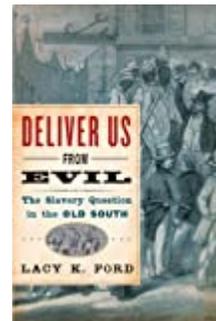




Lacy K. Ford. *Deliver Us from Evil: The Slavery Question in the Old South.* Oxford: Oxford University Press, 2009. viii + 673 pp. \$34.95 (cloth), ISBN 978-0-19-511809-4.



Reviewed by Peter Hoffer

Published on H-Law (March, 2010)

Commissioned by Christopher R. Waldrep (San Francisco State University)

Slavery Debated, Once Again

It is now commonplace to go beyond the simplistic notion of two sections, North and South, in pre-Civil War American politics and society. There were many Souths. In this long-awaited, heavily documented, and precisely argued study of southern thought, Lacy K. Ford opts for two of the many Souths. The upper South had its doubts about slavery in the years after the American Revolution. Some expected the end of the institution. Others wanted it gone. But the lower South, particularly after cotton became a profitable export crop, always resisted the idea of ending slavery. By the 1830s, the proslavery argument of the lower South won the day, and the fortress mentality of proslavery thought took hold throughout the South.

But this is too simplistic a version of what is an immensely subtle and carefully presented work. Ford divides both Souths' views of slavery into three periods. The first, the most fluid, saw slavery as an evil, perhaps necessary, perhaps not. The decline in profitability of the tobacco export market and the work of evangelical preachers hinted that slavery might have a natural end-

point. The second stage of thought, motivated in part by a series of real and imagined slave conspiracies, concluded that slavery must be more carefully policed. The key element of this thinking was the assumption that people of African descent were a different, less moral, and less intelligent race. In short, it was not slavery but negritude that must be feared. The third stage, combining a paternalistic attitude presumed by some proslavery thinkers, a powerful surge of romantic sentimentality, and the need to respond to the abolitionist movement, argued that slavery was a positive good for the slave and the master.

Comparisons to Michael OâBrienâs much-honored study of a somewhat later period of proslavery thought take nothing away from Fordâs achievement. Over the twenty years plus since his study of the South Carolina upland, he has mined archives, newspapers, government documents, and just about everything else. He is sympathetic to the sources in the right way, expounding their ideas without espousing any particular point of view.

This is a history of ideas without ideology in a field filled with ideological land mines.

But this review was not commissioned by the *Journal of American History* or by H-South. It is to appear in H-Law. What does Ford tell us about the law of slavery that we do not now know, but should? Remember that without law there could be no slavery. Southern states' law reports were filled with cases on slavery, and southern law codes devoted a great deal of attention to slavery. The law was directed to the slave masters and other free persons, though the subject of the law was the bondman and bondwoman, and legal ideas should have infused the public pronouncements of legislators, executive officers, and judges. In short, any book on the slavery issue should include a good deal of discussion of slave law, and any original contribution to this genre should have something new to say about slave law.

The two critical intellectual innovations, or rather innovative applications of intellectual propositions, around which Ford builds his thesis are racism and paternalism. Neither arose from legal sources nor found much place in the work of lawyers or judges. But both rested upon law. Racism was part and parcel of the fear of black uprisings, a fear given what seemed concrete basis in the suspected conspiracy of Denmark Vesey. Vesey, a free black craftsman and lay preacher in Charleston, South Carolina, was alleged to have gathered around himself a cadre of insurrectionists. Using the legal system set in place to counter such suspected conspiracies, a system similar to that used by the Inquisition, the mayor of the city and his political allies elicited confessions and executed alleged ringleaders. The Vesey affair taught already inclined southern observers that the two races could never coexist in freedom. Blacks must remain slaves, under the close supervision of masters, patrols, and antipathetic laws, if whites were ever to be safe. A "bi-racial republic" (p. 303) had no future.

The wellsprings of paternalism were religious: "Christian theology and teaching about moral stewardship" (p. 141). Paternalism shielded against the moral posture of the abolitionists. Not every southerner, particularly in the Deep South, where slaves might outnumber free whites, bought into this ideology, or its implications for the kinder, gentler treatment of bondmen and bondwomen. But over time, the ideology took hold. Thus when Virginia legislative leaders debated the steps the state must take after the Nat Turner Rebellion, ten years after Vesey was executed, the result was different from

South Carolina laws. During the debate over slavery in the legislative session of 1831-32, conservative efforts to avoid the issue failed. Delegates frankly considered colonization of all slaves, of all free blacks, a gradual emancipation program, and concluded, at last, that without any consensus, the condition of free and enslaved blacks would not be altered by legislative fiat.

Law also framed the South's response to abolitionists' efforts to persuade southerners to manumit their slaves. At first, these gave rise to the very opposite response—widespread vigilante activity. Public meetings throughout the South protesting the delivery of abolitionist mail led to extra-legal destruction of the mailings. To regain control of the public arena, state legislatures and governors in the South proposed quasi-legal means to prevent dissemination of abolitionist literature, not only among the slaves, but among whites. Aimed at the federal post offices, this "internal security legislation" (p. 495) was a species of states' rights that resembled the South Carolina nullification campaign of 1828-33, and omened the secessionist movement of the 1850s.

At the same time, the fear of abolitionist moralizing drove the lower South to embrace the paternalistic ideology already dominant in the upper South. Cobbling together white supremacy and the supposed benefits of slavery to the slave, South Carolina spokesmen like John C. Calhoun and James Hammond told Congress that slavery was the natural state of the African. Upon the broad back of the slave, white equality and progress rested. "As the ideological reconfiguration of slavery took hold" (p. 513) in the second half of the 1830s, upper South and lower South attitudes and public views converged. Paternalism and racism answered the "fanaticism" of the abolitionists, and provided a secure basis for enduring bondage of the African in America.

The upper South might still dream of the "whitening" (p. 536) of their region through the out-migration (and internal trade) of slaves, but no such vision colored the realism of the lower South's whites. For those whose property in slaves was too great to forsake, and whose fear of slaves was too ingrained to ignore, the only resolution for the slave issue was more slavery.

But can one credit, as Ford does, the whites' thinking as "tortured efforts" (p.536) to resolve the slave issue? To be sure, there were those in the South who hated slavery and wanted to whiten the region. There were even those, like the Grimke sisters, who came to see the common hu-

manity of white and black. In the years after the Revolution, the upper South made manumission easier. But the fact is that no southern state ever passed legislation freeing the slaves wholesale. Debate, yes; petitions, yes; doubts, yes (until mobs stopped up the mouths of anyone who questioned the peculiar institution publicly), but no law freeing the slaves. In light of this irreducible fact, can one not see something tragically inevitable in the slavery issue? The effort was less âtorturedâ than irrelevant.

So long as slavery was profitable as labor and so long as slaves were valuable property, and so long as slaves had no real voice in resolving their own status, the resolution of the slavery issue had but one outcome. As Abraham Lincoln told his Illinois listeners in 1858, the house divided could not stand. It must be one thing or the other. And southern whites knew what one thing they wanted.

If there is additional discussion of this review, you may access it through the network, at:

<https://networks.h-net.org/h-law>

Citation: Peter Hoffer. Review of Ford, Lacy K., *Deliver Us from Evil: The Slavery Question in the Old South*. H-Law, H-Net Reviews. March, 2010.

URL: <http://www.h-net.org/reviews/showrev.php?id=29740>



This work is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 United States License.