

CHAPTER ONE

“So Vile and Miserable an Estate of Man”

Slavery had existed in Virginia for two centuries prior to the debate in the legislature. During this time, the institution had expanded considerably in both size and purview. By 1831, nearly a half million Virginians were held in bondage.¹ While slavery in Virginia was always closely connected to the tobacco economy, slaves performed more than simple field labors. Slaves worked in factories, in mines, and on internal improvement projects. Every region of the state benefitted, either directly or indirectly, from the produce of slave labor. Slavery was thus a fundamental element in the daily lives of all Virginians.

It is not surprising to find then, commonly accepted justifications for this way of life. Surveying the commentaries of Thomas Jefferson, John Taylor, and the proslavery petitioners protesting the Manumission Act of 1782, provides an overview of the dialectical exchange concerning slavery. These specific accounts, and other contemporary assessments of slavery, reflect both the consistency and diversity of proslavery justifications in the decades prior to the debate in the legislature.

Proslavery justifications often contradicted the ideals of freedom and liberty by which Virginia's citizens defined themselves, first as Englishmen and then as Americans. This paradox of slavery and freedom was perhaps personified best by Thomas Jefferson. William Brodnax referred to Jefferson as “the Apostle of Liberty” and as a man who considered slavery “one of the greatest of curses.”² Yet, at the time that he wrote the Declaration of Independence, Jefferson owned over a hundred slaves. While numerous historians have debated the sincerity of Jefferson's anti-slavery proclamations, they have focused less attention on the extent to which his attitudes reflected the prevalent proslavery argument of his day.³ That argument acknowledged that slavery was an evil

¹ U.S. Census Office, *Fifth Census*, Tables [10]-[13]. The 1830 census list Virginia's slave population at 469, 755. This was 38.7 percent of the state's total population. See Freehling, *Drift*, 287.

² *Richmond Enquirer*, December 17, 1832.

³ Numerous books and articles have been written which specifically address Jefferson's views on slavery. See David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* (Ithaca, New York: Cornell University Press, 1975), 164-184; Paul Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson* (Armonk, New York: M.E. Sharpe, 1996), 105-167; William W. Freehling, “The Founding Fathers, Conditional Antislavery, and the Nonradicalism of the American Revolution,” in *The Reintegration of American History: Slavery and the Civil War* (New York: Oxford University Press, 1994), 12-33; Winthrop Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of

while it simultaneously lamented the institution's necessity.

The Necessary Evil

Virginian slaveholders often admitted that slavery was an evil because it contradicted Enlightenment interpretations of natural law. Virginia's adopted philosopher of natural law, John Locke, described slavery a "vile and miserable . . . estate of man" and proclaimed that "the *Natural Liberty* of Man is to be free from any Superior Power on Earth."⁴ Yet Locke also recognized the legitimacy of chattel bondage. For him slavery was not contractual; one person could not sell himself to another. Slavery occurred outside of Locke's social contract, during a State of War. The person enslaved had already forfeited his life, and he "to whom he has forfeited it, may . . . delay to take it, and make use of him to his own Service."⁵

Slavery was therefore an alternative form of death. Accordingly, slaves forfeited all of their natural rights, including the right to the lives of their future children. Slaves existed only under the absolute dominion of their master. "This is the perfect condition of *Slavery*, which is nothing else, but *the State of War continued, between a lawful Conqueror, and a Captive*. For, if once *Compact* enter between them, and make an agreement for a limited Power on the one side, and Obedience on the other, the State of War and *Slavery* ceases, as long as the Compact endures."⁶ According to Locke, any amelioration, any recognition of a slave's humanity on behalf of the master contradicted the state of slavery. Slavery could only exist as an absolute.

Accordingly, through the eyes of the Revolutionary generation, slavery violated natural law, not because it denied the enslaved their right to liberty, but because it encouraged tyrannical practices in their masters. Slavery affected the virtues of the slaveholder. Slaveholders held absolute dominion over their chattel. And this absolute dominion tended to corrupt. Jefferson

North Carolina Press, 1968), 429-481; and John C. Miller, *The Wolf by the Ears: Thomas Jefferson and Slavery* (New York: Free Press, 1977). Many of these views conflict and there is considerable historiographical discussion. It is interesting to note that many of the same dialectics concerning Jefferson's position were argued during the debate in the legislature. See the speeches of Alexander Knox, *Richmond Enquirer*, February 11, 1832 and of William Brodnax, *Richmond Enquirer*, December 17, 1832 for good examples. For discussion of Jefferson and the paradox of slavery and freedom see Edmund Morgan, 375-377, 382-385.

⁴ John Locke, *Two Treatises of Government*, edited by Peter Laslett (New York: Cambridge University Press, 1960), 175, 324.

⁵ Laslett, ed., 325.

⁶ *Ibid.*, 325-26. A similar analysis is offered in Davis, *Western Culture*, 118-121. A comprehensive evaluation of the influence of Locke's philosophy on American social and political thought can be found in Huyler, *Locke in America*.

emphasized this tendency when he described in detail slavery's evil nature. "The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism . . . daily exercised in tyranny. . . . The man must be a prodigy who can retain his manners and morals undepraved by such circumstances."⁷

In addition to contradicting natural law, slavery inspired certain practical evils as well. Many credited Virginia's economic misfortune to her continued reliance on an unproductive labor system. Slavery was particularly culpable when Virginians assessed their economic standing comparable to states where slavery had been outlawed. George Mason, another slaveholder who, like Jefferson, often lamented his station, summarized the more pragmatic corruptions of the peculiar institution. "Slavery discourages arts & manufactures. The poor despise labor when performed by slaves. They prevent the immigration of Whites, who really enrich & strengthen a Country."⁸

Still, judging by their actions, or perhaps by their inaction, these "petty tyrants" believed that slavery was much more necessary than evil. While admitting the inherent immorality of the institution, Virginia's slaveholders routinely justified its continuance. They systematically argued that, despite its negative qualities, slavery essentially contributed to the maintenance and progress of their society. This apparent contradiction can best be understood by examining the recurring themes of the necessary evil argument. In nineteenth century Virginia, this apologetic justification was manifested through three distinct articles that each emphasized specific reasons for the continued persistence of slavery.

The first of these recurring themes professed an economic dependence upon the institution. The success of the Virginia experiment had been attained by a slave labor system that was now deeply ingrained into the daily economy. Initially, slavery and indentured servitude co-existed as the major sources of agricultural labor in the colony. Near the close of the seventeenth century, however, a falling mortality rate made slave labor more preferable and thereafter slaves were an essential part of the tobacco economy.⁹ As the production and distribution of tobacco became increasingly more complex, so too did the institution of slavery.

The second article of the apologetic justification for slavery focused upon an assumed social dependence. The size of the slave population, the assumed intellectual inferiority of the African race, and corresponding fears of wide-spread miscegenation, made slavery appear to be

⁷ Thomas Jefferson, *Notes on the State of Virginia*, Query XVIII, in Merrill D. Peterson, ed., *The Portable Thomas Jefferson* (New York: Penguin Books, 1975), 214.

⁸ Robert A. Rutland, ed., *The Papers of George Mason, 1725-1792* (3 vols; Chapel Hill: University of North Carolina Press, 1970), 3:965-66. Mason goes on and reiterates Jefferson's claims. "They [slaves] produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant."

⁹ Morgan, *American Slavery, American Freedom*, 295-314.

the only effective guarantee of social control. Pseudo-scientific analyses, denigrating the African race, discouraged racial mixture and supported beliefs that slavery benefited those enslaved and protected white Virginians from racial corruption. To many leading Virginians, miscegenation threatened to undermine mankind's natural progress, which to them, the struggle for independence represented.¹⁰ Any plans for a general emancipation, and for the most part even private manumission, were conditioned upon removal of the freedmen from the state.

A corollary to the social dependence article reflected the refusal of the slaveholders to accept responsibility for this reliance. Slavery had been imposed upon Virginia by the British, and therefore the present slaveholders were not culpable. This corollary argument practically became a separate component of the slavery apologia during the colonies struggle for independence. It is significant because it provides insight into explaining how proslavery Virginians could simultaneously speak out vehemently against the African slave trade.

The final article rested upon an ideological dependence. Commonwealth republican thought protected the slaveholder and inhibited the government from acting against slavery. The sanctity of private property in Virginia stipulated that any plan of government enforced emancipation had to include compensation for the slaveholders. Slaveholders possessed a vested property right in their slaves. And the concept of vested property was central to the form of government that Virginians instituted when they declared their independence. Both the Declaration of Rights and the state's 1776 Constitution explicitly protected property rights from governmental interference. Governments were instituted to insure property rights and therefore had to provide adequate compensation in the event that property was assumed or destroyed. Accordingly, the costs of compensation, particularly when coupled with those of removal, were perceived as prohibitive to any general plan of emancipation.¹¹

These justifications that comprised the necessary evil argument portrayed slaveholders seemingly impotent to right the wrongs which surrounded them. These articles, in which the rhetoric emphasized their dependence, offered slaveholders an apologetic justification for *their* interests. Thus, the necessary evil argument was not a defense of slavery, per se, rather, it was a defense of the slaveholders. Of course, by defending slaveholding, the argument implicitly protected slavery as well. However, the apologia specifically focused on the interests of slaveholders and their reasons why the institution was necessary.

Economic Dependence

Jefferson's own grappling with slavery offers examples of the individual articles of the necessary evil apology. Jefferson was economically dependent upon his slaves. In this respect he

¹⁰ Genovese, *Slaveholder's Dilemma*, 1-9.

¹¹ William Freehling, *Road to Disunion*, 124-143; and "Founding Fathers," 12-33. Freehling labels these apologetic defenders as "conditional terminators."

represented the realization of Diogenes' absurd proposition. While Jefferson spent several hours each day engaged in correspondence and personal hobbies, his slaves conducted the necessary tasks of plantation living. Throughout his life, Jefferson owned over two hundred slaves who tended his children, cooked his meals, planted and harvested his crops, and accomplished many other responsibilities. Both Monticello and Poplar Forest, his Bedford county plantation retreat, were constructed and operated by slave labor. When strapped with economic difficulties, Jefferson chose to sell slaves instead of land in order to pay his debts.¹² Slavery penetrated every recess of Monticello just as it permeated all aspects of Virginia's economy.

In 1831, more than half of the slaves in Virginia lived in the Piedmont. Since the eighteenth century, these rich, expansive hinterlands surpassed the increasingly exhausted soils of the Tidewater as the center of tobacco production. This shift in production from the Tidewater to the Piedmont spawned increasing complexity in the tobacco economy. Seafaring vessels no longer had direct access to the largest tobacco producers. Instead, ships traveled up river to the fall line, where a series of towns developed. Correspondingly, the tobacco crop now had to be transported to these towns, sometimes over great distances, in order to be exported. Planters developed methods of preserving, packaging, and transporting the crop to these market towns. The need for a new system of purchasing generated the growth of regional markets where tobacco from the surrounding countryside could be gathered and assessed by agents. An emerging domestic market for tobacco products also spurred the development of tobacco manufacturing.¹³

As the tobacco economy became more complex, slave labor tasks also diversified. While many slaves remained in the fields, others acquired the skills necessary to deliver the crop to market. On the plantations themselves, more slaves were employed as coopers, blacksmiths, carpenters, weavers, and tailors. Others worked in local tobacco factories, drying, stemming, and prizing the leaves. Slave teamsters hauled the crop to regional markets such as Lynchburg and Farmville. From there, slave boatmen transported the product down river to the port cities of Richmond or Petersburg where the hogsheads were loaded on ships by slave longshoremen. In some instances, slave sailors served onboard the merchant ships engaged in coastal and West Indian commerce.¹⁴

¹² D.B. Davis, *Age of Revolution*, 169-184; Finkelman, 105-137.

¹³ Robert, *Tobacco Kingdom: Plantation, Market, and Factory in Virginia and North Carolina, 1800-1860* (Durham: Duke University Press, 1938); Robert McColley, *Slavery in Jeffersonian Virginia* (Urbana: University of Illinois Press, Second Edition, 1964); Philip D. Morgan, "Slave Life in Piedmont Virginia, 1720-1800" in *Colonial Chesapeake Society*, edited by Lois Green Carr, Philip D. Morgan, and Jean B. Russo (Chapel Hill: University of North Carolina Press, 1988).

¹⁴ Robert, *Tobacco Kingdom*; McColley, 18-21; Richard S. Starobin, *Industrial Slavery in the Old South* (New York: Oxford University Press, 1970); and Richard C. Wade, *Slavery in*

Economic dependence upon slave labor was not, however, merely confined to the Piedmont and tobacco production. The breadth of the institution encompassed the entire state. A large slave population continued to exist in the Tidewater. There, slaves continued to labor in agricultural chores, but many also worked as artisans and in industrial jobs in the towns and cities. Slaves mined coal in the fields around Chesterfield County. Additionally, slaves repaired roads, constructed bridges, cleared rivers of navigational hazards, and performed other public improvement projects. Correspondence from an Aquia resident depicts the many dimensional aspects of slavery in his vicinity. "The Stone quarries in Stafford employ a large number of negroes say 100 men, in the immediate neighbourhood of which on a single estate there are as many more and in the improvement of the Rappahanock River a large number are constantly employed."¹⁵

In the Shenandoah valley and west of the Allegheny mountains, slaves also directly contributed to the regional economy. Slavery had perceptibly increased in the western portion of the state over the past two decades.¹⁶ From 1810-1830, in the southwestern counties of Russell, Tazewell, and Washington, for example, the percentage of slaves compared to the total population increased 4 percent, 3.4 percent, and 4.5 percent respectively.¹⁷ The slave population in Bath County increased significantly, from 18.2 percent in 1810 to 28.5 percent in 1830. The growth in Kanawha County was similar, increasing from 9.1 percent to 18.4 percent.¹⁸ Many of these slaves worked in the iron and salt mines that were developing throughout the Valley and Allegheny regions. One historian estimates that at least seven thousand slaves were employed in the approximately eighty iron works that were located in the western part of the state.¹⁹

the Cities: The South, 1820-1860 (New York: Oxford University Press, 1964).

¹⁵ Governor's Papers, Letter from George M. Cooke, Aquia Post Office, September 13, 1831.

¹⁶ U.S. Census Office, *Third, Fourth, and Fifth Census*.

¹⁷ U.S. Census Office, *Third and Fifth Census*. In Russell County the total percentage of the slave population increased from 6.1 percent in 1810 to 10.1 percent in 1830. In Tazewell, the numbers were 10.9 percent in 1810 to 14.3 percent in 1830. In Washington, 11.9 percent of the population was slaves in 1810 while in 1830 it had grown to 16.4 percent. The total population in all three counties increased during the twenty year span.

¹⁸ *Ibid.*

¹⁹ Ronald L. Lewis, *Coal, Iron, and Slaves: Industrial Slavery in Maryland and Virginia, 1715-1865* (Westport, Conn: Greenwood Press, 1979), 7. Also Samuel Sydney Bradford, "The Negro Ironworker in Ante Bellum Virginia" *Journal of Southern History* 25 (May 1959), 201-04; John Edmund Stealey, III, "Slavery and the West Virginia Salt Industry" in *The*

An assessment of slavery based solely upon a region's slave population tells only part of the story. The increasing practice of slave-hiring often meant that slaves who were owned in one area lived and worked in another. Slave-hiring contracts customarily stipulated that hires should be returned to their home town at the end of the contract period.²⁰ This stipulation, coupled with an annual contract period that often ran from New Years until Christmas, indicates that slaves sometimes traveled significant distances during their term of hire. Turnpike and canal companies employed slave hirees regularly. Assumably they traveled the course of the road or waterway in order to complete their work.²¹ An ad for a runaway slave from Buckingham describes a female, about twenty-five years old, who had already lived and worked in such distant locations as Kanawha, Bedford, Lynchburg, and Giles.²²

Moreover, many of those who hired slaves were not slaveholders themselves. Still, their economic livelihood depended largely on the benefits they received from slave labor. Industrial slavery employed many hired slaves, especially in the tobacco factories.²³ Bateau captains frequently used slave polemen to move their crafts along the rivers. On at least one occasion, these bateaux captains were accused of using their slaves to raid neighboring plantations while their boats were tied during the night.²⁴ While the climax of slave-hiring may not yet have arrived, the growing practice of hiring involved many non-slaveholding Virginians in the activity of slave labor.²⁵ Furthermore, non-slaveholders did not have to hire slaves in order to benefit from the institution. Town merchants, for example, shipped purchased goods to outlying planters using the

Other Slaves: Mechanics, Artisans, and Craftsmen, edited by James E. Newton and Ronald L. Lewis (Boston: G.K. Hall and Co., 1978); Charles B. Dew, *Bond of Iron: Master and Slave at Buffalo Forge* (New York: W.W. Norton, 1994).

²⁰ Papers of James McDowell, Alderman Library, University of Virginia. Clement Eaton, "Slave Hiring in the Upper South: A Step Toward Freedom" *Mississippi Valley Historical Review*, 46 (1960), 663-78.

²¹ *House Journal*, 1831-32, Document 30.

²² *Lynchburg Virginian*, April 7, 1831.

²³ Eaton, "Slave Hiring;" Robert, *Tobacco Kingdom*; Lewis, *Coal, Iron, and Slaves*; Starobin, *Industrial Slavery*; and Wade, *Slavery in the Cities*.

²⁴ Legislative Petition, Buckingham County, January 19, 1832.

²⁵ Lynda J. Morgan, *Emancipation in Virginia's Tobacco Belt, 1850-1870* (Athens: University of Georgia Press, 1992) describes the nature and extent of slave-hiring in Virginia in the 1850s. However, as yet, a comprehensive survey of slave-hiring in Virginia has yet to be published.

planter's slave teamsters. Also, the internal improvements, which Western farmers traditionally petitioned for in order to increase their access to market, were usually constructed and maintained by slave labor.²⁶

Virginia's economy depended upon slave labor. While sentiment concerning the institution may have varied from region to region, this economic dependence was consistent throughout the entire state. The internal improvement plans advanced by western, non-slaveholding farmers implicitly depended upon a construction force comprised of slave laborers. Similarly, plantation owners, like Jefferson and Washington, recognized that emancipation meant abandoning their way of life. In this sense, slaveholders probably perceived a greater dependence upon slavery than the western farmer. Often co-existing with a significantly larger black population, white slaveholders feared emancipation not merely because of the loss of their labor; they also feared the anticipated repercussions from people subjected to two hundred years of bondage.

Social Dependence and British Culpability

Throughout the early republic, white citizens' concerns about the size of the black population continually appeared in the defense of slavery. Racial prejudices translated into trepidation and anxiety on behalf of the white population. In addition to these racial concerns, Virginians, especially those of the planter aristocracy, increasingly expressed anxiety over class concerns. Slavery was viewed as an effective method of implementing social control and a means to avert the portentous circumstances of racial or class crises. Slavery's defenders feared that large-scale emancipation would release "The Horrors of all the Rapes, Murders, and Outrages, which a vast Multitude of unprincipled, unpropertied, revengeful and remorseless Banditti are capable of perpetrating."²⁷ The good order of society thus depended on the maintenance of slavery.

Once again, Jefferson provides representation. His comments, in *Notes on the State of Virginia*, concerning the inferiority of the African race were pervaded by neoplatonic references and revealed his strong fears of miscegenation. In his commentary, Jefferson equated the color black with corruption, baseness, and implicitly, evil. He described the black pigmentation of African descendants as "that eternal monotony . . . that immovable veil of black which covers all the emotions."²⁸ Jefferson's apprehensions over racial mixture were evinced by the manner in which he responded to his own rhetorical question concerning emancipation without removal.

²⁶ *House Journal*, 1831-32, Document 30.

²⁷ Fredrika Teute Schmidt and Barbara Ripel Wihelm, "Early Proslavery Petitions in Virginia" *William and Mary Quarterly* 30, Third Series, (1973), 133-46. Petition from Amelia County, November 10, 1785.

²⁸ *Notes in Peterson*, 186-187.

Commenting at length on the perceived inferiority of the African race, he concluded, “the blacks...are inferior to the whites in the endowments both of body and mind.”²⁹

These prejudices led Jefferson to believe that freed blacks could never contribute to his republican society. Instead, emancipated blacks, lacking the restrictions of slavery, would corrupt the virtues of the master class. In Jefferson’s mind, the proximity of two distinct races resulted in an exceptional predicament for American emancipation. “This unfortunate difference in colour, and perhaps of faculty, is a powerful obstacle to the emancipation of these people Among the Romans emancipation required but one effort. The slave, when made free, might mix with, without staining the blood of his master. But with us a second is necessary, unknown to history. When freed, he is to be removed beyond the reach of mixture.”³⁰

Jefferson’s fears of “mixing” and “staining” abrogated any possibility, in his mind, that the two races could live together in harmony. Accordingly, Jefferson perceived only two options available in dealing with slavery that would not threaten his ideas of social cohesion. Slavery could be maintained or the black population could be deported from the state. The impracticality of suddenly dislocating the entire black Virginian population discounted any attempt at immediate emancipation. Jefferson envisioned, however, a more gradual scheme. As long as slavery continued, it provided adequate methods to control the black population and prevent random intermingling of the races. Gradual emancipation would allow for the removal of blacks outside the controls of slavery and slowly diminish the slave population as well.

In the spirit of the Revolution, Pennsylvania, Rhode Island, and Connecticut implemented gradual emancipation programs.³¹ In 1783, Jefferson drafted an emancipation proposal that mirrored the programs in these other states. The notable exception between Jefferson’s plan and the Northern emancipation programs was a stipulation for removal of the freed slaves from Virginia. Jefferson’s proposal called for emancipation *post nati*. He suggested that all persons born after December 31, 1800 shall be declared free. Yet, they would not attain their freedom until adulthood. Children would serve the master of their mother, females until the age of eighteen and males until the age of twenty-one, at which time they would be freed and deported to a

²⁹ *Ibid.*, 192-93. Jefferson’s letter to Benjamin Banneker, August 30, 1791, is sometimes offered in opposition of this interpretation. However, in his praise of Banneker, Jefferson reveals the bias of his opinions. He refers to “the imbecility of their [African Americans] present existence, and other circumstances which cannot be neglected...” in Peterson, ed., *Portable*, 454-55.

³⁰ *Notes*, in Peterson, 193.

³¹ Arthur Zilversmit, *The First Emancipation: The Abolition of Slavery in the North* (Chicago: University of Chicago Press, 1967), 120, 119-138; and Leon F. Litwick, *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago: University of Chicago Press, 1961), 3-29.

suitable location.³²

Jefferson's critics have argued that this plan would have allowed slaveholders to move their slaves, by sale or transfer, out of the state prior to their mandated emancipation date. Jefferson must have known of the Rhode Island law that banned such sales in anticipation of abolition.³³ But a similar provision was not included in his proposal. Considering Jefferson's primary reason for removal of the freed slaves, fear of racial mingling, he probably would not have objected to pre-emptive sales of transfers by slaveholders. From a practical standpoint, such action by slaveholders would have decreased the expenses of deportation.

Prohibitive costs were cited as the principal reason for the infeasibility of deportation. In the apologist's minds, if deportation was infeasible, then so was emancipation. This line of reasoning was followed by these defenders of slavery when they decried their social dependency. They argued for slavery's necessity because it was infeasible to remove and incomprehensible to create a bi-racial society.

One emancipationist proposal, drafted by St. George Tucker in 1796, attempted to circumvent the necessity of deportation. St. George Tucker, a Virginian jurist, incorporated many of the concepts from Jefferson's emancipation plan into his own. However, Tucker's plan called only for the emancipation of female slaves *post nati* and did not stipulate the removal of the freed slaves. Instead he proposed a series of laws designed to deny free blacks of basic rights and opportunities. The denial of basic rights and opportunities would conceivably encourage free blacks to leave the state. Tucker's proposal foreshadowed the pattern of emancipation that Maryland pursued in this respect.³⁴

³² *Notes*, in Peterson, 186. This proposal appeared on at least three separate occasions in Jefferson's writings. Initially, it is contained in the Draft Constitution that written to James Madison. The draft contained no mention of removal. If Jefferson did not intend to deport the free blacks, than this was the only instance in his public career that he advanced that position. Jefferson's Draft for a Constitution for Virginia," May-June 1783, in Boyd, *Papers of Thomas Jefferson*, 6: 298. Two years later, when the draft constitution is discussed in *Notes*, Jefferson states that "the females should be eighteen, and the males twenty-one years of age, when they should be colonized to such place as the circumstances of time render most proper." Cited above. In an 1824 letter to Jared Sparks, Jefferson reaffirmed his commitment to the proposal in *Notes* and detailed some specific methods for the funding the deportation. This letter was republished in Philip Slaughter, *The Virginian History of African Colonization* (Richmond: MacFarlane and Fergusson, 1855.), 56-58.

³³ Zilversmit, 120.

³⁴ St. George Tucker, *A Dissertation on Slavery: with a Proposal for the Gradual Abolition of it, in the State of Virginia* (Philadelphia, 1796). Discussion of emancipation in Maryland is found in Barbara J. Fields, *Slavery and Freedom on the Middle Ground: Maryland*

Even if St. George Tucker's proposal had been adopted, and a series of laws enacted to inhibit racial intermingling, concerns over the presence of a permanently impoverished class would have provoked criticism. Particularly following the radicalism of the French Revolution, Virginian planters increasingly explicated arguments that proclaimed slavery as a means of providing class stability. No clear explication of these class concerns compatible with James Henry Hammonds infamous "mud-sill" speech had yet been made. Still the idea was present. Serving as Ambassador in Paris, Jefferson wrote that he found "the general fate of humanity here most deplorable," and that "the truth of Voltaire's observation offers itself perpetually, that every man here must be either the hammer or the anvil."³⁵

Considering Jefferson's fears about the corrupting influences of slavery on the master class, one can only assume that Voltaire's society horrified him. Many others shared his views.³⁶ Jefferson believed that these European class divisions could be averted in America through diffusive property ownership.³⁷ But Tucker's emancipation plan denied freed blacks property rights and therefore would have created the permanent underclass that Jefferson and others feared. Virginians were left with the dilemma of a social dependence upon slavery. As long as emancipation was conditional upon removal, and the projected costs of removal believed too extravagant, then slavery remained the preferable alternative.

Ultimately, the founding of the American Colonization Society attempted to facilitate the process of removal. The Colonization Society hoped to entice free blacks to migrate from Virginia to its African colony in Liberia. Many within the organization also hoped that the Society would serve as a catalyst for slaveholders to rid themselves of their excess slaves.³⁸ Yet, from its inception, the Colonization Society had to compete in Virginia with a burgeoning domestic slave trade spurred by the booming cotton market in the Deep South. The society struggled through its first decade of activity. Faced with a lack of government financial support in America, and rampant disease and famine in Liberia, the Colonization Society barely maintained the African colony.³⁹ Still, the mere existence of the Colonization Society, whether successful or not, provided a forum for slaveholders to pontificate against the institution and thus only enhanced

during the Nineteenth Century (New Haven: Yale University Press, 1985).

³⁵ Letter to Charles Bellini, September 30, 1785, in Peterson, *Portable*, 390.

³⁶ John Taylor, *Arator*, Number 13.

³⁷ Letter to James Madison, October 28, 1785, in Peterson, *Portable*, 395-398.

³⁸ Douglas R. Egerton, "Its Origin is Not a Little Curious: A New Look at the American Colonization Society" *Journal of the Early Republic*, 5 (1985), 463-80.

³⁹ P.J. Staudenraus, *The African Colonization Movement, 1816-1865* (New York: Columbia University Press, 1962), 48-94.

their apologetic defense of slaveholding.

Nowhere is the social dependency theme, of the necessary evil defense, articulated more clearly than in Virginians' indictments of the British for imposing this condition upon them through the African slave trade. In his initial draft of the Declaration, Jefferson accused the British monarch of creating this absurd dependence between master and slave. "He has waged cruel war against human nature itself, violating its most sacred rights of life & liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere.... Determined to keep open market where MEN should be bought & sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce... he is now exciting those very people to rise in arms among us, and to purchase that liberty which *he* has deprived them, by murdering the people whom *he* also obtruded them."⁴⁰ This clause was the only direct reference to slavery in the document. And this clause denounced the African slave trade, not slavery itself. This was a crucial distinction, and one that provides significant insight into the motivations of those who apologetically defended slaveholding.

The case for abolishing the African slave trade was an old argument in Virginia. In the first decades of the eighteenth century, colonial planters had petitioned parliament to curtail the trade because of increasing concerns over the rapidly growing black population.⁴¹ In 1778, the Virginia General Assembly outlawed the trade in its first meeting as a sovereign body.⁴² Even after the slave trade was abolished, the size of the state's black population remained a paramount concern to the citizens of Virginia, imbued, as they were, with overt racial prejudices and trepidation over the possibility of miscegenation. During the Convention of 1787, George Mason refused to endorse the Federal Constitution, in part, because it prohibited a federal ban on the African slave trade for another twenty years. He believed that this continued slave importation threatened domestic security.⁴³ Effective social control could only be maintained by limiting the size of the black population.

Furthermore, Virginia slaveholders had a vested economic interest in limiting the influx of new slaves. The development of tobacco and hemp economies in Kentucky and Tennessee created

⁴⁰ Boyd, *Papers of Jefferson*, 1: 426. This clause was, of course, struck out of the final draft because of the protest from the South Carolina and Georgia delegations. Jefferson also expressed this argument in *A Summary View of Rights in British North America*, 1774.

⁴¹ James C. Ballagh, *A History of Slavery in Virginia* (Baltimore: Johns Hopkin Press, 1902), 7-23.

⁴² Henning, 9: 471-472.

⁴³ Peter Wallenstein, "Flawed Keepers of the Flame: The Interpreters of George Mason" *Virginia Magazine of History and Biography* 102 (April, 1994), 229-260.

a demand for slaves and encouraged a domestic trade that preceded the cotton boom. By prohibiting the influx of new slaves from Africa, Virginia planters controlled a large share of the potential wealth to be made trading slaves. This interest only became exacerbated as the states of the Deep South shifted to cotton production around the turn of the century.

Unable to meet their own conditions for emancipation, and faced with increasing economic prospects in the slave trade, Virginia's slaveholders continued to be Virginia's slaveholders. Yet, they also continued to lament their social dependence upon slavery. Standing alone, the social dependence defense rested on tenuous ground. In the wake of horrific slave insurrections this argument could seem quite absurd. How could a system that incited slaves to murderous rebellion be advanced as a method of social control? Furthermore, if a feasible plan for removal was proposed, how would the defenders of slavery respond? Fortunately for the defenders, these propositions were not to be feared. The social dependency article did not stand alone. It was merely a component of a larger necessity argument, which included the aforementioned economic article, and perhaps most importantly, an article based upon ideology. More so than the previous two articles, the ideological argument, based on the natural right of property, reveals that the interests of the slaveholders was the primary concern of the necessary evil argument.

Ideological Dependence -- The Right of Property

Even before they proclaimed their independence from Great Britain, Virginia statesmen declared the "means of acquiring and possessing property" an "inherent right," of all men, "which when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity."⁴⁴ The natural right of property was central to eighteenth century Virginians' definitions of liberty and independence. Liberty, and other natural rights, could only be protected from tyranny by the diffusion of property into private ownership. According to their philosophy, governments were contractually established to secure these rights. If a government either failed to protect these rights or attempted to assume them, the dissolution of that government was required. Virginians justified their separation from Britain on these grounds. "When the British Parliament usurped a Right to dispose our property without our Consent, we dissolved the Union with our Parent Country and established a Constitution and Form of Government of our own, that our Property might be secure, in Future. In Order to effect this we risked our Lives and Fortunes, and waded through Seas of Blood."⁴⁵

⁴⁴ Henning, 9:109. George Mason's first draft was accepted in tact with the exception that he originally stated, "all men are born equally free and independent." Rutland, *Mason Papers*, 277. Perhaps the delegates made the distinction to assure the progeny of slaves would remain slaves.

⁴⁵ Schmidt and Wilhelm, 145. Legislative Petition, Amelia County, November 10, 1785.

In the Spring of 1776, when Virginians dissolved their colonial government, they created a republican government that sanctified the right of property. As already noted, the Declaration of Rights proclaimed the acquisition and possession of property an inherent right. It also connected the right of suffrage with property ownership and asserted that “all men . . . cannot be taxed of deprived of their property for publick uses without their own consent, or that of their representatives.”⁴⁶ The ensuing state Constitution developed the centrality of property that the Declaration initiated. George Mason’s draft constitution had prescribed that delegates for the lower house “possess an estate of inheritance of land . . . of at least one thousand pounds value,” and members of the Upper House possessing freeholds equivalent to a minimum of two thousand pounds.⁴⁷ The final draft of the constitution was amended to read that “such men as actually reside in and are freeholders of the same” were eligible for office. While the right of suffrage remained consistent with the prior colonial law that enfranchised freeholders of fifty acres or more.⁴⁸ The result was a Commonwealth government based on a landed hegemony and purely Lockean.

Locke had advanced the ideal of the Commonwealth as the supreme form of government in his *Second Treatise of Government*.⁴⁹ People entered into a Commonwealth, by their consent, to preserve their natural rights that were continually jeopardized in a State of Nature. According to Locke, “the great and *chief end* therefore, of Mens uniting into Commonwealths, and putting themselves under Government, *is the Preservation of their Property*.”⁵⁰ Locke had recognized that property existed outside of the social contract and people inherently brought property with them into the Commonwealth. Property, as defined by Locke, had its genesis in one’s own person. “Every Man has a *Property* in his own *Person*. This no Body has any Right to but himself. The *Labour* of his Body, and the *Work* of his Hands, we may say, are properly his.”⁵¹

To protect this property, men willingly relinquished the absolute privileges they possessed in a State of Nature and formed societies. Locke believed men moved quickly to this concession. “The inconveniences, that they are therein [state of nature] exposed to, by the irregular and

⁴⁶ Henning, 9: 110.

⁴⁷ Rutland, *Mason Papers*, 299.

⁴⁸ Henning, 9:114-115.

⁴⁹ Laslett, 345-394. Locke depicted the origins of the Commonwealth arising from the family. People entered into a social compact in order to protect the interests of the Commonwealth. Much of Locke’s argument was a refutation of Robert Filmer’s concept of a divinely ordained, absolute monarchy that he advanced in *Patriarchia*.

⁵⁰ *Ibid.*, 395.

⁵¹ *Ibid.*, 328-329. As discussed previously, Locke believed that slaves forfeited their right of person. Consequently, they forfeited the natural right of property in their person as well.

uncertain exercise of the Power every Man has of punishing the transgressions of others, make them take Sanctuary under the establish'd Laws of Government, and therein seek *the preservation of their Property*. . . . And in this we have the original *right and rise* of both *the Legislative and Executive Power*, as well as of the Governments and Societies themselves."⁵² The right of property was thus inviolable and central to the organization of society and government.

These Lockean ideals were sanctified under the auspices of Virginia's republican government. The Declaration of Rights and the 1776 Constitution reflected these Lockean premises and deemed property inviolable. And in Virginia, slaves were considered property. They were legally recognized as the chattel property of their owners. This definition vested the slaveholder's interests and mandated their entitlement to just compensation for any damage or loss to their property. The chattel condition of slaves was, therefore, fundamental to understanding the reciprocal interests that existed between republican ideology and the defense of slavery. Both of which were consistent with Lockean natural rights philosophy.

In the second half of the seventeenth century, a series of laws that defined the status of slaves as chattel appeared in Virginia.⁵³ These individual laws addressed various independent issues, but collectively they defined the specific nature of human bondage. In 1662, the General Assembly determined "that all children borne in this country shalbe held bond or free only according to the condition of the mother."⁵⁴ This act conferred the status of slave onto succeeding generations, thus forming a distinct class of people subject to perpetual slavery. In this respect, this law sharply delineated between the status of a slave and the status of a servant. Servants entered into contractual agreements between individuals that could not be extended beyond the lifetime of that individual. Slavery, on the other hand, was not contractual. The individual slave was subject to the absolute dominion of the master and therefore any produce of the slave, including offspring, belonged entirely to the master.

⁵² *Ibid.*, 397.

⁵³ Considerably more detailed and often times contradictory accounts of the process that occurred in defining the status of slaves in Virginia can be found in the following books. Davis, *Western Culture*, 244-261, *passim.*; Stanley Elkins, *Slavery: A Problem in American Institutional and Intellectual Life*, Second Edition (Chicago: University of Chicago Press, 1968), 37-52; George M. Frederickson, *White Supremacy: A Comparative Study in American and South African History* (New York: Oxford University Press, 1981), 70-85; Jordan, *White Over Black*, 44-100; and Morgan, *American Slavery*, 295-337.

⁵⁴ Henning, *Statutes*, 2:170. This act also contradicted the English concept of villeinage. Villeins were determined according to the status of the father. As English Common Law had no precedent for slavery at this time (see the case of James Sommersett, a Negro, 1771-72), the General Assembly was clearly establishing a distinction between the status of slave, servant, and villein.

Seven years later, the master's absolute dominion was restated in a law addressing the killing of slaves. The act acquitted masters in the event of a slaves death resulting from correction. Again, the law made a distinction between the statuses of servants and slaves. Furthermore, it described slaves in terms of property belonging to the master. "If any slave resist his master...and by the extremity of the correction should chance to die, that his death shall not be accompted felony, but the master . . . be acquit from molestation, since it cannot be presumed that preppensed malice (which alone makes murther [sic] felony) should induce any man to destroy his owne estate."⁵⁵

Other laws were enacted during this period that also effaced the humanity of slaves and bolstered their status as chattel. A 1667 law denied slaves freedom through baptism into the Christian faith. The reasoning contained within this act indicated that slaveholders were reticent to Christianize their slaves, fearing that baptism abrogated their status as slaves. The act as explicated, therefore, allowed slaveholders to propagate Christianity without threatening their property interests.⁵⁶ By 1691, an act entitled slaveholders to receive compensation for runaway or rebellious slaves who were murdered in their apprehension.⁵⁷

The significance in defining slaves as chattel increased when Virginians created an independent state government during the Revolution. As we have discussed, Lockean philosophy profoundly influenced the framework of this new, republican government. Not surprisingly, in many respects, Virginia's statutes adumbrated Locke's definition of slavery. Locke's argument denied slaves personal identity. Their condition had originated in a State of War and was perpetuated only by the clemency of the master. Locke, himself had acknowledged that his interpretation was consistent with the practices and legal definitions of slavery that had evolved in Virginia.⁵⁸

The inter-connectedness of slavery and property was the bedrock of the ideological dependence expressed by the necessary evil argument. Any threat to slavery was a threat to property as well, and thus to the organizing principle of government. Conversely, protection of property rights was commensurate with the defense of slavery. Under these intellectual conditions, only revolutionaries seriously advocated emancipation. During the Revolutionary period and in the early decades of the nineteenth century, the ideological dependency article was part of a larger argument. Slaveholders proclaimed slavery a necessity for economic and social

⁵⁵ *Ibid.*, 2:270.

⁵⁶ *Ibid.*, 2:260. For discussion on the difficulties faced by English colonists over the sacrament of baptism, see Davis, *Western Culture*, 203-211.

⁵⁷ Virginia Legislative Petitions, Southampton County, December 12, 1831.

⁵⁸ Laslett, 325-326. See the footnote for paragraph 24. According to Laslett, Locke justified slavery in Virginia in his drafting of the *Instructions to Governor Nicholson in Virginia*, 1698.

reasons as well as those of property rights. Property was merely one plank in the defense of slavery, albeit an important one. More often than not, this ideological dependency remained an implicit facet of the necessary evil defense. Yet, as early as 1782, circumstances began to alter the tacit characteristics of this article and foreshadowed the ultimate shift in the rhetoric of the proslavery argument a half century later.

Alternative Arguments: The Manumission Act Crisis

Revolutionary Virginians extended the legality of the slaveholder's dominion over his property. In 1778, the General Assembly decreed that slaves were no longer entailable, instead "all donees in tail, present and future, were vested with the absolute dominion of the entailed subject."⁵⁹ This act allowed slaveholders to bequeath their slaves in any manner they deemed appropriate. Within four years, this extension of a slaveholder's right to dispose his property reached the point of ideological crisis.

The Manumission Act of 1782 authorized the private emancipation of slaves by their owners. This practice came dangerously close to encouraging a compact between masters and slaves. On their own authority, masters could devise standards by which slaves could attain freedom. Under Lockean justifications, the state of slavery would cease to exist in such an environment. While many viewed this legislation as merely the logical extension of a slaveholder's absolute dominion, others feared that such a sanction had threatened the foundations of slavery itself. The Manumission Act of 1782 did not threaten those defenders of slavery who rested their argument upon the absolute dominion of slaveholders. The necessary evil defense served this cause well. Defending the right of slaveholders to dispose of their property was consistent with the ideological argument of necessity, based upon the inviolability of property. Their argument reflected a synthesis between Lockean philosophy and established legal and historical practices in Virginia. It emphasized an individual's freedom from government interference with their property. This idea was the essence of the social contract.

Yet, others disagreed. They believed the 1782 Manumission Act represented the extension of Lockean theory to the point of absurdity. Accordingly, they offered an alternative justification for slavery that was distinct from the necessary evil apologetic of Jefferson and Mason. While this new proslavery argument accepted Lockean ideas of slavery and property, it founded its defense on scriptural justifications. In a series of memorials to the General Assembly, petitioners repeatedly cited scripture in an effort to show that slavery was sanctioned by divine plan. The institution "was permitted by the Deity himself."⁶⁰ Citizens from Brunswick County proclaimed "That God so particularly . . . Licenced or Commanded his People, to buy of other Nations and to

⁵⁹ Notes, in Peterson, 182.

⁶⁰ Legislative Petitions, Halifax County, November 10, 1785, in Schmidt and Wilhelm, 145. For an extensive history of scriptural justifications for slavery see Davis, *Western Culture*.

keep them for Slaves.”⁶¹

A scriptural justification for slavery was by no means original. And that it should reappear in Virginia at this time should not be a surprise. Following the Revolution, evangelism swept through the Virginia countryside. In 1784, the Virginia Methodist conference occasioned the convergence of evangelism and abolitionist sentiment. The mingling of these two ardent spirits culminated in the circulation of a petition calling for general emancipation.⁶² This evangelically induced emancipation attempt, as well as the Manumission act, framed the proslavery response.

The proslavery petitioners vehemently attacked the abolitionist proposal on all fronts. The abolitionist crusade was “unsupported by Scripture,” slavery had received divine dispensation in both the Old and New Testaments.⁶³ Furthermore, the proslavery petitioners continued, “We have a right to retain such Slaves, as We have justly and legally in Possession. And without Pleading the inexpediency, the impolicy, and the impracticability of such a Measure; Pray that no Act may ever pass in this Assembly, for the general Emancipation of Slaves.”⁶⁴ The “Free Inhabitants of Halifax County” spoke of a “very subtle and daring Attempt . . . to deprive us of a very important Part of our Property. An Attempt carried on by the Enemies of our Country . . . and supported by a Number of deluded Men among us, to wrest from us our Slaves by an Act of the Legislature for a general Emancipation of them. They have the Address, indeed to cover their Design, with the Veil of Piety and Liberality of Sentiment. But it is unsupported by the Word of God, and will be ruinous to Individuals and to the Public.”⁶⁵

In arguing that slavery was sanctioned by the bible, these petitioners foreshadowed the subsequent “positive good” argument of later proslavery ideologues. Yet, while denying that slavery was evil, these petitioners accepted many of the necessity arguments into their defense. They incorporated rhetoric from both the social and ideological dependence arguments. What made their argument different from the necessary evil defense was the explication of slavery’s beneficial characteristics for society. Their argument openly defended slavery, itself, and not merely the interests of slaveholders. Significantly, this distinction is illustrated in that these petitions specifically protested a manumission act that logically extended the slaveholders’ right of property. In this instance, however, these proslavery petitioners believed that the rights of slaveholders acted to threaten slavery. Their defense, accordingly, was based upon a biblical

⁶¹ Legislative Petition, Brunswick County, November 10, 1785, *Ibid.*, 144.

⁶² Schmidt and Wilhelm, 134-135.

⁶³ Legislative Petitions, Amelia County, November 10, 1785 in *Ibid.*, 139. The petitioners cited Leviticus Ch. 25: 44-46 and First Corinthians, Ch. 7: 20, 24 as their evidence. A more in depth biblical invocation is given in the petition from Brunswick County.

⁶⁴ *Ibid.*

⁶⁵ Legislative Petition, Halifax County, November 10, 1785, in *Ibid.*, 145.

sanction for slavery.

Alternative Arguments: John Taylor of Caroline

Such are the particular proslavery petitioners who relied upon scripture to defend their supposition. A scriptural justification was not the only means to extol slavery, however. Another, more pragmatic explanation, argued that since slavery could not be eradicated, slaveholders should more effectively employ their slaves to ensure agricultural prosperity. An efficiently managed system of slave labor, uninhibited by futile emancipationist musings, would bring about social tranquility. It would also challenge the consolidation of power by bankers, manufacturers, and capitalists, thereby perpetuating the practices and ideas of agricultural republicanism. This specific defense of slavery was best articulated in the writings of Jefferson's friend and fellow planter, John Taylor.

John Taylor was a tobacco planter, lawyer, essayist, and occasional legislator, representing his home district in Caroline County and Virginia in the U.S. Senate. He devoted much of his life in an attempt to preserve the primacy of agriculture in the face of increasing commercial and manufacturing interests. Taylor believed that a pastoral society was most compatible with ideals of republicanism that he embraced. He concurred with Jefferson in asserting that slavery could not be eradicated without violating the property rights of slaveholders and thus those same republican ideals. Yet, Taylor expressed frustration with Jefferson and others who proclaimed the evils of slavery. Taylor believed that such rhetoric was detrimental, if not dangerous, and intellectual leaders could better engage themselves in improving the agricultural practices of masters and slaves. For Taylor, the primary threat to republican government was not the paradox of slavery and freedom, it was the political factions created among the rising commercial and manufacturing interests that eroded agricultural hegemony.⁶⁶

In many ways the defense of slavery articulated by Taylor also foreshadowed the subsequent positive good argument. Taylor was not enamored with slavery, but he felt that it was

⁶⁶ Robert E. Shalhope, *John Taylor of Caroline: Pastoral Republican* (Columbia: University of South Carolina Press, 1980); Eugene Tenbroeck Mudge, *The Social Philosophy of John Taylor of Caroline: A Study in Jeffersonian Democracy* (New York: Columbia University Press, 1939). Avery Craven also discusses Taylor's importance in *Soil Exhaustion*, specifically with respect to the interest that Edmin Ruffin took in Taylor's writings. For a more comprehensive discussion of Taylor's views on slavery than the one offered here, see Keith M. Bailor, "John Taylor of Caroline: Continuity, Change, and Discontinuity in Virginia's Sentiments toward Slavery, 1790-1820" *Virginia Magazine of History and Biography* 75 (July, 1967), 290-304. For comments on Taylor's representativeness see, McColley, 208; and Eaton, 22.

“incapable of removal, and only within reach of palliation.”⁶⁷ Significantly, his writings are peppered with references to the racial warfare brought on by attempted emancipation in Saint Domingo. Additionally, Taylor exhibited many of the same racist perceptions on the intellectual capacity of blacks as did Jefferson. The combination of these factors led Taylor to believe that slaveholders could manage their slaves in such a way that would, if not provide a definite good, at least avert any evil.

Taylor’s exhortations were contemporary and also responsive to Jefferson’s apologia. Taylor’s most widely circulated work, *Arator*, devoted two essays strictly to the subject of slavery. Essay number thirteen, addressed the urgent need to deport the free black class in order to preclude slave insurrections. In the other essay, number fourteen, he attacked Jefferson’s musings on the institution in *Notes on the State of Virginia*. Taylor censured Jefferson’s apologies for slavery, recognizing that “the Notes on Virginia were written in the heat of war for liberty; the human mind was made still hotter by the French revolution.”⁶⁸ Addressing Jefferson’s comments that the Almighty must favor any revolt of the slaves, Taylor wrote, “If Mr. Jefferson’s assertions are correct, it is better to run the risk of national extinction, by liberating and fighting the blacks, than to live abhorred of God If they are erroneous, they ought not be admitted as arguments for emancipating policy.”⁶⁹

The perceived impracticality of emancipation was central to Taylor’s proslavery argument. Whereas Jefferson bemoaned the impotence of slaveholders and apologized for their predicament, Taylor accepted slavery’s permanence and sought effective means to utilize the labor and prevent insurrection. He believed that “slaves are docile, useful and happy, if they are well managed,” and that “under their present masters the negroes would enjoy more happiness, and even more liberty, than under a conqueror or a hierarchy.”⁷⁰ Taylor developed this paternalistic theme further. “The individual is restrained by his property in the slave, and susceptible of humanity Religion assails him both with her blandishments and terrors. It indissolubly binds his, and his slaves happiness or misery together.”⁷¹

For Taylor, the alternative to this paternally inspired tranquility was bloody racial genocide. He cited both Saint Domingo and the French revolution as occasions where people unprepared for liberty had aggravated their previous situation.⁷² He stressed his belief that,

⁶⁷ Taylor, *Arator*, Number 13, 40.

⁶⁸ *Ibid.*, Number 14, 44.

⁶⁹ *Ibid.*, 44-45.

⁷⁰ *Ibid.*, 29:85-86. This essay is one of several concerning labour [sic].

⁷¹ *Ibid.*, 86-87.

⁷² *Ibid.*, 28:83.

because of the ignorance of the black race, similar conditions would produce similar results in America. Quixotic attempts at universal liberty were in vain. “Were the whites of St. Domingo morally bound to bring on themselves the massacre produced by the liberation of their slaves? Is such a sacrifice of freemen to make freemen of slaves, virtuous or wicked?”⁷³

Unlike the proslavery petitioners discussed above, Taylor did not credit God with ordaining the master-slave relationship. He conceded, however, that this relationship seemed to be inherent in the natural order. “Societies are instituted to control and diminish the imperfections of human nature,” Taylor asserted, “because without them it generates ignorance, savageness and depravity of manners. Those best constituted, cannot however cure it of a disposition to command, and to live by the labour of others.”⁷⁴ For Taylor, this natural order served a purpose; familiarity with bondage encouraged an appreciation for liberty. Refuting Jefferson’s commentary on manners, he argued, “Character like condition is contrasted, and as one contrasts causes us to love liberty better, so the other causes us to love virtue better.”⁷⁵ In this respect, slavery was simply a portion of a natural complementarity. “Perhaps the sight of slavery and its vices may inspire the mind with an affection for liberty and virtue,” he concluded.⁷⁶

Taylor accepted slavery as an evil. In this regard he differed from subsequent defenders of slavery as a positive good. Yet, he believed that offering slaves access to liberty, even remotely, was a encouraging a far greater evil. Slaves adequately harnessed within the bonds of the institution would be submissive and obedient. Only by enticing them with liberty would slaveholders turn spaniels into wolves.⁷⁷

Summary

While many modern scholars credit Taylor as representative of Virginian planters’ views on slavery, the 1831 delegates took a diametric position. At the outset of the debate in the legislature, the Jeffersonian legacy was cited often, while Taylor’s name was not invoked. Whether the delegates individually concurred with Jefferson or not, they collectively endorsed his ideas as representative of Virginia’s traditional view of slavery.

That tradition apologized for slavery but defended slaveholding on the basis of necessity. While there is no indication that Jefferson originated the necessary evil defense, his many commentaries on the institution clearly connect him to the argument. Jefferson did not view

⁷³ *Ibid.*, 28:82.

⁷⁴ *Ibid.*, 14:43.

⁷⁵ *Ibid.*, 46.

⁷⁶ *Ibid.*, 46-47.

⁷⁷ Taylor compares the behavior of slaves with spaniels in *Ibid.*, 14:46.

himself as a defender of slavery. Yet, whenever he spoke of removal “beyond the reach of mixture,” or described slaves as “actual property . . . lawfully vested in that form,” he defended the interests of slaveholders and thus, implicitly, slavery as well.⁷⁸ Time and again he acknowledged the evils of slavery while lamenting his own, and his state’s inability to overcome it. In the end, Jefferson placed the slaveholder’s right of property above the slave’s natural rights to liberty and equality. To Jefferson, and to others of his republican persuasion, liberty and equality could not exist without first sanctifying property. Ultimately, the evil of slavery was considered necessary for the perpetuation of civil government.

In the course of a year, however, with the publication of Thomas Roderick Dew’s essay, the proslavery position became more closely aligned with Taylor’s defense. For over five decades, the Jeffersonian defense of slaveholding had been widely accepted and repeated throughout Virginia. Seemingly overnight, a radical shift in the rhetoric of the argument occurred. The new arguments that the defense of slavery embraced were not really new at all. They had existed and been argued concurrently with the necessary evil defense. Therefore, such a sudden transformation and adoption of this new rhetoric intimated the presence of a pervading sense of crisis in the Old Dominion. In order to understand why the necessary evil defense was abandoned in favor of a stauncher proslavery position, we must first examine the nature of this crisis. A crisis that historians of Virginia simply refer to as “the decline.”⁷⁹

⁷⁸ Miller, 230, 264-272.

⁷⁹ Brent Tarter, “The New Virginia Bookshelf” *Virginia Magazine of History and Biography*, 104 (Winter, 1996), 44-45.