The Social Epistemology of Morality

Learning from the Forgotten History of the Abolition of Slavery

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Abstract and Keywords

This chapter aims to explore how social groups learn moral lessons from history, particularly from their own histories, and with a particular focus on the history of slavery. It asks: how do historical processes of contention over moral principles lead groups to change their moral convictions? This interest is normative: how can we know that changes in collective belief count as moral improvements, as acquisitions of genuine moral knowledge? The chapter draws some lessons about how the social organization of moral inquiry—of contention over moral claims—affects the prospects that a group will be able to improve its moral beliefs.

Keywords: history, slavery, change, social, groups, learning, lessons, inquiry

1. Learning from History

What country was the first in the modern world to permanently recognize an absolute, universal human right against slavery? France, with its 1789 Declaration of the Rights of Man and Citizen? No. It did not permanently abolish slavery until 1848. Great Britain, with its Slavery Abolition Act of 1833, ending slavery in the British Empire? No. Several states in Latin America, including Mexico, Gran Columbia, Chile, Uruguay, Bolivia, and the Federal Republic of Central America, preceded it. But they were not the first. The first country was Haiti, the site of the only successful slave revolt in world history. The self-emancipated people of what was then the French colony of Saint-Domingue had presented their freedom as a *fait accompli* to the French National Convention in

1794, under conditions that induced France to legally endorse their action. Napoleon reversed the Convention's abolition decree in 1802, however, and undertook a genocidal campaign to reimpose slavery in the French Caribbean colonies. The Haitians defeated Napoleon and declared independence on 1 January 1804, along with the unconditional abolition of slavery.

Did you answer this question correctly? I expect that most readers of this chapter, if they are citizens of a Western country and not historians, would not have done so. The dominant narratives Western countries tell about themselves is that they took the lead in advancing human rights throughout the world. The West has achieved enough self-awareness to recognize its own capacity for mass **(p.76)** human-rights violations in slavery, imperialism, the Holocaust, and other crimes against humanity—although it has forgotten many of its crimes. In the dominant Western historical narratives, however, the West has forever been an autodidact, arriving at the true principles of morality through its own self-sufficient reasoning, figuring out for itself when it has failed to apply them, self-correcting its course, and taking the lead in teaching these principles to the rest of the benighted world. It does not imagine that it had to learn fundamental moral truths from those whom it victimized, particularly not from people of African descent.

That the truth is quite otherwise carries important lessons for moral epistemology. In this chapter I aim to explore how social groups learn moral lessons from history, particularly from their own histories. How do historical processes of contention over moral principles lead groups to change their moral convictions? My interest is normative: I am interested in changes in collective belief that count as moral improvements, as acquisitions of genuine moral knowledge. I aim to draw some lessons about how the social organization of moral inquiry—of contention over moral claims—affects the prospects that a group will be able to improve its moral beliefs.

By "morality" I refer to the domain of ethics that concerns what we owe to each other. This is a matter of interpersonal morality, of duties and obligations to others, that others have claims upon us to discharge. Such principles are supposed to govern not just moral thinking, but also social relationships. The question of the correct principles of moral rightness comes down to the question of which classes of interpersonal claims have authority over the conduct of those to whom they are addressed. This sense of morality includes norms that may be enforced by law or informal social sanctions.

A social group can be said to have learned a moral principle and hence to know it, only if the principle is operative within the group. This does not mean that every member personally believes it, much less that everyone obeys it. Rather, a group shares a conviction about a principle only if that principle shapes discourse within the group in particular ways: it is taken for granted within the

group as a premise for further argument, not needing independent justification; its truth is treated as a settled matter; disputing it is regarded as, if not crazy or beyond the pale, then requiring a heavy burden of proof; disputants are liable to censure or even social exclusion for calling such convictions into question (Gilbert 1987). Because moral principles regulate interpersonal relationships, to count as a shared conviction of the group it must also shape conduct: members are free to make claims under the principle and generally do so when they are victimized by violations of it; other members acknowledge the legitimacy of such claims; the **(p.77)** principle is widely, if not completely, obeyed by group members; the group punishes disobedience; members take steps to transmit the principle to future generations.

History is a resource for our epistemological investigation not merely because processes of group belief change are recorded in history, but because groups use their histories as a basis for drawing moral conclusions. They draw lessons for current practice from their interpretations of the past. On a pragmatist account of how this works, people learn about morality from their experiences in living in accordance with their moral convictions. We advance moral principles to solve recurring problems in our social lives. When circumstances change, those principles may no longer solve these problems, or new problems may arise for which they are unequipped. This may trigger fresh moral inquiry, a search for new principles (Dewey 1922). We may also envision better possibilities, new moral ideals that appeal to us more than the old ones. These, too, must be tested in experience to see whether their reality lives up to our dreams. Moral principles are tested in practice; experience with the results may either reinforce the principle or undermine it. This can take place at both individual and group levels.

Suppose a group, as a result of some historical process of contention over a moral principle, changes its moral convictions. How can the group tell whether this change amounts to moral learning—the acquisition of moral knowledge—or a moral mistake? It can, as already suggested, see if it finds social life governed under the new principles more satisfactory than life governed under the old— whether the new principle resolves longstanding interpersonal or inter-group conflicts better than the old, or replaces intractable conflicts with more tractable and less dangerous ones, or produces new benefits. It can take a long time to learn how to live under new principles, however, and the transition costs may in the short run obscure the long-run benefits of a new moral regime.

A second way a group may be able to tell that it has made moral progress is epistemological. Suppose we have an idea of the sorts of social arrangements that are liable to produce moral error, confusion, bias, or blindness. And suppose the historical processes that led to the group's change of moral conviction enhanced the group's epistemic powers—say, by blocking or overcoming certain sources of bias, or exposing it to new sources of morally relevant information—

and that this enhancement helps explain the group's change of moral conviction. Then we may have good reason to think that the change of group belief amounts to genuine moral learning (Taylor 1993).

Either path underwrites a naturalized social epistemology of moral learning. We are to investigate how groups go about changing their moral convictions, looking for characteristic social sources of error and bias, and how groups may **(p.78)** overcome, or fail to overcome, their epistemic defects. We are to see how open groups are to recognizing the problems that their moral convictions generate, and to revising them in ways that effectively address those problems. We turn to history to learn how groups have learned.

To understand how this works, we need to distinguish the perspective of the group from our outsider's perspective (even if we are historically connected to historical group in question, and so may be inheriting some of their views and biases). A group may take itself to have learned certain lessons from its history of putting certain principles into practice, while we may judge that the group drew the wrong conclusions from its history.

We also need to take special care to tell the epistemic story accurately—to be meticulous about the social processes by which a group changed its convictions. As the opening of this chapter indicates, groups may be tempted to assume they have learned moral lessons all by themselves. Yet social groups rarely acquire the conviction that they are committing wrongs against others from their own epistemic resources alone. Being called to account by the victims of their injustice is critical to the development of moral consciousness in social groups. I shall argue in this chapter that establishing the social conditions of accountability is critical not only for ensuring that agents comply with known moral requirements, but for their ability to learn what those requirements are. Sound moral inquiry is not only essentially social; it demands the participation of the affected parties, of those making claims on others' conduct, as well as those to whom such claims are addressed. We cannot hope to get our moral thinking straight unless we include the affected parties in our moral inquiry, and include them on terms of equality. The social epistemology of moral inquiry is, in a sense I shall define at the end of this chapter, essentially democratic.

Rather than attempting to establish this claim a priori, I propose to show how moral errors tend to arise when moral inquiry takes an authoritarian form. By "authoritarian" I do not refer to the explicit content of the moral principles arrived at, but rather to the social relations within which moral inquiry proceeds. Moral inquiry is authoritarian when: (1) it is conducted by people who occupy privileged positions in a social hierarchy; (2) the moral principles being investigated are those that are supposed to govern relations between the privileged and those who occupy subordinate positions in the social hierarchy; and (3) those in subordinate positions are (a) excluded from participating in the

inquiry, or (b) their contributions—their claims—are accepted as requiring some kind of response, but where the response of the privileged fails to reflect adequate uptake of subordinates' perspectives, but rather uses their social power to impose their perspective on the subordinates.

(p.79) I will explore the problems of authoritarian moral inquiry as it arose in Euro-American moral inquiry concerning slavery and the aftermath of emancipation. Here is a case about which it is evident that social groups have undergone historical processes of moral learning. Three centuries ago, Europeans believed that slavery was just. Starting about 250 years ago, this belief began to be actively contested on an international scale, not only in philosophical tracts or in the personal convictions of individuals, but in social and political movements attempting to change the moral beliefs of whole nations. Over the course of the nineteenth century, the belief that slavery is wrong became accepted by all of the countries of Europe and its colonies or former colonies in the Americas, and nearly all the rest of the world as well. It is impossible to summarize such a protracted process in a single essay. I therefore select two episodes in the history of contention over Euro-American slavery. The first took place in revolutionary France, when the first proposals to abolish slavery were being advanced. The second took place in the post-emancipation context, when people were testing abolition by its results. We shall examine them with the aim of discerning sources of bias or moral blindness in social groups, and how they were or were not overcome.

2. Episode 1: Bias in Enlightenment Proposals for Gradual Emancipation
European and American thinkers of the seventeenth and eighteenth centuries sometimes advanced arguments on the basis of purportedly universal claims about human rights and human nature. Yet some, such as Jefferson and Locke, either owned slaves or invested in the slave trade. Others, such as Rousseau, denounced slavery in the abstract but never specifically condemned the European enslavement of Africans. What accounts for these contradictions and silences?

It might be supposed that these thinkers were simply going along with group convictions of Euro-American states and colonies, embodied in the laws, that denied that Africans or slaves were entitled to claim any rights at all. Blacks were, in the notorious words of *Scott* v. *Sandford* (60 U.S. 393, 407) in 1857, "so far inferior that they had no rights which the white man was bound to respect." Yet the laws of slavery did recognize slaves as bearers of legal rights, even though slaveholders violated those rights in practice. Louis XIV's 1685 edict regarding the treatment of France's slaves, the *Code Noir*, recognized that slaves had several rights against their masters, including the right to practise the Catholic faith, to rest on the Sabbath, and to be provided food and care when too old or infirm to work. They also had rights to family integrity: against being forced to marry **(p.80)** anyone without their consent, and against family

members being sold separately by their master. Masters could free their slaves for any reason. Once freed, former slaves were legally entitled to the same rights as the freeborn. France thereby acknowledged that there was nothing inherent in the nature of those who had been enslaved that made them ineligible for equal rights. American slaves, too, had certain legal rights, notwithstanding *Dred Scott*. In the US context, the practice of holding slaves legally responsible for their crimes accorded them the procedural rights of criminal defendants under the common law, including the right to a trial and to bear witness in their own defense. Some courts in the South even recognized slaves' right to use force against their masters in self-defense (Oakes 1990, ch. 4).

Nor did the advocates of universal natural or human rights make a racist exception to justify slavery on moral grounds. Jefferson, although a slave-owner and a racist, knew that slavery was unjust (Jefferson 1905, Query XVIII). Locke, although he invested in the slave trade, argued that legitimate slavery was limited to the combatants in an unjust war, and denied that their countrymen or descendants could be justly enslaved (Locke 1980, sec. 179). That is utterly incompatible with the practice of chattel slavery in the colonies. We encounter nothing so simple among the leading Enlightenment thinkers as a syllogism with a true major premise and a false, racist minor premise to justify slavery. The corruptions of moral thinking involved in Enlightenment thought concerning slavery are typically more subtle, and tied to an authoritarian moral epistemology.

Early proposals to abolish slavery within France offer a useful illustration of the problem. In 1790, Baron de Viefville des Essars (1790) submitted an emancipation proposal to the National Assembly. Despite his condemnation of slavery as a violation of the slave's inalienable rights, he did not insist on immediate abolition, but planned for a gradual emancipation process extending over sixteen years. The Assembly ignored his proposal. The Abbé Grégoire, too, argued for gradual emancipation (James 1963, 141). One might see the point of gradualism if this were merely a concession to feasibility. France was economically dependent on slave labor. Saint-Domingue, by far the richest colony in the New World, produced 40 per cent of the sugar and 60 per cent of the coffee consumed in Europe (Dubois and Garrigus 2006, 8). About one out of twenty-five people in France directly depended on trade with its colonies. Many of the richest men of France owed their wealth to their ownership of plantations, participation in the slave trade, or marketing the products of slave labor. Among the members of the National Assembly, 15 per cent owned property in the colonies (Dubois 2004, 21). Any emancipation program could therefore expect to meet overwhelming resistance if some provision were not made to compensate the slave-owners for **(p.81)** their massive investment in slaves, and to develop the institutions needed for a transition from slave to free cultivation of cash crops. On their own natural-rights principles, the abolitionists would have to admit that the temporary continuation of slavery for these reasons was unjust.

But the concession could have been excused as the only feasible path to emancipation, given the powers lined up in favor of slavery.

Nicolas Condorcet's work shows how matters were more complex than this. Condorcet was both a feminist and an opponent of slavery. He belonged to the abolitionist Société des Amis des Noirs. Yet there is a striking contrast between his feminist and his abolitionist arguments. His argument for equal rights for women displays perfect syllogistic reasoning:

> [T]he rights of men result simply from the fact that they are rational, sentient beings, susceptible of acquiring ideas of morality, and of reasoning concerning those ideas. Women having, then, the same qualities, have necessarily the same rights.
>
> (Condorcet [1790] 1912)

The argument is straightforward. Condorcet goes on to refute objections that women are incapable of exercising the rights of citizens. There is no suggestion of backtracking, reservation, or exception in his argument, nor any reason to delay implementation of his conclusions.

Compare this to Condorcet's argument in *Réflexions sur l'esclavage des negres* (1781). It starts off well enough, insisting that slaves have been unjustly deprived of the right to dispose of their own persons. Justice therefore requires the abolition of slavery. Condorcet never suggests that slaves or blacks lack any human rights. He dismisses numerous excuses for slavery. Free labor can produce sugar just as well as slave labor. Even if slavery were the only way to produce sugar in the colonies, gluttony could never justify theft of another's labor. Slavery is such an outrageous crime that slave-owners are not entitled to compensation for freeing the slaves, any more than thieves are entitled to compensation when their stolen goods are confiscated.

Condorcet's reasoning would seem to imply that, just as in the case of women, slaves should enjoy immediate emancipation. Yet Condorcet proposed an extraordinarily protracted abolition process. While the slave trade would be abolished immediately, emancipation of already existing slaves would be phased in by age. Infants born to slavery would be required to serve their masters until they reached the age of 35. Children under 15 would be bound to their masters until the age of 40. Slaves over 15 would not have their freedom until the age of 50. In part, delay was needed to

> give time both to the colonists to change their farming methods gradually and secure the means necessary to cultivate their lands by employing whites or freed blacks, and to the government time to reform the laws and policing system of the colonies.

(Sala-Molins 2006, 14)

(p.82) More ominously, he claimed that protracted emancipation would be needed to prevent the masters from violently attacking their former slaves. We must recognize:

> the danger to public order posed by the fury of masters wounded in their pride and avarice—for a man who has been used to seeing himself surrounded by slaves will not now be easily consoled by being surrounded by mere social inferiors. It is considerations such as these that can allow the legislator to defer, without committing a crime, the repeal of any law that deprives another man of his rights.

> (Sala-Molins 2006, 20)

These were not Condorcet's main reasons for delay, however. More importantly, he argued that slaves, having been unjustly deprived of their natural rights, were not ready for freedom. If granted the same rights as whites, they would form mobs and exact revenge against them. They would cast off civilization, fly off into the mountains, and live as vagabonds. The plantation economy would collapse, and the colonies would descend into crime and disorder. Since legislators are obligated to craft laws that they can reasonably expect will protect everyone's rights to the greatest degree possible, the slaves therefore cannot be allowed full freedom until they have learned to exercise responsibility. In the meantime they must be subject to "severe discipline".

Condorcet insisted that the slaves were not inherently incapable of governing themselves. Their incapacity was due to the fact that life under the master–slave relationship had corrupted them. They are analogous to:

> men who have been deprived of some of their faculties through misfortune or illness, and who cannot be allowed the full exercise of their rights lest they harm others or themselves.

> If … the slightest certainty exists that a man is unfit to exercise his rights, and that if he is allowed such exercise of them, he will constitute a danger both to others and to himself, then society is entitled to regard that person as having lost his rights or as never having had them.

> (Sala-Molins 2006, 18)

Condorcet's reasoning on this point is strained. Women, too, had been deprived of their rights under patriarchy, but Condorcet never inferred that they should continue to suffer disenfranchisement and subjection to their husbands because patriarchy had robbed them of the capacity for freedom. Nor can his reasoning justify the protracted enslavement of infants and children, who would be too young to have experienced the corruption in question. Condorcet was also aware

of the fact that the colonies contained numerous free people of color, many of whom had been freed by their masters. A cursory examination of their conduct would have revealed no incapacity for freedom on account of their prior servitude. In fact, the free people of color of Saint-Domingue played critical roles in its economy, as independent farmers, merchants, and planters, and also supported **(p.83)** the government in the militia and police force (Dubois and Garrigus 2006, 15). Even if we imagine that freed people would need some time to adjust to emancipation, it is hard to believe that further experience of slavery could prepare them for freedom. Condorcet's own premises contradicted that possibility: if enslavement was what had corrupted them, how could continued enslavement teach them to be free? How else can one learn to handle freedom responsibly, other than by freely making choices for oneself and learning from the consequences?

Even more astonishing was Condorcet's plan for teaching slaves how to handle their freedom responsibly. This job was to be assigned to their masters! Although the masters were guilty of the most monstrous injustices—violent conquest, tyranny, robbery, rape, torture, sadistic murder—they were now to be trusted with educating their slaves for freedom. Although their anticipated fury at being deprived of absolute dominion over others was one of Condorcet's justifications for allowing them to continue their mastery for decades, they were now to be charged with educating their slaves for the enjoyment of equal rights. Although the cause of the slaves' moral degradation and consequent incapacity for freedom was the fact that they supposedly followed their masters' example, knowing nothing better than their masters' uncontrolled greed, cruelty, sloth, and lust for power, now the masters were expected to teach them virtue:

> Considering the happiness of the slaves as his supreme duty, and the loss of their liberty and rights as an evil it behooves him to correct, he rushes to his plantations to shed his tyrannical ways, to don the authority of the just and humane sovereign to commit himself to making human beings out of his slaves. He trains them to become industrious workers and intelligent farmers … The vices of the slaves would disappear with those of the master … Honesty, love of virtue, maternal and filial love—all these tender emotions, enriching the life of these unfortunate people—become the fruit of his labor.

> (Sala-Molins 2006, 24)

Louis Sala-Molins (2006, ch. 1), acidly reflecting on the passages quoted here, condemns Condorcet as a racist. My concern in this chapter is not to pass moral judgment on Condorcet's character. It is to query Condorcet's social epistemology of moral knowledge. Condorcet explicitly denied that blacks were unfit by nature for freedom and human rights. Yet implicitly he could not imagine former slaves teaching themselves how to handle freedom responsibly.

He imagined that their white masters, notwithstanding their extreme viciousness and wrongdoing on an immense scale, would be needed to teach their slaves how to be moral. Nor did it cross his mind that the slaves and free people of color might teach their masters, or the French people more generally, something about moral right and wrong.

This is what authoritarian social epistemology looks like in practice. Despite the fact that Condorcet grasped genuine principles of moral rightness, his **(p.84)** defective social epistemology, which assumed a one-directional line of moral instruction from Europeans to black slaves, led him to absurd contradictions. It was, of course, an epistemic injustice (Fricker 2007) to the slaves to exclude them from participation in moral inquiry into how slavery should be dismantled. This injustice corrupted Condorcet's own moral thought, as it did the moral thinking of European societies more generally.

Why did Condorcet think so much more consistently about feminism than about abolition? It is plausible that the fact that he was "in constant intellectual communion with his wife" (Schapiro 1963, 189), had something to do with his relative moral clarity (Nall 2008). His wife, Sophie De Grouchy, was the author of *Letters on Sympathy*, translator of Adam Smith's *Theory of Moral Sentiments*, and hostess to a prominent salon in Paris. Inclusion of the object of his feminist concern as a co-inquirer likely enabled him to think straightforwardly about women's emancipation. By contrast, Condorcet was isolated from the slaves in the colonies. The membership of the Société des Amis des Noirs, which endorsed only gradual emancipation, was highly elitist and segregated.

3. Overcoming Bias: Slave Participation in Enlightenment Contention over Slavery

This argument, that isolation of elites from engagement with the perspectives of subordinated groups corrupts their thinking, may be extended to dominant social groups in general (Anderson 2007; 2010, ch. 5). We should recognize, however, that the slaves were not wholly excluded from participating in Enlightenment contention over human rights, slavery, and emancipation (Dubois 2006). They were in a position to force their European and American masters to sit up and listen to their claims. Historians of slavery have led the way in reconceptualizing what subaltern participation in such contention amounted to. In some cases, letters, petitions, and other documents articulating slaves' complaints are preserved in the historical record. Issues of moral right can also be contested in action: slaves made their moral claims known through their patterns of resistance to domination. Successful resistance forced the masters to recognize that their claims to legitimate power were rejected, the imagined happiness of their slaves an illusion, their projects for securing social order tenuous at best. It forced them to diagnose what was going wrong with their practices, so that they could be altered in ways that would address the problem.

Sometimes, it forced them to find fault in themselves, and not only in their slaves.

In the French Caribbean, resistance often took the form of marronage—escape from the plantations to the freedom of the forested hills, where slaves were **(p. 85)** difficult to track down and could eke out a living (Dubois 2006, 1–2). Their freedom of movement across different plantations enabled maroons to serve as conduits of communication among the slaves, and as potential instigators of revolt. The official French response was not simply to escalate violence and repression. Marronage forced the *métropole* to consider that any human being would try to escape cruelty. The *Code Noir* already recognized that masters needed to be restrained from torture and other gross abuses, lest the slave system unravel. In the 1780s, the Colonial Ministry responded to slave unrest by granting new rights to slaves, including the right not to work on Saturday afternoons and the right to issue formal complaints against their masters' abuses, potentially leading to punishment of the masters. The masters rejected these restraints on their power, as they had ridiculed the earlier provisions of the *Code Noir* (Dubois 2004, 30–1). But in Saint-Domingue the slaves were to have the last word, when they revolted in 1791.

In the American South, too, slaves exploited the tension between masters' will to total domination and the state's insistence that slavery be regulated by law. If carried out frequently enough, every mode of resistance—leaving the plantation without a pass, learning to read and reading seditious documents, breaking tools, defending themselves against their masters' violence—forced a legal response. In a legal system constituted by common-law rights to due process, slaves accused of crimes took advantage of those rights. Bit by tiny bit, slaves used the legal system to win new rights—even the right to defend themselves against their masters' excessive violence. "Every major court decision elaborating a slave's rights was instigated by some act of resistance on the part of the slave" (Oakes 1990, 165).

We glimpse here the outlines of an alternative social epistemology of moral inquiry. As in standard philosophical models, it is dialogic in form, consisting of claims and counter-claims, made on the background supposition that progress can be made through an examination of the merits and weaknesses each side's claims has in relation to the other. Unlike standard philosophical models, however, the dialogue is not merely imagined in a single person's head, or pursued by participants who are detached from the claims being made. Rather, the critical claims and counter-claims arise from interactions of the affected parties—those who are actually making moral demands on one another, and insisting that the others offer them a serious normative response. This alternative social epistemology is naturalistic. We are interested in how moral discovery actually takes place, and the conditions under which it happens. After the fact, it may be possible to rationally reconstruct a straightforward moral

argument that encapsulates certain moral lessons. Before a group consolidates a consensus around such lessons, however, its path to discovery may be fraught with obstacles **(p.86)** to moral understanding. It may take conflict among the claimants, even violent conflict, to clear away those obstacles.

In both the United States and Haiti, violent conflict was necessary to generate moral clarity about the urgency of abolition. In both cases, two types of action by slaves helped clear the moral sensibilities of those in power—self-emancipation, and serving their country in war. Service in war served two clarifying functions. First, it triggered gratitude among the white leadership of France and the Union, who saw that the survival of their social order depended on the voluntary actions of subordinates. Gratitude tempers the vanity of superiors and opens their ears to legitimate claims. Second, the slaves' demonstration of valor and skill in combat defeated the assumptions of incompetence and inferiority that rationalized slavery. The Confederate leadership recognized the moral force of such a demonstration. This is why it rejected black soldiers until manpower shortages towards the end of the war led to a desperate (and futile) attempt to recruit them. As Georgia Governor Joseph Brown (1865) put the point: "Whenever we establish the fact that they are a military race, we destroy our whole theory that they are unfit to be free." Howell Cobb (1865), one of the founders of the Confederacy, concurred: "If slaves will make good soldiers our whole theory of slavery is wrong."

It is well enough known that the slaves of Saint-Domingue freed themselves through revolution. In white Americans' historical memory, reproducing the autodidactic myth of the powerful, American slaves were freed by Lincoln's Emancipation Proclamation of 1 January 1863. Yet the Emancipation Proclamation would have had little effect had not the slaves emancipated themselves by escaping behind Union lines.

How does *de facto* emancipation promote moral clarity? When one group lives at the mercy of a dominant group, the dominant group has no need to resort to persuasion or bargaining to get what it wants. It can simply impose its will, giving little thought to moral claims issuing from the subordinate group. By contrast, when it confronts masterless people—those who not only have no *de facto* masters but cannot be subdued by force—it must resort to other strategies that appeal to their interests (Herzog 1989, ch. 2). This entails some recognition of the other as bearing legitimate claims. Such recognition amounts to a moral advance.

In 1794 the National Convention received the racially diverse representatives of Saint-Domingue, who brought news of emancipation, with joy. They ratified emancipation and extended it to the rest of the colonies by acclamation. Barely four years after France had rejected even gradual emancipation, it embraced immediate emancipation. More than one representative observed that doing so

was required by the revolution's own principles. Danton noted, "until now our **(p.87)** decrees of liberty have been selfish … But today … we are proclaiming universal liberty" (Dubois and Garrigus 2006, 131). Events can make it easier to immediately draw the logical conclusion from a practical syllogism.

4. Episode 2: Testing Theories of Moral Right in Practice. The Case of Emancipation

In contrast with the dominant methods of contemporary analytic moral philosophy, which test moral principles only in thought experiments, those engaged in contention over slavery believed that the case for emancipation had to be tested in practice. Because the fundamental justification for the slave system rested on the assumption that slaves were unfit for freedom, the test examined how the freed people exercised their freedom. Condorcet's plan for a protracted emancipation process had been based on the assumption that slaves would need to learn how to use freedom responsibly before being emancipated. What lessons were the freed people supposed to learn from their former masters? The answer those in power gave to this question—even those who, like Condorcet, thought slavery was unjust—goes to the heart of what they thought freedom was supposed to amount to for freed people.

The answer may be found in a pivotal moment in the history of emancipation, when Étienne Polverel promulgated labor policies for the abandoned plantations confiscated by France in the midst of the slave revolt in Saint-Domingue. Polverel and Léger-Félicité Sonthonax were Civil Commissioners sent by the National Convention to re-establish French control over Saint-Domingue and enforce a decree requiring equal treatment of free men of color and whites. Polverel governed the west and south of the colony, Sonthonax the north. In the course of the revolution both discovered that, to secure the colony for France, they had to win the slaves to their side by proclaiming emancipation. The freed people, however, had a different understanding of what freedom meant than the Civil Commissioners. We can infer their demands from the labor regulations Polverel issued for the plantations under state control in 1794 (Dubois and Garrigus 2006, 139–42). Polverel initially set the compensation for the freed people at one-third of the net revenue of the plantation, with two-thirds going to the owner. However, he explained, this share was based on the assumption that they would take only one day of rest. He assured them that, as free workers, they could choose not to work on Saturday as well. But they would have to bear the entire cost of taking their leisure. Each extra day of leisure reduced profits by one-sixth. Hence if they took Saturday off they would be paid only one-sixth of the profits instead of one-third—a 50 per cent pay cut.

   (p.88) The freedom of the landowner consists in the ability to have his land worked as he wishes, by whomever he wishes, and in the way that he wishes. He would start by evicting the entire lazy work crew from the plantation and hiring day laborers to work his land. He would no longer

have to provide shelter or a provision ground to the field hands....Africans, now you have been educated. Let us see if you will still choose to rest on Saturday....

(Dubois and Garrigus 2006, 141)

Polverel also rejected the demand of women workers for equal wages, and denied that the freed workers had any rights to the gardens that they had enjoyed as a customary right under slavery. This had been a convenience to the slave-owners, who did not have to purchase provisions for their slaves if the slaves grew their own food. In a wage-labor system, however, workers had to provide for themselves. While Polverel conceded limited gardens to the workers as a continuation of custom, he rejected their demand for larger plots. Denying the freed people independent access to the land was necessary to ensure that their only option for survival was to continue their work on the plantations, raising cash crops to the enrichment of landowners.

The leaders of all post-emancipation societies shared Polverel's view of the freedom to which the freed people were entitled. Sonthonax, in proclaiming emancipation in the north, instituted wages and banned the whip, but bound field hands to one-year contracts, limited their freedom to change plantations, and permitted punishments for violations of work discipline, including stocks and fines up to the worker's entire salary (Dubois and Garrigus 2006, 121–5). Toussaint Louverture's 1801 constitution for Saint-Domingue bound workers to the plantations of their former owners (Dubois and Garrigus 2006, 169). The British, upon emancipating their slaves in 1833, instituted six-year "apprenticeships" that required the freed people to continue working on the plantations under the rigorous discipline of their owners (Foner 2007, Kindle loc. 397). Planters in the American South also attempted to continue gang-style plantation labor for wages, and enacted the notorious Black Codes to enforce this system during the first phase of Reconstruction (Foner 2007, Kindle loc. 970–1004). In all these cases, the judgment about freed people's entitlements was driven by authoritarian moral inquiry. Polverel at least recognized that the freed people's moral claims needed to be addressed. However, he used his power to impose his preferred solution rather than giving their claims a serious hearing.

The freed people had a dramatically different conception of the freedom to which they were entitled. Across the post-emancipation societies, former slaves identified freedom with self-government, being one's own boss, not having to take orders from an overseer. They wanted not only self-ownership and the right to the fruits of their labor, but to decide for themselves how hard they would **(p. 89)** work, for how long, at what tasks, and under what conditions. No free person would willingly work under the brutal conditions, harsh discipline, and gruelling intensity required for generating maximum profits in the plantation

system. That is why plantation owners consistently sought to raise cash crops by exploiting various forms of unfree labor—slavery, indentured servitude, debt peonage, serfdom. Given independent access to land, either through ownership, renting, or sharecropping, freed people virtually everywhere chose to reduce the hours and intensity of their labor, shift from cash crops to subsistence farming, and release women and children from intensive fieldwork so they could devote more time to family life. The struggle for freedom in post-emancipation societies thus became a struggle with landowners over access to land (Foner 2007). This had different outcomes in different societies, depending on the relative political power of landowners and freed people and the availability of open land. Across most of the American South, the outcome was a sharecropping system. In Haiti most freed people succeeded in turning themselves into an independent peasant class. Large numbers in Jamaica and Cuba also managed to establish themselves as self-governing farmers.

Were these outcomes a vindication of freed people's capacity for responsible self-government? The dominant conclusion of contemporary whites in post-emancipation societies was that the former slaves had failed the test of freedom. Even abolitionists regarded the decline of sugar production in Jamaica as a "serious embarrassment" (Foner 2007, Kindle loc. 629). They disparaged the Haitian peasantry for failing to manifest the mental progress supposedly entailed by embracing an ethic of accumulation for higher consumption (Dubois 2012, 113). Of course, it was all-too-convenient for landowners to insist that the responsible exercise of freedom required that the freed people continue to generate immense profits for them. Yet in their argument they did not appeal to their own naked self-interest. Rather, they attempted to make a moral argument.

To most whites, the resistance of freed blacks to wage labor, their reduction in work-hours, and the priority they gave to subsistence farming over production for the market amounted to a rejection of civilization and a reversion to barbarism. Their conduct was taken as proof that blacks were innately lazy, lacking in ambition and a work ethic, and impervious to market-based rational incentives. Abolitionists had argued that the plantation system would survive emancipation. They appealed to Adam Smith, who argued that free labor was more productive than slave labor because people who were rewarded with the fruits of their labor, and thus could improve their prospects through their own efforts, would work harder than slaves (Smith 1904 [1776], I.viii.41–4). (They **(p. 90)** overlooked his argument that self-employed workers were more productive than workers who had to share the fruits of their labor with employers: Smith 1904 [1776], I.viii.48.) Most whites saw the freed people's conduct as vindicating the traditional view that the lower orders would work only if they were coerced by force or necessity, and as supporting racial theories of black inferiority (Holt 2000; Foner 2007).

Whites would have done well to ask those they judged so harshly for their response. Pompée Valentin, baron de Vastey, secretary to King Henri Christophe of Haiti, complained: "How can they be competent to judge of our differences, if they hear only the clamor and declarations of one party, without the reply and just complaints of the others?" (1818, 8). Defending the economic system chosen by the Haitians themselves, Vastey observed that the slaves had been malnourished and emaciated due to the plantation system's exclusive focus on cash crops. Since winning independence the Haitian people had diversified their agriculture, successfully introduced food crops such as corn, barley, oats, and potatoes, and expanded cultivation of bananas. This enabled the Haitian people to feed themselves. The new agricultural system was "fitted to our wants and worthy of a free people" (Vastey 1818, 53–4).

In psychology, the 'fundamental attribution error' refers to the tendency of people to explain others' behavior in terms of innate dispositions instead of circumstantial factors (Fiske 1998, 370). This pervasive cognitive bias is even more notable when the observer is responsible for arranging the circumstances that lead to the behavior in question. Whites' tendency to ignore their own causal role in structuring freed people's incentives, and to attribute their choices instead to dishonorable innate characteristics, was particularly glaring in the agricultural case. Although they claimed that wage labor offered serious prospects for blacks to improve their economic standing through hard work, they went to great lengths to minimize the wages they had to offer field-hands. In Jamaica they kept wages down by importing indentured servants from India. They preached to black men about the pride they should take in earning enough to support their wives and daughters at home, even while forcing black women to work in the fields (Holt 2000, 55–8).

Finally, and perhaps most astonishingly, in accusing freed people of laziness and barbarism, whites condemned in blacks what they held out as a moral ideal for themselves. The point is not simply that no free white would accept the terms of labor that planters offered the freed people. To be one's own boss, to stake out a homestead and make it one's own by farming it, was the essence of the free-labor ideal that lay at the core of the ideology of the antebellum Republican Party in the United States. Wage labor was merely a stepping stone to independent **(p.91)** proprietorship; failure to take that step indicated a "dependent nature", in Lincoln's view (Foner 1995, Kindle loc. 325).

Whites' test of emancipation was thus marred by profound cognitive bias and contradiction. The problem is more profound than the fundamental attribution error. It goes to the core of moral epistemology, of the source of our awareness of moral requirements. Children develop their notions of goodness from their own experiences in pursuing and attaining what they like. They could never acquire any notion of moral right or duty from such experience. Such ideas invariably come from outside the self, from recognizing the authoritative

demands of others. The child wants to pick the pretty flowers because they seem good to him, and stops only when his parent tells him they are someone else's property and it is wrong to steal (Dewey and Tufts 1981, 215). The experience of being held to account by another with the authority to do so is indispensable for learning the difference between what is good from one's own perspective and what is morally right.

Suppose a person not only has no one holding him to account, but has the power to enforce the demands he makes on others. Such an experience of unaccountable power would produce profound moral confusion. It would be difficult for such a person to distinguish what is good from his perspective from what is morally right. His power to make others obey his will would make him think that whatever he thought good was obligatory to others (Dewey and Tufts 1981, 226). He would define their moral virtue to consist in their disposition to willingly serve his interests.

Suppose he lost the power to impose his will on others, but the others failed to acquire enough power to hold him accountable for the way he treats them. They would refuse to become mere instruments of his will. Yet they would be unable to get him to acknowledge their right to refuse. He would then judge their resistance to his designs as a moral failure on their part, a demonstration that they were unfit for freedom.

The same psychological mechanism that produces moral confusion in powerful individuals produces it in powerful groups. Since the advent of racialized slavery, whites have defined the virtue of blacks in terms of their service to white interests. Their narcissistic definition has persisted in post-emancipation societies. The stereotype of blacks as lazy is rooted in the demand of whites that blacks work for them, for lower pay and under worse conditions than any white person will accept, and the rejection by blacks of that demand without their having the power to make whites recognize the double standard behind it.

The pragmatist idea that the case for emancipation had to be tested by its actual consequences, and not only by our reactions to it in a thought experiment, **(p. 92)** was broadly accepted in nineteenth-century Euro-American moral discourse. This idea was correct, but the test was biased. Had the same test of self-directed labor been applied to freed people as to whites, the demonstration that wherever their efforts were not blocked by whites freed people managed to lift themselves out of slavery to independent self-sufficient farming would have counted, as Vastey argued, as a resounding success for emancipation.

5. History, Memory, and Moral Epistemology
Social groups draw moral lessons from their histories. They are right to see that their experiences in trying to live in accordance with certain moral principles provide critical evidence for or against those principles. However, social groups do not always draw the right lessons from their histories. Such failures may be

due to morally biased or contradictory tests of success. They may also be due to biased memory and inadequate causal analysis. Since Haiti gained independence, the United States and Europe have repeatedly pointed to Haiti's failure to secure political stability as evidence of blacks' inability to govern themselves. They rarely acknowledged their own roles in fostering political and economic crises in Haiti, through such means as extorted reparations payments, gunboat diplomacy, Western-backed military coups, credit crises engineered by monopolistic banks under French or US control, and military occupation (Dubois 2012). As Vastey complained, "our faults have given strength to the unfavorable disposition of our enemies, and hardened them in their odious prejudices. They are unwilling to ascertain the source of these faults, of which they are the first cause" (Vastey 1818, 37). If we correct such errors, history can point the way beyond first-order assessment of particular moral principles to a more general account of how to improve our moral principles. It can thereby contribute to a naturalized moral epistemology. Such a moral epistemology necessarily focuses on the social organization of moral inquiry, because moral awareness arises from outside the agent, from the claims of others. Moral norms regulate social relationships and facilitate or constrain the possibilities for progress in moral knowledge.

On a naturalized, pragmatist view of moral inquiry, we do not already possess an independent standard of moral rightness against which we can measure the moral success or failure of any particular society's norms. Nor do we model moral inquiry as best undertaken through thought experiments that can be carried out by an isolated individual, or by a demographically narrow sector of society, discussing matters around a seminar table (or in a legislative assembly or executive committee)—particularly not if that sector enjoys relative power and privilege over those affected by or subject to the moral norms under discussion. **(p.93)** Although some things can be learned by these kinds of reflection, we must also be mindful of the profound biases that tend to corrupt the moral reflections of the relatively powerful, when they engage in unaccountable moral inquiry that is, implicitly or explicitly, authoritarian in its social organization.

I have sketched an alternative naturalized approach to moral inquiry in this chapter. On this view, social groups learn to improve their moral norms through historical processes of contention over them. "Contention" encompasses a broad range of activities that may change over time (Tilly 1993). While it includes "pure" moral argumentation, it also includes a variety of other ways of making interpersonal claims, including petitions, hearings, testimonials, election campaigns, voting, bargaining, litigation, demonstrations, strikes, disobedience, and rebellion. We can model the epistemic value of different modes of contention in terms of their potential for inducing error-correction, counteracting bias, clearing up confusion, taking up morally relevant information, making people receptive to admitting mistakes, drawing logical conclusions, and other

epistemic improvements. While we do not already have on hand a final standard of moral rightness, we may have a fairly good idea of characteristic sources of moral error, ignorance, bias, and blindness, drawn from social and cognitive psychology and from historical investigation. In different social contexts, different modes of contention may be required to overcome these sources of bias, to open people's minds to morally relevant considerations, and their conduct to moral accountability.

A major source of bias is unaccountable power over others. It is extraordinarily difficult for social groups that exercise unaccountable power over other groups to distinguish what they want subordinate groups to do for them from what those groups are obligated to do. It is extraordinarily difficult for dominant groups to recognize when they are behaving unjustly toward subordinate groups. Power makes people morally blind. It stunts their moral imaginations and corrupts their moral reasoning, tripping them up in contradictions and sophistries. Successful contention by subordinate groups, in historic moments where they are in a position to make themselves heard and hold dominant groups accountable, sometimes breaks through the vanity, smugness, and narcissism of the powerful, as in 1794, when the National Convention abolished slavery throughout the French empire.

At such moments, we see glimpses of a democratic as opposed to an authoritarian organization of moral inquiry. "Democratic" in this context does not mean that the right is determined by majority voting. It means that all sides to a moral dispute—those making claims, those to whom the claims are addressed, those otherwise affected by claim-making—manage to participate on terms of equality in contention over the principles governing their claims, and do so in ways the **(p.94)** others cannot ignore or dismiss but must address in their own terms. Moral knowledge comes from outside, not inside the self. It requires openness to the claims and perspectives of others.

Democratic inquiry does not solve all problems in moral epistemology. Nor is contention the only path to moral insight. Sometimes the powerful can be stirred into recognition of the full humanity of subordinates through intimate association on terms of equality. This is a common pattern among feminist men. Condorcet found his intellectual soulmate in Sophie de Grouchy, John Stuart Mill in Harriet Taylor, William Thompson in Anna Doyle Wheeler. More generally, friendly or cooperative association across identity-group boundaries is key to prejudice reduction (Allport 1954), which checks a major source of moral error. In the absence of intimacy on terms of equality, people can be stirred to sympathetic moral recognition of others through autobiography, journalism, fiction, drama, painting, and other arts. Here too, the key to moral insight is receptiveness to others in their full humanity.

Every story we tell about how groups' moral convictions have changed implies a background moral epistemology. Time and again in the history of moral progress, the oppressed have taught moral lessons to the powerful. Time and again, the historical memories of dominant groups erase those events and replace them with an imagined rational reconstruction of the acquisition of moral insight through the self-sufficient reasoning of the dominant. What countries took the lead in insisting on the legal application of the 1948 Universal Declaration of Human Rights to all human beings? The United Kingdom and France, perhaps, with their long human-rights traditions? No. Both countries argued vigorously for a "colonial clause" that would exclude colonial subjects from claiming the rights that the UDHR said all humans were entitled to simply because they are human. The United States? No. The United States joined England and France on the colonial clause, in return for their support of a "federal state clause", which would exempt the member states of any federal government from being subject to the law. The United States wanted to assure its southern states that ratification of the UDHR and its associated legally enforceable covenants would leave their systems of white supremacy intact. The countries that took the lead in insisting that the UDHR was really universal were former colonies of Europe and the United States, notably including India, the Philippines, and Panama (Roberts, 2014). We forget such histories at our moral peril, for progress in moral inquiry requires the practice of epistemic justice by and for all.

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