

According to Meyers, “Douglass’s great theme was rational hopefulness for the ultimate triumph of justice in U.S. race relations” (p. 14). One might wonder how Douglass could have been hopeful about race relations when at the time of his death, race relations were beginning to reach their lowest point since the abolition of slavery. Myers argues that Douglass’s belief in natural law and the natural rights of humans to be free, coupled with his basic understanding that the United States was founded on these beliefs, buoyed his hopefulness. That hopefulness was also rooted in his understanding of slavery, which he saw as harmful to both the slave and the slaveholder. It rendered slaves less than fully human, and denied them any control over even the most intimate aspects of their lives. It also corrupted the moral fiber of the slave owners by granting them excessive power over the lives and bodies of others. Douglass regarded slavery as an evil and despotic system contrary to nature, to American political ideals, and to the U.S. Constitution itself. Slavery had expanded, he believed, against the aims and expectations of the Framers. He well understood the compromises over slavery that attended the original ratification in 1787, and yet he believed that because the Constitution was established to follow the dictates of natural law and to ensure the natural rights of individuals, in a deep sense it was at odds with slavery.

Douglass’s view of the Constitution, properly understood, as inconsistent with slavery was the subject of much discussion and debate, and his own views were shaped by this debate. Douglass started out himself as a follower of William Lloyd Garrison, who wrote in the abolitionist newspaper *The Liberator* that the Constitution was “the most bloody and heaven-daring arrangement ever made by men for the continuance and protection of a system of the most atrocious villianity ever exhibited on earth.” And yet over time, he came to shift his position, not on the evil of slavery but on the value of the Constitution and the sense in which it could be regarded by abolitionists as a source of intellectual support and inspiration. Drawing on letters and speeches, Myers shows that Douglass revised his thinking with care, addressing head-on the challenges to his revised position on the Constitution’s liberatory potential. Arguing that the Framers had regarded slavery as a short-lived institution destined soon to disappear, he regarded the hard-line position adopted by the South and its proslavery advocates as a violation of the spirit of the Constitution and to the basic national compact that it established. He insisted that this gave antislavery states the right to abolish slavery across the nation. Myers carefully explores the evolution of Douglass’s thinking on these issues, which culminated in his view that it would take a civil war to dissolve the institution of slavery in the United States.

After the Civil War, Douglass’s job was not done. He worked tirelessly to keep black Americans socially, politically, and morally included and invested in the United States. As the minimal gains from Reconstruction were being slowly

eroded, he retained his faith in the ability of Americans both black and white to weather the racial storms. Some scholars have read Douglass’s proclamation after the Civil War that blacks should be left alone to rise or fall by their own merit to mean that after the war, blacks were to be left at the whims and capriciousness of their former oppressors. Myers correctly argues that this view misreads Douglass’s understanding of the role of the state in the lives of blacks after emancipation. Post emancipation Douglass was for the enactment of civil rights legislation and governmental policies that would ease the move from slavery to equality. He was aware of the challenges facing blacks as they emerged from the darkness of slavery into the light of freedom, and he was clear that this emancipation could not be accomplished without the help of the state.

In the last years of his life, Douglass had to deal with the growing alienation that many blacks were beginning to feel toward the United States. He argued against emigration proposals, and worked to engender feelings of attachment to the country based on a more inclusive conception of citizenship which, he argued, was in fact the latent promise of the Declaration of Independence and the Constitution. He thought that through hard work and political participation, African Americans and white Americans could realize the goal of true racial harmony.

Myers has done Douglass scholarship a great service. In a fair and even-handed manner, he has taken on the history of that scholarship to show that Douglass was much more astute about philosophy, legal studies, and human nature than many of his biographers have appreciated. Indeed, Douglass seems to have had a deeper understanding of the meaning of liberal democratic thought and its impact on the psyche of Americans than most of his contemporaries. In this regard, as Myers rightly argues, Douglass’s writings are of continuing relevance for our understanding of race relations today.

As I write this review, an African American, Barack Obama, has just been elected the first nonwhite president of the United States. A huge threshold has been crossed, and race relations in America will never be the same. Myers argues that Douglass saw these changes coming. Perhaps they vindicate his civic faith in the United States. In any case, Myers’s book makes clear that Douglass was not simply an abolitionist hero but an astute theorist of the rebirth of American liberalism.

The Nature of Rights at the American Founding and Beyond. Edited by Barry Alan Shain. Charlottesville: University of Virginia Press, 2008. 352p. \$45.00.
doi:10.1017/S1537592709090380

— Michael P. Zuckert, *University of Notre Dame*

Rights—we can’t seem to live with them and we can’t seem to live without them. This recent collection of essays on America’s “rights tradition” bears witness to the deep

ambivalence Americans—or at least the contributors to this volume—have about rights. Like most collections, this one is very uneven both in quality and theme. But one thing that runs through most of the essays is strong feelings about rights. Although the main topic, so far as there is one, is the status of rights both in theory and practice at the time of the American founding, it is evident that attitudes about them in the late twentieth and early twenty-first centuries figure in many, even most, of the authors' views about rights at the founding. Thus, there are some who are aghast at what has happened to them in theory and practice since World War II and they, for the most part, attempt to establish that the rights the founding generation affirmed were nothing like the rights that, say, the Warren Court or the UN Universal Declaration of Human Rights affirmed. Others, friendlier to the rights of our day, see somewhat more continuity between then and now or, if not, tend to speak of progress in rights.

The essays in this book were originally presented at a conference held at Colgate University in 2000–2001, that is, before the events of 9/11. The essays, despite their very disparate character, show some of the advantages of their common origin, most notably an occasional tendency to address one another. It is striking that it took so long for the essays to migrate from the conference circuit to the printed page, but one reason may be that there was no sense of urgency here, for many of the contributions cover ground familiar from earlier work. Some of the essays are almost extracts from earlier work. Thus, Richard Primus gives a brief restatement of the functional account of rights he expressed at greater length in his 1999 book, *The American Language of Rights*. John Phillip Reid gives a very close restatement of his book on *The Authority of Rights* (1980). Barry Shain, the editor of this volume, expands on but essentially restates the position taken in his *The Myth of American Individualism* (1994). Akhil Amar largely restates the position he defended in *The Bill of Rights* (1998).

This is not to say that all the essays rehash older material or even that the rehashes are without merit. Indeed, it is a worthy collection for any reader wanting to catch up on some of the most important writings on rights in the past few decades. The collection is especially strong in giving us views of historians. It contains essays by some of our most prominent historians of the founding era—Gordon Wood, Jack Rakove, James Hutson, Daniel Rodgers—all of whom make valuable contributions. A reader will not see much of the recent philosophic thinking on rights, with only one essay, that by Leif Wenner and Stephen Macedo, venturing into that territory. The absence of philosophic thinking about rights is unfortunate for many of the historical essays would be improved by a sharper conceptual grasp of the rights idea.

Although the essays are disparate in character, there is one overriding theme more or less common to both those

who like contemporary rights and those who do not—the “rights have changed” theme. All the essays in one form or another speak of such change. Beneath that commonality, however, is a much greater diversity in the way the starting point and the later points are described. Some see a shift from negative to positive rights. Some see a shift from communal and corporate to individual rights. Others speak of a shift from religiously grounded to rationally grounded rights. As the Introduction well says: “The contributors to this volume . . . certainly do not agree in all matters concerning the history of American rights” (p. 1). That same introduction, however, claims that despite the disagreements, there is a deeper “agreement reached by the contributors in finding that culturally accepted seventeenth- and eighteenth-century rights claims, with the exception of religious conscience, were not primarily individualistic” (p. 2).

That surely describes the position of the editor of the book; it does not in fact describe the position taken by all the contributors. Thus, for example, James Hutson traces the emergence and rise to dominance of a new kind of rights talk, based on Ockhamist nominalism. The new rights are “subjective rights.” As Hutson puts it, “this new species of right was subjective because power, its essence, was part of the individual subject. . . . A subjective right was an attribute of the subject” (p. 30). It was these subjective rights, says Hutson, that rose to prominence in the America of the founding era. A few other essays also escape this so-called consensus, including Rakove’s on the Bill of Rights, Wood’s on the “history of rights on early America,” and Rodgers’s on “rights consciousness in American history.”

The editor, then, perhaps overstates the consensus, but the identification of a consensus actually misleads as to the book’s most valuable feature—the very disagreement and the sharply argued presentation of quite different views on “the nature of rights at the American founding.”

Rousseau’s Platonic Enlightenment. By David Lay Williams. University Park: Pennsylvania State University Press, 2007. 344p. \$25.00.
doi:10.1017/S1537592709090392

— James Miller, *New School for Social Research*

Anyone who knows Rousseau knows that he was someone intimately familiar with Plato. On a variety of levels—as a literary stylist, as a theorist of education, as a critic of culture—Plato inspired, informed, and provoked Rousseau. The *Republic* was one of his favorite books, and he was constantly re-reading and re-interpreting Plato’s words throughout his most productive years.

But do any of these facts, significant though they are, mean that Rousseau was in some sense a Platonist?

Commentators in the past hundred years have varied in their responses to this question. A few, Charles Hendel