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The Concord Community: Ralph Waldo Emerson and the Antislavery Movement

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INTRODUCTION

Traditional scholarship on Ralph Waldo Emerson (1803–82) tends to focus on his representative works from the 1830s, such as *Nature* (1836), “The American Scholar” (1837), and “The Divinity School Address” (1838).¹ Many scholars contend that as Emerson emphasized the “self-supplied powers of the individual,”² he did not make explicit statements opposing slavery.³ George M. Fredrickson writes in *The Inner Civil War* (1965) that Emerson’s “detachment” and seclusion led him to remain aloof from society and politics and that it was not until the outbreak of the Civil War that he became “an influential and active citizen.”⁴ He says that Emerson’s egoistic self-reliance transformed him into a “useful citizen” as he got involved in the slavery argument and the Civil War.⁵ For Emerson, the question of slavery was the turning point in his acceptance of “collective feeling as the equivalent of individual intuition.”⁶ In *Virtue’s Hero* (1990), Len Gougeon leads the way in revising past negative interpretations of Emerson’s attitude toward society. Still, in his 2012 article “Militant Abolitionism,” he states that even in the twenty-first century, some specialists consider Emerson as a passive philosopher and pacifist.⁷ Even in 2017, Philp Gura doubted Emersonian reformers’ efficacy in creating a “more pragmatic approach to the nation’s problems, particularly through

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legislative enactment.”⁸ Relying on Emerson’s journals after 1850, I first explore how he moved from moderate views in the 1840s to radical abolitionism in the 1850s, and second how he communicated with other intellectuals in Concord, Boston, and Washington, D.C., during the Civil War. Concord was a “hotbed of abolitionism” and “the nation’s chief exporter of extremism,”⁹ home to such activists as Henry David Thoreau (1817–62), Franklin Benjamin Sanborn (1831–1917), and John Brown (1801–59); Emerson was an intellectual leader of the community. He meticulously covered national politics in his journal and lectures, and we can know about his sense of justice and persistence in supporting human freedom by examining his responses to the *Trent* affair and Reconstruction.

I. EMERSON’S ATTITUDE TOWARD SLAVERY BEFORE 1850

Emerson began changing his ideas about individualism around 1840. He sent a letter dated April 23, 1838, to President Martin Van Buren protesting the removal of Cherokees by the “sham treaty” (*W* 11:91).¹⁰ In the 1840s and 1850s, he oscillated between politics and ideals. Politically, he rejected the expansion of slavery into the West,¹¹ and so he seemed to support the Whigs. He opposed Andrew Jackson and Van Buren’s Democrats, who had an imperialist policy of land expansion into Texas and Mexico, arguing that annexation must be blocked “with tooth and nail.”¹²

Emerson strongly supported the emancipation of American slaves in his 1844 lecture “Address on the Anniversary of Emancipation of Negroes in the British West Indies.” The abolitionist movement in England was based on the trial *Somerset v. Steward* (1772). James Somerset was taken by Charles Steward from England to the British colony of Jamaica to be sold. Lord Mansfield ruled against the master Steward, stating that slavery was never permitted unless explicitly written down in law: “It is so odious, that nothing can be suffered to support it, but positive law.”¹³ In the first part of the lecture, Emerson traces the history of slavery in England after the *Somerset* ruling. William Wilberforce (1759–1833) submitted an antislavery bill in 1791, which led to the abolition of the slave trade in the British West Indies in 1807 and full emancipation in 1834 via the 1833 Slaves Abolition Act.¹⁴ In the second half of the lecture, Emerson laments that the United States does not have any laws to rescue slaves: “This man, these men, I see, and no law to save them. Fellow citizens, this crime will not be hushed up any longer” (*W* 11:130; *CW* 10:318). He criticizes the “tameness and silence” (*W* 11:133; *CW* 10:319) of Massachusetts senators and

congressmen, who let the situation stand with no protest, and deplors the want of courageous men: “It is so easy to omit to speak, or even to be absent when delicate things are to be handled . . . there is a disastrous want of *men* from New England” (*W* 11:133; *CW* 10:319).

The US Constitution does not contain the word “slave.”¹⁵ Three places in the text of the Constitution assume the existence of slaves: Article I, Section 2 mentions the “three fifths of all other Persons”; Article I, Section 9 allows the slave trade up until 1808; and Article IV, Section 2 is called the “extradition clause.” However, it does not mention a process of “recaption” nor the relationship between state and federal law;¹⁶ thus, extradition and recaption were moot. The first law in the new republic dealing with slavery was article 6 of the Northwest Ordinance of 1787, which prohibited slavery in the Northwest Territory.¹⁷ The major turning point was the Compromise of 1850, when the argument centered on the Fugitive Slave Law, which strengthened extradition. It gave power to a federal commission to search for and return slaves to the South and rendered the act of helping or hiding a runaway slave a crime.¹⁸ Senator Daniel Webster of Massachusetts gave a speech in support of the law on March 7, 1850. Opposing Webster, William Seward (1801–72), a senator from New York, made a well-known speech, proclaiming that there is a “higher law” than the Constitution, requiring people to regard moral law as superior to the written law. Emerson strongly criticized Webster in his journal: “The word *liberty* in the mouth of Mr. Webster sounds like the word *love* in the mouth of a courtesan” (*JMN* 11:346).¹⁹

Emerson gave two lectures on the Fugitive Slave Law: one at Concord on May 3, 1851, and the other in New York in 1854. The 1851 lecture includes more aggressive contents and is the lengthier.²⁰ Emerson criticizes the law with strong words: “The law is suicidal, and cannot be obeyed” (*W* 11:206).²¹ At the start of the lecture, Emerson says that although he had tried to evade politics before, he now declares it a duty for a philosopher to be involved therein: “The last year has forced us all into politics and made it a paramount duty to seek what it is often a duty to shun” (*W* 11:179; *LL* 1:260). He describes the shrewd escalation of the law as follows: “The first execution of the law, as was inevitable, was a little hesitating; the second was easier; and the glib officials became, in a few weeks, quite practiced and handy at stealing men” (*W* 11:196; *LL* 1:267–68). At the end of the lecture, he says that only by one’s efforts can safety be obtained: “Let us not lie, not steal, nor help to steal, and let us not call stealing by any fine name such as ‘Union’ or ‘Patriotism’” (*W* 11:213; *LL* 1:276).

The same lecture, entitled “The Fugitive Slave Law” (1854), was given four years after the law was put into effect and two years after Webster died. The Kansas-Nebraska law written by Stephen Douglas was enforced in 1854, and people residing in the territories could decide whether their state would be a free or slave state. This popular sovereignty virtually repealed the Missouri Compromise of 1820, which had prohibited slavery north of 36°30'. Emerson’s friend and Massachusetts senator Charles Sumner (1811–1874) gave the speech in the US Senate “Crime against Kansas” on May 22, 1856, and was physically attacked by South Carolina congressman Preston Brooks. Emerson protested this violence in lectures “The Assault upon Mr. Sumner” and “Speech on Affairs in Kansas.”²² Sumner survived the beating and later became the chairman of the Senate Foreign Relations Committee, where he played an important role in the *Trent* affair.

Emerson vehemently criticized Chief Justice Taney, who ruled in *Dred Scott v. Sandford* and called black people “servile races.”²³ Emerson attacked Taney in his journal, saying “Servile races! forsooth, Mr. Justice Taney!” (*JMN* 14:429). He insisted that the Northwest Ordinance and the US Constitution were wrong in that they tacitly recognized slavery. Furthermore, he said that it would have been better if the United States had not been established: “The fathers made the blunder in the convention in the Ordinance of 10 July, 1787 to adopt population as the basis of representation and count only three fifths of the slaves. . . . A little crime a minor penalty, a great crime, a great ruin, and now, after 60 years, the poison has crept into every vein and every artery of the State” (*JMN* 13:333–34).

Emerson was introduced to John Brown on Brown’s first visit to Concord by Thoreau on March 7, 1857, the day after the *Dred Scott* decision, and wrote a note describing Brown as “a captain” who gave “a good account of himself” (*JMN* 14:125). Concord formed the Middlesex County Anti-Slavery Society in 1834, and it became a stronghold of abolitionism. Cynthia, Helen, and Sophia Thoreau; Elizabeth Hoar; and Lydian Emerson were also active in the Concord Female Anti-Slavery Society.²⁴ Concord planned for Brown’s second speech in May 1859. Hearing about the Harpers Ferry raid on October 16, Emerson commented that John Brown had “lost his head”; however, he gave a lecture in which he praised Brown’s courage, calling him “a true hero.”²⁵ Emerson gave the lecture “Courage” on November 8, devoting three pages to praising Brown’s courage: “Captain John Brown, the hero of Kansas, said to me in conversation that ‘for a settler in a new country, one good, believing, strong-minded man is worth a hundred, nay, a thousand men without character’” (*W* 7:270; *CW* 7:136).²⁶

Emerson also delivered a lecture titled “Remarks at a Meeting for the Relief of the Family of John Brown” on November 18.²⁷ Thoreau, who did not write anything on slavery in his journal from 1854 to 1859, broke his silence after the Harpers Ferry raid and wrote comments and opinions that would later form three lectures that he gave on Brown.²⁸ Thoreau started writing about Brown on October 19, three days after the attack, and continued for fifty-nine pages.²⁹ Rebutting William Lloyd Garrison (1805–79), who called the raid “a misguided, wild, and apparently insane . . . effort,”³⁰ he defended Brown as “the savior of four millions of men!” and concluded saying that he rejoiced that he was “his contemporary.”³¹ While the Secret Six, a radical group of abolitionists,³² were criticized for the failed recapture of Anthony Burns (1834–62) in 1854 in Boston, their militant arguments were gradually accepted by Garrison and the transcendentalists.³³ In a 2015 article, William T. La Moy analyzes the letters exchanged between John Brown and the Secret Six and points out that although nowadays the Secret Six are highly regarded, people who supported Brown were ambivalent about the raid and the prosecution afterward. However, leaders of the Boston community, such as Governor Andrew, Frederick Douglass, and Wendell Phillips, allegedly knew about Brown’s attack beforehand.³⁴ Sandra Petrulionis points out that many works on the raid on Harpers Ferry cite “Thoreau and Emerson’s ringing endorsement of John Brown,”³⁵ and David S. Reynolds, Brown’s biographer, writes that “it was the Transcendentalists alone who rescued him from infamy and possible oblivion.”³⁶

Another example of Concord’s solidarity took place on April 3, 1860. Franklin Sanborn, a key member of the Secret Six based in Concord, was exiled to Canada after the Harpers Ferry raid and then secretly returned to Concord. He was almost arrested by the Mason Committee, the search organization of the federal government.³⁷ His arrest was prevented by his sister Sarah, Anne Whiting, his student Grace Michell, and the next-door neighbor John Shepard Keyes, who rushed to the wagon to rescue him and rang the bell of the First Church to warn of the crisis. While 150 people gathered and protected Sanborn, John Keyes went to Judge Hoar to obtain a writ of habeas corpus. Thoreau stayed at his house, writing in his journal: “Lodged at Sanborn’s last night after his *rescue*, he being away.”³⁸ Lemuel Shaw (1781–1861), Herman Melville’s father-in-law and chief justice of the state supreme court, voided the federal arrest warrant.³⁹ Watching Sanborn’s triumphant return, Thoreau described the day as the “hottest fire he [Thoreau] ever witnessed in Concord.”⁴⁰

II. LINCOLN, THE *TRENT* AFFAIR, AND EMERSON'S PLIGHT (1861–62)

The year 1860 was a decisive one as Abraham Lincoln (1809–65) was elected president of the United States. On March 4, when Lincoln was inaugurated, Emerson wrote in his journal: “The news of last Wednesday morning [Lincoln’s election] was sublime, the pronouncement of the masses of America against Slavery” (*JMN* 14:363). By 1861 criticism of Emerson from the proslavery side was harsh, and he was interrupted by shouts and forced to suspend a speech.⁴¹ Since the attack at Fort Sumter, he often wrote about abolition in his journal “Notebook WO Liberty” (*JMN* 14:373–430, esp. 409–23).

President Lincoln did not declare emancipation of the slaves until September 1862. This delay came about because the Union Army was losing to the Confederates, and he did not want the remaining border slave states of Missouri, Kentucky, Delaware, and Maryland to secede from the Union.⁴² For Lincoln, the preservation of the Union was as important as the slavery issue. The Northern states were not monolithic concerning abolition, they were divided about emancipation,⁴³ and they did not want to intervene in the South politically. According to Albert J. Von Frank, Northerners may not have wanted to endanger the Union because of the “scruple” of conscience,⁴⁴ which affected only the blacks.⁴⁵ Still, Lincoln was determined to fight against slavery and had as strong a sense of justice as Thomas Jefferson in his *Notes on the State of Virginia*, in which he “trembled for his country when he remembered that God was just; that his justice cannot sleep forever.”⁴⁶

Shortly after the April 12, 1861, Confederate attack on Fort Sumter, which launched the war, Queen Victoria of England issued the “British proclamation of neutrality in the American Civil War” on May 13, 1861. The definition of the word “neutrality” led to a major argument during the war because the proclamation assumed that the Confederacy was a belligerent and said that Britain would maintain neutrality between “the said contending parties.”⁴⁷ The document angered Lincoln, because Britain recognized the Confederates as being in an equal position with the Union and thus able to obtain fuel and supplies in British colonial ports in the Caribbean and make contracts with British companies.⁴⁸

President Lincoln and his cabinet members considered the South to be rebels, not a sovereign nation. He thought that the British recognition of belligerency would lead to the diplomatic recognition of the Confederacy. William Seward, the secretary of state, was angry about the proclamation

and about British Foreign Secretary Lord Russell's meeting with the Confederates. Charles Francis Adams (1807–86), US minister to Britain, conveyed to Russell and Prime Minister Lord Palmerston Lincoln's message that Washington considered the war an internal insurrection, not a war of independence as insisted on by the South. The foreign policy of Seward and Adams was to try to prevent British recognition of the Confederacy and, more important, to prevent foreign intervention in the affairs of the states. The Confederacy aspired to gain recognition and intervention from Britain and France, thus, to achieve its independence.

The problem of neutrality led to a major argument in what became known as the *Trent* affair. On November 8, 1861, Captain Charles Wilkes of the US Navy ship *San Jacinto* intercepted a British mail packet RMS *Trent* in the Old Bahama Channel and arrested Confederate diplomats James Mason and John Slidell for carrying dispatches inimical to the United States. Mason of Virginia and Slidell of Louisiana handled diplomacy with England and France, respectively. The envoys, who secretly left Charleston for Havana on the way to London had a mission to explain their view of states' rights and the reason for the secession so they could gain diplomatic recognition for the Confederate States of America and obtain financial and military support. These individuals were the bêtes noires of the Northern community, because Mason had proposed the Fugitive Slave Law of 1850 and was the chairman of the federal commission, and Slidell was a strong supporter of disunion.⁴⁹

The North enthusiastically supported the arrest. Britain insisted that the arrest infringed on their neutrality and demanded that the Union release the men immediately and apologize to England. Lincoln and Secretary Seward were afraid that the looming crisis would trigger a military conflict between the United States and Britain. However, on December 26, Secretary Seward freed Mason and Slidell, and they continued their trip to England. They were released because the arrest of the two envoys resembled search and impressment, an infringement on basic human rights, and the idea of humans as contraband of war did not garner the support of many people.⁵⁰ Britain issued another "Queen's Neutrality Proclamation" on January 31, 1862.⁵¹

Hearing about the *Trent* affair, Emerson described the government's responses in detail. His explanation in his journal shows that he was not an abstract philosopher but a real critic of politics and diplomacy. He wrote with admiration, "How rare are acts of will" (*JMN* 15:153). He mentioned Duncan Ingraham's rescue of Martin Koszta from Austria in 1853: "Captain

Ingraham became famous by taking away a subject of the United States from the Austrians. . . ; & now Com[mande]r. Wilkes, by taking on his own responsibility Mason & Slidell” (*JMN* 15:153). Quoting Lincoln, Emerson warned of the danger of British intervention: “President Lincoln said well that the rebels ‘carried only the ruin of their own country as ground to invoke the aid of foreign nations’” (*JMN* 15:178).

Charles Sumner was a close friend of Lord Lyons (Richard Bickerton Pemmell Lyons, 1817–87), British ambassador to the United States. Emerson described Sumner’s role in alleviating the tension between the two countries. He described the diplomatic moves behind the scenes and concluded that it was a wise move that the president did not meet the ambassador in person. Lincoln told Sumner: “If I could see Lord Lyons, I could show him in five minutes that I am heartily for peace” (*JMN* 15:190). While Sumner thought Lincoln’s words were positive, he did not recount them to Seward or Lyons. He considered that a personal meeting between the president and Lyons would be an impropriety, and Emerson highly approved of this judgment: “Well, now that the prisoners are surrendered, Sumner went to Lyons, & told him what had passed, & he too was very much gratified with it, & thanked Sumner for not telling him before, as it would only have distressed him” (*JMN* 15:190). As both Seward and Lyons represented their separate national interests and needed to be “strangers” (*JMN* 15:190) to preserve diplomatic prestige in the negotiation, they did not want the head of the state to get involved directly, much less to apologize. Sumner was the chairman of the Senate Foreign Relations Committee and could communicate the Union’s stance to the British government.

On January 31 and February 2–3, 1862, in Washington, D.C., Emerson had the opportunity to meet President Lincoln, William Seward, Lord Lyons, and members of the cabinet. He wrote a lengthy paragraph about the meeting in his journal: “The President impressed me more favorably than I had hoped. A frank, sincere, well-meaning [man], with a lawyer’s habit of mind, good clear statement of his fact, correct enough, not vulgar, as described; but with a sort of boyish cheerfulness, or that kind of sincerity & jolly good meaning” (*JMN* 15:187). His first impression of the president was favorable, as was Lincoln’s impression of him. The president looked forward to meeting Emerson, quoting the episode how Emerson introduced himself to the audience, and said to him: “O Mr. Emerson, I once heard you say in a lecture ‘*Here am I; if you don’t like me, the worse for you*’” (*JMN* 15:187). In the State Department, Seward explained to Emerson how interested Lincoln was in meeting him. When Seward began to briefly

describe Emerson, the president had stopped him, perhaps because he had already acquainted with Emerson's work, saying, "Yes I know Mr. Emerson" and "Well, Seward, don't let it be smutty" (*JMN* 15:188). Wondering how the president knew Emerson, he asked him. Lincoln replied, "Why I know him. I cannot say I have carnal knowledge of him" (*JMN* 15:188). Emerson described this episode as an "extraordinary exordium [first introduction]" (*JMN* 15:188).⁵²

Emerson's meeting with cabinet members indicates that he was a well-known lecturer among statesmen, and, especially, his meeting with Lincoln symbolized the climax of nationwide antislavery movements. New England did not want to form an alliance with the Andrew Jackson's Tennessee and other frontier states when Jackson defeated John Quincy Adams for the presidency in 1828, and so Henry Clay, Daniel Webster, and William Seward formed the Whig Party to oppose the president from frontier.⁵³ However, the Whigs' priority of maintaining the union led to compromises on slavery issues, and they lost support to the Free Soil Party and, eventually, to Lincoln's Republican Party in 1854. The president, who did not yet declare emancipation, then welcomed Emerson who had widespread influence in the abolitionist movement.

As the Civil War continued, Emerson's financial status worsened. Just before meeting Lincoln, he sent a letter dated January 21, 1862, to his brother William, stating, "January 1 has found me in quite as poor a plight as the rest of the Americans. Not a penny from my books since last June, which usually yield 5, or \$600.00 a year" (*L* 5:263). To compensate for his difficulty, he expected rent from his wife Lydian's houses, but "Lidian's [*sic*] Plymouth House now for years has paid nothing & still refuses. Her Court Street rents . . . are now withdrawn for the last year & a half" (*L* 5:263). Worse, he was unable to receive lecture fees because the war prevented him from holding lyceums and lecture series: "Then lastly, almost all income from lectures has quite ceased, so that your letter found me in a study [of] how to pay 3 or 400.00 with \$50" (*L* 5:263–64). As a result, he considered selling his land near Walden Pond, which had remained uninhabited after Thoreau's experiment in deliberate living in 1845–47. He wrote, "I have been trying to sell a woodlot (the Saw-mill lot) at or near its appraisal, which would give me more than \$300" (*L* 5:264), but the purchaser did not appear. However, Emerson was optimistic about the future and the war, saying, "But far better that this grinding should go on bad & worse, than that we be driven by any impatience into a hasty peace, or any peace restoring the old rottenness" (*L* 5:264). He was determined to persevere like "candles

under an extinguisher” (*L* 5:264).

III. THE CRISIS OF THE UNION AND EMERSON’S IDEAL

Emerson’s journal on August 30, 1862 includes details on the crisis of the Union in which the South would possibly emancipate its slaves, which he refers to as “several urgent motives point[ing] to the Emancipation” (*JMN* 15:206). In the crisis, the Confederacy hammered out a policy of emancipating slaves, albeit temporarily, in order to be recognized as a sovereign state by England and France. Historian Bruce Levine explains the southern view that the South fought against the “predatory North” and the Civil War was fought for Southern self-government and states’ rights.⁵⁴ The Confederacy even considered the possibility of creating a black regiment as proposed by Gen. Patrick Cleburne of Tennessee. Acknowledging the deep crisis of the Union against the South, Emerson wrote, “The danger of the adoption by the South of the policy of Emancipation. France & England may peaceably recognize the Southern Confederacy, on the condition of Emancipation. Instantly, we are thrown into [a] falsest position. All [of] Europe will back France & England in the act, because the cause of the South will then be the cause of Freedom, [and] the cause of the North will be that of Slavery” (*JMN* 15:207). Responding to this potential contradictory policy change by the South, President Lincoln took the initiative to forestall such a Confederate move after the victory at Antietam on September 17 and announced a preparatory declaration of emancipation for September 22. By this proclamation, he altered the significance of the war from that of preserving the Union to explicit abolition of slavery, making those “ambivalent about fighting to save the Union” support the war.⁵⁵

Emerson hailed Lincoln’s preparatory declaration in his lecture “The Emancipation Proclamation” on October 12, 1862. He said that “Emancipation is the demand of civilization” (*W* 11:304; *CW* 10:406) in another famous lecture, “American Civilization,”⁵⁶ which was delivered several times, including one at the Smithsonian Institution. At the beginning of “American Civilization,” he called slavery not an “institution” but rather “destitution,” and described slavery as the “stealing of men and setting them to work, stealing their labor, and the thief sitting idle himself” (*W* 11:297; *CW* 10:403). He shared a strong belief in staying united with Lincoln and insisted that the unjustifiable slavery should not be allowed to collapse the United States: “There does exist . . . a popular will that the Union shall not be broken—that our trade, and therefore our laws, must have the whole

breadth of the continent, and from Canada to the Gulf” (*W* 11:306; *CW* 10:408). He contended that people must be firm and should not “be lost by hesitation” (*W* 11:303; *CW* 10:406). Hearing the preparatory declaration, he predicted in his journal that the war would be protracted, “for there can be no durable peace, no sound constitution until we have fought this battle and the rights of man are vindicated” (*JMN* 15:293).

Emerson, who was ambivalent and reluctant in the 1840s, found his destiny in the abolition of slavery in the 1850s. In his journal in 1863, he wrote that “it is impossible to extricate oneself from the questions in which our age is involved. You can no more keep out of politics than out of the frost” (*JMN* 15:28). He knew that his insistence on a “higher law” at lectures and lyceums would not result in the abolition of slavery. He understood the fuzziness of higher law, because if we maintain the universal aspect of higher law, we must make the Constitution and the Supreme Court inoperative and irrelevant. But, “when it comes to practice, we can only go to the Constitution” (*JMN* 15:346).

In understanding the American antislavery movements, it is interesting to know what distance various intellectuals kept from the Constitution. Daniel Webster was fully in support of the Constitution and sacrificed abolition to make the Compromise of 1850. Emerson attacked Webster, who supported the Fugitive Slave Act, saying that “he had not faith in the power of self-government” but only in “what he finds already written” (*W* 11:204). Emerson pointed to the sterile formalism of strictly interpreting the Constitution, which was silent on slavery, and urged the American people to use their eyes to see the justice behind the words of the Constitution. William Lloyd Garrison and Wendell Phillips (1811–84) condemned the Constitution as a proslavery document, viewing it as an “abominable affront” to natural law.⁵⁷ Garrison burned it at the annual meeting of the abolitionists in Framingham Grove, Massachusetts, on July 4, 1854.⁵⁸ Frederick Douglass (1818–95), a former slave, started an abolitionist movement with his mentor Garrison but felt the limitations of moral suasion and left him after he published the *Narrative of the Life of Frederick Douglass* in 1845.⁵⁹ For Emerson and Douglass, the culmination of the project was to “write the moral statute into the Constitution and give the written only a moral interpretation” (*JMN* 15:346). Unless the Constitution was changed, strict constructionists like Webster would support slavery based on abstract words such as “three fifths of all other Persons” and “Person held to Service or Labour.” It was imperative to locate and codify the “higher law” in the Constitution, because “the right to freedom is [a]

perfect right, and any invasion of it [is] noxious to human nature, & invalid therefore” (*JMN* 15:346). Though Emerson came to criticize Webster after the Compromise of 1850, he still shared his law-abiding spirit and had a deep reverence for the Constitution.⁶⁰ In “The Fortune of the Republic” (1863), which he often repeated until the end of his career, he stated that “the end of all political struggle is to establish morality as the basis of all legislation” (*W* 11:540). Only when laws embody what is in people’s deeply held beliefs can people obey them, for “covenants are of no use without honest man [men] to keep them; laws of none but with loyal citizens to obey them” (*W* 11:234).

The war ended on April 9, 1865, at Appomattox, Virginia, when the Confederate general Robert E. Lee surrendered. Emerson deeply mourned Lincoln’s death on April 15 and gave a lecture titled “Abraham Lincoln” in Concord, calling him “a heroic figure in the centre of a heroic epoch” (*W* 11:335). In July 1865, he delivered his “Harvard Commemoration Speech” for the graduating class and stated that the end of the war brought America “integrity” (*W* 11:342). The Civil War was the deadliest war in US history, with a death toll of 665,850,⁶¹ 2 percent of the population then and equivalent to six million today.⁶² Writing about the war, Emerson stated that “it makes no difference whether we gain or lose a battle, except the loss of valuable lives” (*JMN* 15:400). Despite the massive loss of lives, he celebrated “the dawn of a new era” (*JMN* 15:64) in the summer of 1865 and wrote in his journal that “the present war, on a prodigiously enlarged scale, has cost us how many valuable lives; but it has made many lives valuable that were not so before” (*JMN* 15:64; *JMN* 15:434).⁶³

Emerson was not disposed to be tolerant toward the South after the war ended. He thought about the reconstruction of the South even amid the war in 1862, writing that the government should not be generous. He compared the postwar South to a cracked fort: If the plan of the fort is right, it does not so much matter that you have a rotten beam, because it can be replaced by a better one without tearing the fort to pieces. However, if the rebuilding of the South is wrong, “then all is rotten & every step adds to the ruin” (*JMN* 15:301). His plan was that the Union should take the lead in reconstructing the South, and no “rotten” Southerners should be allowed to gain control of national politics. He strongly opposed bargaining with the Confederates who had lost the war: “To bargain or treat at all with the rebels, to make arrangements with them about [the] exchange of prisoners or hospitals, or truces to bury the dead, all unconstitutional & enough [to] drive a strict constructionist out of his wits (*JMN* 15:301).” Directly after this sentence, he

states that “nothing satisfies all men but justice” (*JMN* 15:301), insisting that “every man shall have what he honestly earns, and . . . have an equal vote in the state and a fair chance in society” (*JMN* 15:301–2).

His innovative ideas about black voting rights and equal protection under the law became more radical after the war. He worried that there was a lukewarm reconstruction, stating in his journal on November 5, 1865, “But the energy of the nation seems to have expended itself in the war, and every interest is found as sectional & timorous as before” (*JMN* 15:77–78).⁶⁴ He also said that it was no good negotiating with the South: “Tis far the best that the rebels have been pounded instead of negotiated [*sic*] into peace” (*JMN* 15:459). He warned that the energy and “justice” for regeneration would be “dissipated” if the former Confederate leaders gained control of Southern politics and demanded more radical reforms:⁶⁵ “I fear that the high tragic historic justice which the nation with severest consideration should execute, will be softened & dissipated & toasted away at dinner-tables. But the problems that now remain to be solved are very intricate & perplexing, & men are very much at a loss as to the right action (*JMN* 15:459).” Emerson said that the Union should not “toast” or reconcile with the South. He worried that Democrats would grasp the power, and the Republicans would be thwarted: “If we let the southern States in to Congress, the Northern democrats will join them in thwarting the will of the government” (*JMN* 15:459). To avoid this situation, he proposed letting the freedmen learn literacy and giving them voting rights: “And the obvious remedy is to give the negro his vote. And then the difficult question comes, —what shall be the qualification of voters? We wish to raise the mean white to his right position, that he may withstand the planter. But the negro will learn to write & read, (which should be a required qualification,) before the white will” (*JMN* 15:459). Considering his ambivalence about dealing with the issue of slavery in his youth, it was a sea change for him to speak up for the voting rights of the freedmen. However, when examining him from a broader perspective during and after the war, and in and out of the Concord community, this is a natural outcome of his unshaken sense of justice. Philip F. Gura says that the horrors and magnitude of the Civil War would “exhaust the idealism” that inspired antebellum reforms, because the abolition of slavery was of such a major scale that they could not be addressed by a few transcendentalists.⁶⁶ However, Emerson’s stance and faith never faltered during the darkest hours of the Civil War, and he inspired people as an influential lecturer who disseminated antislavery ideas in Concord, Washington, and throughout the nation. When the reform movements in

1850 were skeptical of the government, which repeatedly compromised, Emerson said, “Affirm and affirm [the ideal]” (*JMN* 15:31) and “Hitch your wagon to a star” (*JMN* 15:185). No longer a solitary, self-reliant man in Concord, he called on people to understand the higher law, the ideal of human freedom, and sought to crystallize it into practical law. He considered it a philosopher’s duty to invoke moral attitudes among people. A portion of his poem “Voluntaries” was inscribed on a monument in Concord that commemorated Robert Gould Shaw, the captain of black soldiers of the 54th Massachusetts Infantry Regiment who died at Fort Wagner, South Carolina in 1863:

So nigh is grandeur to our dust,
 So near is God to man,
 When Duty whispers low, *Thou must*,
 The youth replies, *I can*.⁶⁷

The poem reflects what Lincoln called in his Gettysburg Address “the last great measure of devotion” to the national ideal. For Emerson and Lincoln, this ideal meant abolition of slavery, which would enact the higher law in the Thirteenth, Fourteenth, and Fifteenth Amendments. The war for Emerson was not an impediment to the ideal but “the very stairs on which he [the American] climbs” toward the realization of it.⁶⁸ The deaths and ordeals of the Civil War did not mean the death of ideals. Hearing of Lincoln’s assassination at Ford’s Theatre on April 14, 1865, Emerson extolled the slain president’s “enormous power of this continent in every hour” (*JMN* 15:465) and his legacy of belief that “the right will be done” (*JMN* 15:65). His own perseverance in trying to establish “a chronic hope for a chronic despair” (*JMN* 15:65) made Emerson bear the burden of his mission. Just as the war was “a new glass through which to see things” (*JMN* 15:29), so from the ravages and ruins of the old did Emerson see a new America. When Emerson died in 1882, racial equality had not yet been achieved, and a segregated society still existed. However, his antislavery ideas and strong sense of justice were part of the groundwork for building racial integration and human freedom in the United States.

NOTES

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¹ For a critical analysis of Emerson's life and works, see Joel Porte, *Representative Man: Ralph Waldo Emerson in His Time* (New York: Oxford University Press, 1979); and Lawrence Buell, *Emerson* (Cambridge, MA: Harvard University Press, 2003).

² Ralph Waldo Emerson, *The Collected Works of Ralph Waldo Emerson* (hereafter abbreviated as *CW*), ed. Robert E. Spiller, Alfred R. Ferguson, Joseph Slater, Douglas Emory Wilson, et al., 10 vols. (Cambridge, MA: Harvard University Press, 1971–2013), 3:154.

³ Oliver Wendell Holmes's biography *Ralph Waldo Emerson* (1884; New York: Chelsea House, 1980) states that "Emerson had never identified with the abolitionists" (304). See also Arthur M. Schlesinger, Jr., *The Age of Jackson* (Boston: Little, Brown, 1945); Stanley Elkins, *Slavery: A Problem in American Institutional and Intellectual Life* (Chicago: University of Chicago Press, 1959); and Anne C. Rose, *Transcendentalism as a Social Movement, 1830–1850* (New Haven, CT: Yale University Press, 1981).

⁴ George M. Fredrickson, *The Inner Civil War: Northern Intellectuals and the Crisis of the Union*, with a new preface (New York: Harper and Row, 1965), 179.

⁵ *Ibid.*

⁶ *Ibid.*, 66. Fredrickson states that Walt Whitman thought that the maintenance of the Union was more important than the question of slavery, saying that "the chief thing was to stick together."

⁷ Len Gougeon, "Militant Abolitionism: Douglass, Emerson, and the Rise of the Anti-Slave," *New England Quarterly* 85, no. 4 (2012): 639fn. Gougeon's article analyzes Emerson's influence on Frederick Douglass.

⁸ Philp F. Gura, *Man's Better Angels: Romantic Reformers and the Coming of the Civil War* (Cambridge, MA: Harvard University Press, 2017), 4.

⁹ Randall Fuller, *From Battlefields Rising: How the Civil War Transformed American Literature* (New York: Oxford University Press, 2011), 37 and 38.

¹⁰ Ralph Waldo Emerson, *The Complete Works of Ralph Waldo Emerson* (hereafter abbreviated as *W*), ed. Edward Waldo Emerson, 12 vols. (Boston: Houghton Mifflin, 1903–4), 11:89–96.

¹¹ Gougeon, "Militant Abolitionism," 638.

¹² Ralph Waldo Emerson, *The Journals and Miscellaneous Notebooks of Ralph Waldo Emerson* (hereafter abbreviated as *JMN*), ed. William H. Gilman, Ralph Orth, Merrell David, Merton Sealts, Harrison Hayford, et al., 16 vols. (Cambridge, MA: Harvard University Press, 1960–82), 9:74. The abridged version is Joel Porte, *Emerson in His Journals* (Cambridge, MA: Harvard University Press, 1982).

¹³ Quoted by Robert Cover in *Justice Accused: Antislavery and the Judicial Process* (New Haven, CT: Yale University Press, 1975), 17.

¹⁴ For a history of emancipation, see Eric Metaxas, *Amazing Grace: William Wilberforce and the Heroic Campaign to End Slavery* (San Francisco, CA: HarperSan Francisco, 2007); and Ira Berlin, *The Long Emancipation: The Demise of Slavery in the United States* (Cambridge, MA: Harvard University Press, 2018).

¹⁵ The main body of the Constitution does not use the word "slave," and the word "slavery" is used only in the Thirteenth Amendment, in which it was abolished.

¹⁶ Earl M. Maltz, *Dred Scott and the Politics of Slavery* (Lawrence: University Press of Kansas, 2007), 26–27.

¹⁷ Northwest Ordinance, 1787. "An Ordinance for the government of the territory of the United States North West of the river Ohio." Library of Congress, A Century of Lawmaking for a New Nation: US Congressional Documents and Debates, 1774–1875, *Journals of the Continental Congress*, vol. 32, 342, <https://memory.loc.gov/cgi-bin/ampage?collId=lljc&file>

Name=032/lljc032.db&recNum=351.

¹⁸ For the conservative response by students from the South at Harvard Law School, see Carla Bosco, "Harvard University and the Fugitive Slave Act," *New England Quarterly* 79, no. 2 (2006): 227–47. See also the excellent analysis of the Fugitive Slave Law by Linck C. Johnson, "'Liberty Is Never Cheap': Emerson, 'The Fugitive Slave Law,' and the Antislavery Lecture Series at the Broadway Tabernacle," *New England Quarterly* 76 no. 4 (2003): 550–92.

¹⁹ Emerson in his youth admired Webster and imitated his eloquence, but after 1850, his journal includes attacks on him. See Geoffrey R. Kirsch, "'So Much a Piece of Nature': Emerson, Webster, and the Transcendental Constitution," *New England Quarterly* 91, no. 4 (December 2018): 625–50.

²⁰ See his other essays on the antislavery movement: "Man the Reformer" (1841; *CW* 1:145–60), "New England Reformers" (1844; *CW* 3:147–67), "Lecture on Slavery" (1855; Len Gougeon and Joel Myerson, eds., *Emerson's Antislavery Writings* [hereafter abbreviated as *EAW*], New Haven, CT: Yale University Press, 1995, 91–106), and "American Civilization" (1861; *W* 11:295–311). David Robinson analyzes the Fugitive Slave Law in detail in the section "Politics and Ethical Judgment" (80–88) in chapter 4, "Here or Nowhere: *Essays: Second Series*," and the section "Politics Brought Home" (124–33) in chapter 6, "The Old and New Worlds: *English Traits*," in his *Emerson and the Conduct of Life: Pragmatism and Ethical Purpose in the Later Work* (New York: Cambridge University Press, 1993).

²¹ The 1851 lecture also appears in Ralph Waldo Emerson, *The Later Lectures of Ralph Waldo Emerson 1843–1871* (hereafter abbreviated as *LL*), ed. Ronald A. Bosco and Joel Myerson, 2 vols. (Athens: University of Georgia Press, 2001), 1:259–76. The same sentence appears in *LL* 1:272.

²² "The Assault upon Mr. Sumner" (*W* 11:245–52); "Speech on Affairs in Kansas" (*W* 11:253–563; *CW* 10:371–75).

²³ 60 US (19 How.) 393 (1857). The court opinion uses the adjective "servile" with four nouns: "servile character" (Justice Nelson's concurring opinion 467), "servile birth" (Justice Daniel's concurring opinion 478), "servile population" (Justice Campbell's concurring opinion 496), and "servile condition" (Justice Campbell's concurring opinion 498).

²⁴ Laura Dassow Walls, *Henry David Thoreau: A Life* (Chicago: University of Chicago Press, 2017), 93.

²⁵ Ralph Waldo Emerson, *The Letters of Ralph Waldo Emerson* (hereafter abbreviated as *L*), ed. Ralph L. Rusk and Eleanor M. Tilton, 10 vols. (New York: Columbia University Press, 1939–95), 5:178.

²⁶ See also *JMN* 14:125; Sandra Harbert Petruionis, *To Set This World Right: The Antislavery Movement in Thoreau's Concord* (Ithaca, NY: Cornell University Press, 2006), 121–22.

²⁷ "Remarks at a Meeting for the Relief of the Family of John Brown" (*W* 11:265–73).

²⁸ For Thoreau's writings on Brown, see "'A Transcendentalist above all': Thoreau and John Brown," in chapter 10, "Wild Fruits (1857–1859)," in Walls, *Henry David Thoreau*, 445–56; and Walter Harding, *The Days of Henry Thoreau: A Biography* (New York: Dover, 1962), 415–26. The three lectures were "A Plea for Captain John Brown" (111–38), "Martyrdom of John Brown" (139–43), and "The Last Days of John Brown" (145–53), in *Reform Papers: The Writings of Henry D. Thoreau*, ed. Wendell Glick (Princeton, NJ: Princeton University Press, 1973).

²⁹ Henry David Thoreau, *The Journal of Henry David Thoreau*, vol. 12, *March 2, 1859–November 30, 1859*, ed. Bradford Torrey and Francis H. Allen (Boston: Houghton Mifflin, 1906), 400–58.

³⁰ *Ibid.*, 407.

³¹ *Ibid.*, 424 and 421.

³² The members of the Secret Six were Thomas Wentworth Higginson (1823–1911), Samuel Gridley Howe (1801–76), Theodore Parker (1810–60), Franklin Sanborn (1831–1917), Gerrit Smith (1797–1874), and George Luther Stearns (1809–67).

³³ Garrison felt the limits of moral suasion, and Wendell Phillips evaluated Brown as the incarnation of “divine will” (Fredrickson, *Inner Civil War*, 42). Gougeon, “Militant Abolitionism,” 646fn. Gougeon quotes David S. Reynolds in this footnote: “The Transcendentalists had given their earlier notions a political edge, praising . . . not just nonconformity but outright rebellion.” David S. Reynolds, *John Brown: The Man Who Killed Slavery, Sparked the Civil War, and Seeded Civil Rights* (New York: Vintage Books, 2005), 188.

³⁴ William T. La Moy, “The Secret Six and John Brown’s Raid on Harpers Ferry: Two Letters,” *New England Quarterly* 88, no. 1 (2015): 148.

³⁵ Petrulionis, *To Set This World Right*, 141.

³⁶ Reynolds, *John Brown*, 344.

³⁷ Petrulionis, *To Set This World Right*, 148–51.

³⁸ Henry David Thoreau, *The Journal of Henry David Thoreau*, vol. 13, *December 1, 1859–July 31, 1860*, ed. Bradford Torrey and Francis H. Allen (Boston: Houghton Mifflin, 1906), 241.

³⁹ Regarding Sanborn’s arrest and release, see Petrulionis, *To Set This World Right*, 148–51; Walls, *Henry David Thoreau*, 464–65; and William T. La Moy, “Secret Six,” 144.

⁴⁰ *New York Herald*, April 7, 1860, quoted in Petrulionis, *To Set This World Right*, 151.

⁴¹ Emerson, “Attempted Speech” (*EAW* 125–28). The lecture was published for the first time in *Emerson’s Antislavery Writings* along with “Lecture on Slavery” (*EAW* 91–106).

⁴² The state of Virginia joined the Confederacy, but the northwest portion of Virginia was under the control of the Union Army and Lincoln’s general George McClellan (1826–85). This area left Virginia and was admitted to the Union as the independent state of West Virginia in 1863.

⁴³ Marjory M. Moody, “The Evolution of Emerson as an Abolitionist,” *American Literature* 17 (1945): 1–21, quote at 19.

⁴⁴ Albert J. Von Frank, *The Trials of Anthony Burns: Freedom and Slavery in Emerson’s Boston* (Cambridge, MA: Harvard University Press, 1998), 270.

⁴⁵ Lincoln was not an exception in his belief in black inferiority. For Lincoln’s ambivalence about abolition, see James T. Kloppenberg, *Toward Democracy: The Struggle for Self-Rule in European and American Thought* (New York: Oxford University Press, 2016), 658–62. Also see Abraham Lincoln, *The Collected Works of Abraham Lincoln*, vol. 2, *1848–1858*, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953). Kloppenberg in *Toward Democracy* states that Lincoln might have partly shared “assumptions about the superiority of the white race” (Kloppenberg, 660) in his Peoria speech of 1854 (Lincoln, 247–82), wherein he recognized the colonization of blacks in Liberia (Lincoln, 255). During his debates with Stephen Douglas for the Senate position from Illinois in 1858, he denied he was calling for abolition and black equality (Kloppenberg, 664–69, esp. 669). Even in 1860, he stated in his Cooper Union speech that “wrong as we think slavery is . . . we can yet afford to let it alone where it is” (Kloppenberg, 691).

⁴⁶ Thomas Jefferson, “Query XVIII ‘Manners’” in *Notes on the State of Virginia* (1787), in *Thomas Jefferson: Writings* (New York: Library of America, 1984), 289.

⁴⁷ Wikisource, “British proclamation of neutrality in the American Civil War (1861) by Victoria of the United Kingdom,” https://en.wikisource.org/wiki/British_proclamation_of_neutrality_in_the_American_Civil_War.

⁴⁸ For the diplomatic bargaining with Britain during the Civil War, see Howard Jones, *Union*

in Peril: The Crisis over British Intervention in the Civil War (Chapel Hill: University of North Carolina Press, 1992).

⁴⁹ Mason also proposed the Kansas-Nebraska Act of 1854.

⁵⁰ Henry Adams, the son and secretary of Charles Francis Adams, criticized impressment, saying “What is [in] hell do you mean by deserting now the great principles of our fathers. . . . You are mad, all of you” (Jones, *Union in Peril*, 89).

⁵¹ “The Queen’s Neutrality Proclamation,” Downing Street, London, February 1, 1862, pdf, retrieved from the Library of Congress, www.loc.gov/item/scsm000229/.

⁵² Nathaniel Hawthorne also met Lincoln in March 1862 and left notes in “Chiefly about War-matters. By a Peaceable Man,” in *Nathaniel Hawthorne: Miscellaneous Prose and Verse*, ed. Thomas Woodson, Claude M. Simpson, and L. Neal Smith, vol. 23 (Ohio State University Press, 1994), 403–42. He was together with the delegates at a gathering of executives of horse whip factories from Massachusetts (410–15). Hawthorne liked “Uncle Abe” (412) and his warm sympathies, but he described Lincoln as a rustic person having a “sallow, queer, sagacious visage” (413).

⁵³ Boston was once a bastion of Federalists and against Jeffersonian Republicans. Jefferson’s creed of the separation of church and state was not officially accepted until Connecticut adopted a new state constitution in 1818 and Massachusetts disestablished its state-supported church in 1833. The slavery issue brought them into coalition.

⁵⁴ Bruce Levine, *Confederate Emancipation: Southern Plans to Free and Arm Slaves during the Civil War* (New York: Oxford University Press, 2006), 7, 13.

⁵⁵ Stephen Oates notes that Emerson regarded the Emancipation Proclamation as equivalent to the Declaration of Independence. Stephen Oates, *With Malice Toward None: The Life of Abraham Lincoln* (New York: Harper and Row, 1977), 347.

⁵⁶ The text of “American Civilization” varies across three editions: *W* 11:295–311; *CW* 10:394–412; and *CW* 7:329–36.

⁵⁷ Kirsch, “So Much a Piece of Nature,” 635.

⁵⁸ Larry J. Reynolds, *Righteous Violence: Revolution, Slavery, and the American Renaissance* (Athens: University of Georgia Press, 2011), 24–25; Kirsch, “So Much a Piece of Nature,” 628.

⁵⁹ Gougeon, “Militant Abolitionism,” 638; David W. Blight, *Frederick Douglass: Prophet of Freedom* (New York: Simon and Schuster, 2018).

⁶⁰ Kirsch, “So Much a Piece of Nature,” 628. Kirsch highly regards Emerson’s and Webster’s reverence for the Constitution in the conclusion to his article.

⁶¹ Steven E. Woodworth and Kenneth J. Winkle, *Atlas of the Civil War* (New York: Oxford University Press, 2004), 337.

⁶² Kloppenberg, *Toward Democracy*, 698.

⁶³ See also James Elliot Cabot, *A Memoir of Ralph Waldo Emerson*, 2 vols. (Boston: Houghton, Mifflin, 1887), 2:611; and Robinson, *Emerson and the Conduct of Life*, 199.

⁶⁴ David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, MA: Harvard University Press, 2001), 38.

⁶⁵ David Blight has pointed out the radical aspect of Emerson’s ideas concerning reconstruction. See *Race and Reunion*, 31–63.

⁶⁶ Gura, *Man’s Better Angels*, 264.

⁶⁷ Ralph Waldo Emerson, *Emerson: Collected Poems and Translations*, ed. Harold Bloom and Paul Kane (New York: Library of America, 1994), 168.

⁶⁸ Quoted by Ronald Bosco, in “Historical Introduction,” to *CW* 7:lxv; and “The Rule of Life,” *LL* 2:387.