“CAN THESE BE THE SONS OF THEIR FATHERS?”
The Defense of Slavery in Virginia, 1831-1832

Christopher M. Curtis

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Dr. Crandall Shifflett, Chairman
Dr. Neil Larry Shumsky
Dr. Peter Wallenstein

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(ABSTRACT)

This study argues that the Virginia slavery debate of 1831-32 was an occasion when radical transformations in the nature of the proslavery argument occurred and where changing popular perceptions about the role of government can be seen. Since the Revolution, government in Virginia had been based upon the Lockean concept of the inviolable right of private property and of property’s central relationship to government. During the slavery debate, when the initial emancipationist plan, which addressed the slaveholders’ property rights, was dismissed as impractical, a more radical antislavery doctrine was proposed that challenged traditional beliefs concerning property and the function of government. This doctrine was the legal concept of eminent domain, the right of the state to take private property for public purposes without the consent of the owner. Arguing that slavery threatened public safety, emancipationists called on the state government to act within its eminent domain powers to confiscate this harmful species of property.

In the climate of increased public fear, brought on by the recent slave insurrection in Southampton County, this particular emancipationist argument subverted the traditional necessary evil justification for slavery. Defenders of slavery became impaled upon the horns of a dilemma. If they continued to acknowledge that slavery was evil, then they risked engendering the expansive government powers that the emancipationists advocated. If slavery could no longer be justified as a necessary evil, then upon what grounds must its defense now rest? In the face of this dilemma, defenders abandoned their traditional apologetic justification and instead advanced the idea of slavery as a “positive good.”
For Lara, Thomas, and Liam
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When asked whether he intended to pursue his runaway slave, the Cynic Diogenes reportedly replied, “it would be absurd if Manes can live without Diogenes, but Diogenes cannot get on without Manes.” And yet, nearly two thousand years later, slaveholders in Virginia candidly embraced Diogenes’ absurd proposition. Virginians frequently justified slavery on the grounds that it was necessary. During the Revolutionary period, when natural rights philosophies proclaimed liberty for all men, these same slaveholders often lamented the evils of human bondage. What emerged from this paradox was a justification for slavery that admitted its evils, but proclaimed its necessity. This necessary evil argument became the traditional defense of slavery in the five decades following independence. During the winter of 1831-32, however, Virginians had occasion to scrutinize slavery and to determine whether it was more necessary or more evil.

In 1831, Virginia was the largest slaveholding state in the Union. In the wake of the Southampton slave insurrection, however, the future of slavery was questioned and discussed publicly throughout the state. Discourse culminated that winter in the House of Delegates when antislavery delegates proposed legislation calling for the abolition of slavery in Virginia. Defenders of slavery withstood this legislative attempt but were unsuccessful in their effort to pass a proslavery resolution. Unable to endorse either a proslavery or an antislavery motion, the
indecisive legislature passed a resolution that condemned the institution of slavery yet simultaneously declared the inexpediency of emancipation.

In the months following the legislative debates, discussion continued in the newspapers and public journals. The *Letter of Appomattox to the People of Virginia*, authored by Benjamin Watkins Leigh, and Thomas Roderick Dew’s *Review of the Debate in the Virginia Legislature, 1831-32*, solidified the marginal victory of the proslavery delegates. Additionally, Jesse Burton Harrison offered an emancipationist rebuttal to Dew’s *Review* in an article entitled *The Slavery Question in Virginia*. These essays explicated the arguments presented on the floor of the House of Delegates. They complemented the rhetorical themes presented during the legislature, and taken together they comprise the Virginia slavery debate of 1831-32.

This study evaluates how the debate transformed the subsequent defense of slavery. In an attempt to identify the debate’s significance, this thesis poses the following questions. What arguments were made in the defense of slavery during the debate? Was this discourse consistent with previous proslavery justifications? If not, what generated this change? And what effect did any change have on future defenses of slavery?

Past analyses of the Virginia slavery debate have reached divergent conclusions. In 1941, Joseph Clarke Robert published his brief synopsis of the debate, *The Road from Monticello*. Robert interpreted the debate as a turning point not only in the history of Virginia but in Southern proslavery thought as well. More recently a different interpretation has been offered by Alison

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Goodyear Freehling. Freehling maintains that “the 1832 Virginia slavery debate was not an isolated aberration, but rather part of an ongoing contest between a white community irrepressibly divided by slavery.” She argues that this political power struggle “begun soon after adoption of the 1776 Virginia Constitution and continuing throughout the antebellum era, centered on slavery.” Freehling’s analysis elucidated complexities of the debate that had previously been neglected. Yet in her focus on the representative political struggle she did not offer a comprehensive appraisal of the rhetoric of the debate. Neither did Robert, who, despite including excerpts of the delegates’ speeches in a lengthy appendix, does not interpret them. This thesis discusses the major ideas which were argued during the slavery debate and attempts to evaluate their significance.

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with the States of the Confederacy and thus more terrible the tragedy of 1861.” Whitfield, Slavery Agitation in Virginia, 1829-1832 (Baltimore: The Johns Hopkins University Press, 1930), 142. Whitfield’s work is an analysis of antislavery sentiment in Virginia from the 1829-30 Constitutional Convention through the slavery debate. His conclusions generally concur with Robert’s later interpretation, although Whitfield puts them specifically in the context of Virginia’s attempts at emancipation. In many respects, my thesis is the obverse of Whitfield’s in that my focus will be on the proslavery ideology of the debate.

5 Alison Goodyear Freehling, Drift Toward Dissolution: The Virginia Slavery Debate of 1831-32 (Chapel Hill: University of North Carolina Press, 1985), xi-xiii. Emphasizing the persistence of continued antislavery sentiment, Freehling maintains that the slavery debate was not a watershed event in Virginia’s history. She comments that “the crucial 1832 slavery debate mirrored the inability of either abolitionists or conservatives to win this battle. For similar emphasis see, Kenneth Stampp “An Analysis of T.R. Dew’s Review of the Debates in the Virginia Legislature,” Journal of Negro History, XXVII (October, 1942), 380-387; and William W. Freehling The Road to Disunion: Secessionists at Bay, 1776-1854 (New York: Oxford University Press, 1990), 162-196.

This study argues that the Virginia slavery debate was an occasion when radical transformations in the nature of the proslavery argument occurred and where changing popular perceptions about the role of government can be seen. The debate took place at a time when Virginians resoundingly embraced a perception of economic, social, and political decline. An increasing white population of democratically-conscious, disenfranchised western Virginians were challenging the traditional political hegemony. Correspondingly, east of the Blue Ridge, an increasing black population generated concerns among the white minority. Nat Turner’s rebellion transformed these concerns into fear. Petitions from selected counties called on legislators to prevent further insurrection and to ensure public safety. This concern for public safety enabled emancipationists to circumvent traditional procedures that discouraged any discussion of abolition. Thus in the winter of 1831-32, despite a legacy of human bondage, slavery in Virginia was seriously threatened.

This assault levied upon slavery was not, however, a criticism of the immoral and dehumanizing aspects of human bondage. Racist attitudes were as implicit in the ideas of emancipationists as they were of those defending slavery. All of the abolition proposals discussed in the legislature explicitly maintained that, once emancipated, all freedmen should be removed from Virginia. Removal was considered essential to the security and integrity of the white population. Within this framework, the issue of property rights, not human rights, dominated the rhetoric of the Virginia slavery debate.

Since the Revolution, government in Virginia had been based upon the Lockean concept of the inviolable right of private property and of property’s central relationship to government. In 1829-30, the Virginia Constitutional Convention reaffirmed the sanctity of the right of property above all other natural rights. During the slavery debate, when the initial emancipationist plan,  

7 In 1830, the African American population exceeded the white population by 81,000 people in the eastern counties. As late as 1790, Virginia had a white majority of 25,098 people east of the Blue Ridge. By 1800, a black majority of over 3000 people had resulted. The African American population continued to increase over the white population to its 1830 mark for a net gain of 106,176 people over the forty years surveyed. Ms. Petitions to the General Assembly, Hanover County, December 14, 1831. These numbers are also found in table form in Freehling’s, Drift.

8 For a similar perspective on the influence of property rights in Virginia at this time see Siegel’s “The Paternalist Thesis,” which evaluates Genovese’s paternalist theory. Siegel examines both debates, the 1829-30 Constitutional Convention, and the 1831-32 legislature, as a case study disproving the paternalist thesis. In this article he identifies the same Lockean influences.

which addressed the slaveholders’ property rights was dismissed as impractical, a more radical antislavery doctrine was proposed that challenged traditional beliefs concerning property and the role of government. This doctrine was the legal concept of eminent domain, the right of the state to take private property for public purposes without the consent of the owner. Arguing that slavery threatened public safety, emancipationists called on the state government to act within its eminent domain powers to confiscate this harmful species of property.

In the climate of increased public fear, brought on by the horrors of Southampton, this particular emancipationist argument subverted the traditional necessary evil defense of slavery. Defenders of slavery became impaled upon the horns of a dilemma. If they continued to acknowledge that slavery was evil, then they risked engendering the expansive government powers that the emancipationists advocated. If slavery could no longer be justified as a necessary evil, then upon what grounds must its defense now rest? In the face of this dilemma, defenders abandoned their traditional apologetic justification and instead advanced the idea of slavery as a “positive good.”

This shift in rhetoric revealed the proslavery commitment to Lockean, republican theories concerning the inviolability of property. But this change in proslavery rhetoric also reflects the presence of a significant countervailing ideology. An ideology with differing beliefs about the nature of property and the purpose of government. In the minds of the defenders, any threat to slavery directly threatened property and thus signaled an attack on the principles of government established by the Revolution. The subsequent defense of slavery therefore represented much more than simply protecting an individual slaveholder’s right to property. It represented a comprehensive political philosophy, based upon the sanctity of property and the limited powers of government.9

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concerning the precedence of property to government as I have found. I was unfamiliar with Siegel’s article when I began to formulate my own conclusions based upon the primary sources. Siegel emphasizes the Constitutional Convention much more than the slavery debate, but he would have found ample evidence to support his argument in the latter.

powers given to the executive branch by the Federal Constitution reflect this movement away from Lockean political philosophy. I wish to make a distinction between what occurred on the national and on the state levels. Applying Kammen’s formula of executive power to the 1830 Virginia Constitution, the persistence of Lockean philosophy can be seen by the Conventions reluctance to remove the limitations to executive authority that characterised the 1776 Constitution. Larry Tise, 70-74, correctly emphasizes that much of Dew’s argument refuted the practicality of colonization. Unfortunately, Tise neglects to address the importance of Dew’s commentary on the sanctity of property. Significantly, Dew’s Review was, just that, a compilation of previously expressed ideas, particularly those of the proslavery delegates in the legislature. For specific citations of Dew’s importance see Eugene D. Genovese, Western Civilization Through Slaveholding Eyes: The Social and Historical Thought of Thomas Roderick Dew (New Orleans: The Graduate School of Tulane, 1986); Faust Ideology, 21-22; Fredrickson, Black Image, 44-46; Jenkins, Proslavery Thought, 81-82; and Eric McKitrick, Slavery Defended!: The Views of the Old South (Englewood Cliffs, NJ: Prentice Hall, 1963), 20. Some comments on terminology are also probably in order here. I am aware of the historiographical debate over the concept of a singular proslavery ideology and the alternate view of co-existing ideologies argued most persuasively by George Fredrickson. I do not wish to engage in this debate at this time. Most scholars acknowledge the development of a coordinated defense of slavery beginning in the 1830’s. My use of the term “proslavery ideology” should therefore be interpreted broadly.

The culmination of this refined proslavery argument came with the publication of Thomas Roderick Dew’s Review of the Debate in the Virginia Legislature. While Dew’s essay has often been acknowledged as the seminal treatise of Southern proslavery ideology, it is important to note, that Dew was writing specifically to repudiate this most recent challenge to slavery. His essay merely reiterated the arguments of proslavery delegates in the legislature. The arguments expressed during the Virginia slavery debate, therefore, profoundly shaped the development of future justifications for slavery. Faced with an opportunity to abolish slavery in Virginia, what resulted instead was the ideological cornerstone of the Southern Confederacy. In an attempt to demonstrate change in the proslavery argument occurring during the Virginia slavery debate, this thesis first evaluates the defense of slavery in Virginia that was commonplace prior to the convening of the legislature in December 1831. Following a brief introduction to the debate, the initial chapter discusses the traditional justifications for slavery that were often required in the face of contradictory ideals espoused during the creation of the republic. The second chapter examines the ingrained perception of crisis that gripped Virginia that winter. This despondency gave creditability to emancipationists’ claims that slavery was harmful to the state. The third chapter reviews the early rounds of the slavery debate in the newspapers and in the legislature. These initial arguments were largely shaped by the elements discussed in the first
two chapters. The fourth chapter addresses the ideological change that occurred with the antislavery speeches of Charles Faulkner, William Ballard Preston, and James McDowell. The final chapter analyzes the proslavery response to this challenge, specifically through the writings of Benjamin Watkins Leigh and Thomas Roderick Dew. A brief conclusion specifically analyzes the concept of eminent domain and discusses its impact upon the defense of slavery.

Christopher M. Curtis

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When the distant reader shall discover, that the Virginia Legislature, in the year 1832, is engaged in solemn debate on the questions, whether “private property can be taken for public use without compensation,” whether “slaves are property,” and whether “the increase of slaves is property;” he will be lost in amazement, and will be ready to exclaim of us, “can these be the sons of their fathers?”

Speech of James Gholson
House of Delegates