

## CHAPTER FIVE

### Toward a Positive Good

The necessary evil defense of slavery was on the wane. On January 17, 1832, the day after Preston's anti-slavery speech, Alexander Knox proclaimed that slavery, as it existed in Virginia, was not evil. "On the contrary," Knox argued, slavery "is indispensably requisite in order to preserve . . . Republican Government." He evoked the slaveholding legacy of classical Greece and Rome as examples of magnificent republics that had flourished by slave labor. Most significantly, Knox asserted, "the slave in Virginia, reared as he is to the knowledge of moral principle, is in a more happy condition than the African, wandering as he does in ignorance and wretchedness."<sup>1</sup>

The rhetoric used to defend slavery had changed in the face of the emancipationists' arguments against the inviolability of property rights and their exclamations of public necessity. Thereafter, proslavery delegates seldom conceded that slavery was evil. Instead, they increasingly argued that the system of slavery, as it existed in Virginia, served a positive good for society. This shift in rhetoric was blatantly apparent in the speech of Knox, and similar expressions appeared in the speech of John Thompson Brown, and the essays of Benjamin Watkins Leigh and Thomas Roderick Dew. Two recurrent themes invariably appeared throughout these specific proslavery responses. One theme reaffirmed the traditional interpretation of Lockean political philosophy and represented consistency with previous justifications for slavery. The second theme revealed a significant change in how defenders rhetorically presented the characteristics of human bondage.

In responding to the anti-slavery orations of the western delegates, defenders of slavery reaffirmed their commitment to the inviolability of property and, concomitantly, the chattel status of slaves. Defenders declared that the primacy of property had been the ideological cornerstone in the formation of both the state and federal governments. The centrality of property was represented in both constitutions. These documents explicitly protected property and thus slavery as well. Accordingly, this zealous reaffirmation by proslavery Virginians evinced their dogmatic adherence to Lockean philosophy. It also represented continuity in the transition from the necessary evil to the positive good defense of slavery. The positive good defense rested its logic on the very same ideological principles that had characterized the apologetic justification..

The second theme, which consistently appeared in the proslavery response to emancipationist challenges, revealed discontinuity in the defense of slavery. Proslavery Virginians were more reticent to acknowledge that slavery was evil. They occasionally admitted that, in the abstract, slavery was wrong; yet their new testimony emphasized the benign and positive characteristics of slavery. They argued that both masters and slaves benefitted from the institution. Slavery served a positive good for society. The positive good defense countered emancipationists'

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<sup>1</sup> *Richmond Enquirer*, February 11, 1832. Knox was the junior delegate from Mecklenburg County. The senior delegate was William Goode. Knox was one of the few eastern delegates who apparently did not own any slaves. See Robert, *Road*, 115.

invocations of government power to assure public safety and signaled the emergence of a more comprehensive and zealous defense of slavery.

*The Proslavery Response - - The Speech of John Thompson Brown*

The speech of John Thompson Brown provides an example of the shift in proslavery rhetoric as well as comprehensively summarizing the ideology of the proslavery position. Accordingly, it serves to illustrate both the continuity and change in the defense of slavery during the legislative debate. Brown represented the City of Petersburg.<sup>2</sup> His speech, delivered on January 18, came two days after the introduction of the Select Committee resolution and Preston's amendment. In December, Brown had originally voted against William Goode's efforts to reject the legislative petitions referring to emancipation. Despite differing with Goode, Brown's attitude was solidly proslavery, but he expressed his position through the traditional apologetic defense, proclaiming that slavery was, perhaps, the greatest evil "that an angry Providence could inflict on a sinning people."<sup>3</sup> By mid-January, Brown still staunchly defended slavery, but now he argued that "holy men . . . have looked upon it [slavery] without abhorrence," and that "the Saviour of mankind did not condemn it."<sup>4</sup>

The opening arguments of Brown's speech contested the practicality of the emancipationist schemes and refuted anti-slavery assertions against the inviolability of property. Brown charged that the emancipationists' reasoning had been corrupted by an initial fallacy when they insisted that *post nati* emancipation did not violate property rights. Brown contended that if, as the emancipationist delegates claimed, slaveholders could not actually own slaves until they were born, then neither could anyone emancipate slaves not yet born. The act of divesting property could not supersede the possession of property. Brown's dubious semantical argument revealed the unyielding commitment of proslavery delegates to the chattel status of slaves. Brown then stated that any further discussion about the protection of property rights within emancipation *post nati* seemed ludicrous in the face of the more radical propositions advanced by the

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<sup>2</sup> *Bicentennial Register*. Brown had initially settled in the town of Clarksburg, in Harrison County, as an attorney. In 1827, he was first elected into the House as a representative of Harrison. He served three terms as a delegate from Harrison before circumstances of marriage moved him to Petersburg. The 1831-32 legislature was Brown's first session as a representative from that city. His paramount concern during this legislative session was to effect passage of a railroad bill that benefitted his new constituency. Brown, Tucker, Coleman Collection, Swem Library, The College of William and Mary, Letter fm D. [Mackenzie], December 28, 1831.

<sup>3</sup> *Richmond Enquirer*, December 17, 1831.

<sup>4</sup> *The Speech of John Thompson Brown, in the House of Delegates, on the Abolition of Slavery* (Richmond: T.W. White, 1832), 22.

emancipationists. “Why should gentlemen waste their ingenuity and eloquence in attempting to prove that the owners of slaves are entitled to their *increase*, when they are prepared to assail the right to *slaves* themselves?”<sup>5</sup>

Brown attacked this radical argument of the western emancipationists. He asserted that Preston’s distinction, which argued that slavery in Virginia existed only by statute and not by constitutional or common law, was irrelevant. Brown contended that the origins of the right to property in slaves were inconsequential. What was significant was that slaves were recognized as property and that this recognition had existed prior to the framing of the Constitution. Since the chattel status of slaves was antecedent to the Constitution, it implicitly recognized the right to slave property because it guaranteed the right to all property. Furthermore, Brown criticized what he perceived as westerners’ apparent inconsistency in interpreting the Constitution. Brown argued that the westerners eagerly embraced the federal government’s implied powers in the cause of internal improvements, but now in the case of slave property they clearly denied a specified power that was proscribed in the Fifth Amendment.<sup>6</sup> Brown concluded his tirade against the western emancipationists by attempting to reassure them. There was no need to fear the extension of slavery into the western portions of the state. Slavery was a labor system peculiar to plantation agriculture; it was not suited to the climate and the occupations found in the mountain regions. Westerners should not feel threatened by the extension of slavery because “the foot of the negro delights not in the dew of the mountain grass.”<sup>7</sup>

Brown then addressed the pitfalls of compensated emancipation. He estimated the cost of purchasing and removing all of the slaves then in Virginia to be \$115 million. At that time, the annual state budget was only \$450,000. Even the projected costs of purchasing and removing the annual increase of the slave population totaled more than a million dollars a year and were thus also prohibitive.<sup>8</sup> Virginians could not, according to Brown, support such an increased tax burden.

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<sup>5</sup> *Ibid.*, 9-10.

<sup>6</sup> *Ibid.*, 10-11.

<sup>7</sup> *Ibid.*, 14. This is an interesting comment by Brown in the face of often contradictory evidence. As discussed in Chapter Two, a significant diversity in the labors performed by slaves existed by the time of the slavery debate, thus contradicting Brown’s description as a form of labor confined to agriculture. Thomas Roderick Dew also described slavery as a plantation labor system. In this paper, I have not identified this field hand portrayal as an element of the proslavery argument, but the reasons for their particular descriptions of slaves as field laborers warrants further exploration.

<sup>8</sup> *Ibid.*, 16-17. Brown estimated the annual increase of slaves in Virginia to be about 4800. These slaves would have to be purchased, according to Brown, at a price of two hundred dollars per slave. Added to this purchase price was an estimated thirty-six dollars per slave for removal expenses.

Additionally, Brown maintained that efforts to obtain federal financial assistance, from the revenues raised by public land sales, was an equally insufficient proposal. The annual proceeds from public land sales averaged less than two million dollars. Virginia's entitled portion of those proceeds, approximately \$270,000 per year, would barely cover the cost of removal. Furthermore, there was no guarantee that public land sales would continue even at this inadequate rate. Brown asserted that "on the contrary, as you withdrew slave labor from the east, you create an opening for white men, which will check emigration to the west."<sup>9</sup>

Brown accordingly rejected any remedial assistance and reminded the delegates of the traditional position of slave states to avoid any interference from the federal government. His warning to them about the potential consequences of any federal involvement in emancipation reflected a desire to guard against governmental tyranny. This prevalent fear of exercised government power evinced Brown's ideological commitment to the political philosophy of the Revolutionary generation. He admitted that Congress would readily assist in abolishing slavery, if for no other reason than to diminish the political representation of the slaveholding states. But, Brown argued to those delegates who endorsed compensatory emancipation, "when the general government shall have obtained control of this subject, and the slave holding states lie defenceless at her feet, you will hear no more of the *purchase* and removal of slaves. You will then be told that they [slaves] are persons and not things - - that they are not property - - or if property, that they are dangerous and the public safety requires their seizure and removal."<sup>10</sup>

Having argued that emancipation was impractical, Brown then turned his attention to why emancipation was unnecessary. He asserted that emancipation was unnecessary because slavery, as it existed in Virginia, was neither "criminal or immoral."<sup>11</sup> He argued that the public safety was not threatened by the existence of slavery. "Throughout the world," Brown proclaimed, "there is not a spot where life is more secure than in Virginia."<sup>12</sup> Comparisons can be identified between Brown and John Taylor in the course of this justification. Brown supported the removal of the

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<sup>9</sup> *Ibid.*, 16-17.

<sup>10</sup> *Ibid.*, 18-19. Brown seems to have ignored the fact, in this instance, that this same claim was being made from within the state by the western emancipationists. Furthermore, his comments that abolition would lead to diminished political representation candidly revealed the inconceivability of the idea that emancipation could occur without removal. Had the slaves simply been freed, without mandated removal, representation in slaveholding states would have increased, assuming that freedmen would not have retained their three-fifths status.

<sup>11</sup> *Ibid.*, 20.

<sup>12</sup> *Ibid.*, 30-31. Brown argued that every society was, at times, threatened by various forms of disasters. But that a threat of disaster did not deter the progress of man. He provided an example of farmers who continued to till the fields at the foot of Vesuvius. Brown asserted that of all these potential disasters, slave insurrection was, historically, one of the least likely to occur.

free black population as a means to consolidate slavery. He also believed that quixotic evocations of slavery as evil caused the slaves to forsake their otherwise contented station and rise in rebellion. If the benefits of slavery were underscored instead, a more humane relationship between the master and slave would develop. Brown attempted to enunciate these benefits and thus his speech represented the emerging positive good defense of slavery in Virginia.<sup>13</sup>

Brown contended “that the happiness of the slave does not call for his emancipation. His condition is better than that of four-fifths of the human family.” Brown compared the situation of slaves favorably to that of the peasants and serfs of Europe. Unlike the peasantry, the slave was “sure of a subsistence. . . . If his owner becomes too poor to feed and clothe him, [the owner] is sure to sell him to one who is able. . . . When disabled by age or disease, he [the slave] is secure of . . . [his] support. Public opinion, and the interests of his master, protect him from cruel and abusive treatment.”<sup>14</sup> Under these positively depicted conditions, the emancipation and removal of Virginia’s slaves actually seemed to be a cruel alternative. Colonization was often a dubious fate for the freedman. Brown offered the impoverished condition of the British colony at Sierra Leone as an example of the “hazards and difficulties of the enterprise.” He contended that emancipation would subject Virginia’s slaves to the horrors of deportation, poverty and lifelong ignorance. “Let them [the slaves] remain here, then. They are happier than they would be in any other situation.”<sup>15</sup>

The focus of the proslavery argument had clearly changed. Traditionally, Virginians had apologized for slavery but defended the rights of slaveholders. Now, in January 1832, slavery was justified as a condition preferable to freedom for black Virginians. Of course, John Thompson Brown was not the first to articulate this argument of slavery as a positive good. Nor did his speech signal the abrogation of the necessary evil defense. The speeches of Brown, Alexander Knox, and others represented the emerging acceptance and evocation of the positive good argument. Following the debate in the legislature, two proslavery essays, one written by Benjamin Watkins Leigh, the other by Thomas Roderick Dew, further developed and disseminated the new focus of the proslavery argument.

### *The Conclusion of the Legislative Debate*

Prior to examining the contributions of Leigh and Dew, it is, perhaps, necessary to summarize the close of the debate in the House of Delegates. Hostility between the two factions increased significantly in the last days of the debate. Writing in his diary on January 20, Governor John Floyd commented that “nothing now is talked of or creates any interest but the debate on the abolition of slavery. All is well.” But the next day, following the speech of McDowell, Floyd

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<sup>13</sup> *Ibid.*, 19-32.

<sup>14</sup> *Ibid.*, 23.

<sup>15</sup> *Ibid.*, 24-25.

expressed concern that the debate was “engendering bad . . . feelings. It must be checked in erratic tendencies.” By January 25, an anxious Floyd wrote to his diary about a proposition from the Southsiders “to divide the State by the Blue Ridge Mountains sooner than part with their negroes.”<sup>16</sup>

The intensity of the debate during the last week increased the sectional characteristics of the contest. More and more, delegates identified themselves as easterners or westerners regardless of their position on emancipation. The emancipationist threats to the inviolability of property were reminiscent of western declarations during the recent Constitutional Convention that had appealed for a system of representation based solely upon the white population. Talk of sectional schism increased. This threat of division was initially alluded to in the speech of Charles Faulkner when he protested the rising numbers of slaves in the West. But in the wake of emancipationists’ declarations against the sanctity of property, the representatives from the large slaveholding districts in the Piedmont and Tidewater threatened to divide the state rather than violate their ideology. John Shell, a proslavery delegate from Brunswick County, asserted that if Preston’s amendment calling for emancipation was enacted, it would “immediately be met by a proposition to *divide this State*.”<sup>17</sup>

Under these increasingly belligerent conditions, continuation of legislative debate on slavery seemed to threaten the dissolution of government. On January 25, George Wilson, a delegate from Botetourt County, moved that a vote upon the Select Committee report and Preston’s antithetical amendment to the report be taken.<sup>18</sup> Philip Bolling inaugurated a brief series of speeches that concluded the debate. Bolling, whose initial speech on January 11 had defined the anti-slavery argument, now spoke in more conciliatory tones. He admitted the radicalness of the westerners emancipationist position, but he attached no malevolence or hostility to their actions. He called for prudence and tolerance.<sup>19</sup> Following the last remaining speeches, the House moved the motions to a vote. The failure of both the committee report and Preston’s amendment reflected the inability of either side to win a legislative victory. Bryce’s preamble to the committee report seemed an appropriate compromise. But even that passed by a margin of only seven votes.

The remaining weeks of the legislative session were fraught with contentiousness and bickering. Talk about dividing the state continued. A proposed bill to loan money for internal improvements was rejected by a faction of eastern delegates as a method of retaliation for the debate on abolition.<sup>20</sup> Yet, despite this hostility, the House of Delegates managed to pass a bill

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<sup>16</sup> Ambler, *Diary*, 174-75.

<sup>17</sup> *Constitutional Whig*, February 16, 1832.

<sup>18</sup> *House Journal*, 1831-32, 109.

<sup>19</sup> *Speeches of Bolling*, January 25, 1832.

<sup>20</sup> Ambler, *Diary*, 175-177.

appropriating money for the removal of the free blacks of Virginia. This bill reflected William Brodnax's ideas expressed during the slavery debate and would have appropriated money for the next two years. It was defeated in the Senate, however.<sup>21</sup> Not surprisingly, the delegates were more successful in passing legislation that restricted the activities of free blacks. Black Virginians were restricted from attending night-time religious assemblies and black preachers were outlawed from practicing. The state militia was strengthened too, and regular, nocturnal patrols throughout the eastern counties were authorized.<sup>22</sup>

Discussion continued in the newspapers even though the debate in the legislature had abated. Within the legislature, proslavery delegates had averted an emancipationist measure by a small margin. Slavery had been seriously challenged, as had Virginia's traditional principles concerning property rights and the role of government. In the months following the legislative debate, defenders of slavery, therefore, attempted to consolidate and enunciate their ideological position in the newspapers and public journals. The essays of Leigh and Dew were written during this period to summarize the proslavery argument relative to these recent emancipationist charges. More than any other source, these two essays represented the increasing significance of the positive good argument as the principle defense for slavery. At the same time, both the *Letter from Appomattox* and the *Review of the Debate* revealed the strong continuity with Lockean ideas of property and government that remained incorporated into the defense of slavery.

*A Letter From Appomattox - - The Proslavery Position of Benjamin Watkins Leigh*

In the week following the debate's conclusion in the House of Delegates, an extended letter to the editor, which reviewed the debate, appeared in the *Richmond Enquirer*. The letter was signed with the pseudonym, Appomattox, but it was widely known that the author was Benjamin Watkins Leigh. Leigh was a Richmond lawyer and a prominent statesman. He had staunchly represented the eastern interests during the Constitutional Convention of 1829-30, specifically arguing for property based representation.<sup>23</sup> His *Letter from Appomattox* was written

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<sup>21</sup> *House Journal*, Bill No. 7. The House attempted to amend the original bill in a fashion more amenable to the Senate. The substitute bill is listed as Bill No. 12. The Senate tabled this bill and never discussed or voted on it. For the contents of the Removal Bill see Chapter Three, fn. 64.

<sup>22</sup> *House Journal*, Bill No. 18, and Document No. 1.

<sup>23</sup> *Bicentennial Register*. Leigh served as a delegate from Dinwiddie County from 1811-1813. As a well known lawyer, he was asked to revise the Code of Virginia in 1819. He later moved to the Richmond area and represented that district during the Constitutional Convention of 1829-1830. From 1834-36 he represented Virginia in the U.S. Senate. Leigh's articulation of the centrality of property during the Convention is found in *Proceedings*, 151-164. Biographical

to defend property interests as well. Leigh believed that the western arguments for representation based upon the white population in 1830 and the emancipationist crusade in 1832 represented the beginnings of “a direct attack . . . upon the very principle of property.”<sup>24</sup> Accordingly, Leigh’s letter to the editor focused on the defense of slave property specifically threatened by the emancipationist proposals offered in the legislature. His essay summarized the proslavery position and in many respects mirrored the position already articulated by John Thompson Brown.<sup>25</sup>

Leigh contributed two new arguments to the defense of slavery that had not been enunciated by Brown, or any other proslavery delegate in the legislature. Invoking Lockean political philosophy, Leigh declared that any expansion of implied governmental powers violated the sanctity of the Constitution and thus the social contract. Furthermore, he chastised proslavery delegates for engaging in rhetorical flourishes that exaggerated slavery’s evil and had allowed emancipationists to argue for abolition on the grounds of necessity. Through his criticism, Leigh provides significant evidence that the emancipationist argument claiming necessity affected the rhetoric of the defense of slavery. As was the case in the proslavery response in the legislature, these two original contributions of Leigh’s *Letter to Appomattox* reflected both the continuity and change in the proslavery argument.

Leigh contended that the emancipationists’ arguments invoking public safety above Constitutional provisions were erroneous and themselves dangerous. He argued that when the will of the majority transcended the principles expressed in the Constitution, that majority became tyrannical. In such a situation, the people would “have no fixed, settled principles of government, to which authority will look for direction, and to which individuals may appeal for security of their rights.” The validity of the constitution having been nullified, anarchy would threaten the society. The government, having no other recourse, would demand obedience by force.<sup>26</sup> In order to avoid this course of events, the popular majority must not violate the principles of the social compact without the consent of each individual. According to Leigh, the argument that public safety

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information is from the Benjamin Watkins Leigh Papers, Virginia Historical Society.

<sup>24</sup> *Richmond Enquirer*, February 4, 1832. Leigh wrote two letters to the *Enquirer*. His initial letter was published on February 4 and explained his argument in detail. Two rebuttals to Leigh’s letter were published under the pseudonyms “Jefferson” and “A Subscriber” in the February 16 edition of the *Enquirer*. Leigh responded directly to these rebuttals in the February 28 edition. Both of Leigh’s letters were published in pamphlet form later in 1832 as *A Letter From Appomattox to the People of Virginia*.

<sup>25</sup> *Richmond Enquirer*, February 16 and 28, 1832. “Jefferson” accused “Appomattox” of recasting, in a less convincing manner, the principles expressed in Brown’s speech, whom “Jefferson” referred to as a mere “stripling.” Appomattox replied and endorsed the quality of Brown’s speech and recommended “the perusal of that speech to the whole public.”

<sup>26</sup> *Richmond Enquirer*, February 4, 1832.

transcended the principles of the constitution was revolutionary.

In presenting this argument, Leigh revealed his commitment to the ideology of the social contract. The social contract, central to Locke's political philosophy, was the agreement that people entered into to protect their rights from the inequities existent in the State of Nature. Only by the consent of each individual was a community formed by this original compact.<sup>27</sup> To Virginians of the Revolutionary generation, this compact was embodied by the written Constitution. Leigh claimed this legacy to be his own.<sup>28</sup> His assertion invoked the classical Aristotelian criticism of democracy as a catalyst of tyranny and argued that a written constitution protects society from this natural chain of events. This supposition was purely Lockean.

Yet Leigh believed that those who defended slavery had allowed emancipationists to propagate these radical concepts. He criticized proslavery delegates who had "indulged in some flourishes of rhetoric" decrying slavery's evil and thus encouraged the emancipationists to advance the doctrine of necessity. Any further insurrections could be traced not to another Nat Turner or the incendiary writings of northern abolitionists, rather, they would be incited by the "measures proposed, and to the speeches delivered, in our own Legislature." In Leigh's opinion such a situation must never again face Virginians. Those who spoke out in the defense of slavery must recognize the positive characteristics of slavery and reject the traditional declarations of slavery as evil. Addressing the Jeffersonian claim that slavery corrupted the morals of the slaveholders, Leigh asserted that the generosity, honesty, and manners of Virginians were comparable to "any people under the sun."<sup>29</sup>

According to Leigh, the necessary evil justification argued during the debate had been perverted by the emancipationists for their own use. The necessity argument did not dictate abolition. "On the contrary, we lie under an *invincible necessity* to keep them here, and to hold them in subjection; a *necessity imposed upon us by Providence*." Leigh argued that it was not the place of mere men to question any divine plan. He believed that "it was a dispensation of Providence which sent them [slaves] hither; it is the dispensation of Providence, that here they shall remain; and Providence, in its own good time, will dispose of them and us according to its wisdom." Since, according to Leigh, this necessity was imposed by divine authority, it was futile to argue to the contrary. To decry slavery as evil was to question the plan of Providence.<sup>30</sup>

Leigh's argument expressed in the *Letter of Appomattox*, immediately following the legislative debate, served to consolidate the proslavery position. He composed the letter at a time when proposals to divide the state were frequently mentioned. The proslavery delegates were still unsure of their victory. Leigh hoped to influence public sentiment against abolition. The *Letter*

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<sup>27</sup> Laslett, *Two Treatises*, 374-376.

<sup>28</sup> *Richmond Enquirer*, February 4, 1832.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

from *Appomattox* was significant then because it reflected the pervasiveness of emancipationist arguments, which called for application of the government's eminent domain authority, outside of the legislative debate. Leigh's essay also represented an effort to disseminate a uniform and comprehensive justification for slavery. Written hastily in the wake of the proslavery crisis during the legislative debate, Leigh's argument was not as comprehensive or as detailed as defenders of slavery may have preferred. That detailed thoroughness would be provided by Thomas Roderick Dew.

### *The Review of the Debate in the Virginia Legislature*

In 1832, Thomas Roderick Dew was a thirty year old professor of political law at the College of William and Mary. He owned no slaves. At the time of the slavery debate, he was emerging as one of the leading social and political philosophers of the South. Two years earlier, Dew had criticized the Federal Tariff in his *Lectures on the Restrictive System*. More recently, he was involved in attempts to attain compromise between nullifiers and the Federal Government. During his short life he wrote extensively on a variety of topics, but his *Review of the Debates in the Virginia Legislature* became the most well-known of his essays.<sup>31</sup>

Following the conclusion of the legislative session, Governor Floyd wrote to Dew asking him to address the subjects of slavery and abolition recently addressed in the House of Delegates. Dew responded with an essay that comprehensively summarized the proslavery position. An abridged version of his essay was first published as "The Abolition of Negro Slavery" in the September 1832 edition of the *American Quarterly Review*. Later that year, Dew published the entire version in pamphlet form under its more common title. The essay was subsequently republished three decades later as part of *The Proslavery Argument*. The essay was understood to be the first detailed enunciation of the positive good defense of slavery and significantly influenced later proslavery writers.<sup>32</sup>

Dew began his defense of slavery by reprimanding the impetuosity of the delegates. He reaffirmed William Goode's appeals for caution and prudence. The emancipationist arguments had reflected a "wild and intemperate character," and were "based upon false principles and assumptions . . . subversive of the rights of property and the order and tranquility of society." Dew asserted that every conceivable plan for emancipation and removal was impracticable and

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<sup>31</sup> Thomas Roderick Dew Papers, Swem Library, College of William and Mary. Biographical information can also be found in Eugene Genovese, *Western Civilization Through Slaveholding Eyes: The Social and Historical Thought of Thomas Roderick Dew* (New Orleans: Graduate School of Tulane University, 1985) and Michael O'Brien, ed., *All Clever Men, Who Make Their Way: Critical Discourse in the Old South* (Fayetteville: University of Arkansas Press, 1982), 125-127.

<sup>32</sup> Ambler, 92; and Faust, *Ideology*, 22.

that slavery was fundamental to the progress of mankind.<sup>33</sup> He set out to explain his interpretations on the origins of slavery and the weaknesses of the emancipation proposals. His argument repeatedly revealed the influence of Lockean philosophy upon his justification for slavery and his view of the historical progress of man.<sup>34</sup>

Like Locke, Dew argued that slavery originated in a State of War, and that slavery was a “mild punishment” compared to the right the conqueror might inflict. The institution of slavery represented mitigation in the conduct of war and signaled the societal development of at least one of the belligerents. Dew connected the establishment of slavery with a society’s acknowledgment of the right of private property. He contended that this acknowledgment normally occurred when societies abandoned their pastoral ways and began a life of sedentary agriculture. The relationship between slavery and property and slaves as property was thus entwined from the beginning. Dew considered war the “most fruitful source of slavery” but he also accepted that slavery could result from sale and from crime. Here he diverged from Locke slightly by offering a more complex view of the origins of slavery. In addition to originating from a State of War, Dew argued that slavery could result from poverty and want.<sup>35</sup>

Following these explanations of slavery’s origins and a criticism of the African slave trade, which revealed continuity in Dew’s proslavery views with previous justifications, he turned his attention to the specific emancipationist arguments of the legislative debate. Dew initially took issue with both Randolph’s and Brodnax’s proposals for emancipation and deportation. He argued that since the inviolability of property required compensation to the slaveholder, the cost of any plan for emancipation and removal was beyond the means of Virginians to accomplish it. He reiterated Brown’s argument, estimating total costs of compensation and deportation, and concluded that any scheme of abolition dependent upon removal was totally impractical. Furthermore, Dew asserted that the difficulties in colonization were far greater than imagined. Not only did white Virginians face financial concerns about the cost of removing the black population, they also had a moral obligation to assure the well-being of the deportees in Africa. This moral obligation was complicated by the fact that, as slaves, blacks had become exceedingly dependent. Dew argued that they would face momentous difficulties if left to their own devices.<sup>36</sup>

Fundamental to Dew’s assertion that emancipation and removal were impractical was his belief in the inviolability of property. He echoed Locke in proclaiming that “the great object of

<sup>33</sup> Thomas Roderick Dew, *Review of the Debate in the Virginia Legislature, 1831-32* (Richmond: T.W. White, 1832), 5-6.

<sup>34</sup> For a similar expression of Dew’s Lockeanism, see his essay “Republicanism and Literature” in O’Brien, 125-176.

<sup>35</sup> Dew, 6-23. Dew cites the example of Essau giving up his birthright for a cup of soup as representative of the ends that a man will be driven to by hunger.

<sup>36</sup> *Ibid.*, 40-55, 60-76.

government is the protection of property,” and that “no government can exist which does not conform to the state of property.” Dew refuted the emancipationist evocations of eminent domain on two grounds. First, he argued that this right only existed “in cases of real exigency.” Dew did not believe that the emancipationists had proved such a state currently existed. Although, perhaps significantly, he barely addressed this subject. Secondly, Dew revived Brodnax’s argument that “the Constitution of the United States expressly sanctions . . . that no property can be . . . taken without full and fair compensation.” Thus even if sufficient dangers mandated the abolition of slavery, slaveholders were still entitled to compensation.<sup>37</sup> A year later, the ruling of the Supreme Court in *Barron v. Baltimore* rejected Dew’s interpretation of the Fifth Amendment as a universal guarantor of compensation to divested property owners. But for a brief period, his argument that the Fifth Amendment protected slavery stood largely unchallenged in Virginia.

Confident that he had resoundingly disproved all the emancipationist schemes, Dew attempted to refute arguments that labeled slavery as evil. Evoking a scriptural justification for slavery, he claimed that its persistent and universal presence signaled that it was “*the necessary result of the laws of mind and matter . . . and was intended by our Creator for some useful purpose.*”<sup>38</sup> Dew explicated his belief that slavery guaranteed republican spirit, which preserved liberty for white Virginians. He proclaimed that, “color alone is here the badge of distinction, the true mark of aristocracy, and all who are white are equal in spite of the variety of occupation.” In Virginia, “the poorest white person seems to consider himself nearly on the level with the richest.” Dew also contested Jefferson’s assertion that slavery corrupted the manners and morals of slaveholders. He cited the benevolence of masters and the paternal care they provided their slaves as evidence to the contrary. Dew argued that it was a well known fact “that the most cruel masters are those who have been unaccustomed to slavery. . . . that northern gentlemen who marry southern heiresses, are much severer masters than southern gentlemen.”<sup>39</sup>

This distinction between the comments of Dew and Jefferson reflected significant change in the nature of the proslavery argument. Where Jefferson had lamented the evils that slavery inflicted upon the master class, Dew proclaimed that the master-slave relationship developed the benovolent practices of stewardship in slaveholders. Such an institution could not, in Dew’s mind, be a bane on society. On the contrary it served the good of society. Dew argued that slavery had been “perhaps the principal means for impelling forward the civilization of mankind.” Slavery had mitigated the natural horrific conduct of war and destroyed the migratory spirit of pastoral peoples. The structure of slavery abrogated habits of indolence, sloth, and carelessness that restricted “independent savages” to an existence similar to that of the “beasts of the forests.”<sup>40</sup>

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<sup>37</sup> *Ibid.*, 56-60.

<sup>38</sup> *Ibid.*, 24.

<sup>39</sup> *Ibid.*, 97-99.

<sup>40</sup> *Ibid.*, 23-24.

Yet, Dew's expressed beliefs that civilization "impelled forward" and that mankind was naturally progressing revealed his philosophical consistency with Jefferson. For Thomas Roderick Dew, slavery was good because it represented a specific developmental stage of a society toward a free labor system. Slavery was an agent of change. Like Jefferson, Dew believed that Virginia would eventually abandon slave labor for a more productive free labor system. Dew argued that Virginia's climate and soils did not permit the extensive plantation agriculture that supported slavery. Through the domestic slave trade the Old Dominion would rid itself of its slave population, while a series of internal improvements would facilitate the growth of a commercial economy based on free labor.<sup>41</sup> Dew's optimistic view of societal improvement, based upon human reason and willpower, was purely Lockean. Like Jefferson, Dew believed in the natural goodness of man. Unlike Jefferson, Dew argued that slavery reflected this goodness.

### *Summary*

No one supplied an effective antislavery response to Dew's essay in Virginia. The American Colonization Society, upset by the harsh treatment they received from Dew, commissioned a response from the expatriated Virginian Jesse Burton Harrison.<sup>42</sup> Harrison's rebuttal to Dew's essay was published in the *American Quarterly Review* in December 1832. It mirrored the moderate speech given by delegate Thomas Marshall during the first week of the legislative debate. Harrison rejected the emancipation *post nati* proposal of Thomas Jefferson Randolph and maintained that any emancipation plan had to include compensation for the slaveholders. In this respect, Harrison's views on slavery were similar to those expressed in the proslavery compromise of William Brodnax.<sup>43</sup>

In effect, Harrison asserted the traditional apologetic justifications for slaveholding as an

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<sup>41</sup> *Ibid.*, 106-113. Dew's comments about Virginia's climate and soils being unable to sustain plantation agriculture were not unusual for his time. Many believed that the decade long depression signaled the death knell for the tobacco economy.

<sup>42</sup> Harrison had left Virginia to practice law in New Orleans. He grew up in Bedford County, Virginia and attended Hampden-Sydney College. After graduating from Hampden-Sydney, Harrison attended Harvard Law School. He was related to Henry Clay, with whom Harrison corresponded and supported in his attempts at the Presidency. Harrison's father had also been close friends with Thomas Jefferson. Biographical information is from Fairfax Harrison, ed., *Aris Sonis Focisque: Being a Memoir of an American Family, The Harrisons of Skimino* (Privately Printed for the Harrison Family, 1910), 84-113. See also the biographical commentary in Michael O'Brien, ed., *All Clever Men*, 55-57.

<sup>43</sup> Harrison, "The Slavery Question in Virginia" reprinted in *Aris Sonis Focisque*, 337-400.

anti-slavery position. He lamented the evils of slavery and associated Virginia's economic malaise to continued reliance upon slave labor. Like Jefferson, Harrison depicted the evils of slavery relative to the state's white population. He hoped that through a process of gradual emancipation and colonization, Virginia would replace slaves with industrious, free, white laborers. Yet he was unwilling to contest the inviolability of property as Faulkner and Preston had done. To the contrary, he specifically declared the fallacy of their radical views. Harrison believed, as did Dew, that since Virginia's geography was unfavorable to the continuation of slavery, the state would eventually shift to a system of free labor. In the interim, Harrison advocated Brodnax's proposal to remove the annual increase of the state's black population and to provide funding for the Colonization Society.

Harrison's essay marked the conclusion of the Virginia slavery debate brought on by the Southampton Insurrection. Emancipationist sentiments persisted in Virginia but became increasingly confined to the northwestern portion of the state and never again threatened slavery as it had in the winter of 1832. Yet, Virginia's defenders of slavery received little respite. The waning of anti-slavery activity within the state was simply replaced by the emerging abolitionism in the North. Northern Abolitionists invoked many of the same arguments that Virginia's emancipationists had asserted during the debate in the legislature. Under these conditions, Thomas Roderick Dew's essay became an increasingly important explanation of both the ideology and the rhetoric that justified the proslavery position. An examination of Dew's comments reveals that the ideology remained the same while the rhetoric had changed. The influence of Lockean political philosophy, the ideology of the Revolution, remained paramount in the defense of slavery in Virginia. Yet no longer could defenders of slavery apologize for the persistence of the institution. Instead, they asserted that slavery served a positive good for both slaveholders and their slaves.