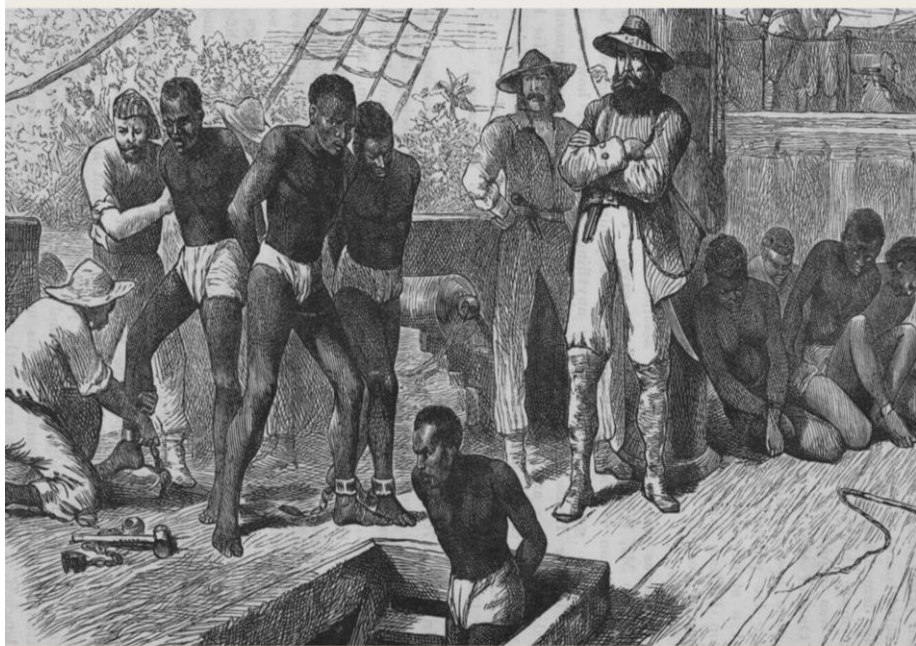


A Relook at the Institution of Slavery in the United States of America



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भारत नीति प्रतिष्ठान
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Introduction

“Slavery is founded on the selfishness of man’s nature; opposition to it on his love of justice,” said Abraham Lincoln, the person who was instrumental in abolishing the institution of slavery in the United States of America (USA). Slavery till date remains the darkest chapter of American history and the effects of it resonate even to this day.

It has been 400 years since the institution of slavery first took root in the country. The brutality and exploitation of slavery are well documented. The facts are already there in the public domain. So, the question arises about the need to have yet another paper on the events and incidents that are well known. The answer to this would be that it is important to look at slavery from an Asian perspective and understand the inherent contradictions in the American society. At the core of the years of exploitation was the economic side of slavery, the effects of which were also seen on the American polity. Slavery did not only take away the dignity of those involved but attacked the very system on which a society is based, the family. When looked at it from an Asian or Indian perspective where family is considered the fundamental unit in building a strong society, the real ruthlessness of what the West did to a native population comes to light. At a time when developing countries are still termed ‘uncivilised’ for not fitting into the accepted Western standards, it is important to remind the West of their history and understand that the institution of slavery was more barbaric than what has been documented.

Background

The institution of slavery and slave trade can be traced back to the colonial history of America from 1526 to 1776. The growth of slave trade is attributed to the European colonies’ demand for labour, especially in the sugar colonies of the Caribbean and South America where the main players were Great Britain, France, Spain, Portugal and the Dutch Republic. The trans-Atlantic trade ensured a steady supply of slaves from Africa to the Americas.

However, in the beginning, it was not just the Africans but the indigenous people were also enslaved. The Spanish explorers visited Carolina between 1514 and 1525 and had taken over the American lands. Sensing the opportunities available in the resource rich America, they began seeing the indigenous population as a threat to their larger plans and began enslaving them or killing them. Native Americans were often taken captives in wars and raids. There are also records of families selling their children into slavery due to extreme poverty. Here, what needs to be understood is that there was a clear distinction between those who were sold into slavery from the Africa and the Native Americans. While those from Africa were more useful as field hands, Native Americans were held captive to show the captor's military prowess. The European powers were unable to understand the culture and ways of the native Indians. Their tribal wars to ward off threats and protect their territory came to be viewed as savage by the colonial powers. Without grasping that even that violence had some rules, the colonial powers saw it apt to resort to even greater violence.¹ The prisoners were subjected to ritualised torture and executed. Organised militaristic slaving of the native Indians became an important part of the social structure at that time. The barbarity had reached such an extent that the popular Virginian planter Nathaniel Bacon and his men were granted a 'slave-hunting' licence that gave them the power to enslave any enemy Native Americans they caught alive. The colonial powers often conducted raids and wars to acquire new slaves. It was estimated that the Carolina slave trade which was the largest among the British colonies in North America used to trade around 24,000 to 51,000 Native Americans. In the ensuing years, the Native Americans were subjected to slavery, rape and genocide. It is estimated that by 1691, the indigenous population had reduced by 90-95 per cent to around 15 million people from 145 million

¹William Fitzhugh Brundage. 'Civilizing Torture: An American Tradition,' Harvard University Press.

people in 1491.² Then with time, the Native Americans who were more familiar with the territory managed to escape into the frontier territory. Also, early colonial America depended heavily on rice and indigo cultivation which produced disease carrying mosquitoes that caused Malaria which the indigenous population had no immunity against. These factors coupled with the fact that the Africans were less susceptible to Malaria and were also familiar with large scale indigo and rice cultivation made the colonial powers turn to them to fill the labour shortage. In the years that followed, the practice of slavery was institutionalised with the help of executive and legal powers. In addition to this, the concept of racial inferiority was invented to justify the barbaric ways of the white population. The system robbed the enslaved Africans of their rights and dignity and created a racial class that even in the present times is struggling to find an equal footing in many societies.

The history of slavery in the US

Slavery is an intrinsic part of American history. Not very long after Christopher Columbus discovered the New World, the French and Spanish brought slaves with them on various expeditions. But it was not until the beginning of the 16th century that the trans-Atlantic trade achieved its historic proportions and people from Africa were commodified beyond belief. From then on, African people were kidnapped, enslaved, and shipped across the Atlantic to the Americas under horrific and inhumane conditions which resulted in the death of many who were on board. Most often, the kidnapped Africans were bought by traders for a barter system where commodities like rum, cotton products, and weapons like guns and gunpowder were given in exchange. The captured were transported from West Africa and sold into slavery in South America, Central America, or North America. The journey to America would take anywhere between three weeks to three months where the captured were

² McKenna, Erin, and Scott L. Pratt. *American Philosophy: From Wounded Knee to the Present*. 2015. Bloomsbury. p. 375.

subjected to unimaginable torture. Stripped naked and shackled together on bare wooden boards in sweltering cargo holds with no space to even sit upright, the captured were made to undertake an agonising journey where they were often left without food or water.³ The men had to bear extreme heat and lie in their own defecation which led to many losing their lives. The mental costs of slavery need to be accounted for additionally. It needs to be remembered that the ones who were being transported were people who were free till that time and had families. Not only were they forcefully taken away from their homes, but they were stripped of all dignity. In the first few weeks of the trip, the trauma was more than what they could bear. Many went insane and some died by suicide which was the only option they had before them rather than accept their enslavement.⁴ From 1500 to 1900, approximately 12 million Africans were forced into the slave trade and amongst them, only 10 million made it to the final destination while two million people perished in the sea as they could not withstand the dreadful conditions.

The first set of enslaved Africans arrived in Jamestown, Virginia in 1619 onboard a Dutch vessel. Jamestown was founded in 1607 as Britain's first permanent colony. The Portuguese ship carrying 20 slaves who were bought from Angola was on its way to Mexico when the British pirates intercepted it and took it to Jamestown. When the slaves set foot in Virginia, it came to light that they had all been converted to Christianity. The religious beliefs of the British colonial planters stopped them from viewing the captured as slaves and instead they were given the status of indentured servants who would work for a planter for five to seven years and then obtain their freedom. Among the Angolans brought to Jamestown was a man

³Nicholas Radburn. *The Long Middle Passage: The Enslavement of Africans and the Trans-Atlantic Slave Trade, 1640-1808*, John Hopkins University

⁴John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York: Oxford University Press, 1979)

named Antonio who worked on a plantation for 20 years before gaining his freedom. He married another indentured servant, Mary and within ten years was able to own 250 acres of land and also had two indentured black servants. In 1655, Anthony Johnson was involved in a court case concerning one of his black servants, John Casor. A white neighbour Robert Parker had complained that Anthony was holding Casor past the usual seven years of indenture. Anthony argued in court that there was no written contract and he had bought his servant for lifelong service. The court supports this argument showing that Africans could enslave their brethren and there were no rules prohibiting it. Race was still not seen as a separate class in the antebellum South.⁵ In the spring of 1670 “Antonio, a Negro”, died, still a free man. In August of that year, however, an all-white jury ruled that Anthony’s original land in Virginia could be seized (from his surviving family) by the state “because he was a Negro and by consequence an alien.” And fifty acres that Anthony had given to his son Richard wound up in the hands of wealthy white neighbour George Parker. It didn’t matter that Richard, a free man, had lived on the land with his wife and children for five years.

The “hard labour and known service” that had served the family so well in the New World was now secondary to the colour of their skin. The world that allowed captive slave “Antonio, a Negro,” to grow confident as Anthony Johnson, landowner and freeman, ceased to exist. The Virginians no longer needed to lure workers to their plantations. Now they could buy them and chain them there.

In the century between 1676 and the outbreak of the American Revolution in 1765, the number of slaves imported to the American colonies saw a drastic rise. There were two primary reasons for this. The first was the Bacon’s Rebellion of

⁵Race and Belonging in Colonial America: The Story of Anthony Johnson <https://www.facinghistory.org/reconstruction-era/anthony-johnson-man-control-his-own>

1676 that made the planters realise the dangers of creating a class of landless and relatively poor class of white men.⁶ Led by Nathaniel Bacon, a group of landless and indentured white men went on a rampage against powerful tobacco planters and government of the colony. They were protesting against the government's policies which barred them from moving into the land of the Native Indians. The rebellion made the planters look towards a more stable workforce – the enslaved from Africa. The second factors that led to the increase in number of slaves was the deregulation of the slave trade by the British in 1696. Till that time, the King's family had complete monopoly over the slave trade. With the passing of the decree, any private businessman with a ship could enter into the slave trade. During the same period, England's economy was improving and fewer white men and women came to the American colonies in search of work. The opening up of slave trade saw a sudden boom in the number of slaves coming to the American colonies and the increased supply also led the prices to drop substantially. The indentured servants came to be viewed as too costly and their high mortality rate meant that the force had to be resupplied at a much faster pace.

In the 1790s, the invention of cotton gin changed the very nature of slavery. Before that time, cotton was not a widespread crop in the Americas. It was a highly labour-intensive work as a slave could only clean only about a pound of cotton a day by hand. The new cotton gin combed the seeds out of the cotton because of which a slave could clean about 50 pounds of cotton per day.⁷ The increased production also increased the demand for more slaves. In the late 18th and early 19th centuries, America acquired great swaths of land to the south of the original 13 colonies and white settlers began moving in to this area with their slaves. The booming cotton economy meant that slaves

⁶Webb, Stephen Saunders. 1676-The End of American Independence. 1984.

⁷Martin Kelly. Historical Significance of the Cotton Gin.
<https://www.thoughtco.com/the-cotton-gin-in-american-history-104722>

were worth more in the Lower South than anywhere else in the country.

Due to the nature of the economy, most of the slaves in America primarily lived in the South. In 1680, their population was less than one-tenth of the total Southern population. But by 1790, they grew to a third. Virginia alone made up 42 per cent of all slaves in America with 293,000 slaves followed by South Carolina, North Carolina, and Maryland with each having over 100,000 slaves. After the American Revolution, the Southern slave population reached about 1.1 million in 1810 and over 3.9 million in 1860.⁸ In fact, in antebellum South Carolina and Mississippi, slaves outnumbered free persons. The total slave population in the South eventually reached four million. Compared to the South, the proportion of slaves in the North were only about five per cent of the total population. There have been varying explanations for this with some scholars claiming that anti-slavery sentiments were strong there and others pointing out that indentured servants were better suited for the crops in the North. Even at the very peak, slaves numbered just over 20,000 in New York.

How the institution of slavery was strengthened

A practice like slavery could not have gone from strength to strength without the support of political and legal instruments. State machinery was deployed to justify the Southern way of life. Slave laws were constructed from laws concerning personal property and animals. The foundation of the US slave law was drawn from the English common law of property. The Southern state law governed five areas: slave status, masters' treatment of slaves, interactions between slave-owners and contractual partners, rights and duties of noncontractual parties toward others' slaves, and slave crimes. Even now, many of the

⁸Historical Statistics of the U.S. (1970), Franklin (1988):
<http://www.eh.net/encyclopedia/wahl.slavery.us.php>

accepted legal principles that apply to free persons have their origins in slave law.

As early as 1640s, the economics of slavery started becoming apparent and the situation took a drastic turn. The Virginia House of Burgesses and judges began passing legislations that stripped the Africans of their rights. By 1705, the Blacks were segregated into a separate social class to ensure their subservience. Virginia and Maryland passed laws that made interracial marriage and sex illegal, made the institution of slavery permanent and hereditary and ruled that conversion to Christianity will not exempt individuals from being slaves. Anthony Johnson was also affected by these laws and his family had to surrender his land to a white planter.

It was evident that the colonists had by a certain point in time realised that forced labour could give them more returns. Added to this was the fact that they were in a foreign land where they were not accountable to anybody which gave them the leeway to be more brutal in their approach. They were able to justify their actions with the concept of racial inferiority. Soon, racial prejudice became so ingrained in the culture that there was systematic removal of Africans from the social structure of that time. Such an approach gave way to acts of racial terrorism, inhumane segregation and mass incarceration. The effects of these resonated long after slavery was abolished and the remnants of it can still be seen.

When such capitalist interests took over, the practice of slavery became institutionalised and started undergoing many changes. In all respects, slavery was an economic phenomenon. But as it began bringing wealth and prosperity to America and the country started claiming its place in the world order, it became important to defend a practice as barbaric as slavery. Perhaps taking a cue from their colonial masters, America justified their actions by inventing the mythology of an inferior race and how it was upon them to show direction to the black population. This narrative of racial inferiority that was invented for economic gains has survived even to this day.

As stated earlier, in the Southern states, skin colour came to be identified with status. People of African descent were presumed to be slaves. Virginia went as far as passing a legal statute that classified people by race: it considered those with one quarter or more black ancestry as black. In 1691, the state passed a law prohibiting slave owners from emancipating slaves unless they paid for the freedmen's transportation out of Virginia. The same years, it also criminalised interracial marriages and subsequent laws abolished free blacks' rights to vote, hold office, and bear arms. Virginia's House of Burgesses established the basic legal framework for slavery in 1705.⁹ Many Southern states also passed legislations that ensured that free persons of colour were denied even basic rights like owning a dog, staying out after a certain time of night etc. In a decision in 1829, North Carolina Chief Justice Thomas Ruffin ordered: “The power of the master must be absolute, to render the submission of the slave perfect.”

The checks and balances that were put in place also demonised the slaves. The Southerners believed that unchecked slave abuse could lead to thefts or rebellions and hungry slaves would steal from their masters. The double standards were evident as those who treated their slaves too well or gave them freedom were not viewed kindly. The preamble to Delaware's Act of 1767 said, “[I]t is found by experience, that freed [N]egroes and mulattoes are idle and slothful, and often prove burdensome to the neighbourhood wherein they live, and are of evil examples to slaves.”

Even the law of manumission had deeply economic undertones in the US. Initially, it was considered the property owners right to free their slaves in line with the property laws of that time. During the Revolutionary period, many property owners believed that manumission stood for the principles that the new nation embodied. However, by the 1830s, the Southern

⁹ Peter Wallenstein. Race, Marriage, and the Law of Freedom: Alabama and Virginia 1860s-1960. Chicago-Kent Law Review

states realised that only those slaves who were unproductive were being freed and it was putting society under undue pressure of supporting them. So, they began enacting legislations which restricted the age at which slaves could be free, the number freed by any one master, and the number manumitted by last will. Some states even demanded that the masters compensate the loss that the state has to incur by providing for the upkeep of their former slaves. Some other states made provisions for the former slaves to be sent to Liberia and also levied a fee on the freed slaves to make up for the lost property tax revenue. Provisions were also made which allowed those who were freed to voluntarily become slaves.

There were several other restrictions that were imposed to ensure that slaves were tied to their positions. No slave was allowed to make contracts or testify in court against whites. Masters were prohibited from teaching their slaves to read and write. The only exception to this was that in certain states slaves were allowed to learn rudimentary mathematics so that they could help their masters with account keeping. Slaves were also not allowed to hire themselves out and slave assemblies were barred. Certain states also did not permit slaves to own musical instruments. They could be hired out by their masters where they worked alongside free persons. But unlike the free persons, they were not protected by laws and had to keep working on the terms dictated by their masters. When it came to public transportation and death and injury of slaves, it was governed by the “last-clear-chance rule.” Common-carrier defendants and engineers who failed to warn slaves to avoid accidents were liable to pay damages to the owners.

In South, it was not the police but the whole citizenry was involved in maintaining the machinery of slavery. The states had passed legislation to form citizen patrols to protect theirs as well as their neighbours’ interests. Three to five white male citizens were appointed by the county courts to keep order among slaves. These patrollers earned fees for captured fugitive slaves and exemption from road or militia duty, as well as hourly wages. They enjoyed quasi-judicial powers in dealing with the slaves.

The overseers of large plantations also wielded considerable powers. Though there were protective measures to ensure the safety of the slaves, brutality by the overseers was a common occurrence and there were instances where they were directed to pay the masters civil damages as their torture had resulted in the death of one or more slaves.

Slaves were subjected to harsh penalties for their crimes. In certain cases, the property rights of the owners were subverted to protect the institution of slavery. The crimes committed by the slaves included arson, theft, homicide and other lesser crimes like included violating curfew, attending religious meetings without a master's consent, and running away. The punishment for their crimes was harsher than those for whites. They were subjected to longer prison terms, banishment, whipping, castration, and execution. Slaves who had killed their masters or had engaged in acts of rebellion were seen as traitors and were punished in a brutal manner. They were sentenced to immolation, drawing and quartering, and hanging.

It is interesting to note that there were no restrictions imposed on the slave trade in the South. As a matter of fact, there were additional protective measures that were guaranteed to slave buyers than to buyers of other goods as it was believed that slaves had complex characteristics that could not be ascertained by mere inspection. Slave sellers were bound by contractual obligations and had to disclose all known defects and were liable for unknown defects. If a slave was later diagnosed with an incurable disease or had the tendency to run away, the buyer was entitled to file a lawsuit that will nullify the sale. South Carolina and Louisiana were two states that had particularly pro buyer laws. Helping a slave escape was seen as a grave crime by the Southerners and carried criminal penalty. But selling a free black person into slavery did not carry any penalty.

The southern states also offered rewards to those who captured and returned fugitive slaves. This was such an important concern that the federal government passed the first fugitive slave act in 1793 which was followed by a more

stringent version in 1850. This was done to counter the personal liberty laws that some northern states had passed.

Though there were attempts to give a dual character to slaves, like in the *Turner v. Johnson* (1838) judgement by a Kentucky court where slaves were acknowledged as property but as human beings with emotions, all they did was to justify the institution of slavery.

Science and religion were used to reinforce the belief that white people were intellectually and morally more evolved whereas black people did not have the capability of thinking independently and were in constant need of guidance and supervision. A notion was spread that what the white people were engaging in were in fact acts of kindness as without their direction and control, the black population would not be able to survive on their own. This narrative succeeded in whitewashing the dehumanising and barbaric nature of slavery.

Economics of slavery

Slavery remained a thriving business even on the eve of the Civil War. Using skin colour became a cost-effective way of distinguishing slaves from free persons. The expectation of continued legal slavery gave a further impetus to the slave trade. Over a million slaves were taken across state lines between 1790 and 1860 with many more moving within states. The newspaper, *The Virginia Times*, calculated that 40,000 slaves were sold in the year 1830. By 1860, Southerners owned close to USD 4 billion worth of slaves.¹⁰ The biggest advantage that the South had was the exceptional rate of natural increase of the slave population. Higher birth rate, lower mortality and the nature of work were among the reasons for this. Unlike the work on sugar plantations or mines, the US slaves were engaged in tobacco, cotton plantations and domestic work. In research conducted by Fogel's and Engerman, it was projected that by 1890, slave prices would have doubled than that of 1860 levels. Their findings led to the conclusion that investments in slaves

¹⁰ Robert Fogel and Stanley Engerman. *Time on the Cross*. 1974

generated high rates of return, masters held slaves for profit motives rather than for prestige, and slavery equally thrived in both cities and rural areas. With their study, they proved that the rate of economic growth achieved by the South was in line with what was achieved by many of the European countries.

Slaves were seen as purely commodities. As slaves replaced the expensive indentured servants, their prices went up. In the period 1748 to 1775, slave prices in British America rose nearly 30 per cent. Slavery became much more productive by the time the second-generation slaves were born and were assimilated into the institution. They spoke English and were well adjusted to the American way of life.

Their prices dependent on two factors: characteristics like age, sex, temperament, skill set etc. and the conditions of the market. Demand and supply and many other seasonal factors determined the market conditions. Infants used to sell for a positive price as the masters could recover the costs of raising them. Both males and females commanded a higher price during their puberty years as they would have also gained enough experience by then. Those who had some ‘defects’ sold for deep discounts. Females in the child bearing age commanded a premium. In nineteenth-century New Orleans, for example, prices peaked at about age 22 for females and age 25 for males. Light skinned females fetched a five per cent premium as they would be used as concubines. After the peak age, prices of both the genders would first decline slowly and then rapidly with the fall in productivity.

Profit maximisation was at the core of all the measures taken by the masters. Sometimes, owners used a variety of positive incentives to encourage slaves to work more efficiently. They would be given off on Sundays or the master would let them earn bonuses in cash or kind. But the good deeds did not improve the condition of the slaves. Most of the times, the slaves were seen as mere machines as the owners could get more work done by them. In an arrangement called the ‘gang system,’ groups of slaves performed synchronized tasks under the watchful eyes of the overseer.

Exploitation of the enslaved

The institution of slavery was based on dehumanising people. Before the use of steam boats and railways, the enslaved had to march for thousands of miles to their plantations. They were forced to walk at full speed for hours until they dropped in the road. Any drop in pace would be met with merciless whipping. Even the women and children were not excluded from this. The only exceptions were the infants and the sick who would be taken on a wagon. More humiliating and dehumanising was what used to happen in the slave markets. To conceal an enslaved person's age or ailments, traders would resort to hiding them cosmetically. For example, older men would be shaved and their grey hairs would either be plucked out or blackened. Such practices objectified slaves and they were changed hands in the exact manner that livestock were at that point.

To maintain the social order, it was necessary to suppress the enslaved with an iron hand. So, any transgression was met with extreme physical violence. The slaves were made to work 12 to 15 hours a day and were confined to dirt floor cabins. Enslaved persons had to have a written permit if they were to leave the masters' premises. Otherwise, they were liable to be flogged. In a first-hand account published by the American Anti-Slavery Society in 1839, a Kentucky woman recollected the story of two young Black men, Ned and John, who were frequently severely whipped by their master as punishment for "staying a little over the time with their wives" living on different plantations nearby. Their master would tie them up by the wrist, so high that their toes would just touch the ground and beat them with a cow-hide till the victims had their whole bodies covered in blood. Both the men died young as a result of such violent abuse.¹¹

Sexual abuse was also widely prevalent irrespective of gender. Black enslaved men were forced to have sex with

¹¹Theodore Dwight Weld, *American Slavery As It Is: Testimony of a Thousand Witnesses* (New York: American Anti-Slavery Society, 1839)

enslaved women for the entertainment of a white audience. Slave owners used to force enslaved black men to rape free black women.¹² Like in societies everywhere, even though both the genders were at the receiving end of violence, women had to go through a lot more. Enslaved black women were frequently raped by their white owners and also passed on to their friends and visitors to do the same which resulted in the birth of biracial children who were called mulattos. Women were used as tools of reproduction. The census of 1860 revealed that one of every 10 slave child was a mulatto. Women who worked in the master's house as domestic slaves were much more likely to bear mulatto children than those who worked in the fields. Sexual abuse was also a common practice among the traders. The women or her children were guaranteed no protection under the law and the children were also enslaved under the principle of *partus sequitur ventrem* which meant that the children took on the same status as their mother. Children born to enslaved women were born enslaved, regardless of paternity. Children born to free women were free, regardless of ethnicity. In cases where slave women reacted to repeated abuses by killing their owner, they were sentenced to death as the jury often ruled that a slave woman has no right to defend herself.¹³

So inhumane and barbaric were those claimed to have the moral right to rule over a race, that they would torture a slave's wife or daughter in front of his eyes. Sometimes a slave would be called to torture his own family and if he refused to do so, the punishment was death by law.

Slave owners faced no legal measures for inflicting torture on their slaves or even killing them. It was believed that an owner had complete right over his property and any damages caused was his own and the law had nothing to do with it. In a horrific incident, in 1828, in Charleston, South Carolina, a slave owner shackled and flogged a thirteen-year-old enslaved girl as

¹²Thomas A. Foster, "The Sexual Abuse of Black Men Under American Slavery," *J. of the Hist. of Sexuality* (September 2011)

¹³ Trial of Celia for the murder of Robert Newsom, 1855.

punishment who was then left on a table from where she fell down and died. In another violent incident, young man named Moses Roper who tried to run away from an estate in North Carolina was whipped 100-200 times by the owner. His head was then covered in tar and was lit afire. Even young children were killed for disobeying the owner. All these incidents served as warning for the others to not go against their masters.¹⁴

The systematic attack on the institution of family

The reason why slavery as an institution could last so long was because there was a systematic attack on the most basic of all human bonds – ties with family. The basic unit of any society is family and it is the critical link that ties human beings to material as well as emotional aspects. It is the family that gives a person dreams and hopes for a better tomorrow. Understanding its importance, the slaves were not allowed to marry and start families on their own. They needed the owner's permission to enter into non-legal marriages and often they were forced to marry someone chosen by their master. But even non-legal marriages or the master's permission could guarantee togetherness. The families were easily separated if the owner's got a better deal. The husband and wife had to stay in different plantations. It was also a common occurrence for young children to be taken away from their families and sold to far off places with no hopes of ever reuniting.¹⁵

Initially, the narrative was spread that the enslaved and the master were in a mutually beneficial relationship where the latter acted as the protector and the former could enjoy the comforts of food, shelter and clothing. But with the increase in demand for domestic slavery, the ordinary citizens got to witness the truly horrendous nature of slavery. Thousands of enslaved people were chained together and whipped as they marched for

¹⁴“Conditions of Antebellum Slavery, 1830–1860,” Africans in America: PBS.org

¹⁵Heather Andrea Williams, “How Slavery Affected African American Families,” Freedom’s Story.

hundreds to the auction sites. They were either put alongside livestock in filthy conditions or they were put in slave jails where they hardly had place to even stand. The enslaved people were mercilessly torn from their families to please the highest bidder. Their cries and screams began ringing throughout the country. There were several reports published in the newspapers of enslaved mothers and fathers taking their own lives by jumping from the buildings and slitting their throats in order not to be separated from their families.

Most of the enslaved people were sold without a single other family member. More than half of all enslaved people held in the Upper South were separated from a parent or child through sale, and a third of all slave marriages were destroyed by forced migration. Sale or death of a spouse left one in five slave women as the head of household or a nearly equal number of slave men and women living alone or without their families. Women were encouraged to keep having children irrespective of whether they were married or not. The average female slave in the 1850s had her first baby at age 19, two years earlier than white females. She then typically went on to have four to five more children. On average, 40 percent of slave children died before reaching adulthood. But the high fertility rates among American slaves meant that the slave population grew steadily.¹⁶

The attack on the institution of family was a carefully scripted. First the notion was spread that Black people do not have attachment to their families like the White population. It was spread that their loyalties lay with their Masters and whatever they do will be for the wellbeing of those who own them. This gave White people the legitimacy to treat Black population like chattels with no emotions. They were seen as economic assets and anything the owners did with them was justified in the name of economic development.

¹⁶ *ibid*

United States Constitution and the contradicting views

The American Revolution that started on 19 April 1775 was followed by the Declaration of Independence on July 4, 1776. This declaration was signed by 56 of America's Founding Fathers and gave birth to what is now known as the United States of America (USA). Freedom from the colonial powers brought with it the challenge of drafting a constitution that clearly embodied all the principles and the ideologies that the newly formed country stood for. Written in 1787, ratified in 1788, and in operation since 1789, the United States Constitution is the world's longest surviving written charter of government.¹⁷ Yet this document also serves as a reminder of the double standards practiced by the West and how words seldom translate into action when there are larger economic interests at stake.

The inherent contradictions with regard to slavery in the American society were evident and the Britishers used this during the time of the Revolution to create absolute chaos. They used the slaves against their masters at the very onset of the war. In November 1775, Royal Governor Lord Dunmore in Virginia issued a proclamation giving freedom to all slaves who abandoned their patriot masters and joined the British side. Thousands of slaves took this offer and fought for the British side. The sudden freeing of slaves upset the social structure and destabilised the American society.

Slavery was among the most contentious issues during the drafting of the American Constitution. The Founding Fathers were well aware of the differences between the North and South on this issue. The issue of slavery resulted in vast regional and political divides but no easy solution could be found to appease all parties. Their first and foremost concern was to hold the federation together and put up a united front. The delegates understood that the Declaration was going to result in war with England and that the colonies had to be united for victory to be ensured. Due to this, constitutional clauses were drafted that while acknowledging deep-seated regional differences over

¹⁷https://www.senate.gov/civics/constitution_item/constitution.htm

slavery also urged all the opposing factions to make compromises. Even though the word “slavery” was never used in the final document, it legitimised the institution with the inclusion of the three-fifths clause that gave slave owners disproportionate political power by augmenting the congressional representation and the Electoral College votes of slaveholding states. At the same time, they also increased the direct federal tax burden of slaveholding states and left it upon the states to impose ban on the import of slaves.

By the outbreak of the American Revolution, in 1775, there were about a half a million slaves in the 13 original colonies. The entire population of the colonies was about two and a half million, so slaves made up about one-fifth of the total. Prior to that, in 1688, four German Quakers in Germantown, a town outside Philadelphia, wrote a petition against the use of slaves by English colonists in the nearby countryside and presented the petition to their local Quaker Meeting. This became the first public American document to protest slavery. Though the meeting was sympathetic to the cause, it did not act on the petition. But in 1844, this petition was again rediscovered and became the focus for the abolitionist movement. Following this and also due to armed uprisings such as the Stono Rebellion (1739) in South Carolina, the Northern states began passing laws to gradually abolish slavery in their states. Pennsylvania was the first state to begin the process in 1780 and followed shortly by Massachusetts, New Hampshire, Connecticut, and Rhode Island. New York and New Jersey followed in 1799 and 1804, respectively. The Pennsylvania law stated that all children born to slaves before March 1, 1780 would be slaves for life. Any child born to a slave after that date would serve 28 years of bondage and then be free.¹⁸

With the schism hardening, the Congress abolished the Transatlantic Slave Trade beginning in 1808 on the advice of President Thomas Jefferson, who denounced the international

¹⁸Rue Wood. “Slavery in US History.” Mini Lecture Series, Indian Hills Community College

trade as "violations of human rights which have been so long continued on the unoffending inhabitants of Africa, in which the morality, the reputation, and the best interests of our country have long been eager to proscribe." But this step only resulted in an increased demand for slaves which had to be now met domestically. The country then had to rely on natural reproduction in the local enslaved population, or the sale of enslaved people from one state to another. It served the interests of Virginia and Maryland slaveholders, who could then sell their own surplus slaves southward and westward at higher prices. Also, the ban on slavery in the North indirectly legitimised the expansion of slavery in the South. Over the next 50 years, this gave rise to "Domestic Slave Trade" which was more exploitative in nature. An estimated one million enslaved people were forcibly transferred from the Upper South to the Lower South between 1810 and 1860 and there was a fourfold increase in the slave population during this period.¹⁹

The booming slave trade led to difference of opinion between the North and the South. There was clamour from the North to abolish slavery while the South kept resisting all attempts. The Upper South and the Lower South greatly benefitted out of slavery. While the former could extract more work from their slaves by threatening them with the harsher conditions of the Lower South, the latter could maximise profits due to the long work hours and exploitation. The Upper South owners sold their slaves for supplemental income. Eventually, the South's system of law, politics, business, and social customs reinforced the racial stereotyping and strengthened the institution of slavery. Slave traders also gained substantially in this bargain and became very powerful in the South. These were among the primary reasons why the South vociferously continued to support the institution of slavery and kept insisting on its benign characteristics even in the face of strong criticism. They kept

¹⁹David L. Lightner, *Slavery and the Commerce Power: How the Struggle Against the Interstate Slave Trade Led to the Civil War* (Chelsea, MI: Sheridan Books, 2006)

insisting that the Southern slaves in a better position than the poorest class of free citizens. Yet the fact that slavery was based on coercion and involuntary transactions were never accounted for.²⁰

It has been argued that why slavery as an institution could not be outlawed at the time of drafting of the constitution was because most of them involved in the founding of the nation were born into slave holding society. 30 per cent of congressmen who were born before 1840 had held slaves at some point in their lives which made them biased towards continuation of the institution. The narrative of slavery being a positive institution was so deeply ingrained in all their minds that it became almost impossible for them to see the greater evil. Four of the first five presidents of the United States were slave owners. George Washington, Thomas Jefferson, and James Madison owned slaves. All of them were vehement opponents of slavery, yet in their private lives, they chose economic interests over their ideology. Benjamin Franklin who owned only a few slaves later became president of the first abolitionist society in the United States. But despite his vision of gradual abolition, he failed in bringing a national abolition. In his 1775 treatise, *Taxation No Tyranny*, British author Dr Samuel Johnson had pointed out this contradiction in American society by asking, “How is it that we hear the loudest yelps for liberty among the drivers of negroes?” It is a question that has had lasting repercussions and has yet found an answer to.

Among the most dissected Founding Fathers was Thomas Jefferson whose views on slavery were in direct contradiction to his actions. Even after writing that “all men are created equal,” in the Declaration of Independence, he continued to own thousands of slaves all his life. It is also believed that he has fathered children with one of his slaves, Sally Hemings. Despite this, he kept arguing in public forums that slavery is a political and moral evil and it needs to be abolished. Towards the end of

²⁰Boudewijn Bouckaert. *The Economics of Slavery. Property Law and Economics*. 2010

his life, he spoke about why he was unable to change the situation, “we have the wolf by the ear, and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other.”²¹ One of the reasons he gave for the continuation of slavery was that he believed that due to the racial differences and deeply held prejudices, emancipation would alter the character of the republic and it will unleash violence between the Blacks and Whites.

George Washington was the only founding father to free his slaves. But that step came after this death which rendered his cause ineffective. In 1786, he wrote, “there is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of it; but there is only one proper and effectual mode by which it can be accomplished, and that is by Legislative authority.” But he never took a public stand on the issue and it was only after this death that his slaves were freed in accordance with what was written in his will.

The Declaration of Independence itself was an attempt at erasing the dark part of the American history. Jefferson wrote: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.” It further stated that King George had “waged cruel War against Nature itself, violating its most sacred Rights of Life and Liberty in the Persons of a distant People who never offended him, captivating and carrying them into Slavery in another Hemisphere, or to incur miserable Death, in their Transportation thither.” The second paragraph was subsequently removed but it clearly showed that independent America wanted to put the entire blame of enslaving a race on the colonial powers and wanted history to view them as victims.

²¹Mark Maloy. The Founding Fathers Views of Slavery. American Battlefield Trust <https://www.battlefields.org/learn/articles/founding-fathers-views-slavery>

In the Notes of Proceedings in the Continental Congress, July 2, 1776, Jefferson gave reasons for the exclusion of slavery from the Constitution. He wrote:

The pusillanimous idea that we had friends in England worth keeping terms with, still haunted the minds of many. For this reason, those passages which conveyed censure on the people of England were struck out, lest they should give them offense. The clause too, reprobating the enslaving the inhabitants of Africa, was struck out in compliance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who on the contrary still wished to continue it. Our Northern brethren also I believe felt a little tender under these censures; for tho' their people have very few slaves themselves yet they had been pretty considerable carriers of them to others.

Article 1, Section 9, Clause 1, is among a handful of provisions in the original Constitution related to slavery. This Clause prohibited the federal government from limiting the importation of “persons” (understood at the time to mean primarily enslaved African persons) where the existing state governments saw fit to allow it, until some twenty years after the Constitution took effect. It was a compromise between Southern states, where slavery was pivotal to the economy, and states where the abolition of slavery had been accomplished or was contemplated. Though this clause is no longer relevant, it stands as a testimony to the economic and political legacy of trade in human beings.

The specific clauses of the Constitution related to slavery were the Three-Fifths Clause, the ban on Congress ending the slave trade for twenty years, the fugitive slave clause, and the slave insurrections. Interestingly, the makers of the Constitution believed that slavery will die out organically and there was no need for a permanent relic to remind America of its cruelties.

In the end it turned out the exclusion of the word slavery may well be connected to the fraternal feelings among the Whites. There were many founding fathers who used to state publicly through written and oral statements that they wanted

slavery to be abolished gradually. But in most of the cases, it was only to keep the country together. They had already given their commitment to the protection of private property rights, principles of limited government, and intersectional harmony.²² This conflict of interests prevented them from taking any meaningful steps to abolish the institution of slavery. When the last remaining Founders died in the 1830s, the legacy that they left behind was an ambiguous one. While they were able to abolish slavery in the North, they facilitated rapid expansion of slavery in the South and gave it the institutional legitimacy.

James Madison, the “Father of the Constitution,” effectively summed up what American slavery represented. He said, “We have seen the mere distinction of colour made in the most enlightened period of time, a ground of the most oppressive dominion ever exercised by man over man” (James Madison, Notes on the Federal Convention, 1787).

The Civil War and Emancipation

As seen earlier, in the South, the slaves had to work in cotton and tobacco plantations and then toil in the planters’ homes. In the North, the enslaved worked as house servants or unpaid skilled labour. The economic impact of slavery was marginal in the North as compared to the South. Due to these differences, slavery was seen as less efficient by the North and laws were passed to abolish the institution. By the late eighteenth and early nineteenth centuries, most of these Northern colonies implemented a slow process of emancipation which required the children of slave mothers to remain in servitude for a set period of 28 years. Vermont became the first Northern region to abolish slavery when it became an independent republic in 1777.

Beginning in the 19th century, the introduction of new methods of transportation began to alter the routes used by slave traders. The steam boats and rail lines became the preferred

²²<https://www.britannica.com/topic/The-Founding-Fathers-and-Slavery-1269536>

mode of transport. These changes in transportation transformed Montgomery, Alabama, from one of many stops along the overland route to a primary trading market. By 1860, with four slave depots, Montgomery became the capital of the Domestic Slave Trade in Alabama, one of the two largest slave-owning states in America. Advertisements in newspapers for the sale of slaves or owners posting “reward” advertisements seeking their runaway “property” became common features. The growth of such large slave markets across the south facilitated the kidnapping and enslavement of even free Africans. Under the Alabama law, a Black person’s skin gave rise to a presumption that he or she was enslaved.

In 1860, Abraham Lincoln won the election with the promise of halting the expansion of slavery. In the face of staunch opposition and criticism from the North, eleven Southern states seeking to preserve the institution of slavery seceded from the United States, formed the Confederate States of America, and sparked a bloody civil war on 12 April 1861. By the outbreak of the Civil War, the United States had about 31 million people. 12 million lived in the South. Of those 12 million, 4 million individuals were slaves. Ninety percent of slaves lived in rural areas and 10 percent lived in cities. Three-quarters of slaves were engaged in agriculture - the majority in cotton production, but some in rice, tobacco, hemp, or sugar cultivation. About 15 percent of slaves were domestic servants, and one in ten worked as a labourer in an industry or trade, like the lumber industry, mining, or construction.²³

The Confederate forces attacked the U.S. Army's Fort Sumter in Charleston, South Carolina. The Confederacy surrendered in 1865 and the system of slavery was outlawed. The former slave states were immediately forced to recognize the Emancipation Proclamation of 1863, which had freed

²³ Racial Integrity Laws. Encyclopaedia Virginia
<https://encyclopediavirginia.org/entries/racial-integrity-laws-1924-1930/>

enslaved people in rebelling territories. Following this was the Thirteenth Amendment which banned slavery throughout the United States “except as punishment for crime.” It was followed by the Fourteenth and Fiftieth Amendments which made the abolition universal in nature. It was ratified in December 1865 and chattel slavery was completely abolished in any place subject to the jurisdiction of the United States. The General Order #3 read as follows:

"The people are informed that in accordance with a Proclamation from the Executive of the United States, All slaves are free. This involves an absolute equality of personal rights and rights of property, between former masters and slaves, and the connection heretofore existing between them, become that between employer and hired labor. The freed are advised to remain at their present homes, and work for wages. They are informed that they will not be allowed to collect at military posts; and that they will not be supported in idleness either there or elsewhere."

On June 18, 1865

Union General Gordon Granger, Galveston, TEXAS

The proclamation freed more than four million enslaved Black persons who were living in the United States at that time. Yet despite the order, three states did not ratify the Thirteenth Amendment until the 20th century: Delaware in 1901, Kentucky in 1976, and Mississippi in 1995. The abolishing of slavery did not immediately guarantee rights to the Black population. The class divide and white American superiority were so deeply engrained, especially in the South that it followed a long period

of violence and reconciliation to ensure that the freed people got at least their basic citizenship rights. The White had vindictive feelings against the Blacks who ceased to be their property all of a sudden. In the light of the situation, federal enforcement was deemed necessary to protect freed Black people. This led to “Reconstruction,” a process by which the Northern-controlled federal government used federal troops and congressional authority to enforce emancipation and protect formerly enslaved peoples’ new civil rights and American citizenship. Congress also established the Bureau of Refugees, Freedmen, and Abandoned Lands (“Freedmen’s Bureau”) to aid the newly freed population on areas of justice, labour, education and medical aid.

Reconstruction which ended less than 15 years after the war’s end could not contribute much in stopping the racial violence. The vast majority of the Black population still resided in the South and were at the mercy of institutions and systems still controlled by the Whites. What made the situation worse was that those at the helm were the very same people who had enslaved the Black people and were not ready to give them an equal status. Laws were made to ensure that Black population remained in an inferior status and could never fully become a part of society. Just before Emancipation, in 1857, under the Dred Scott decision of, black persons were denied citizenship and it was also categorically stated that a slave will not be emancipated just by travelling to a free territory.²⁴ In the late 1870s and early 1880s, local governments implemented laws and ordinances requiring racial segregation on public transportation. In particular, the state of Alabama outlawed interracial marriage in 1882 despite the Fourteenth Amendment’s guarantee of “equal protection of the laws.” This decision was upheld by the United States Supreme Court in 1883.

The South had also in the years following Reconstruction re-enslave the Black population through the system of sharecropping. Akin to the system of serfdom practiced in Western Europe, this system kept Black farmers impoverished

²⁴Jenny Bourne. Slavery in the United States. College, Carleton. EH.net

and indebted to landowners from year to year. Added to this was the system of convict leasing, which “leased” primarily Black state prisoners to private companies to perform dangerous work in inhumane and often deadly conditions for state profit.

Violent intimidation of black voters continued in the decades following the 1874 election. The public opinion was clearly against giving the Black population their rights. Between 1864 and 1866, 10 of the 11 Confederate states created governments that deprived black people of voting and other civil rights. By 20th century, this gave Democratic leaders the confidence to declare Black disenfranchisement as a political objective. The states of Mississippi, South Carolina, and Louisiana passed disenfranchisement provisions. The Alabama Constitution of 1901 mandated racial segregation in public schools, prohibited interracial marriage, and provided for the mass disenfranchisement of Black people. The states also introduced poll tax, a grandfather clause, and felon disenfranchisement to further the effect of racialised law enforcement. Any loopholes that may arise were closed by the creation of arbitrary registration procedures that granted significant discretion to local white male registrars. Even if a Black person did qualify for voter registration, the registration had the right to refuse their enrolment in the list and the courts also refused to interfere in such cases.²⁵

The efforts of the government to categorically deny the Black people their rights were supplemented by the white supremacist group, Ku Klux Klan which was started by Confederate veterans in Tennessee in 1866. The violence intensified in South Carolina in 1871, where federal investigators found evidence of 11 murders and more than 600 whippings and other assaults in one county alone. The group not only terrorised Black people but only anybody who was sympathetic to the cause of Black equality. The violence particularly surged in the

²⁵The Montgomery Slave Trade. Equal Justice Initiative.
<https://eji.org/report/slavery-in-america/ch-1-slavery-in-america/#the-lives-and-fears-of-americas-enslaved-people>

late 19th century when lynching became common throughout the country. It accounted for nearly 2000 deaths nationwide between 1882 and 1901. Until 1950, nearly 6500 Black people were lynched in the United States by mobs in which prominent community leaders were also found to be involved. In almost all these cases, the perpetrators of the violence were never held accountable by the police or the courts. This strengthened white communities beyond the Klan to kill Black people with impunity.²⁶

During this period of racial violence, there were efforts by Southerners to reassert their social and cultural dominance. This was done by embracing a revisionist history where the Civil War was portrayed as a heroic fight by the Confederates to protect their territory. The Civil War's links to the institution of slavery was completely erased and a narrative was spread that the Southerners had a "civilising influence" over the enslaved. This way, the Black people were denied their rights at every juncture and concerted efforts were made to never let up break free from the invisible shackles that bound them long after slavery was abolished.

Conclusion

Slavery in America was fundamentally different from the slavery practiced in British colonies. While in the latter, slavery was more of a class system and was sometimes also used as a punitive measure. Anybody could become a slave but some could overcome that status by completing a specified period of service and get integrated in society. This was not the case in America where slavery took a more degrading form by being associated with race. Skin colour became the primary detriment of status and it meant that free persons of colour and emancipated slaves could never blend into the American society. A narrative of racial inferiority was spread over centuries which meant that the African Americans were never accepted as equals and their rights were denied at every point.

²⁶ *ibid*

Slavery as an institution systematically delegitimised the existence of black people as human beings. It started with giving them the racially denigratory term, ‘negro’ which took away their dignity and autonomy. They were denied all legal rights and were reduced to the status of property who were moved around at the master’s whims and fancies. They were projected as people with no emotions or familial ties and existed only for hard and rigorous labour. It was an institution that was based on property rights and got furthered for purely economic gains. It has been 157 years since the Emancipation Proclamation but the remnants of slavery continue to haunt the modern society.

It may be worth recollecting an incident here which proves that not much has changed even after all these years and how race is still seen as a sperate caste and class in America. In May 1857, a white family in Louisville, Kentucky, was murdered and their home destroyed by fire. Four enslaved Black men were accused of the crime and stood trial. An all-white jury found the men innocent and acquitted them of all charges. Yet an enraged mob of local white men armed couldn’t accept the verdict and attacked the jail with cannons. Seeing this, one of the enslaved men cut his own throat and the other three were killed by the mob in a brutal manner.²⁷ The racial prejudice exists even to this day as many African Americans are still accused of crimes that they didn’t commit and have to constantly grapple with racism in their daily lives.

Without accepting the legacy of slavery and making an honest effort to undo the historical wrongs, and honestly compensate the African nations and people for their exploitation by the white people for centuries, the ideals of equality and justice that are so vociferously propounded by the West will never be achieved. Till than the contradictions and double standards of American polity will continue to linger on.

²⁷<https://eji.org/report/slavery-in-america/ch-1-slavery-in-america/#the-domestic-slave-trade-in-america>

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