

THE PROBLEM OF REFORM IN THE ANTEBELLUM SOUTH

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Slaves who flocked to Union lines during the Civil War understood the limitations of southern reform. They instinctively grasped that their masters' enemies were their friends. Although racism and support for slavery also existed within federal ranks, « contrabands » nonetheless realized that meaningful reform in the South looked much more likely through the sights of Yankee rifles. The slaves' wartime perspective raises the question of the possibilities for reform within the prewar South. Did genuine southern reform require an invading army and a Republican commander in chief?

Certainly the answer is yes if we define « genuine reform » to mean the end of slavery by 1865. Such a definition, however, leaves little distinction between reform and revolution. Typically, reform encompasses ideas and activities that explicitly reject revolution. Reformers seek to improve society, not overturn it. They identify sources of conflict and tension within a society and propose changes they believe will moderate conflict and reduce tension. A stew of ideals – humanitarian and religious, among others – usually sustains reformers, accented by at least a dash of self-interest. The goals of reformers, however, are more social than personal. They envision a new social equilibrium, a reformed society that is more efficient, just, humane, or godly.

In modern history, reformers – alongside economic growth, technological advances, and military budgets – have made major contributions to the stability of industrial capitalist societies. They are at least partly responsible for the resilience of American capitalism in more than a century of recurrent social and political crisis. If American reformers have chalked up such an impressive record of cataclysms avoided, why did they experience such a spectacular failure between 1861 and 1865? In particular, why did southern reformers fail to head off disaster?

Other New World slave societies managed to avoid a war of emancipation and to prolong the end of slavery by decades of piecemeal reform. As Rebecca Scott writes in her study of Cuban emancipation.

« The concept of “gradual abolition”... was not seen as an alternative to the indefinite preservation of [slavery], but rather as a means of avoiding immediate eman-

icipation. Adherence [to the reforms involved in] gradual abolition thus reflected both a strategic acceptance of an eventual transition to free labor and a tactic to delay that transition¹.

Why did the Old South refuse to adopt a reformist posture that might, as it did in Cuba, « move slowly and symbolically toward the extinction of slavery without disrupting the social order of the plantation or the supply of labor »?²

One is tempted to conclude simply that the slave South lacked reformers. Historians of antebellum reform have concentrated their attention on the North. From their studies one might reasonably come to believe that southern reform was negligible or nonexistent. However, reasons other than the absence of southern reform may help account for historians of reform focusing almost exclusively on the North. The free states hosted greater reform activity; reformers there were more numerous, more vocal, and more organized than in the South. In addition, we easily sympathize with northern reformers since many of their ideals and prejudices are close to our own. We are inclined to view them as embattled progressives trying to hustle their contemporaries (including diehard southerners) along the road to the future.

Indeed, Thomas Haskell has recently argued that northerners could hardly resist reform since the humanitarian ethic that underlay it was a more or less automatic outgrowth of the spread of capitalist market relations after 1750³. No wonder Bertram Wyatt-Brown, who has written about both northern reformers and the South, entitled a new book *Yankee Saints and Southern Sinners*. A Second look at Haskell's argument suggests, however, that Yankees' proclivities for sainthood should have been shared by southerners. Haskell's argument is especially pertinent since it seeks to account for the growth of antislavery sentiment. If the historical processes that, according to Haskell, generated antislavery convictions in the North also characterized the South, then why did those processes fail to have a similar influence on southern convictions?

Haskell argues that as capitalism linked more and more people across both space and time in the century after 1750, it transformed conventional notions of moral responsibility. Before the market encompassed such a vast range of people and activities, Haskell says, the plight of a « starving stranger » elicited little response. After 1750, as Haskell puts it,

the crucial links between capitalism and humanitarianism stem not from the rise of the bourgeoisie *per se* but from its most characteristic institution, the market,

¹ Rebecca J. Scott, *Slave Emancipation in Cuba: The Transition to Free Labor, 1860-1899*, Princeton, 1985, 40.

² *Ibid.*

³ Thomas L. Haskell, « Capitalism and the Origins of the Humanitarian Sensibility », Part I, *American Historical Review*, 90 (April 1985); « Capitalism and the Origins of the Humanitarian Sensibility », Part 2, *American Historical Review*, 90 (June 1985), 547-66.

and they are bonds created not by class interest but by the subtle isomorphisms and homologies that arise from a cognitive style common to economic affairs, judgments of moral responsibility, and much else⁴.

Involvement in the market tended to implicate individuals in distant miseries and to give them a mechanism with which to intervene to reduce suffering. Participation in markets made long-range interventions in the affairs of strangers so commonplace that especially sensitive or conscientious people came to believe that, if they failed to act to relieve suffering strangers, their failure actually contributed to the suffering. In short, as the market eroded complacency, it uncovered complicity.

If the market encouraged reformers in the antebellum North to question the morality of slavery, why did it fail to have a similar consequence in the South? It seems unlikely that a qualitative difference in market involvement distinguished the North from the South. The white people in both regions were mostly farmers who employed family labor to produce for subsistence first and sale second. The market participation of northern merchants and industrialists may have been more intense than that of southern merchants and planters, but it is not obvious that the difference in intensity was great enough to transform northern consciences without touching those farther south.

The puzzle is complicated by the fact that white southerners' moral qualms about slavery seemed to peak (at a fairly low level) in the late eighteenth century, in the absence of a dramatic change in the tobacco market and well before the cotton market invaded southern society. The South appears to exhibit little correlation between markets and antislavery ideas.

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Perhaps Haskell focuses correctly on the new conventions of moral responsibility in antebellum America but incorrectly attributes them to the diffuse influence of market relations. Haskell emphasizes the causal role of the market as a way to attack the position, advanced most persuasively by David Brion Davis, that antislavery reformers served the interests of the dominant classes in the North. Davis argues that

as a social force, antislavery was a highly selective response to labor exploitation. It provided an outlet for demonstrating Christian concern for human suffering and injustice, and yet thereby gave a certain moral insulation to economic activities less visibly dependent on human suffering and injustice⁵.

Haskell insists on the contrary,

⁴ Haskell, « Capitalism and the Origins of the Humanitarian Sensibility », Part 2, 547.

⁵ David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823*, Ithaca 1975, 251. See also, Jonathan A. Glickstein, « "Poverty is Not Slavery": American Abolitionists and the Competitive Labor Market », in Lewis Perry and Michael Fellman, eds., *Antislavery Reconsidered: New Perspectives on the Abolitionists*, Baton Rouge 1979, 195-218.

There was nothing distinctively selective about the abolitionists' preoccupation with chattel slavery: all humane action entails « selectivity ». What enables us all... to maintain a good conscience, in spite of doing nothing concretely about most of the world's suffering, is not self-deception but the ethical shelter afforded to us by our society's conventions of moral responsibility⁶.

Haskell and Davis appear to agree that the crucial issue for reformers was to select the most woeful of the world's many woes, a selection determined less by the woefulness of what was to be reformed than by what Davis calls the reformers' « moral insulation » and what Haskell refers to as the « ethical shelter » of conventions of moral responsibility. Both Davis and Haskell draw attention to how reformers' moral insulation and ethical shelter changed over time. Yet Haskell emphasizes how the market shifted the limits of ethical shelter to leave slavery unprotected, while Davis points out the moral insulation that antislavery provided to the emerging system of wage labor.

Both ignore the question of the slaveholders' moral insulation and ethical shelter. Haskell's argument implies that slaveholders' conventions of morality should have been influenced by the market; Davis's view suggests that slaveholders' economic stake in slave property provided them all the moral insulation they needed. Haskell and Davis are preoccupied not with southern society but with why northern reformers focused their attention on the South rather than on the North. The « starving stranger » Haskell hypothesizes is in fact of less moment for his and Davis's argument than what might be called the « working neighbor ». Haskell and Davis seem to agree that the problem of the « working neighbor » received scant attention from reformers in both the North and South. It seems likely that reformers overlooked the « working neighbor » because dominant classes in each regional labor system enjoyed ethical shelter and moral insulation. If so, it raises again the question of the limits of reform. To what extent did reformers modify the notion of ethical shelter within their local society?

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« Every reform is only a mask », Ralph Waldo Emerson noted, « under cover of which a more terrible reform, which dares not yet name itself, advances ». In the North, the more terrible, yet-to-be-named reform became widely recognized after the Civil War as capitalist industrialization. Antebellum reformers felt the first tremors of change and labored to buttress the foundation of northern society against more severe disruption. What about the South? If – in Emerson's metaphor – southern reform was a mask, then it was Janus-faced. During the generation following the American Revolution, reformers in the South looked toward the end of slavery sometime in the distant future. Antislavery societies, centered in Quaker meetings, tried to prick the consciences of slaveholders. Revivalists preached of the coming millenium when

⁶ Haskell, « Capitalism and the Origins of the Humanitarian Sensibility », Part 1, 352.

a clear conscience would be a major asset. Colonization societies, including some of the South's leading politicians, encouraged respectable white folk to consider returning blacks to Africa in order to clear the way for the ultimate extinction of slavery. Colonization would eliminate the major undesirable consequence of emancipation, a large population of free black people. Eventually, it promised to remove the necessity of the institution many white southerners now called a « necessary evil ».

In retrospect, the slaveless future envisioned by the post-revolutionary generation of southern reformers appears chimerical. Yet between 1780 and 1810 evidence that slavery might be faltering began to accumulate, gradually but unmistakably. The free Negro population in the South grew three-fold in the first two census decades, almost doubling the fraction of the Afro-American population that was free. In fact, the growth rate of the free black population in the South differed little from that in the North, where slavery was definitely waning. Almost three-quarters of black northerners were free by 1810 compared to only 8.5 percent of black southerners. However, the South contained far more free blacks than the North (108,000 to 78,000), an indication that although the South had a long way to go, it was moving in the same direction as the North⁷.

Exactly what role reformers had in the postrevolutionary manumissions is open to question. Stagnant tobacco markets, low slave prices, and a shift to cereal agriculture in the Upper South reduced the monetary value of slaves and encouraged owners to indulge a desire to manumit certain of their slaves. The same circumstances allowed fortunate slaves to purchase themselves from cooperative masters. Probably most important of all, both slaves and masters lived in an age of revolution. Secular ideas of natural rights were debated, fought over, and acted upon in both the United States and Europe.

It was more than coincidence that the era of manumissions closely followed the American Revolution. A study of twenty Virginia communities discovered a rush of manumissions in 1782 and 1783 followed by a decline to around 100 a year until 1806 when state law prohibited manumission⁸. Some masters made clear that revolutionary ideas motivated their acts of manumission. One declared, for example, that he freed his slaves « from natural reason, that God created all men free; and that all Laws made to subjugate one part of the human race to the absolute dominion of another are totally repugnant to the clearest dictates of natural justice »⁹.

Revolutionary ideas conspired readily with weak markets, liberty-seeking slaves, and pliant masters to strip away some of the moral insulation protect-

⁷ Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South*, New York, 1974, 46, 47.

⁸ Allan Kulikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800*, Chapel Hill, 1986, 432.

⁹ Quoted in *ibid.*, 433.

ing slavery. Revolutionary experience evidently convinced a good many southerners, black and white, that they could intervene decisively in their daily lives to claim their own liberty or to grant it to another.

Starving strangers and the subtle implications of capitalist market relations had little to do with manumissions. Even antislavery reformers, it seems, were as much a symptom as a cause of the wave of manumissions. Nonetheless, post-revolutionary reformers seemed to be working with rather than against the grain of southern development. Behind what Emerson called the mask of their reform apparently lurked nothing more threatening than a nation of yeoman farmers.

However, southern reform wore another mask that faced in the opposite direction. Manumissions ebbed after 1810, and revolutionary commitments faded. The ideals that persisted paled beside the more vivid dangers of what many perceived as revolutionary excesses. Slavery, far from being moribund, received infusions of vitality from tens of thousands of African slaves imported before 1808, from the tenacious resistance of most slaveholders to the temptations of manumission, and above all else from the cotton boom. The vital signs were clear. The cotton crop harvested in 1815 topped 100 million pounds for the first time, and 83 percent found its way to foreign markets. Barely twenty years earlier, the 1794 crop amounted to just 8 million pounds, and only a fifth of it was exported. During the same years that an unprecedented number of slaves were being manumitted in the North and the Upper South, cotton secured slavery's position in the most dynamic sector of the world economy.

If congressional prohibition of the African slave trade in 1808 represented the final spasm of post-revolutionary reform, the admission of the new states of Louisiana (1812), Mississippi (1817), and Alabama (1819) represented the new face of southern reform. It had become certain that the economic development of the South would be based on slavery and would diverge from that of the North, where slavery would continue to wither. The struggle over the admission of Missouri in 1820 reflected this new realization. After about 1810 new hands raised the standard of reform, determined to shelter slavery ethically and in every other way. If the Old South ever had a gradualist moment — when reformers called cadence for a slow march toward a slaveless future — it had long since passed by 1820. By then, a new group of reformers had executed an about-face.

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The problem for white reformers in the antebellum South was to reconcile the institution of slavery with conventions of moral responsibility which, on the whole, they shared with northerners. On both sides of the Mason-Dixon line people prayed to the same God, read the same Bible, professed veneration for the same revolutionary heritage, and sent representatives to the same federal government. The emerging contrast between the North and South

was less moral than material. The social relations of production in the two sections were diverging, toward free labor in the North and away from it in the South. Reformers in each section struggled to harmonize morality with the evolution of society. As the societies developed along divergent paths, profound moral differences followed, especially on the subject of slavery. In the North, slavery became the symbol of everything a free labor society was not, or at least was not supposed to be.

Nonetheless, the moral convention of the South as late as the 1850s were similar enough to those of the North to be described as Yankee morality with a pronounced southern accent. The goal of southern reformers was to strengthen slavery as a system within the context of common notions of morality. Their activities ranged from agricultural reform to politics, from child-rearing advice to proslavery polemics, from deeds of Christian stewardship to closely reasoned legal doctrines. In general, they sought to tailor widely accepted sentiments of humanitarianism to the contours of slavery, but they also made some efforts to adapt slavery to prevailing standards of morality.

The material conditions of slave life almost certainly improved during the nineteenth century, aiding the reformers' work although they could take no credit for bringing it about. The expanding cotton market and the closing of the African slave trade gave masters strong incentives to provide adequate food, clothing, and housing for their valuable human property. « Adequate » did not mean « ample », but rather « sufficient to sustain the slaves' labor and to allow them to reproduce ». The principal causes of the improvement were a generally strong economy and the comparative productivity of southern fields.

Nonetheless, the growing antebellum economy provided the context within which both slaves and masters came to expect decent provisions as a matter of course. Needless to say, this generalization must be qualified to allow for more than a few stingy masters who cared little if their slaves were hungry, cold, or exposed. Still, a healthy economy meant that standards of decency could and probably did rise during the antebellum years. When white southerners looked at slaves, they saw not starving strangers but poor, reasonably well nourished black folk wearing cheap, tattered garments, a sight common enough in the North and (except for the black skin) in Europe. The material conditions of life for most slaves fell within – though at the bottom of – conventional antebellum standards of decency.

Three features of slave's daily life flagrantly violated moral standards prevailing among whites: whipping, the forced separation of family members, and the fact that slaves were people who were property and vice versa. Reformers had two strategies for denying or at least minimizing the immorality of these realities. First, they likened slavery to other forms of subordination that were more widely acknowledged to be legitimate. Second,

they argued that practices that would be of questionable morality if visited upon adult whites were perfectly moral for inferior blacks.

Consider the case of whipping. « Better whip't than damned », the Puritan divine Cotton Mather advised in his 1695 tract *Help for Distressed Parents*¹⁰. More than a century later, parents still whipped children, teachers whipped students, and officers whipped enlisted men. Early in the nineteenth century a school board in upstate New York advised a prospective female teacher, « Cuff 'em, thrash 'em, any way to Larn 'em »¹¹. But in the late eighteenth century, popularization of new, Lockean theories of education began to put rule by the rod on the defensive. The assumption that coercion was the surest way to obtain obedience began to be superceded by convictions that order was best produced by internal restraints of conscience and self-discipline implanted by a proper education¹².

During the antebellum years thoughtful southern parents practiced these new theories of child-rearing designed to cement familial hierarchy with affection rather than fear. But while northern schools and prisons prohibited whippings during the 1830s and 1840s (and even the navy did so by 1850), in the South whippings continued as part of the routine discipline required by slavery. Reformers tried to reduce the offensiveness of the lash to white sensibilities. In Charleston, South Carolina, a city ordinance prohibited masters from flogging slaves in public streets, and a public workhouse equipped with the latest whipping technology « corrected » slaves for squeamish masters who did not want to get their hands dirty. In the country, where over 90 percent of slaves lived, such niceties could hardly be indulged. Reformers counseled planters not to abuse the whip, never to beat slaves in a fit of passion, always to seek maximum disciplinary effect by striking slaves calmly, deliberately, and judiciously. No southern reformer advised masters to dispense with the whip; its necessity for coerced labor set a fundamental limit on southern reform.

Reformers minimized the moral gravity of whipping by emphasizing the restraint and moral rectitude of slaveholders and by collapsing the distinction between a lash a master administered to the back of an unruly slave and a birch switched by a parent across the bottom of a disobedient child. « I freely acknowledge my obligations as a man », wrote South Carolina planter James Henry Hammond;

I am bound to treat humanely the fellow creatures whom God has entrusted to my charge... It is certainly the interest of all, and I am convinced that it is also the desire of every one of us, to treat our slaves with proper kindness.. Slaveholders are no more perfect than other men. They have passions. Some of them, as you may sup-

¹⁰ Quoted in Myra Catherine Glenn, *Changing Attitudes Towards Corporal Punishment in the Age of Jackson*, Ph.D. dissertation, State University of New York, Buffalo, 1979, 1.

¹¹ *Ibid.*, 30.

¹² Jay Fliegelman, *Prodigals and Pilgrims: The American Revolution Against Patriarchal Authority, 1750-1800*, Cambridge, 1982.

pose, do not at all times restrain them. Neither do husbands, parents, and friends... I have no hesitation in saying that our slaveholders are kind maasters, as men usually are kind husbands, parents and friends — as a general rule [slaveholders are] kinder¹³.

Such transparent special pleading nonetheless expressed a common viewpoint that provided ethical shelter to white southerners for an otherwise questionable practice.

Even more effective moral insulation came from the racist belief that slaves suffered from an innate depravity that made them incapable of learning or obedience in the absence of coercion and fear. Racial theory, especially as it developed in the science of ethnology, was designed, as one of its proponents admitted, « to vindicate the great truths on which the institutions of the South are founded »¹⁴. By insisting that slaves were inherently maimed by their racial heritage, southern reformers placed them in a separate category from that governed by normal ethical standards.

In essence, whites denied blacks the benefit of what one scholar has called « perhaps the most important historical phenomenon in the eighteenth century: the ongoing rejection of the theory of innate and transmitted depravity »¹⁵. Racial theorists thereby pushed blacks beyond the limits of the ethical shelter the ordinary conventions of moral responsibility provided other southerners. Their efforts insulated slavery and exposed blacks.

Southern reformers marshalled the same arguments in defense of the vulnerable family ties of slaves. Hammond, for example, admitted that « some painful instances » of the separation of slave husbands and wives « perhaps may occur », but he quickly added, « Very few that can be prevented ». He continued:

It is, and it always has been, an object of prime consideration with our slaveholders, to keep families together. Negroes are themselves both perverse and comparatively indifferent about this matter... On the whole, notwithstanding the migratory character of our population, I believe there are more families among our slaves, who have lived and died together without losing a single member from their circle, except by the process of nature, and in the enjoyment of constant uninterrupted communion, than have flourished in the same space of time, and among the same number of civilized people in modern times. And to sum up all... I believe our slaves are the happiest three millions of human beings on whom the sun shines¹⁶.

Despite Hammond's sunny view, many masters continued to be troubled by the separation of slave family members. On the eve of the Civil War Epi-

¹³ James Henry Hammond, « Letter to an English Abolitionist » reprinted in Drew Gilpin Faust ed., *The Ideology of Slavery: Proslavery Thought in the Antebellum South, 1830-1860*, Baton Rouge, 1981, 186-87.

¹⁴ Quoted in Faust, ed., *The Ideology of Slavery*, 15.

¹⁵ Fliegelman, *Prodigals and Pilgrims*, 129.

¹⁶ Hammond, « Letter to an English Abolitionist », 191-92.

scopalians in South Carolina were engaged in heated debate about whether a slave husband and wife who had been permanently separated by sale could remarry with the blessing of the church. The subject clearly involved both moral and ecclesiastical issues, but advocates on both sides of the question agreed that none of the issues touched the morality of slavery¹⁷. Again, reformers did not reject conventional notions of moral responsibility. Instead, they embraced them and used them to defend slavery.

And they did so with a clear conscience. As South Carolina Baptist minister Basil Manly explained, slavery was just one « other social and family relation in the present fallen state of humanity. Slavery [was no] more evil than poverty or other forms of servitude »¹⁸. Characteristically, Hammond waxed more rhapsodic: « I think, then, I may safely conclude, and I firmly believe, that American Slavery is not only not a sin, but [is] especially commanded by God through Moses, and approved by Christ through his apostles »¹⁹. Examples could be multiplied endlessly.

Nonetheless, some historians have concluded that slaveholders were « tortured » by « pervasive inner turmoil »²⁰. James Oakes has gone so far as to argue that « The absence of open expressions of remorse among slaveholders, either before or after the Civil War, cannot be taken as evidence for the absence of guilt [about slavery] »²¹. Instead, he argues, « the key to understanding their discomfort with the institution of slavery » lay in their attitudes toward death – northern evangelicals « were distinctly sanguine about their own mortality » while guilt-ridden southerners feared death, knowing they were condemned to hell²². Normal rules of evidence suggest that slaveholders' numerous affirmations of their clear conscience should carry more weight in making historical generalizations than the absence of evidence about slaveholders' unique fear of death or alleged guilt feelings.

Oakes' error, it seems, is his assumption that the conventions or morality embraced by slaveholders failed to provide ethical shelter – a peculiar conclusion about the moral code of a ruling race. The whole point of southern reform was to insulate slavery and slaveholders with the normal conventions of moral responsibility. Most commonly, slaveholders resorted to familial metaphors to express their comfort with what they saw as the ties of mutual dependence between them and their slaves. Few put it as succinctly as the

¹⁷ Michael P. Johnson and James L. Roark, eds., *No Chariot Let Down: Charleston's Free People of Color on the Eve of the Civil War*, Chapel Hill, 1984, 73-75.

¹⁸ Quoted in Barbara Lawrence Bellows, *Tempering the Wind: The Southern Response to Urban Poverty, 1850-1865*, Ph.D. dissertation, University of South Carolina, 1983, 7-8.

¹⁹ Hammond, « Letter to an English Abolitionist ».

²⁰ James Oakes, *The Ruling Race: A History of American Slaveholders*, New York, 1982, 108, 114.

²¹ *Ibid.*, 119-20.

²² *Ibid.*, 111-116.

Charleston minister John B. Adger, son of a wealthy Charleston merchant, who said of the city's slaves, « They belong to us. We also belong to them »²³.

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The crucial problem for southern reformers had less to do with conscience than with the state. Slaveholders kept a wary eye on the federal government throughout the antebellum period, jealously guarding their prerogatives from outside infringement. More immediate and troublesome risks came from within the South. Specifically, state governments had to be invoked to limit the powers of masters for the good of the citizenry as a whole. Once conceded, however, limitations of the privileges of masters could prove a dangerously slippery precedent, especially in the antebellum South's democratic polity where most voters did not own slaves.

In theory and in practice, masters were sovereigns, slaves subjects. Masters had almost absolute power over their bondsmen. During the nineteenth century, however, state legislatures and courts stepped in to restrict masters' rights in certain critical particulars. By the 1820s, for example, a master who killed a slave without reason became legally liable to murder charges in every southern state. Needless to say, juries and courts tended to give « reason » a lenient interpretation. Some masters were convicted, sentenced, and punished for slave murder, but only the most shocking cases ever came to trial²⁴. Legal protection against outrageous physical abuse more or less codified what responsible and respectable slaveholders expected of themselves.

Other legal reforms, however, prohibited masters from indulging their more benevolent impulses toward their slaves. After the 1820s, masters in every southern state but Arkansas, Kentucky, and Missouri had to obtain legislative or judicial permission to manumit a favored slave, and permission was by no means automatically granted. Likewise, state laws prohibited masters from teaching their slaves to read or write. These limitations on the rights of masters represented what legal historian Mark Tushnet refers to as the « competing pressures of humanity and interest » in the development of slave law²⁵.

Masters had to be restrained by the state from succumbing to sentiment in their treatment of an esteemed slave or two. The interests of masters as a class and of the society as a whole required the state to intervene between master and slave in a few important ways. Judge Joseph Lumpkin stated the issue clearly in a case regarding a contested manumission. « Neither humanity, nor religion, nor common justice, requires of us to sanction or favor domestic emancipation; to give our slaves their liberty at the risk of losing our own »,

²³ Quoted in Bellows, *Tempering the Wind*, 45.

²⁴ Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made*, New York, 1974, 37-43.

²⁵ Mark Tushnet, *The American Law of Slavery, 1810-1860: Considerations of Humanity and Interest*, Princeton, 1981, 6.

Judge Lumpkin wrote. Slaves « are incapable of taking part with ourselves, in the exercise of self-government », he continued, « ...and while we concede that the condition of our slaves is humble, still it is infinitely better than it would have been, but for this very system of bondage, better than the lower orders in Europe, and better far than it would be, if they were emancipated here, "destroying others, by themselves destroyed" »²⁶.

In general, slave law represented a kind of improvisation, a continuing search for a proper balance between the tug of humanity and the mandates of interest. Southern judges found it difficult to strike this balance because prevailing notions of justice were evolving in harmony with the bourgeois institutions of northern society. Like other southern reformers, however, judges accepted conventional moral standards and employed them as best they could to protect the interest in slavery.

Abstractly considered, the interest of southern society in slavery was not precisely the same as the slaveholders' interest. Slaveholders' domination of southern politics allowed them to define the interest of southern society to coincide almost perfectly with their own interest, which is what being a ruling class is all about. However, manhood suffrage and roughly democratic political practices meant that the slaveholders could never be completely secure, either from factional infighting or from more substantial challenges by yeomen farmers seeking to play a larger part in defining the state's interest. As Eugene Genovese has emphasized, slaveholders managed to confine these challenges for most of the antebellum period to terrain that did not threaten slavery.

The rise of free soil sentiment in the North in the 1850s appeared ominous to slaveholders, but on the whole they continued to protect their interests at the federal level extremely well. Locally, however, the possibility that free soilers might find willing recruits within the South proved more unsettling. That possibility became all too real in 1857 when Hinton Rowan Helper, the son of a North Carolina yeoman farmer, published *The Impending Crisis of the South*, a book historian George Fredrickson has called perhaps « the most important single book, in terms of its political impact, that has ever been published in the United States »²⁷.

Helper levelled an uncompromising attack on the slaveholders' definition of the interest of southern society. « Reared amidst the institution of slavery, believing it to be wrong both in principle and in practice, and having seen and felt its evil influences upon individuals, communities, and states, we deem it a duty... to enter our protest against it, and to use our most strenuous efforts to overturn and abolish it! »²⁸.

²⁶ Quoted in Tushnet, *The American Law of Slavery*, 21-22.

²⁷ George M. Fredrickson, « Introduction », in Hinton Rowan Helper, *The Impending Crisis of the South: How To Meet It*, ed. George M. Fredrickson, Cambridge, Mass., 1968, ix.

²⁸ Helper, *The Impending Crisis*, 35.

Helper emphasized that he spoke as a loyal southerner, not as an outsider « The first and most sacred duty of every Southerner, who has the honor and interest of his country at heart », he announced, « is to declare himself an unqualified and uncompromising abolitionist ». He made clear that he opposed not simply slavery but slaveholders. « It is against slavery on the whole, and against slaveholders as a body », he proclaimed, « that we wage an exterminating war ». Helper argued that the « knights of the bludgeons, chevaliers of bowie-knives and pistols, and lords of the lash » not only « swindle the slaves out of all the rights and claims to which, as human beings, they are most sacredly entitled ». They also « hoodwinked » non-slaveholders, and used them as « mere tools for the consummation of their wicked designs ». Slaveholders « purposely kept [nonslaveholders] in ignorance », Helper charged, and intentionally shaped nonslaveholders' « passions and prejudices » to induce them « to act in direct opposition to [their] dearest rights and interests ». The tyranny of slaveholders made the much vaunted freedom of their white countrymen « merely nominal ». Abolition would both restore the slaves' natural rights and be « a simple act of justice to the non-slaveholding whites, upon whom the institution of slavery has weighed scarcely less heavily than upon the negroes themselves »²⁹.

For slaveholders, Helper represented an alarming new breed of southern reformer. He threatened to strip not only slavery but slaveholders of their ethical shelter. And he did so not in the name of some starving stranger but in behalf of his kinfolk, neighbors, and countrymen. Combined with a triumphant Republican president in 1860, Helper's appeal precisely defined the limits of antebellum southern reform. Slaveholders prevented any reforms that acquiesced to the ultimate extinction of slavery because they never lost control of state governments. But to maintain control after 1860, they had to leave the Union, and that eventually put them in the sights of Yankee rifles — which proved the wrong place to be to maintain control. The slaves who fled to federal lines were no fools.

²⁹ *Ibid.*, 27, 43, 120, 185-86.