consultation. We were generally a unit, and moved together.[91]

Having become a leader in a democratic community, Douglass no longer consoled himself with the solitary imagination of flight—now he was ready to join with others in resolutely pursuing it:

I took upon me a solemn vow, that the year which had now dawned upon me should not close, without witnessing an earnest attempt, on my part, to gain my liberty. This vow only bound me to make my escape individually; but the year spent with Mr. Freeland had attached me, as with "hooks of steel," to my brother slaves. The most affectionate and confiding friendship existed between us; and I felt it my duty to give them an opportunity to share in my virtuous determination . . . .[92]

The result of Douglass's organizing efforts was not just a shared plan, but a shared vision of freedom, based on political discussion and group study.[93] Escape was the object of these "meetings of revolutionary conspirators,"[94] but the political experience of planning escape was itself a foretaste of freedom: "We were, at times, remarkably buoyant, singing hymns and making joyous exclamations, almost as triumphant in their tone as if we had reached a land of freedom and safety."[95] It was not that these conspirators had lacked the desire for freedom before they came together; but until they joined in political discussion they had difficulty imagining freedom: "Perhaps not one of them, left to himself, would have dreamed of escape as a possible thing. Not one of them was self-moved in the matter."[96] Yet once these men joined together in political action, they gave a liberatory meaning to the community and culture they already shared: "A keen observer might have detected in our repeated singing of 'O Canaan, sweet Canaan, I am bound for the land of Canaan,' something more than a hope of reaching heaven."[97] The communitarian character of the freedom thus envisioned is suggested by the related lyric: "When

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[91] Id. at 269.

[92] Id. at 274.

[93] Id. at 274-75.

[94] Id. at 280.

[95] Id. at 278.

[96] Id. at 279 (Douglass probably exaggerates in order to absolve from responsibility any of his co-conspirators who are still enslaved; yet his pride in his organizing prowess is unmistakable.).

[97] Id. at 278.

we land on Canaan's shore we'll meet forevermore."[98] The common
experience of the slave community as a foretaste of freedom was ex-
pressed in another slave spiritual: "Master gone away/ But darkies
stay at home/ The year of jubilee is come/ And freedom will
begun."[99]

When Douglass's conspiracy was discovered, he was thrust back
into despair; yet his distress over his continued enslavement was inex-
tricably bound up with his separation from his comrades.

> I was now left entirely alone in prison. . . . My friends were sepa-
> rated from me, and apparently forever. This circumstance caused
> me more pain than any other incident connected with our capture
> and imprisonment. . . .
>
> Not until this last separation, dear reader, had I touched those
> profounder depths of desolation, which it is the lot of slaves often
> to reach. I was solitary in the world, and alone within the walls of
> a stone prison, left to a fate of life-long misery. . . . The ever
> dreaded slave life in Georgia, Louisiana and Alabama—from
> which escape is next to impossible—now, in my loneliness, stared
> me in the face.[100]

4.   Douglass's Individual Escape Did Not End His Struggle for
Collective Freedom

To protect the escape prospects of future fugitives, as well as the
identities of those who assisted him, Douglass refused to disclose the
circumstances of his escape.[101] But after successfully escaping, did
Douglass consider himself "free"? The only answer that can be
gleaned from his writings is that he continued to count himself a slave
insofar as his brethren were still enslaved, and that he continued to
count himself free insofar as he continued to participate in the strug-
gle for their freedom. In *My Bondage and My Freedom*,[102] both bond-
age and freedom were inevitably shared.

Douglass celebrated his newfound freedom in an open letter to
his former master. In what did this freedom consist? Was it individ-
ual or communal? Initially, Douglass's freedom manifested itself in-

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[98] V.P. Franklin, supra note 75, at 62.

[99] Id. at 81 (sung to celebrate the master's absence prior to emancipation).

[100] F. Douglass, supra note 84, at 300-01.

[101] Id. at 321-25. As Professor Thomas acknowledges, Douglass also remarks on the pain
he felt leaving behind his friends and notes the inhibiting effect that the threat of such separa-
tion has on escape. Thomas, supra note 3, at 1492 (quoting a later version of Douglass's
autobiography). See also F. Douglass, supra note 83, at 333-34 (Douglass's remarks on
separation).

[102] See F. Douglass, supra note 84.

dividually, in his ability to earn and keep his own wages.[103] But what marked his new condition most decisively from that of his brother and sisters (actual, not figurative) in slavery, was his ability to raise, care for, and educate his children.[104] So indoctrinated are we in the individualism of our culture that we tend to forget that this most "private" of freedoms can only be enjoyed collectively. Freedom, for Douglass, entailed responsibility to others.

This conception of freedom drove Douglass to continue his pursuit of his freedom long after his own escape from slavery. Thus he participated with other black activists in planning African-American political institutions.[105] Douglass's conception of freedom as collective sovereignty was also implicit in his rejection of Garrison's interpretation of the Constitution as a pro-slavery compact with the South. Because Garrison's proposal for Northern secession entailed the abandonment of the slaves and the isolation of the North's freedpersons, it could not offer Douglass true citizenship in a free country.[106]

That Douglass considered his freedom bound up with that of his enslaved brothers and sisters is nowhere more evident than in his famed address, "What to the Slave is the Fourth of July?"[107]:

> I am not included within the pale of this glorious anniversary! . . .
> The rich inheritance of justice, liberty, prosperity, and indepen-
> dence, bequeathed by your fathers, is shared by you, not by me.
> The sunlight that brought life and healing to you, has brought
> stripes and death to me. This Fourth of July is *yours*, not *mine*.
> *You* may rejoice, *I* must mourn. To drag a man in fetters into the
> grand illuminated temple of liberty, and call upon him to join you
> in joyous anthems, were inhuman mockery and sacrilegious irony.
>
> . . . .
>
> Fellow-citizens, above your national tumultuous joy, I hear
> the mournful wail of millions, whose chains, heavy and grievous
> yesterday, are to-day rendered more intolerable by the jubilant
> shouts that reach them. If I do forget, if I do not faithfully remem-
> ber those bleeding children of sorrow this day, "may my right hand
> forget her cunning, and may my tongue cleave to the roof of my

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[103] Id. at 424-25 app.

[104] Id. at 426 app. ("Oh! Sir, a slaveholder never appears to me so completely an agent of hell, as when I think of and look upon my dear children.").

[105] See Binder, supra note 2, at 1453 (noting Douglass's proposals for a nationwide political association to foster mutual cooperation in all spheres of life).

[106] See F. Douglas, II The Life and Writings of Frederick Douglas 467-80 (P. Foner ed. 1950); V. Harding, There is a River: The Black Struggle for Freedom in America 137-38 (1983) (flaws of Garrisonian abolitionism); W. Wiecek, The Sources of Antislavery Constitutionalism in America, 1760-1848, at 251-52 (1977) (critique of Garrison offered by Douglass and others).

[107] F. Douglass, supra note 84, at 441-45 app.

mouth!" To forget them . . . would be treason most scandalous and shocking, and would make me a reproach before God and the world. . . . I shall see this day and its popular characteristics from the slave's point of view. . . . identified with the American bondman, making his wrongs mine . . . .[108]

For Douglass, freedom could not remain solitary and could offer no escape. It was an endless pilgrimage, every step of which bound him more fully to the fate of those left behind. Douglass's escape was one necessary step along that journey, but it was neither the first step nor the last. Perhaps there were slaves who distinguished their freedom from the destiny of their people, who saw this freedom as an "independence . . . conceived first and primarily in individual terms"[109]—but we cannot count Frederick Douglass among them.

II.   THOMAS ON BINDER ON HEGEL

A.   *Thomas's Charge: Binder Applies the Dialectic of Master and Slave to History*

In addition to misreading *Mastery, Slavery, and Emancipation* as an endorsement of slavery, Professor Thomas persistently mischaracterizes the essay as an interpretation of the psychodynamics of slave society derived from Hegel's dialectic of master and slave. Professor Thomas can support this claim only by misquoting me, while suppressing my explicit warnings that Hegel's dialectic of master and

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[108] Id. at 441-42 app.

[109] Thomas, supra note 3, at 1492. Some readers may wish to understand Professor Thomas's claim concerning the fundamentally individualist aspirations of slaves in the terms suggested by Professor Bush: that slaves initially craved an independence "similar to white notions," but that "[i]n the face of intractable racism and despairing of genuine social change, some blacks concluded that equal (individual) freedom could only be realized communally, through autonomy or emigration." Bush, Hegelian Slaves and the Antebellum South, 10 Cardozo L. Rev. 1517, 1539 (1989). The difficulty with this view is that it assumes there was some pure concept of freedom that African slaves held prior to their encounter with racism, which racism then corrupted. There are three ways Bush's claim may be understood: (1) that slaves absorbed the ideal of independence from whites—a view which would not only efface slave cultural autonomy, but leave the reader wondering why the slaves absorbed the Northern whites's conception of freedom rather than that of the Southern whites with' whom they had much more contact; (2) that the ideal of independence was indigenous to the cultures that Africans brought with them into slavery, a claim that would be difficult to support; or (3) that the ideal of individual independence is simply a fact of human nature, a universally valid truth about the meaning of freedom, that African-American political culture obscures. But the idea of freedom does not arise in a vacuum—it is the product of concrete struggles for self-realization against identifiable sources of oppression. Since its inception, the black struggle for freedom in America has been the struggle for freedom from racism. To claim that the African-American exodus was diverted onto the path of collectivism by its encounter with racism, is to treat vulnerability to racism as a disability that disqualifies slaves and their descendants from defining the very freedom for which they have struggled.

slave should be understood as a critique of independence rather than an analysis of actual slave societies.

Professor Thomas understands my essay "[t]o 'apply' Hegel's allegory of mastery and slavery to the history of African-American slavery,"[110] and so attributes to me "the notion that Hegel's phenomenological description of mastery and slavery is a useful 'tool' that we can 'apply' in an effort to reach some hermeneutic understanding of the lived experience of masters and slaves in antebellum America."[111] Accordingly, he refers to my essay as "an interpretation of mastery and slavery in America 'inspired by' (in Professor Binder's words) Hegel's account of mastery and slavery."[112] But are these my words? Did I in fact refer to Hegel's dialectic of master and slave as a " 'tool' " that should " 'inspire' . . . interpretation of mastery and slavery," or that we should " 'apply' to the lived experience of masters and slaves?"

B. *The Dialectic of Master and Slave Is Not So Applied*

Notwithstanding Professor Thomas's quotation marks, the word "tool" does not appear in my essay. The word "apply" appears twice, both times in developing propositions diametrically opposed to those Professor Thomas attributes to me. The first appearance of this term is in the title of section III, "On the Perils of Applying Hegel."[113] This section argues against the application of Hegel's dialectic of master and slave in analyzing actual slave societies. Such applications are dismissed as "inaccurate,"[114] "pernicious,"[115] and "potentially racist,"[116] because they tend to attribute slavery to the cowardice or helplessness of the slave.[117] In addition, such applications of the dialectic of master and slave are criticized for overestimating the mutual dependence of masters and slaves, and ignoring the involvement of each in communities of their own.[118]

In general, my essay follows Orlando Patterson in developing a sociological account of master-slave relations, rather than following Hegel in speculating on the psychological effects of these relations.[119]

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110 Thomas, supra note 3, at 1501.

111 Id. at 1500.

112 Id.

113 Binder, supra note 2, at 1441.

114 Id.

115 Id.

116 Id. at 1444.

117 Id. at 1441, 1444.

118 Id. at 1445.

119 See O. Patterson, Slavery and Social Death 78 (1982). Thomas characterizes my account of slave society as "cultural" and urges a more "materialist analysis." Thomas, supra

This choice is partly dictated by the epistemological barriers that prevent us from making confident claims about the inner lives of those who lived in the past. But there is another concern as well: historically, psychological speculation about what Professor Thomas calls the "inner damage to . . . slaves" wrought by slavery,[120] has too often led to condescending characterizations of African-Americans as prisoners of their own flawed personalities. In criticizing psychological accounts of slavery, my essay points out that "[i]ndictments of slavery that insist its worst crime was the dehumanizing of the slaves still imply that slaves were something less than human."[121]

Yet, my essay does not urge that we eschew all applications of Hegel's thought. Its final paragraph urges that we "apply him to our future."[122] This phrase summarizes the essay's plea that Hegel's dialectic of master and slave be used prescriptively in defining the emancipation yet to be achieved under the authority of the Civil War amendments. In its context, the suggestion that Hegel be applied to the future implies that his thought should *not* be applied in understanding the past.

My view that Hegel should be consulted as a political theorist rather than a historian is clearly enunciated in the essay's introduction, which proposes that "Hegel's purpose in presenting [the] dialectic [of master and slave] is not to critique slavery, but to critique freedom, as commonly conceived in the early nineteenth century."[123] The essay's introduction delineates the relationship between my thesis and Hegel's familiar allegory as follows: "In this essay I will suggest a communitarian interpretation of emancipation *inspired by* Hegel's dialectic of master and slave. This interpretation will proceed from an account of slave society which, *like* Hegel's dialectic, equates slavery with the denial of social recognition."[124] It is my conceptualization of freedom that is "inspired" by Hegel's allegory, not my account of Southern slave society.[125] This account confirms some aspects of

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note 3, at 1498 n.62. This scientific marxist dichotomy between culture and economics is undermined by the cultural construction of material interests. See R. Steinfeld, The Invention of Free Labor (forthcoming 1991); Binder, Beyond Criticism, 55 U. Chi. L. Rev. 888 (1988); Meidinger, Regulatory Culture: A Theoretical Outline, 9 Law & Pol'y 355 (1987).

[120] Thomas, supra note 3, at 1513.

[121] Binder, supra note 2, at 1443.

[122] Id. at 1480.

[123] Id. at 1435.

[124] Id. (emphasis added).

[125] Professor Thomas seems disturbed by my use of the term "inspired," insisting that *he* is "not . . . interested in offering an interpretation of mastery and slavery in America 'inspired by' (in Professor Binder's words) Hegel's account of mastery and slavery." Thomas, supra note 3, at 1500. Perhaps "inspiration" connotes an inappropriately buoyant mood in which to recollect the horror of slavery—but that is not the purpose to which I applied Hegel. Instead, I

Hegel's analysis of slavery[126] while disconfirming others,[127] but it re-
lies on the observations of historians rather than Hegel's speculative
arguments.

    Accordingly, Professor Thomas is compelled to admit that "[i]n
the section of his comment toward which I have directed my critical
remarks, Professor Binder makes no explicit reference to the text of
Phenomenology on the struggle for recognition between the master
and slave."[128]

C. *Thomas Does Apply the Dialectic of Master and Slave to History*

    Surprisingly, it is Professor Thomas's critical account of South-
ern slave society that displays the influence of Hegel's dialectic of
master and slave. Hegel's allegory posits an "existential impasse"[129]
which my essay describes as follows:

> The slave, permitted to express only the master's subjectivity, can-
> not provide the master with an Archimedean point from which to
> see herself. Thus unable to objectify the master, the slave is para-
> doxically constrained from offering the master recognition. De-
> prived of an identity, the slave cannot confer one on the master—
> withholding esteem from the slave, the master cannot credit the
> esteem she compels the slave to confer.[130]

    Joining Hegel in the view that slavery prevents slaves from ex-
pressing their own subjectivity, Thomas sees the masters' political cul-
ture as paralyzed by Hegel's existential impasse: "Because the status
of the slave . . . precluded the political standing necessary to confer
citizenship, the ethos of civility he imparted to his master could not
translate into authentic civism."[131] Eschewing the "examination of
[the] recorded experience (of . . . masters)"[132] that he advocates, Pro-
fessor Thomas bases this insight solely on Hegelian speculation: hav-

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sought Hegel's inspiration in the joyous task of envisioning an as yet unrealized human
freedom.

    [126] See, e.g., id. at 1445, 1449-59, 1456-60 (confirming the centrality of honor and recogni-
tion in distinguishing slave from master).

    [127] See, e.g., id. at 1443-45, 1452-56, 1466-75 (rejecting the masters' existential impasse, the
slaves' acquiescence and the total supression of slave subjectivity).

    [128] Thomas, supra note 3, at 1493.

    [129] See A. Kojève, Introduction to the Reading of Hegel: Lectures on the Phenomenology of
the Spirit 19 (S. Nicholas trans. 1969). Kojève explains that the master is "not assured of self-
existence as his truth. . . . [because] he is recognized by someone whom he does not recog-
nize. . . [and] he can be satisfied only by recognition from one whom he recognizes as worthy
of recognizing him." Id.

    [130] Binder, supra note 2, at 1438-39 (footnote omitted).

    [131] Thomas, supra note 3, at 1511.

    [132] Id. at 1485.

ing excluded the slaves from their community, reasons Thomas, the masters could not have learned communitarian values from the slaves.

D. *The Perils of So Applying the Dialectic of Master and Slave*

While this is an intriguing claim, we must approach any such application of Hegel's hypothetical narrative to actual conditions with caution. As my essay points out, we must remain ever mindful that the capacity of masters and slaves to gain recognition within their own classes alters the psychic calculus described by Hegel.[133] Hence in stressing that coercion rendered slave behavior toward whites inauthentic, we must not lose sight of the capacity of slaves to publicly exhibit genuine expressions of community and dignity in their relations with one another.[134] Slaves were able to develop the "rich interior li[ves],"[135] described by Thomas, in part, because they created rich social contexts in which to articulate them. Following Hegel in de-emphasizing the opportunities enjoyed by slaves to anchor their self-images in this public world, Professor Thomas· concludes with some suggestive speculation· on "the inner damage to African slaves wrought by the experience of [a] constantly improvised, split self."[136] The merit of such psychological speculation is its expansion of our sensitivity to the suffering wrought by slavery. That sensitivity, however, is purchased at a cost. Psychological indictments of slavery deflect attention from its material and social injustice; they also perpetuate a pernicious tradition of portraying the slave as the victim of a flawed personality.[137]

E. *Thomas's Contradictory Indictment of Applying the Dialectic of Master and Slave*

Professor Thomas agrees with me that "Hegel's philosophical account of mastery and slavery is a defective lens through which to view the historical institution of that relation in American society."[138] But

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[133] See Binder, supra note 2, at 1455 (describing modifications of Hegelian model offered by Eugene Genovese and Orlando Patterson).

[134] See, e.g., id. at 1453 (describing slaves' elections of chiefs and establishment of their own courts, and proposals for "a nationwide black political association for mutual aid and defense, for education, and for economic cooperation"). Even white observers could not fail to notice the grand processions with which the eighteenth and early nineteenth century African communities of New England and New York feted their elected chiefs. S. Stuckey, supra note 76, at 77-83.

[135] Thomas, supra note 3, at 1489.

[136] Thomas, supra note 3, at 1513.

[137] Binder, supra note 2, at 1443 & n.39.

[138] Thomas, supra note 3, at 1498.

because his own account of slavery is focused through this "defective lens," his indictment of it involves him in a series of contradictions.

1. Thomas on the Irrelevance of the *Phenomenology of Mind*

Since he cannot spell out how Hegel's allegory is *historically* inaccurate without undermining his own Hegelian account of slavery, Professor Thomas instead argues that it is "misguided" to apply Hegel's historically conditioned dialectic to the *present*.[139] Yet his most "decisive argument" for this proposition is an odd one. He states that "the history of mastery and slavery in America is not yet finished," a point which he claims I "implicitly concede."[140] Now, I cannot implicitly concede what I explicitly assert; and the explicit premise of my essay is that the vast task of liberating African America remains unfinished.[141] Hence, I agree with Professor Thomas that in important respects our time remains Hegel's time: our society's concept of freedom remains in large measure circumscribed by the nineteenth century ideal of independence, a circumstance that helps keep black America enchained.[142] But surely the persistence of slavery in our time makes Hegel's investigation of freedom more relevant, not less so.

2. Thomas on the "Insanity" of Partial Interpretations of the *Phenomenology of Mind*

Professor Thomas offers no specific objections to my explication of the dialectic of master and slave. Instead, he dismisses it with the *a priori* claim that any effort to interpret a single section of the *Phenomenology* "verges on insanity."[143] He bases this hyperbolic claim on the paradox that every step in the *Phenomenology* "incorporates all that has come before it, and anticipates all that is to follow," so that other passages are always "present even in their absence."[144] But the impli-

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139 Id. at 1496. See generally id. at 1493-96, 1499-1500 (elaboration of Thomas's point). Professor Thomas expresses some confusion, id. at 1493-94, about what I mean by the proposal that "we detach [Hegel] from his own past." Binder, supra note 2, at 1480. Yet this proposal concludes a discussion of Hegel's racism and argues that Hegel's thought can and should be revised to remain relevant in the present. See id. at 1477-80. Thomas echoes this sentiment when he proposes an "betray[ing] Hegel if we would remain faithful to Hegelian dialectic." Thomas, supra note 3, at 1501. In context, it is clear that my proposal that we detaching Hegel from his past means purging his thought of racism.

140 Thomas, supra note 3, at 1500 & n.65.

141 Binder, supra note 2, at 1435-36, 1477.

142 Id. at 1435-36, 1445-49.

143 Thomas, supra note 3, at 1496 n.56 (quoting Flay, Hegel's "Inverted World," 23 Rev. of Metaphysics 662, 663 (1970)).

144 Id. at 1482-83.

cations of this paradox for the accuracy of any particular discussion of the dialectic of master and slave are indeterminate. If the entire *Phenomenology* is implicit in each passage, then the accuracy of one's interpretation of the *Phenomenology* depends as much on the care with which any passage is discussed, as on the number of passages discussed. An inaccurate discussion of the whole may obscure each part, while an accurate discussion of any part may illuminate the whole. That is why Alexandre Kojève could use a close reading of the master and slave dialectic "[i]n [p]lace of an introduction" to his interpretation of the *Phenomenology*.[145]

F.   *Thomas's Application of Additional Hegelian Concepts to the History of Slavery*

Regarding the isolated explication of any single passage of the *Phenomenology* as insane, Professor Thomas supplements his reading of the dialectic of master and slave with discussion of two additional passages. While Professor Thomas rightly points out the utility of these passages in illuminating the dialectic of master and slave, he uses them in a different way: as a source of metaphors for describing the inner lives of slaves and masters. As a result, he continues to ignore his own warning against applying Hegel to the history of American slavery. Thus, Professor Thomas's determination to find a critical analysis of Southern slavery somewhere in the *Phenomenology* leads him to plunder Hegel's idiosyncratic vocabulary for terms of opprobrium.[146] In so doing, Professor Thomas ignores the frustrating detachment with which Hegel greeted each scene in what for him was a tragic drama of the spirit. It is precisely because Hegel's descriptions of his hypothetical master and slave reflect this posture of moral neutrality that we cannot view them as accurate characterizations of real oppressors and victims.

1.   The Concepts in Question: The Inverted World and the Unhappy Consciousness

Professor Thomas reads the allegory of master and slave as a story of the psychic self-abnegation required for survival as a slave.[147] He supplements this reading with discussions of sections preceding and following the allegory of master and slave.[148]

One of these sections, discussing the concept of force as a proto-

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145 A. Kojève, supra note 128, at 3-30.
146 See infra text accompanying notes 151, 157, 161-63.
147 Thomas, supra note 3, at 1511-12.
148 Id. at 1503-09, 1512-14.

type for all laws of nature, argues that because such laws abstract from perception in order to facilitate understanding, they are inherently fragile and indeterminate. Because nature's fecund particularity can be modeled in an infinite variety of ways, nature is determined by no fixed and universal laws. While we think of nature's particular manifestations as ephemeral, it is nature's particularity that is the constant while nature's laws are a whirling kaleidoscope of the ephemeral and contingent.[149] The kaleidoscopic vision that thus inverts the determination of natural law is referred to by Hegel as the inverted (*verkehrte*) world.[150] Thomas insists that the immoral world of the masters, whose freedom was based on others' slavery, and whose gentility was based on their uncivil treatment of their slaves, is inverted in this Hegelian sense.[151]

A second section that Professor Thomas applies to Southern slavery is the famous discussion of the "Unhappy Consciousness" (*"Unglückliches Bewusstsein"*).[152] This section, together with the immediately preceding paragraphs on stoicism and skepticism,[153] comprises Hegel's exploration of the means available for pursuing the ideal of independence after slavery has been proven a failure (because of the futile dependence of the master on a slave incapable of conferring recognition). The discussion of stoicism and skepticism structurally parallels the earlier discussion of natural law and its inversion.

Stoicism tries to gain cognitive control of the self in the same way that science attempts to gain cognitive control over nature—by abstracting away all particularity. The stoic makes herself independent of nature by denying all particular desire. But in losing its particular content, the self ceases to be distinct and, like the master, achieves independence at the cost of its identity.[154]

Skepticism represents the slave revolt of subjectivity; despairing of constructing a self that is more than a contingent point of view, the skeptic scurries from one perspective to another, refusing to commit herself to any. Hence the skeptic subjects her own identity to a kaleidoscopic inversion similar to the one which in the previous chapter had inverted the determinacy of natural law.[155] Stoicism is the cognitive effort to master contingency by refusing to recognize it. Skepticism is the cognitive acceptance of bondage to contingency, a posture

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[149] G. Hegel, supra note 4, at 180-213.
[150] Id. at 203-13.
[151] Thomas, supra note 3, at 1508-12.
[152] G. Hegel, supra note 4, at 251-67.
[153] Id. at 242-251.
[154] Id. at 243-46.
[155] Id. at 246-51.

in which the self finds expression in the hard labor of criticism, but can never recognize itself as the author of its own ideas.

Hegel finds stoicism and skepticism synthesized in the Unhappy Consciousness of Christianity. The stoic ideal of an identity without content is projected onto a divine being who is both the essential self of each person, and the author of each person's inessential particularity. The self-corroding subjectivity of skepticism is embodied in a critique of particularity as the ephemeral condition that separates each person from her divine essence.[156] This generates a troubling sense that everything peculiarly one's own is inauthentic. Professor Thomas sees this Unhappy Consciousness of one's own inauthenticity as a metaphor for the "inner damage" suffered by slaves constantly compelled to dissemble.[157]

Hegel eventually brings together the concepts of natural law and the Unhappy Consciousness in his discussion of "legal personality."[158] Legal personality is an abstract recognition of individuality, one that recognizes every person as an individual by ignoring everything about her that makes her particular. Hence, legal personality enables society to look at individuals in the way that stoics look at themselves and natural law looks at natural objects: as empty abstractions. Because legal personality substitutes an individuality conferred by law for everything that is particular to the person, it makes the individual a slave to the law. Thus in a social context defined by legal personality, the state is "the lord and master of the world."[159] Individuals defined as bearers of rights and interests are therefore slaves without masters, slaves to the state upon which they depend for their only recognition. Because each legal person is an atomic rightsbearer, existing only by excluding others, the self is lost in a whirl of negation—there is no social context in which the particularity of the self can be affirmed as valuable to others. Conceived in stoic terms, the law recognizes nothing particular in the individuals it recognizes as rightsbearers. These individuals respond by skeptically denying that there is anything universal in the other individuals they encounter.

Taken together, the sections on the inverted world and legal personality indicate that all law can be turned upside down because all law is abstract. It can recognize particulars, but only by abstracting from their particularity.[160] These sections mark the incompleteness of

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[156] Id. at 251-253.

[157] Thomas, supra note 3, at 1512-15.

[158] G. Hegel, supra note 4, at 500-06 (The Condition of Right or Legal Status).

[159] Id. at 504-05.

[160] See Binder, Representing Nazism: Advocacy and Identity at the Trial of Klaus Barbie,

what Hegel nevertheless views as a useful way of perceiving the world (scientific objectivity) and a fair way of treating others (as legal persons). They express the relativity of what Hegel views as necessary and valuable ways of ordering nature and society.

2.   Thomas's Misapplication of these Concepts

For Professor Thomas, however, the world of the masters is not an apparently objective perspective that can be turned upside down, only to be turned upright again in the next dialectical moment; it is a world that is objectively upside down, a world that is wrong and "pervers[e]."[161] In short, Professor Thomas deploys the concept of inversion as an epithet.

Similarly, Thomas removes the concept of the Unhappy Consciousness from its speculative context in order to add it to his indictment of slave society. For Hegel, the Unhappy Consciousness expresses the opposition between valuable, but incomplete ways of seeing one's self—alternatively, as an undifferentiated part of an abstract universal, or as an isolated atom, an ephemeral particular. Professor Thomas transforms this division between equally authentic aspects of the self into a normative distinction between an authentic black self and the inauthentic exterior necessary for survival in a hostile white society. As such, it represents the "psychic . . . . cost[] incurred in the operation of [slavery's] symbolic economy of honor."[162] The Unhappy Consciousness stands for the "inner damage to African slaves wrought by the experience of this constantly improvised, split self."[163]

For African-Americans, as for other oppressed groups, the difficulty of expressing one's self authentically in a hostile environment compounds the already formidable problem of reconciling one's particularity with one's universal humanity.[164] Yet these are two very

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98 Yale L.J. 1321, 1344-49 (1989) (International liability for "crimes against humanity" confers recognition upon Jewish victims of Nazism by abstracting from their Jewishness.).

   161 Thomas, supra note 3, at 1509.

   162 Id. at 1484.

   163 Id. at 1513.

   164 When I say that the problem of expressing one's self authentically in a hostile environment compounds the difficulty of living with the particular identity of African-Americans, I want to make clear that I am *not* saying that only African-Americans face this difficulty. A history of oppression and imposed isolation always raises questions about the extent to which a group's collective survival strategies should be valued as authentic cultural expressions or critiqued as distorted legacies of oppression. I have recently explored the implications of this difficulty for Jewish identity in Binder, supra note 160. There I rejected the liberal response of deconstruction, that would simply wish this problem away by denying the possibility of cultural authenticity. But I also argued that authenticity is not the only value by which we must test our particular identities. Because group identities, by definition, require us to discrimina-

different issues, and their complex interpenetration is part of what continues to give African-American political thought the multiply layered depth manifest in Douglass's writings.[165] By assimilating the specifically black struggle for authenticity with the distinct problem posed by the Unhappy Consciousness, however, Professor Thomas simplifies the inner dynamic he seeks to dramatize.

CONCLUSION

Professor Thomas mischaracterizes *Mastery, Slavery, and Emancipation* as an endorsement of slavery predictably generated by the application of Hegel's speculative dialectic of master and slave to the understanding of a real slave society.

Yet Professor Thomas's own application of Hegel makes his hyperbolic condemnation of this practice particularly unfortunate. According to Professor Thomas, "[t]o 'apply' Hegel's allegory of mastery and slavery to the history of African-American slavery is simply to rehearse a time-bound, frozen gesture, the interpretive equivalent of a tableau based on a painting of a minuet party in a Prussian salon."[166]

In offering this figure, Professor Thomas invokes the authority of the shrewd slave who recalled that "[u]s slaves watched white folks' parties where the guests danced a minuet . . . . Then we'd do it, too, *but we used to mock 'em*, every step."[167] Proposing that dialectical argument be reconceived as a form of such trickery,[168] Professor Thomas urges that we learn from the slaves's "rigorous" duplicity,[169] how to "danc[e] inside one's own head."[170]

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torily identify with some and not others, they are at odds with universalist values. Accordingly, identification with a particular group must be justified by reference to the values that such an identity commits one to pursue. It is not enough for culturally received values to be authentic: they must also be good.

[165] Cornel West distinguishes four traditional responses to white hostility, two of which involve embracing black culture (exceptionalism and humanism), and two which involve distancing one's self from it (assimilationism and marginalism). Two responses (assimilationism and humanism) aspire to assert a form of universality, and two (exceptionalism and marginalism) aspire to assert a form of particularity. Two (humanism and marginalism) may express authentic perspectives on the self, while the other two (assimilationism and exceptionalism) West views as inherently inauthentic. C. West, Prophesy Deliverance! 69-91 (1982).

[166] Thomas, supra note 3, at 1501.

[167] Id. at 1490 (quoting L. Levine, Black Culture and Black Consciousness 17 (1977), which quotes M. & J. Stearns, Jazz Dance: The Story of American Vernacular Dance 22 (1968)).

[168] Id. at 1501 (suggesting that a "rigorous double-crossing" of Hegel's account of master and slave, "inspir[ed]" by "the Afro-American trickster tale," expresses fidelity to Hegel's dialectical method).

[169] Id. See also id. at 1489-91 (slaves developed "shrewd" "double-mind" as a result of the "duplicity and dissimulation" required for survival as a slave).

[170] Id. at 1501.

Reconceived in the slave trickster tradition, says Professor Thomas, "the dance of dialectics is a war dance. Dialectical thinking views the world of concepts as a world inhabited by apparent antagonists who 'do battle with knives and then sit themselves down together at dinner as if nothing had happened.' "[171]

Perhaps, on Professor Thomas's reading, the trickster tradition also authorizes one to act as if something had happened that never did—as if words were written that never were. But whether conceived as combat or as dinner conversation, dialectical engagement begins with close attention to what one's interlocutor has said. When we misconstrue the texts we comment upon, we abandon just what made the slaves' sardonic manipulation of the forms of Southern civility "rigorous": it was the close observation of their oppressor's foibles that made the slaves' ironic commentary so incisive. If they were to stay one step ahead of their self-indulgent tormentors, slaves could ill afford to deceive themselves. The slave trickster tales admired by Professor Thomas[172] were cautionary tales, in which the victim typically tricked herself.[173]

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[171] Id. at 1502 (quoting D. Verene, Hegel's Recollection 119-20 (1985), which quotes B. Brecht, Flüchtinasgespräche (D. Verene trans. 1961); Brecht supplied the image of the dialectic as a dinner party brandishing the silverware).

[172] Thomas, supra note 3, at 1501.

[173] See L. Levine, Black Culture and Black Consciousness 106-21 (1978) (recounting and interpreting certain such "trickster" tales).