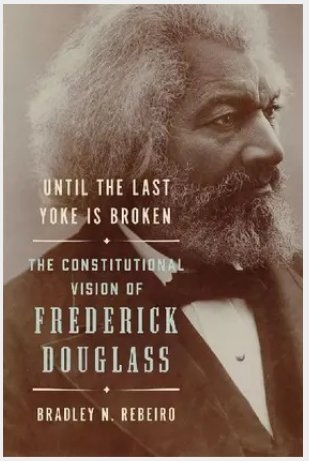
Rebeiro

Until the Last Yoke Is Broken

The Constitutional Vision of Frederick Douglass



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A groundbreaking analysis of Frederick Douglass as constitutional theorist, showing how his vision, which prefigured today's originalism, melded history and natural rights to address the evil of slavery. In his celebrated address "What to the Slave is the Fourth of July?" Frederick Douglass denounced America's hypocritical celebration of freedom. But he did not blame the nation's founding document for enabling the evil of slavery. Rather, he proclaimed that "interpreted as it ought to be interpreted, the Constitution is a Glorious Liberty Document." This was no mere rhetorical flourish. Examining Douglass not just as an activist but as a legal and political theorist, *Until the Last Yoke Is Broken* reveals that his abolitionism was guided by rigorous constitutional interpretation. Reconstructing Douglass's method from his speeches and writings, Bradley Rebeiro shows that his approach both anticipated and challenged aspects of contemporary originalism. Like today's originalists, Douglass saw historical meaning as central to constitutional analysis. But unlike today's originalism, Douglass's goes beyond simply asking how the Constitution was understood at its ratification. Instead, Douglass insisted that whenever a constitutional provision is ambiguous, the interpreter must adopt whatever meaning best agrees with the natural rights affirmed in the Declaration of Independence. Rebeiro also shows how Douglass balanced this constitutional vision with pragmatism during Reconstruction. When political tensions pitted the fate of black suffrage against women's suffrage, Douglass set aside the theoretically pure for the politically possible; as soon as black suffrage was secured, he returned to advocating for universal voting rights. "It was mine to stand for the freedom of people of all colors," Douglass wrote near the end of his life, "until in our land the last yoke was broken and the last bondsman was set free."

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