

OTHER BOOKS BY EDMUND S. MORGAN

*The Puritan Family: Religion and Domestic Relations  
in Seventeenth-Century New England*

*Virginians at Home: Family Life  
in the Eighteenth Century*

*The Stamp Act Crisis: Prologue to Revolution  
(with Helen M. Morgan)*

*The Birth of the Republic*

*The Puritan Dilemma: The Story of John Winthrop*

*The Gentle Puritan: A Life of Ezra Stiles*

*Visible Saints: The History of a Puritan Idea*

*Roger Williams: The Church and the State*

*So What about History?*

EDITED WORKS

*Prologue to Revolution: Sources and Documents  
on the Stamp Act Crisis*

*The Diary of Michael Wigglesworth: The Conscience  
of a Puritan*

*Puritan Political Ideas*

*The Founding of Massachusetts: Historians  
and the Sources*

*The American Revolution: Two Centuries  
of Interpretation*

# AMERICAN SLAVERY AMERICAN FREEDOM

*The Ordeal  
of Colonial Virginia*

EDMUND S. MORGAN



W. W. Norton & Company, Inc. NEW YORK

1247333

## TOWARD SLAVERY

IT could be argued that Virginia had relieved one of England's social problems by importing it. Virginians of the late seventeenth century seemed to be plagued by the same kind of restless, roistering rogues who had wandered through Elizabethan England. England had kept them down by the workhouse, by the gallows, by whipping them back to the parish they came from, by sending them off on military expeditions—and by shipping them to Virginia. Richard Hakluyt had hoped that the New World would save them from the gallows. It had, and although Virginians were not all happy about it, throughout the century they kept crying for more. They wanted men. They could not get enough of them. The problem was not, as in England, to find work for them but simply to keep them working for their betters.

As we have seen, Virginians had coped with the problem in several ways: by creating an artificial scarcity of land, which drove freemen back into servitude; by extending terms of service; by inflicting severe penalties for killing the hogs that offered easy food without work. They had also through rents and taxes and fees skimmed off as much as they dared of the small man's small profits for the benefit of burgesses, councillors, and collectors. But the burdens imposed on Virginia's workers placed the colony continually on the brink of rebellion.

Elsewhere the world was trying less dangerous ways to maximize labor and the returns from labor. One way, which had a large future, grew out of the ideas that we associate with Max Weber's term, "the Protestant Ethic." Whether the origin of those ideas lay in any particular religion or not, where they prevailed they excited

in employers and employed alike a zeal for work that exceeded anything the world had formerly known. Men imbued with a yearning for salvation found in diligent, systematic work at their jobs a sign of their predestined election to the joys of paradise. In their eagerness thus to demonstrate their sainthood to themselves and to others, they delivered more work than could be obtained by most external forms of compulsion. But the extraordinary capacity for work displayed by men addicted to the Protestant Ethic was the by-product of a special religious zeal. And religious zeal of any kind was not conspicuous among Virginians. It was the specialty of the New Englanders whom Governor Berkeley so despised. There remained, however, another way of compelling men to a maximum output of labor without as great a risk of rebellion as Virginians had been running.

Slavery is a mode of compulsion that has often prevailed where land is abundant,<sup>1</sup> and Virginians had been drifting toward it from the time when they first found something profitable to work at. Servitude in Virginia's tobacco fields approached closer to slavery than anything known at the time in England. Men served longer, were subjected to more rigorous punishments, were traded about as commodities already in the 1620s.

That Virginia's labor barons of the 1620s or her land and labor barons of the 1660s and 1670s did not transform their servants into slaves was probably not owing to any moral squeamishness or to any failure to perceive the advantages of doing so. Although slavery did not exist in England, Englishmen were not so unfamiliar with it that they had to be told what it was. They knew that the Spaniards' gold and silver were dug by slave labor, and they themselves had even toyed with temporary "slavery" as a punishment for crime in the sixteenth century.<sup>2</sup> But for Virginians to have pressed their servants or their indigent neighbors into slavery might have been, initially at least, more perilous than exploiting them in the ways that eventuated in the plundering parties of Bacon's Rebellion. Slavery, once established, offered incomparable advantages in keeping labor docile, but the transformation of free men into slaves would have been a tricky business. It would have had to proceed by stages, each carefully calculated to stop short of provoking rebellion. And if suc-

<sup>1</sup> Evsey D. Domar, "Causes of Slavery or Serfdom," 18-32; Bridenbaugh, *No Peace beyond the Line*, 265.

<sup>2</sup> C. S. L. Davies, "Slavery and the Protector Somerset: The Vagrancy Act of 1547," *Economic History Review*, 2nd ser., XIX (1966), 532-49.

cessful it would have reduced, if it did not end, the flow of potential slaves from England and Europe. Moreover, it would have required a conscious, deliberate, public decision. It would have had to be done, even if in stages, by action of the assembly, and the English government would have had to approve it. If it had been possible for the men at the top in Virginia to arrive at such a decision or series of decisions, the home government would almost certainly have vetoed the move, for fear of a rebellion or of an exodus from the colony that would prove costly to the crown's tobacco revenues.

But to establish slavery in Virginia it was not necessary to enslave anyone. Virginians had only to buy men who were already enslaved, after the initial risks of the transformation had been sustained by others elsewhere. They converted to slavery simply by buying slaves instead of servants. The process seems so simple, the advantages of slave labor so obvious, and their system of production and attitude toward workers so receptive that it seems surprising they did not convert sooner. African slaves were present in Virginia, as we have seen, almost from the beginning (probably the first known Negroes to arrive, in 1619, were slaves). The courts clearly recognized property in men and women and their unborn progeny at least as early as the 1640s,<sup>3</sup> and there was no law to prevent any planter from bringing in as many as he wished. Why, then, did Virginians not furnish themselves with slaves as soon as they began to grow tobacco? Why did they wait so long?

The answer lies in the fact that slave labor, in spite of its seeming superiority, was actually not as advantageous as indentured labor during the first half of the century. Because of the high mortality among immigrants to Virginia, there could be no great advantage in owning a man for a lifetime rather than a period of years, especially since a slave cost roughly twice as much as an indentured servant.<sup>4</sup> If the chances of a man's dying during his first five years in Virginia were better than fifty-fifty—and it seems apparent that they were—

<sup>3</sup> See chap. 7, note 69.

<sup>4</sup> A newly arrived English servant with five years or more to serve cost 1,000 pounds of tobacco, more or less, in the 1640s and early 1650s. The earliest surviving contract for importation of Negroes, in 1649, called for their sale on arrival at 2,000 pounds apiece, but whether they actually sold for that price is unknown (Northampton III, 204a). A seasoned Negro man or woman then cost between 2,000 and 3,000. Values for both slaves and servants in inventories rose in the late 1650s, with servants fetching as much as 3,000 and slaves 4,000. See also chap. 8, notes 68 and 69.

and if English servants could be made to work as hard as slaves, English servants for a five-year term were the better buy.

If Virginians had been willing to pay the price, it seems likely that they could have obtained Negro slaves in larger numbers than they did. During the first half of the century the Dutch were busy dismantling the Portuguese empire and, in the process, taking over the African slave trade. They promoted the development of English sugar plantations in the West Indies and supplied those plantations with enough slaves to give Barbados (founded twenty years after Virginia) a black population of 5,000 by 1645 and 20,000 by 1660.<sup>5</sup> Virginia could scarcely have had a tenth the number at either date. Yet the Dutch were heavily engaged in the purchase of Virginia tobacco. They would surely, in the course of that trade, have supplied Virginians with slaves if the Virginians had been ready to pay.

That Virginia's tobacco planters would not pay, while Barbados' sugar planters would, requires explanation, for mortality was evidently as heavy in Barbados as in Virginia.<sup>6</sup> If servants for a term were a better buy for Virginians, why not for Barbadians?

Up until the 1640s, when the principal crop in Barbados was, as in Virginia, tobacco, the labor force was mainly composed, as in Virginia, of white servants. But a shift from tobacco to cotton and then to sugar in the early 1640s made the islands less attractive than the mainland for servants who crossed the ocean voluntarily. Sugar production required such strenuous labor that men would not willingly undertake it. Sugar planters, in order to get their crops grown, harvested, and processed had to drive their workers much harder than tobacco planters did. Richard Ligon in the late 1640s was scandalized to see how the Barbados planters beat their servants in order to get the work out of them.<sup>7</sup> Moreover, when a servant turned free, he found land much scarcer than in Virginia or Maryland. And even if he could hire a plot, at high rents, sugar production (unlike tobacco) required a larger outlay of capital for equipment than he could likely lay hands on.<sup>8</sup> For these reasons, when Barbados servants became free, they frequently headed for Virginia or other

<sup>5</sup> Bridenbaugh, *No Peace beyond the Line*, 33, 55-60, 63-68, 82-84; Richard S. Dunn, *Sugar and Slaves: The Rise of the Planter Class in the English West Indies, 1624-1713* (Chapel Hill, N.C., 1972), 312.

<sup>6</sup> Dunn, *Sugar and Slaves*, 327-34.

<sup>7</sup> Ligon, *True and Exact History*, 43-55; Harlow, *Barbados*, 302-3; Bridenbaugh, *No Peace beyond the Line*, 102-17.

<sup>8</sup> Ligon, *True and Exact History*, 109-17; Bridenbaugh, *No Peace beyond the Line*, 85, 187; Dunn, *Sugar and Slaves*, 91, but cf. 107.

mainland colonies. The sugar planters may thus have bought slaves partly because they could not buy servants unless the servants were shanghaied, or "barbadosed" as the word was at the time, or unless they were sent as prisoners, like the captured Scottish and Irish soldiers whom Cromwell shipped over.<sup>9</sup> A dwindling supply of willing servants may have forced a switch to slaves.

It is possible that the conversion to slavery in Virginia was helped, as it was in Barbados, by a decline in the number of servants coming to the colony. The conditions that produced Bacon's Rebellion and the continuing discontent thereafter did not enhance the colony's reputation. Moreover, by the third quarter of the century there was less pressure on Englishmen to leave home. Complaints of overpopulation in England had ceased, as statesmen and political thinkers sought ways of putting the poor to work. Certainly the number of white immigrants to Virginia does seem to have declined.<sup>10</sup> But if this was a factor in the conversion process, another, probably of greater consequence, was the decline of heavy mortality toward midcentury, for as life expectancy rose, the slave became a better buy than the servant.

The point at which it became more advantageous for Virginians to buy slaves was probably reached by 1660. In that year the assembly offered exemption from local duties to Dutch ships bringing Negroes.<sup>11</sup> But in the same year Parliament passed the Navigation Acts, interdicting both the export of tobacco from the colonies to the Netherlands and any trade by Dutch ships in the colonies.<sup>12</sup> The result was to delay Virginia's conversion to slavery. The mother country attempted to compensate for the severing of the Dutch slave trade through a royally sponsored English trading company, the Royal Adventurers, which was reorganized and rechartered in 1672 as the Royal African Company. These companies enjoyed a monopoly of supplying all the colonies with African slaves until 1698; but the men who ran them never gained sufficient familiarity with Africa or the slave trade to conduct the business successfully. And even though their monopoly could not be effectively enforced, especially against knowledgeable private traders, both tobacco and sugar plant-

<sup>9</sup> Bridenbaugh, *No Peace beyond the Line*, 18, 219; Dunn, *Sugar and Slaves*, 60.

<sup>10</sup> Smith, *Colonists in Bondage*, 309; C.O. 5-1316, f.53.

<sup>11</sup> Hening, I, 540.

<sup>12</sup> The acts excluded all foreign shipping and required tobacco to be taken only to England or another English colony, but it was the Dutch who were principally aimed at.

ers complained that it prevented them from getting the number of workers they needed.<sup>13</sup> Virginia thus began to change to slave labor at a time when she had to compete with the sugar planters for a smaller supply of slaves than would have been available had the freer conditions of trade still existed under which Barbados had made the conversion.

In the competition for slaves after 1660 the sugar planters still enjoyed some advantages. Although sugar and tobacco were both "enumerated" commodities that must be shipped only to England or to another English colony, England did not collect nearly so heavy an import tax on sugar as on tobacco.<sup>14</sup> Consequently, a larger percentage of the price paid by the consumer went to the grower. Moreover, the price of slaves in the West Indies was less than in Virginia, because the islands were closer to Africa, so that costs of transportation and risk of loss on the "Middle Passage" were therefore less.<sup>15</sup> The figures for slave imports into Barbados, Jamaica, and the Leeward Islands in the last quarter of the century are all far above those for Virginia.<sup>16</sup> That Virginia was able to get any at all was owing to the fact that while slaves had become a profitable investment for tobacco growers, the profitability of growing sugar had declined.

It is impossible to reconstruct from surviving data the returns that could be expected on capital invested in growing tobacco in Virginia in comparison with the same amount invested in growing sugar in the West Indies at different periods in the seventeenth century.<sup>17</sup> It is clear, however, that by the end of the seventeenth cen-

tury and probably by the third quarter of it the tobacco growers had one strong advantage in the longevity of their laborers. A smaller proportion of their profits had to go into labor replacement and was available to meet the higher initial cost of a slave. Life expectancy in Barbados, especially for the black population, continued to be low throughout the seventeenth and most of the eighteenth century. The slaves on Barbados plantations had to be replaced at the rate of about 6 percent a year.<sup>18</sup> It is estimated that between 1640 and 1700 264,000 slaves were imported into the British West Indies. The total black population in 1700 was about 100,000.<sup>19</sup> In the next century, between 1712 and 1762 the importation of 150,000 slaves increased the Barbados black population by only 28,000.<sup>20</sup> By contrast, while Virginia imported roughly 45,000 slaves between 1700 and 1750 (figures from the seventeenth century are sporadic), the black population increased from perhaps 8,000 or 10,000 to over 100,000.<sup>21</sup> In Virginia not only had the rate of mortality from disease gone down, but the less strenuous work of cultivating tobacco, as opposed to sugar, enabled slaves to retain their health and multiply. To make a profit, sugar planters worked their slaves to death; tobacco planters did not have to.<sup>22</sup> A slave consequently had a longer period of usefulness in Virginia than in the West Indies. The return on the investment might be less in the short run, but more in the long run.

The gap between the ability of Virginia and West Indies planters to pay for slaves was also narrowed in the course of the century by changes in the market price of their respective crops. The selling price of muscovado sugar in the islands during the 1640s, when the planters were converting to slavery, was perhaps 60 shillings the hundredweight (it brought 80 shillings at wholesale in London). In the 1650s and 1660s it dropped to about 30 shillings, in the

<sup>13</sup> K. G. Davies, *The Royal African Company* (London, 1957), 131, 133, 145, 149, 300–315.

<sup>14</sup> In 1668–69 tobacco imports in England valued at £50,000 paid customs duties of £75,000, while sugar imports valued at £180,000 paid customs duties of £18,000. Dunn, *Sugar and Slaves*, 206–7.

<sup>15</sup> The Royal African Company's proposed prices in 1672 were £15 in Barbados and £18 in Virginia. C.O. 1/62, f.133.

<sup>16</sup> Dunn, *Sugar and Slaves*, 363; Bridenbaugh, *No Peace beyond the Line*, 256; Philip D. Curtin, *The Atlantic Slave Trade: A Census* (Madison, Wis., 1969), 53, 55, 62.

<sup>17</sup> Various contemporary calculations survive of the possible return on investment in sugar; for example, Ligon, *True and Exact History*, 109–17, and C.O. 1/58, ff.155–60. But they do not rest on actual records of production. Since they were made in support of arguments that the planters were doing well or that they were doing poorly, they are either much too optimistic or much too pessimistic.

<sup>18</sup> The sex ratio among Barbados slaves was about even. Although more men were imported than women, they died faster, and total deaths outnumbered births. Dunn, *Sugar and Slaves*, 251, 309, 314–17, 323; Bridenbaugh, *No Peace beyond the Line*, 354–55. Cf. Richard Pares, *A West India Fortune* (London, 1950), 122–25.

<sup>19</sup> Curtin, *Atlantic Slave Trade*, 59, 119.

<sup>20</sup> David Lowenthal, "The Population of Barbados," *Social and Economic Studies*, VI (1957), 445–501.

<sup>21</sup> Appendix, p. 423, and *Historical Statistics of the United States*, 769.

<sup>22</sup> It is possible also that diseases in the West Indies contributed to the higher death rate there. Mortality from disease may have continued to be as high there as it was in Virginia in the early part of the century.

1670s to about 15, and in the 1680s to as low as 10, with some recovery in the 1690s.<sup>23</sup> Tobacco reached 10 shillings the hundredweight in the 1660s and 1670s and stayed there with occasional ups and downs for half a century.<sup>24</sup>

What these prices meant in profits for the planters depended in large measure on the comparative productivity of sugar and tobacco workers; and, in the absence of actual records of production, that is less easy to determine. No significant innovations in technology occurred in the growth or processing of either crop before the nineteenth century, and by 1660 both sugar and tobacco planters were thoroughly familiar with their respective crops and with ways of maximizing production. Contemporary estimates of productivity per hand on sugar plantations vary widely, but a fair medium might be 1,500 pounds a year. Because of Virginia's fickle weather the tobacco harvest probably varied more from year to year than the sugar harvest, and a man might grow a smaller but better and higher priced crop by reducing the number of leaves left on each plant. Any estimates of productivity are therefore even more tenuous than those for sugar. It is likely, however, that by the 1660s a man would make less than 1,000 pounds of tobacco in a lean year, but more than 2,000, perhaps much more, in a good year. In the long run a man's labor for a year would probably make about the same weight of tobacco in Virginia as of sugar in the islands. But the tobacco worker could at the same time grow enough corn to sustain himself. And in the most favorable locations, especially on the York and, to a lesser degree, the Rappahannock, he could grow a variety of tobacco (known as sweet-scented) which brought a higher price and weighed more in relation to bulk (reducing freight costs) than the ordinary Orinoco.<sup>25</sup>

In addition, tobacco continued to enjoy the advantage, which

<sup>23</sup> Harlow, *Barbados*, 170, 188, 259–60; Dunn, *Sugar and Slaves*, 196, 205, 211; C. S. S. Higham, *The Development of the Leeward Islands under the Restoration, 1660–1688* (Cambridge, 1921), 158, 191–92, 194. These prices are crude, but more precise ones for London show a similar though not so steep decline. Noel Deerr, *The History of Sugar* (London, 1950), II, 528; Davies, *Royal African Company*, 365–66. In Virginia in the 1650s a pound of sugar was valued at from 3 to 7 pounds of tobacco. Northampton IV, 203a; V, 132a, 139a; Norfolk II, 180; IV, 114.

<sup>24</sup> Chap. 7, note 7; chap. 10, notes 10 and 29.

<sup>25</sup> On sugar production see Ward Barrett, "Caribbean Sugar Production Standards in the Seventeenth and Eighteenth Centuries," in John Parker, ed., *Merchants and Scholars: Essays in the History of Exploration*

it had always had, of requiring a smaller outlay of capital for production equipment. And land, if scarcer than it had been, was still much cheaper in Virginia than in the islands. The far greater number of slaves delivered to the sugar islanders indicates that sugar remained the more attractive risk to English capital investment. Nevertheless, tobacco was so close a competitor that before the 1680s slaves were being shipped from Barbados for sale in Virginia.<sup>26</sup>

In financing the extra cost of slaves, Virginians were not wholly dependent on upswings in the tobacco market. They could draw on capital accumulated during the first half century. Their earnings from tobacco (apart from any they returned to England) had been invested, as we saw earlier, in cattle and hogs and servants. When they wanted to buy slaves in Barbados, they could send cattle and hogs in exchange. Land in the West Indies was too valuable to be devoted to food products, and sugar planters were eager to buy live cattle as well as barreled beef and pork. They needed live cattle not only to turn their mills but also to dung their land as the canes exhausted it. Virginia joined with New England in supplying the need; and though no figures exist to show the volume of the trade, there is a good deal of evidence in county court records of contact between Virginia and Barbados in the seventeenth century.<sup>27</sup> But the extra capital to buy slaves came not only from livestock. In spite of the low profits of tobacco growing after 1660, there were the entrepreneurial profits of the merchant planters and the substantial amounts accumulated by the judicious use of government office.

More important perhaps than the capital generated locally was that attracted from England by the new competitive position of tobacco. Substantial men who might earlier have headed for Barbados now came to Virginia, supplied with funds to purchase or rent land and labor. And men with small amounts of capital, insufficient for the initial outlay of a sugar plantation, could make a good start in Virginia. Though the colony had ceased to be, if it ever was, a land of opportunity for the servant who came with nothing, it offered much to the man with £300 or £400 sterling. With half of it

and Trade. Collected in *Memory of James Ford Bell* (Minneapolis, 1965), 147–70. On tobacco see chap. 7, note 33.

<sup>26</sup> Elizabeth Donnan, *Documents Illustrative of the History of the Slave Trade to America* (Washington, D.C., 1930–35), IV, 89.

<sup>27</sup> See chap. 7, note 26.

put into buying a well-located plantation, he would have enough left over for eight or ten slaves, and "a handsom, gentile and sure subsistence," as William Fitzhugh said, who had done it. Ten slaves might make 20,000 pounds of tobacco in a good year, which at the time Fitzhugh wrote would be worth from £100 to £200 sterling. The cost of feeding them would be nothing and of clothing them little. The return on the investment would be accordingly a good deal more than could be expected from any agricultural enterprise in England.<sup>28</sup>

Englishmen with spare cash came to Virginia also because the prestige and power that a man with any capital could expect in Virginia was comparatively much greater than he was likely to attain in England, where men of landed wealth and gentle birth abounded. Well-to-do immigrants and their sons, who came to Virginia after midcentury, dominated the colony's politics, probably in default of male survivors of earlier successful immigrants.<sup>29</sup> But the fortunes gathered by those early immigrants during the deadly first half century were not necessarily lost or dispersed. Capital still accumulated in the hands of widows and joined in profitable wedlock the sums that well-heeled immigrants brought with them. The Ludwells, Byrds, Carters, Spencers, Wormeleys, Corbins, and a host of others not only shared the spoils of office among themselves, but also by well-planned marriages shared the savings gathered by their predecessors. In Lancaster County, of the twelve persons who were listed for more than twenty tithables between 1653 and 1679, one was a widow and nine of the remaining eleven married widows.<sup>30</sup>

These were the men who brought slavery to Virginia, simply by buying slaves instead of servants. Since a slave cost more than a

<sup>28</sup> Davis, *Fitzhugh*, 279–80.

<sup>29</sup> Bailyn, "Politics and Social Structure"; Quitt, "Virginia House of Burgesses."

<sup>30</sup> The twelve (derived from Lancaster I, III, and IV) were Robert Beekingham (married widow of Raleigh Travers), John Carter I (married widow of William Brocas), John Carter II (did not marry a widow), Sir Henry Chicheley (married widow of Ralph Wormely), Henry Corbyn (married widow of Roland Burnham), Anthony Ellyott (married widow of Justinian Aylmer), David Fox (married widow of Richard Wright), Robert Griggs (wife unknown), Lady Lunsford (widow of Sir Thomas Lunsford), Richard Parrott (married widow of Nicholas Dale), Robert Smith (married Lady Lunsford), and Thomas Wilkes (married widow of Robert Beekingham).

servant, the man with only a small sum to invest was likely to buy a servant. In 1699 the House of Burgesses noted that the servants who worked for "the poorer sort" of planters were still "for the most part Christian."<sup>31</sup> But the man who could afford to operate on a larger scale, looking to the long run, bought slaves as they became more profitable and as they became available.

How rapidly they became available and how rapidly, therefore, Virginia made the switch to slave labor is difficult to determine, partly because the Royal African Company monopoly made it necessary to conceal purchases from illicit traders. During the period of the monopoly (1663–98), slaves could presumably still be purchased legally from Barbados, but few records of trade between the two colonies have survived.<sup>32</sup> Nevertheless, from stray bits of evidence we do know that Virginians were getting slaves from other sources than the company and what prices they were willing to pay for them. The ship *Society*, of Bristol, carried about 100 slaves to Virginia in 1687. She was an interloper and was seized by William Cole, the collector for the lower James River, who later accounted for the sale of the cargo. The prices he obtained varied according to the age, sex, and condition of the slaves. For "5 Sick Negroes not able to goe or Stand" he got £20 sterling, for a man £23, a youth £20, another £21, another £22, and so on. All told, for 90 Negroes, including 13 sick (two "almost dead") and a number of small children who were probably under twelve (but not counting seven slaves who died on his hands), he got £1,501.13.6, an average of £16.6.0.<sup>33</sup> William Fitzhugh in 1683 apparently thought he could get better prices than these, for he offered to buy slaves worth up to 50,000 pounds of tobacco from a New Englander, at prices ranging from 3,000 pounds (for children aged seven to eleven) to 5,000 pounds (for men and women aged fifteen to twenty-four). Tobacco at this time was generally valued at 10 shillings per hundred pounds, so Fitzhugh's top price was equal to £25.<sup>34</sup>

There is no way of telling how many slaves were brought to Virginia by interlopers and how many came legally from Barbados. Edmund Jennings, inquiring into the subject in 1708, was told by

<sup>31</sup> H. R. Mellwaine, ed., *Journals of the House of Burgesses of Virginia, 1695 . . . 1702* (Richmond, 1913), 175.

<sup>32</sup> See chap. 7, note 26.

<sup>33</sup> Davis, *Fitzhugh*, 127.

<sup>34</sup> C.O. 5 1308, No. 9.

"some ancient Inhabitants conversant in that Trade . . . that before the year 1680 what negroes were brought to Virginia were imported generally from Barbados."<sup>35</sup> It may be that many continued to come by that route. Although the Royal African Company had promised at its founding in 1672 to supply Virginia and Maryland as well as the islands, it sent only a few shiploads before the end of the century. During the 1670s somewhat more than 1,000 may have been landed, and in the 1680s perhaps another 1,000 or 1,500—if the seven or eight captains instructed to go to Virginia actually went there. In the 1690s, however, a list of fifty-four ships sent out between October 25, 1693, and February 15, 1698/9, shows only one consigned to Virginia.<sup>36</sup>

The company's figures for slaves sent to Virginia do not comport with hints in the colony records of the rate of importation. Up until 1699 slaves, like other immigrants, carried a headright worth fifty acres of land, and a count of slaves mentioned in patents for land shows fewer for the 1670s (421) and 1680s (629) than the numbers presumably carried by the company alone, but the number for the 1690s, when the company probably delivered few, if any, was 1,847.<sup>37</sup> It is impossible to say whether the discrepancies mean that the company records are unreliable or that many Virginians waited until the 1690s to claim land with the headrights of slaves they had imported in the 1670s and 1680s.

The extent to which slaves were replacing servants during the last decades of the century can be estimated with more assurance from the lists of tithables for Surry, the only county where the names of all the tithables survive (rather than the mere number of tithables per household). Of Surry tithables who belonged to another man's household, slaves amounted to 20 percent in 1674, 33 percent in 1686, 48 percent in 1694, and 48 percent in 1703.<sup>38</sup> Surry, as we have seen, was one of the poorer regions of Virginia. In the rich counties on the York the proportion must have been larger. To

<sup>35</sup> Donnan, *Documents*, IV, 89.

<sup>36</sup> C.O. 1/31, f.32; C.O. 1/34, f.109; Donnan, *Documents*, IV, 55, T. 70/61, pp. 3, 4, 6, 30, 57, 83, 165, 70.

<sup>37</sup> Craven, *White, Red, and Black*, 86. It is possible that part of the slaves brought by the company in the 1670s and 1680s wound up in Maryland.

<sup>38</sup> Surry II, 62–64; Surry III, 67–69; Surry V, 21–23, 287–90. Since some of the tithables listed in other men's households were boarders, these percentages can be considered low.

achieve such a large slave labor force by the end of the seventeenth century Virginians must have been buying at least as many slaves from interlopers and from Barbados as they got from the Royal African Company. And with the end of the company monopoly in 1698, private traders immediately began to bring many more.

If half the labor force was already enslaved by the end of the seventeenth century, much more than half must have been in that position by 1708, for official records show that in the preceding ten years 5,928 slaves were brought by private traders and 679 by the company.<sup>39</sup> And the company's papers testify to a great demand for slaves that raised the Virginia price far enough above the West Indies price to outweigh the costs of the longer voyage. The company's letters to captains in 1701 began advising them to head for Virginia rather than Jamaica, if they could get there in May, June, or July when the demand was greatest.<sup>40</sup> In 1704 they noted that Virginians were paying £30 to £35 a head as against £23 to £27 in Jamaica.<sup>41</sup>

But the planters in Virginia, as in the West Indies, were more eager to buy slaves than to pay for them. During the first five years of the new century, they overextended their credit, and the company was faced with a multitude of protested bills of exchange.<sup>42</sup> By 1705 the Virginia assembly was so disturbed by the rising indebtedness that it tried to slow down the traffic, dropping an import duty on servants while retaining one on slaves.<sup>43</sup> But by then the

<sup>39</sup> Donnan, *Documents*, 172–73.

<sup>40</sup> T. 70/58, Public Record Office.

<sup>41</sup> To Charles Chaplin et al., Dec. 7, 1704. *Ibid.*

<sup>42</sup> To Gavin Corbin (the company's agent in Virginia), April 26, May 15, 1705; Feb. 20, 1705/6; March 27, May 27, Sept. 30, Nov. 18, 1707; Feb. 24, April 9, June 4, 1709; March 23, April 18, 1710; Aug. 23, 1711. T. 70/58. With their letters the company returned the protested bills of exchange, numbering 274.

<sup>43</sup> Hening, III, 235. The import duty may also have been aimed at the old goal of reducing tobacco production (and raising prices) by reducing the growth of the labor force. And some planters who had bought large numbers of slaves may have favored it in order to increase the value of the slaves they had acquired. See Jones, *Present State of Virginia*, 132; Donnan, *Documents*, IV, 145, 151–52. The history of import duties on slaves in eighteenth-century Virginia is complex. See especially Thad W. Tate, Jr., *The Negro in Eighteenth-Century Williamsburg* (Charlottesville, 1965), 29–33; John M. Hemphill, "Virginia and the English Commercial System, 1680–1733" (unpublished doctoral dissertation, Princeton University, 1964), 34–35, 65–66, 88–91; and Darold D. Way, "Negro Import Duties in Colonial Virginia," *EMHB*, LXXIX (1971), 29–41.



conversion to slave labor had already been made. According to Edmund Jennings, writing in 1708, virtually no white servants had been imported in the preceding six years.<sup>44</sup> This was not the end of white servitude in Virginia, but henceforth white servants were as much the exception in the tobacco fields as slaves had been earlier. Between 1708 and 1750 Virginia recorded the entry of 38,418 slaves into the colony.<sup>45</sup>

Virginia had developed her plantation system without slaves, and slavery introduced no novelties to methods of production. Though no seventeenth-century plantation had a work force as large as that owned by some eighteenth-century planters, the mode of operation was the same. The seventeenth-century plantation already had its separate quartering house or houses for the servants. Their labor was already supervised in groups of eight or ten by an overseer. They were already subject to "correction" by the whip. They were already often underfed and underclothed. Their masters already lived in fear of their rebelling. But no servant rebellion in Virginia ever got off the ground.

The plantation system operated by servants worked. It made many Virginians rich and England's merchants and kings richer. But it had one insuperable disadvantage. Every year it poured a host of new freemen into a society where the opportunities for advancement were limited. The freedmen were Virginia's dangerous men. They erupted in 1676 in the largest rebellion known in any American colony before the Revolution, and in 1682 they carried even the plant-cutting rebellion further than any servant rebellion had ever gone. The substitution of slaves for servants gradually eased and eventually ended the threat that the freedmen posed: as the annual number of imported servants dropped, so did the number of men turning free.

The planters who bought slaves instead of servants did not do so with any apparent consciousness of the social stability to be gained thereby. Indeed, insofar as Virginians expressed themselves on the subject of slavery, they feared that it would magnify the danger of insurrection in the colony. They often blamed and pitied themselves for taking into their families men and women who had every reason to hate them. William Byrd told the Earl of Egmont

<sup>44</sup> C.O. 5/1316, f.53.

<sup>45</sup> *Historical Statistics of the United States*, 769; Donnan, *Documents*, IV, 175-220.

in July, 1736, that "in case there should arise a Man of desperate courage amongst us, exasperated by a desperate fortune, he might with more advantage than Cataline kindle a Servile War," and make Virginia's broad rivers run with blood.<sup>46</sup> But the danger never materialized. From time to time the planters were alarmed by the discovery of a conspiracy among the slaves; but, as had happened earlier when servants plotted rebellion, some conspirator always leaked the plan in time to spoil it. No white person was killed in a slave rebellion in colonial Virginia.<sup>47</sup> Slaves proved, in fact, less dangerous than free or semi-free laborers. They had none of the rising expectations that have so often prompted rebellion in human history. They were not armed and did not have to be armed. They were without hope and did not have to be given hope. William Byrd himself probably did not take the danger from them seriously. Only seven months before his letter to Egmont, he assured Peter Beckford of Jamaica that "our negroes are not so numerous or so enterprizing as to give us any apprehension or uneasiness."<sup>48</sup>

With slavery Virginians could exceed all their previous efforts to maximize productivity. In the first half of the century, as they sought to bring stability to their volatile society, they had identified work as wealth, time as money, but there were limits to the amount of both work and time that could be extracted from a servant. There was no limit to the work or time that a master could command from his slaves, beyond his need to allow them enough for eating and sleeping to enable them to keep working. Even on that he might skimp. Robert Carter of Nomini Hall, accounted a humane man, made it a policy to give his slaves less food than they needed and required them to fill out their diet by keeping chickens and by working Sundays in small gardens attached to their cabins. Their cabins, too, he made them build and repair on Sundays.<sup>49</sup> Carter's

<sup>46</sup> *Ibid.*, 131-32.

<sup>47</sup> Tate, *Negro in Williamsburg*, 200-208. For examples of conspiracies see *WAMQ*, 1st ser., X (1901-2), 178; *Executive Journals*, I, 86-87, 510-11; III, 234-36. Gerald W. Mullin, *Flight and Rebellion: Slave Resistance in Eighteenth-Century Virginia* (New York, 1972), analyzes the forms of resistance offered by slaves and concludes that it was the most "acculturated" slaves who proved most rebellious. One might say, in other words, that the more slaves came to resemble the indigent freemen whom they displaced, the more dangerous they became.

<sup>48</sup> *LAHB*, XXXVI (1928), 122.

<sup>49</sup> Hunter D. Farish, ed., *Journal and Letters of Philip Vickers Fithian* (Williamsburg, 1957; Charlottesville, 1968), 38, 96, 202-3.

uncle, Landon Carter of Sabine Hall, made his slaves buy part of their own clothes out of the proceeds of what they grew in their gardens.<sup>50</sup>

Demographically, too, the conversion to slavery enhanced Virginia's capacity for maximum productivity. Earlier the heavy concentration in the population of men of working age had been achieved by the small number of women and children among the immigrants and by the heavy mortality. But with women outliving men, the segment of women and their children grew; and as mortality declined the segment of men beyond working age grew. There was, in other words, an increase in the non-productive proportion of the population. Slavery made possible the restoration and maintenance of a highly productive population. Masters had no hesitation about putting slave women to work in the tobacco fields, although servant women were not normally so employed. And they probably made slave children start work earlier than free children did.<sup>51</sup> There was no need to keep them from work for purposes of education. Nor was it necessary to divert productive energy to the support of ministers for spiritual guidance to them and their parents. The slave population could thus be more productive than a free population with the same age and sex structure would have been. It could also be more reproductive than a free population that grew mainly from the importation of servants, because slave-traders generally carried about two women for every three men,<sup>52</sup> a larger proportion of women by far than had been the case with servants. Slave women while employed in tobacco could still raise children and thus contribute to the growth of the productive proportion of the population. Moreover, the children became the property of the master. Thus slaves offered the planter a way of disposing his profits that combined the advantages of cattle and of servants, and these had always been the most attractive investments in Virginia.

The only obvious disadvantage that slavery presented to Virginia masters was a simple one: slaves had no incentive to work. The difference, however, between the incentive of a slave and that of a servant bound for a term of years was not great. The servant had

already received his reward in the form of the ocean passage which he, unlike the slave, had been so eager to make that he was willing to bind his labor for a term of years for it. Having received his payment in advance, he could not be compelled by threats of withholding it. Virginia masters had accordingly been obliged to make freedom of the lash than had been common in England. Before they obtained slaves, they had already had practice in extracting work from the unwilling. Yet there was a difference. If a servant failed to perform consistently or ran away, if he damaged his master's property either by omission or commission, the master could get the courts to extend the term of his servitude. That recourse was not open to the slaveowner. If the servant had received his reward in advance, the slave had received the ultimate punishment in advance: his term had already been extended.

Masters therefore needed some substitute for the extended term, some sanction to protect themselves against the stubbornness of those whom conventional "correction" did not reach. Their first attempt in this direction was an act, passed in 1661, that is sometimes cited as the first official recognition of slavery in Virginia. In it the assembly tried to handle the most common form of servile intractability, by making a servant who ran away with a slave responsible for the loss incurred to the master by the absence of the slave. The law read, "That in case any English servant shall run away in company with any negroes who are incapable of making satisfaction by addition of time, *Bee it enacted* that the English so running away in company with them shall serve for the time of the said negroes absence as they are to do for their owne by a former act [the act requiring extra service for double the length of the absence]."<sup>53</sup>

Though this measure tells us something about the relationship between servants and slaves in these early years, it was a deterrent more to servants than to slaves. And it did nothing for the master who could not get what he considered an adequate amount of work out of his slave by the methods that had sufficed for servants. One way might have been to offer rewards, to hold out the carrot rather than the stick. A few masters tried this in the early years, as we have seen, offering slaves freedom in return for working hard for a few years, or assigning them plots of land and allowing them time to grow tobacco or corn crops for themselves.<sup>54</sup> But to offer rewards of this kind was to lose the whole advantage of slavery. In the end,

<sup>50</sup> Landon Carter, *Diary*, Jack P. Greene, ed., (Charlottesville, 1965), I, 484.

<sup>51</sup> From 1680 to 1705 imported Negro children were titable at the age of twelve and imported "Christian servants" at the age of fourteen. In 1705 the age was changed to sixteen for both. Hening, II, 479-80; III, 258-59.

<sup>52</sup> Davies, *Royal African Company*, 299.

<sup>53</sup> Hening, II, 26.

<sup>54</sup> See above, chap. 7, pp. 154-57.

Virginians had to face the fact that masters of slaves must inflict pain at a higher level than masters of servants. Slaves could not be made to work for fear of losing liberty, so they had to be made to fear for their lives. Not that any master wanted to lose his slave by killing him, but in order to get an equal or greater amount of work, it was necessary to beat slaves harder than servants, so hard, in fact, that there was a much larger chance of killing them than had been the case with servants. Unless a master could correct his slaves in this way without running afoul of the law if he misjudged the weight of his blows, slaveowning would be legally hazardous. So in 1669 the assembly faced the facts and passed an act that dealt with them forthrightly:

*An act about the casuall killing of slaves.*

Whereas the only law in force for the punishment of refractory servants resisting their master, mistress or overseer cannot be inflicted upon negroes [because the punishment was extension of time], nor the obstinacy of many of them by other than violent means suppress, *Be it enacted and declared by this grand assembly*, if any slave resist his master (or other by his masters order correcting him) and by the extremity of the correction should chance to die, that his death shall not be accounted Felony, but the master (or that other person appointed by the master to punish him) be acquit from molestation, since it cannot be presumed that premeditated malice (which alone makes murder Felony) should induce any man to destroy his own estate.<sup>55</sup>

With this act already on the books in 1669, Virginia was prepared to make the most of slavery when slaves began to arrive in quantity. Later legislation only extended the principles here recognized, that correction of slaves might legally be carried to the point of killing them. The most important extensions had to do with runaways. As the numbers of slaves increased and the plantation quarters were placed farther from the house of the master, runaway slaves would frequently hide out in the woods, visiting the quarters by night, where their friends or families would shelter and share food with them. To eliminate this problem, the assembly provided that the names of such outlying slaves should be proclaimed at the door of every church in the county, after divine worship, and then if the runaways did not turn themselves in, it would "be lawful for any person or persons whatsoever, to kill and destroy such slaves by such

<sup>55</sup> Hening, II, 270.

ways and means as he, she, or they shall think fit, without accusation or impeachment of any crime for the same."<sup>56</sup> The public would compensate the master for the loss of slaves thus killed. If one was captured alive, the owner might apply to the county court "to order such punishment to the said slave, either by dismembering, or any other way, not touching his life, as they in their discretion shall think fit, for the reclaiming any such incorrigible slave, and terrifying others from the like practices."<sup>57</sup>

This was no idle threat. Though the words of the law—"reclaiming," "dismembering," "discretion"—seem to soften the shock, the law authorizes not merely an open season on outlying slaves, but also the deliberate maiming of captured slaves, by judicial order. One gets a glimpse of the law in action in the records of the Lancaster County court for March 10, 1707/8:

Robert Carter Esq. Complaining to this Court against two Incorrigible negroes of his named Bambarra Harry and Dinah and praying the order of this Court for punishing the said Negroes by dismembering them It is therefore ordered That for the better reclaiming the said negroes and deterring others from ill practices That the said Robert Carter Esq. have full power according to Law to dismember the said negroes or Either of them by cutting off [ ] their toes."<sup>58</sup>

Such was the price of slavery, and Virginia masters were prepared to pay it. In order to get work out of men and women who had nothing to gain but absence of pain, you had to be willing to beat, maim, and kill. And society had to be ready to back you even to the point of footing the bill for the property you killed.

It has been possible thus far to describe Virginia's conversion to slavery without mentioning race. It has required a little restraint to do so, but only a little, because the actions that produced slavery in

<sup>56</sup> Hening, III, 460 (1705). This superseded a law passed in 1680 empowering "persons that shall by lawful authority be employed to apprehend" an outlying Negro to kill him if he resisted. Hening, II, 482.

<sup>57</sup> Hening, III, 460-61. In 1723 the law was expanded to allow the dismemberment of any slave "notoriously guilty of going abroad in the night, or running away and lying out, and cannot be reclaimed from such disorderly courses." At the same time it was specified that no one was to be prosecuted for the death of a slave occurring as a result of dismemberment or correction. Hening, IV, 132-33.

<sup>58</sup> Lancaster VIII, 185. This Robert Carter was the grandfather of Robert Carter of Nomini Hall, mentioned above.

Virginia, the individual purchase of slaves instead of servants, and the public protection of masters in their coercion of unwilling labor, had no necessary connection with race. Virginians did not enslave the persons brought there by the Royal African Company or by the private traders. The only decision that Virginians had to make was to keep them as slaves. Keeping them as slaves did require some decisions about what masters could legally do to make them work. But such decisions did not necessarily relate to race.

Or did they? As one reads the record of the Lancaster court authorizing Robert Carter to chop off the toes of his slaves, one begins to wonder. Would the court, could the court, could the general assembly have authorized such a punishment for an incorrigible English servant? It seems unlikely that the English government would have allowed it. But Virginians could be confident that England would condone their slave laws, even though those laws were contrary to the laws of England.

The English government had considered the problem in 1679, when presented with the laws of Barbados, in which masters were similarly authorized to inflict punishment that would not have been allowed by English law. A legal adviser, upon reviewing the laws for the Lords of Trade, found that he could approve them, because, he said "although Negroes in that Island are punishable in a different and more severe manner than other Subjects are for Offences of the like nature; yet I humbly conceive that the Laws there concerning Negroes are reasonable Laws, for by reason of their numbers they become dangerous, and being a brutish sort of People and reckoned as goods and chattels in that Island, it is of necessity or at least convenient to have Laws for the Government of them different from the Laws of England, to prevent the great mischief that otherwise may happen to the Planters and Inhabitants in that Island."<sup>59</sup>

It was not necessary to extend the rights of Englishmen to Africans, because Africans were "a brutish sort of people." And because they were "brutish" it was necessary "or at least convenient" to kill or maim them in order to make them work.

The killing and maiming of slaves was not common in Virginia. Incidents like Robert Carter's application to dismember his two slaves are rare in the records. But it is hard to read in diaries and letters of the everyday beating of slaves without feeling that the casual, matter-of-fact acceptance of it is related to a feeling on the

part of masters that they were dealing with "a brutish sort of people." Thomas Jones, of Williamsburg, was almost affectionate about it in writing his wife, away on a visit, about her household slaves. Daphne and Nancy were doing well, "But Juliet is the same still, tho I do assure you she has not wanted correction very often. I chear'd her with thirty lashes a Saturday last and as many more a Tuesday again and today I hear she's sick."<sup>60</sup>

Possibly a master could have written thus about a white maid-servant. Certainly there are many instances of servants being severely beaten, even to death. But whether or not race was a necessary ingredient of slavery, it *was* an ingredient. If slavery might have come to Virginia without racism, it did not. The only slaves in Virginia belonged to alien races from the English. And the new social order that Virginians created after they changed to slave labor was determined as much by race as by slavery.

<sup>60</sup> Oct. 22, 1736. *VMHB*, XXVI (1918), 285.

<sup>59</sup> C.O. 1, 45, 1, 138.

## 16

## TOWARD RACISM

VIRGINIA slaves were introduced into a system of production that was already in working order. The substitution of slaves for servants probably increased the productivity and almost certainly increased the profitability of the plantation system. But slavery required new methods of disciplining the labor force, methods that were linked to racial contempt. If we are to understand that contempt and the role it played in the history of Virginia—and I think in American history—we must probe not only the differences but also the resemblances between servants and slaves in the plantation system and in the consciousness of those who ran it.

Ideally, from the point of view of the master, slavery should have made it possible to turn the slave's every waking hour to the master's profit. In an industrial society, where it is possible to engage in productive tasks at any time, it is tempting to think of masters thus directing their slaves. But absolute power did not in itself make for continuous employment in a pre-industrial society. We have already seen that sixteenth-century Englishmen were often idle, if only because there were times when nothing could be done. The tobacco plantation probably made fuller use of its workers' time than previous English agricultural enterprises had. But even on a plantation it was simply not possible to employ either servants or slaves usefully every day of the year.

Rain halted work on a Virginia plantation just as it did on any English farm. And for days after a rain the ground might be too heavy to hoe without damage to the soil or the crop. Freezing weather similarly closed down most activities. Sometimes weather that precluded field work might permit cutting wood, building fences, or scouring ditches. But often the workers were left without

work. Landon Carter, who kept the most complete record we have of the day-to-day operations of a Virginia plantation, and who strove always to show a profit, repeatedly bemoaned the idleness imposed by the weather. "No working yesterday nor today," he writes, or "Not one day as yet from the 23 January to this day that the earth could be touched with hoe, spade or plow, that is 11 days together:" or "The Skye very heavy and the air very Cold . . . We can do no kind of work to any advantage."<sup>1</sup>

Landon Carter was probably not a typical Virginia planter. The very fact that he kept so voluminous a record of his activities suggests that he was not. And other planters, one at least hopes, were not as egotistical. Carter's diaries are a continuous demonstration that whatever happened he was right and everyone around him wrong. He may have been atypical also in the great variety of crops that he tried to grow in addition to corn and tobacco. But all Virginia planters went in for some diversity. Nearly all planted corn, kept cattle and hogs and sometimes sheep. Carter's idiosyncrasies were mainly of a sort that would have magnified the amount of work he expected from his slaves. He used his systematic record keeping, as Robert Loder had done in the preceding century in England, to step up the productivity of his laborers. He had each slave tend twice as many plants as other masters required.<sup>2</sup> And he stuck as far as possible to the hoe when other Virginians were turning to the plow, because, he said, "Carts and plows only serve to make Overseers and people extremely lazy and it is a certain truth that wherever they are in great abundance there is the least plantation work done there for both Overseers and Negroes imagine this or that work will be quickly done with the plows and Carts and of course are very little solicitous to do their proper parts of the business."<sup>3</sup> If Carter was atypical, it was not in demanding less of his slaves. If he had to let them loaf for days at a time, probably other planters did too.

Neither the slave's life nor the servant's was one endless round

<sup>1</sup> *Diary*, I, 158, 200, 253. Cf. Hartwell, Blair, and Chilton, *Present State of Virginia*, 9; Jones, *Present State of Virginia*, 76, says "... in wet or cold weather there is little occasion for their working in the fields, in which few will let them be abroad, lest by this means they get sick or die, which would prove a great loss to their owners, . . ." John Hammond had written in 1686 that in Virginia servants did no work "all winter except dressing their own victuals and making of fires." *Leah and Rachel, Force, Tracts*, III, No. 14, p. 12.

<sup>2</sup> Carter, *Diary*, I, 448.

<sup>3</sup> *Ibid.*, 386.

of toil, because it could not be. And when he was not working, the slave enjoyed one advantage over the servant: since the planters bought slave women as well as men, he could have some sort of family life. True, it could be broken any time at the whim of his master. But the slave, like the servant, in spite of his legal impotence was not entirely without the means of magnifying a part of his life that he could call his own. Like the servant he could find ways of avoiding work even on days when the weather was fair. In fact, his attitude toward work and his success in evading it were so much like that of the servant that Landon Carter's complaints about his lazy, unfaithful slaves sound for all the world like Robert Loder's tirades against his lazy, unfaithful servants.<sup>4</sup>

A favorite ruse was to feign sickness, even though this was a peculiarly hazardous one on Carter's plantation. Carter fancied himself a physician and seems to have been obsessed with an urge to cleanse the digestive tract of every person who came near him, by purges, emetics, and enemas administered in heroic proportions. At the slightest complaint he would lay down a barrage of these supposed remedies that left the victim half dead for several days, after which Carter would congratulate himself on his victory over the forces of bile. In spite of these ministrations—or possibly as a long-term result of them—Carter's slaves were continually visited by sickness, but never, he noted, on Sundays, when Virginia custom freed them from field work anyhow.<sup>5</sup>

Carter frequently found it necessary to entrust tasks to slaves without the supervision of an overseer or foreman. Then he would record how poorly the job had been done or how inordinately long it took. Old men slept and boys played, when the master's eye was not upon them. "Where the General is absent," he observed, "Idleness is Preferred to all business." Everywhere he went he saw evidence of "the same damned idleness."<sup>6</sup> Like Robert Loder he kept track of how much his people got done in a day, how many rows of corn they hilled, how many tobacco plants they topped or wormed. That way he could catch the shirkers and have them whipped. After recording how he had stepped up the output of his threshers, he noted, in words that echoed Loder, "This I minute down to shew that things are often judged impossible when obstinacy alone is the Cause of it."<sup>7</sup>

<sup>4</sup> For examples, I, 147, 159, 177, 295, 300, 302, 303, 317, 355.

<sup>5</sup> P. 174.

<sup>6</sup> Pp. 235, 417, 568.

<sup>7</sup> P. 138.

But there was a limit to the speedup he could achieve even under close supervision. He observed that "negroes tyre with the Continuance of the same work," and he resolved to vary their tasks by putting larger numbers to work on lengthy jobs so that they might be done faster and get on to something fresh.<sup>8</sup> In a hot spell in July he admitted, "I can't make my people work or do anything."<sup>9</sup> In 1757, when he began to reap his first corn crop, he had "but very few reapers, so many Complaining of last year's reaping."<sup>10</sup>

Such observations suggest that work could not always be got from men simply by use of the lash. Sometimes "correction" was actually counterproductive. When Carter's gardener disobeyed his instructions repeatedly and he struck the man across the shoulders with a cane ("which did not raise the least swelling"), the man refused to get up the next morning and would do nothing. Two weeks later when Carter gave him "one small rap" across the shoulder, he feigned total paralysis of his arm and could scarcely stand up. This time Carter discovered that the reason he could not stand was that he was drunk.<sup>11</sup> Indeed, drunkenness was a not uncommon problem on Carter's plantation. Since slaves were not furnished with liquor except at Christmas, this fact in itself suggests that they enjoyed a greater degree of independence than the laws allowed or their master would have liked.

What all these instances add up to is that the daily life of a slave differed from that of a servant less drastically than at first sight it appears to have. Slaves were the labor force of a plantation much as servants had been, and what is more important for an understanding of the role of race, masters, initially at least, perceived slaves in much the same way they had always perceived servants. Both displayed the same attitudes and habits: they were shiftless, irresponsible, unfaithful, ungrateful, dishonest; they got drunk whenever possible; they did not work hard enough or regularly enough.

These were the complaints that masters in every age have made against servants. And they were precisely the complaints that English economists and statesmen were making against the English poor during the years when slavery was becoming the prevailing form of labor in Virginia. As we have earlier observed, English attitudes toward the supposedly surplus population of the island changed markedly during the course of the seventeenth century. By the third quarter it was becoming a commonplace that the riches of

<sup>8</sup> P. 147.

<sup>9</sup> P. 274.

<sup>10</sup> P. 161.

<sup>11</sup> Pp. 369, 438.

a country lay in the multitude of its people, because labor was the source of wealth. England, with a seeming abundance of people, especially in and around London, should have been rich. But Englishmen could not help seeing how much richer the Dutch had become with fewer people. What was the reason for England's failure to profit by her masses? The answer, offered in a chorus, was the "extracting humour and evil disposition," the perversity, the stubborn, immoral idleness of England's poor.<sup>12</sup>

Virginia's conversion to slave labor and the use of slaves in other American colonies must be viewed in the context of contemporary English attitudes toward the poor and schemes for putting them to work. According to the men who wrestled with the problem of England's poor, half the English population consisted of wage earners, and all of them would rather drink than eat and rather starve than work. Worse than the wage earners were those who had never learned any trade but begging and stealing. In 1717 Lawrence Braddon estimated that there were a million and a half of them, no more than a fifth of whom were incapable of labor.<sup>13</sup> With so many needlessly idle hands England must be the laughingstock of Europe because of "the multitudes of People which in England Cheat, Roar, Rob, Hang, Beg, Cant, Pine, and Perish; which otherwise might help to encrease and maintain the Wealth and strength of these Kingdoms."<sup>14</sup>

Almost everything Englishmen said about their employed and unemployed poor we have already seen in the Virginians' similar complaints about their servants, slaves, and indigent freedmen. The English poor were "vicious, idle, dissolute." They were addicted to "Laziness, Drunkenness, Debauches, and almost every Kind of Vice," to "mutinous and indecent Discourses." They were "Miserable, Diseased, Ignorant, Idle, Seditious and (otherwise) vicious."<sup>15</sup>

<sup>12</sup> Thomas Manley, *Usury at Six per Cent Examined* (London, 1669), 19. For similar expressions see below and also references in chap. 9, note 28. The best secondary studies are Dorothy Marshall, *The English Poor in the Eighteenth Century* (London, 1926), and Furniss, *Position of the Laborer*.

<sup>13</sup> *An Abstract of the Draught of a Bill for Relieving, Reforming, and Employing the Poor* [London, 1717], ix.

<sup>14</sup> Coke, *Discourse of Trade*, 16.

<sup>15</sup> Furniss, *Position of the Laborer*, 128-30; *An Enquiry into the Causes of the Encrease and Miseries of the Poor of England* (London, 1738), 9; R. D., *Bread for the Poor* (Exeter, 1698), 4; *The Regular Government and Judicious Employment of the Poor* (London, 1721), introduction.

Virginia had originally been thought of as a receptacle for these wretches; but as the idea came to prevail that people are or ought to be a source of wealth, the problem in England, as in Virginia, was to hold them down and extract the maximum labor from them.

For Englishmen, as for Virginians, some kind of involuntary servitude seemed a possible solution to the problem. England had taken a step in this direction under Elizabeth when Parliament in 1576 provided for the building of "houses of correction" in which beggars could be put to work.<sup>16</sup> The motives at that time had been to place the beggars where they could not steal and also to lower the danger of insurrection. During the seventeenth century Europeans took a similar course but on a larger scale. In a movement that Michel Foucault has called "the great confinement," they everywhere founded institutions in which the sick, the criminal, and the poor were indiscriminately taken in charge. The purpose was not merely to get them out of the way but to make them contribute what they could to the national wealth. Imprisonment, instead of being a temporary matter, preliminary to trial, became the mode of extracting work from the criminal, the insane, and the poor alike. Indeed, crime and insanity seemed only extreme forms of the vice and ignorance that distinguished the poor from their betters. Work was the proper cure for all, and it could best be administered by incarceration.<sup>17</sup>

After 1660 the English too were caught up in these larger aspects of getting work from the poor and revived their interest in houses of correction. Workhouses (as they were now called) were still desirable for the old reasons, but the emphasis now was on making the poor add to the nation's wealth by producing manufactures for export. If private employers could not keep the population at work, the government should do it. Proposals sprang up on all sides for government-sponsored workhouses, where the poor could be

<sup>16</sup> 18 Elizabeth I, c. 3, Tawney and Power, *Tudor Economic Documents*, II, 331-34.

<sup>17</sup> Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason* (New York, 1965), 38-65; George Rosen, *Madness in Society* (New York, 1969, Torchbook ed.), 151-71; Nigel Walker, *Crime and Insanity in England*, vol. 1, *The Historical Perspective* (Edinburgh, 1968), 43-44; George Rusche and Otto Kirchheimer, *Punishment and Social Structure* (New York, 1939), 63-71; F. J. Hundert, "History, Psychology, and the Study of Deviant Behavior," *Journal of Interdisciplinary History*, II (1972), 453-72. I am indebted to Professor Hundert for valuable suggestions.



supplied at public expense with flax, hemp, and wool for spinning and where they could be kept forcibly at the job.<sup>18</sup>

The proponents of workhouses generally saw them as educational institutions in which the poor, and especially the children of the poor, would learn habits of work. And like all advocates of education they expected great things. Sir Mathew Hale thought that workhouses would bring the poor "and their children after them into a Regular, Orderly and Industrious course of life, which will be as natural to them as now Idleness, and Begging, and Theeving is."<sup>19</sup> But the kind of education envisaged seems to have had little to do with the work ethic that we associate with the rise of modern capitalism and little to do with learning anything except work. The idea was to "inure" children to work, get them so used to it at an early age that when they grew older they would be unable to think of anything else. Sir William Temple would have set them to work at four years, John Locke at three.<sup>20</sup> Thomas Firmin, who established a scheme for employing the poor in their own homes as well as in workhouses, had a more liberal proposal than most. He was in favor of teaching poor children to read but no more than that. They should be set to work at seven years, for there was no point, after they reached that age, in having them "poring upon a Book."<sup>21</sup>

The English economists tended to agree with Governor Berkeley of Virginia that learning was a dangerous thing. It bred not only sedition but laziness if acquired by the children of the poor, "for few that have once learnt to Write and Read, but either their Parents, or themselves, are apt to think, that they are fit for some Preferment,

<sup>18</sup> Furniss, *Position of the Laborer*, 84-95; Marshall, *English Poor*, 127-32; Sir Matthew Hale, *A Discourse Touching Provision for the Poor* (London, 1683), 25-30; Henry Pollexfen, *A Discourse of Trade and Coyne* (London, 1697), 49; Charles Davenant, *An Essay on the East India Trade* (London, 1696), 27; Josiah Child, *A New Discourse of Trade* (London, 1693), 55-79.

<sup>19</sup> Hale, *Discourse*, 32-33.

<sup>20</sup> Furniss, *Position of the Laborer*, 114-15; C. R. MacPherson, *The Political Theory of Possessive Individualism* (Oxford, 1962), 221-24; H. R. Fox Bourne, *The Life of John Locke* (London, 1876), II, 377-90; cf. E. J. Hundert, "The Making of Homo Faber: John Locke between Ideology and History," *Journal of the History of Ideas*, XXXIII (1972), 3-22.

<sup>21</sup> Thomas Firmin, *Some Proposals for Employing of the Poor* (London, 1672), 5-10. Pollexfen also proposed seven as the age for starting work. *Discourse of Trade and Coyne*, 54.

and in order to it, despise all Labouring Employments and live Idle, rather than disparage themselves by Work."<sup>22</sup> By the next century Bernard Mandeville maintained that regular schooling was only another form of idleness for the poor.<sup>23</sup>

Whether from regular schooling or from lack of it, the children of the poor continued to distress their keepers. The failure of the efforts to inure them to work is evident in the repetition throughout the next century of the same contemptuous complaints about the fecklessness of laborers and the need to overcome "their obstinate Wills, and their encroaching sluggish intemperate Bents."<sup>24</sup> It occurred to a few people that it might be possible to entice the poor into greater zeal for work by making them less poor, by paying them higher wages or by lowering the price of food. But most of the self-appointed economists were convinced that laborers would work only when hungry. Higher wages or cheaper food would only mean more time lost in drunkenness.<sup>25</sup> "Every one but an idiot knows,"

<sup>22</sup> Pollexfen, *Discourse of Trade and Coyne*, 48; see also John Bellers, *Proposals for Raising a Colledge of Industry*, 16; *Enquiry into the Causes of the Encrease and Miseries of the Poor*, 61; Furniss, *Position of the Laborer*, 148-50.

<sup>23</sup> Marshall, *English Poor*, 24. The kind of education favored by the labor reformers of the late seventeenth and early eighteenth centuries is most vividly described by one of them, Andrew Yarranton, who had visited Saxony and there discovered the ideal form of school for the poor. He described it for the emulation of Englishmen: "First, There is a large Room, and in the middle thereof a little Box like a Pulpit. Secondly, There are Benches built round about the Room as they are in our Playhouses; upon the Benches sit about two hundred Children spinning, and in the Box in the middle of the Room sits the Grand Mistress with a long white Wand in her hand. If she observes any of them idle, she reaches them a tap; but if that will not do, she rings a Bell which by a little Cord is fixt to the Box, and out comes a Woman; she then points to the Offender, and she is taken away into another Room and chastised. And all this is done without one word speaking. And I believe this way of ordering the young Women in Germany is one great cause that the German Women have so little of the twit twat. And it is clear, that the less there is of speaking, the more there may be of working." Yarranton, *England's Improvement by Sea and Land*, 45-46.

<sup>24</sup> *The Manufacturer's Plea for the Bounty on Corn at Exportation* (London, 1754), 15.

<sup>25</sup> *Ibid.*, passim; Coke, *Discourse of Trade*, 14-15; Manley, *Usury at Six per Cent*, 23-26; Joshua Gee, *The Trade and Navigation of Great Britain Considered* (London, 1729), 38; Furniss, *Position of the Laborer*, 117-56; N. G. Pauling, "The Employment Problem in Pre-Classical English



said Arthur Young, "that the lower classes must be kept poor, or they will never be industrious."<sup>26</sup>

The object, then, was not the elimination of poverty but the discipline of the poor. In spite of the contempt in which they were held, there was no suggestion that their numbers should be reduced. Just as the Virginia planter who deplored the laziness of his slaves continued to buy more and encouraged the multiplication of those he had, so the English authors advocated acts to facilitate the naturalization of immigrants, especially poor immigrants, as well as acts to promote early marriage among the poor.<sup>27</sup>

In practice the discipline of the poor in England stopped short of actual enslavement. Parliament did not even discuss a motion by one of its members in 1670 "that as an expedient to make servants more tractable we might bring into this kingdom the use of Negro slaves."<sup>28</sup> And neither the workhouse nor its successor, the factory, enslaved its occupants, at least in any legal sense. But they can be seen as a step in that direction, and there were plenty of voices outside Parliament crying for the next step. Bishop Berkeley, who carried John Locke's epistemology a step further, also made an advance in his social philosophy by proposing that "sturdy beggars . . . be seized and made slaves to the public for a term of years."<sup>29</sup> James Burgh, another champion of reform, wanted a set of press gangs "to seize all idle and disorderly persons, who have been three times complained of before a magistrate, and to set them to work during a certain time, for the benefit of great trading, or manufacturing companies."<sup>30</sup> Francis Hutcheson, the moral philosopher, thought that perpetual slavery should be "the ordinary punishment of such idle vagrants as, after proper admonitions and tryals of temporary servi-

Economic Thought," *The Economic Record*, XXVII (1951), 52-65; E. P. Thompson, "Time, Work-Discipline, and Industrial Capitalism"; Keith Thomas, "Work and Leisure in Pre-Industrial Society," *Past and Present*, No. 29 (1964), 50-66; Sidney Pollard, "Factory Discipline in the Industrial Revolution," *Economic History Review*, 2nd ser., XVI (1963), 254-71.

<sup>26</sup> E. P. Thompson, *The Making of the English Working Class* (New York, 1963, Vintage Books), 358.

<sup>27</sup> Bellers, *Proposals*, 2; Pollexfen, *Discourse of Trade and Coin*, 53; Braddon, *Abstract*, xiv-xv; Coke, *Discourse of Trade*, passim; Rusche and Kirchheimer, *Punishment and Social Structure*, 28.

<sup>28</sup> Basil D. Henning, ed., *The Parliamentary Diary of Sir Edward Dering, 1670-1673* (New Haven, 1940), 33.

<sup>29</sup> Tawney, *Religion and the Rise of Capitalism*, 170.

<sup>30</sup> *Political Disquisitions* (London, 1774-75), III, 120-21.

tude, cannot be engaged to support themselves and their families by any useful labours."<sup>31</sup>

The most comprehensive proposal came from Andrew Fletcher of Saltoun, a Scottish prophet of the Enlightenment. Fletcher attacked the Christian church not only for having promoted the abolition of slavery in ancient times but also for having perpetuated the idleness of the freedmen thus turned loose on society. The Church by setting up hospitals and almshouses had enabled men through the succeeding centuries to live without work. As a result, Fletcher argued, his native Scotland was burdened with 200,000 idle rogues, who roamed the country, drinking, cursing, fighting, robbing, and murdering. For a remedy he proposed that they all be made slaves to men of property. To the argument that their masters might abuse them, he answered in words which might have come a century and a half later from a George Fitzhugh: "that the most brutal man will not use his beast ill only out of a humour; and that if such Inconveniences do sometimes fall out, it proceeds, for the most part, from the perverseness of the Servant."<sup>32</sup>

None of these proposals for enslavement came to fruition; but they suggest that the English poor of this time seemed to many of their betters to be fit for slavery. The contempt that lay behind these proposals and behind many of the workhouse schemes is not easy to distinguish from the kind of contempt that today we call racism. The stereotypes of the poor expressed so often in England during the late seventeenth and eighteenth centuries were often identical with the descriptions of blacks expressed in colonies dependent on slave labor, even to the extent of intimating the subhumanity of both: the poor were "the vile and brutish part of mankind"; the black were "a brutish sort of people."<sup>33</sup> In the eyes of unpoor Englishmen the poor

<sup>31</sup> Hutcheson, *A System of Moral Philosophy* (London, 1755), II, 202; David B. Davis, *The Problem of Slavery in Western Culture* (Ithaca, N.Y., 1966), 374-78. I am indebted to Professor Davis for several valuable suggestions.

<sup>32</sup> Andrew Fletcher, *Two Discourses concerning the Affairs of Scotland: Written in the Year 1698* (Edinburgh, 1698), second discourse (paged separately), 1-33, esp. 16.

<sup>33</sup> Sir William Petty, *The Economic Writings of Sir William Petty*, C. H. Hall, ed. (Cambridge, 1899), I, 275. Pierre van den Berghe, in *Race and Racism: A Comparative Perspective* (New York, 1967), 31-33, has outlined two types of race relations, paternalistic and competitive, differing in the stereotypes attributed under each to the "inferior" race or caste. The stereotypes of the English poor and of eighteenth century blacks do not fit

bore many of the marks of an alien race.

To be sure, poverty was not genetically hereditary, but workhouses and their schools were designed to make it culturally hereditary. The poor were not born of another color than the rest of the population, but legislation could offer a substitute for color; and to this kind of legislation Parliament was not averse. Since the rags worn by the poor might not sufficiently designate their differentness, an act of 1697 required them (as recipients of poor relief) to wear a prominent red or blue "P" on the right-hand shoulder.<sup>34</sup> And since they were not only troublesome, but also "nauseous to the Beholders,"<sup>35</sup> they could be segregated, along with other vicious, insane, diseased, or impotent persons within the walls of the workhouses, hospitals, prisons, and asylums constructed to enclose them—the ghettos of the poor—or else they could be shipped to the plantations and contribute their share to the national income there.

The English poor seem to have borne it all without violent protest. During the period when they were the object of so many plans and projects, they offered no resistance beyond the laziness, drunkenness, licentiousness, and insubordination expected of them. Nature was at its old business of imitating art, and it was only natural that they should conform to the image imposed on them. For the subject race to accept the role assigned it is a common enough phenomenon.

The members of this inferior breed of Englishmen who were shipped to Virginia could scarcely have been surprised to find that the men in charge of their lives in the New World viewed them with the contempt to which they were accustomed. In 1668 the Virginia burgesses had even called for the erection in every county of

perfectly into either but more nearly into the competitive type, in which the lower caste is seen as "Aggressive, uppity, insolent, oversexed, dirty, inferior, despicable, and dangerous." All these attributes except "oversexed" were applied to the poor and to blacks. The characteristics attributed under the paternalistic type of race relations, according to van den Berghe, are "Childish, immature, exuberant, uninhibited, lazy, impulsive, fun-loving, good humored, inferior but lovable." Of these only laziness and inferiority were ascribed either to the English poor or to Virginia blacks in the eighteenth century.

<sup>34</sup> Marshall, *English Poor*, 102-3. Such a measure had been recommended by Thomas Firmin in 1672. *Some Proposals for Employing of the Poor*, 14-15.

<sup>35</sup> John Cary, *A Discourse on Trade* (London, 1745), 121; cf. Joshua Gee, *Trade and Navigation of Great Britain*, 42-43.

workhouses on the English model. And they had empowered the county courts "to take poore children from indigent parents to place them to worke in those houses," a move that may have been motivated less by the spread of poverty than by the perennial shortage of labor.<sup>36</sup> For indigent, debt-ridden parents, when freed of responsibility for their children, were also free to be pressed back into the servant ranks. Thus Virginians shared not only English contempt for the poor but also English ideas of what to do about them.

Although a degree of racial prejudice was doubtless also present in Virginia from the beginning, there is no evidence that English servants or freedmen resented the substitution of African slaves for more of their own kind. When their masters began to place people of another color in the fields beside them, the unfamiliar appearance of the newcomers may well have struck them as only skin deep. There are hints that the two despised groups initially saw each other as sharing the same predicament. It was common, for example, for servants and slaves to run away together, steal hogs together, get drunk together. It was not uncommon for them to make love together. In Bacon's Rebellion one of the last groups to surrender was a mixed band of eighty Negroes and twenty English servants.<sup>37</sup>

The first slaves who reached Virginia came mainly from Barbados, where they could have learned some English, so that communication between servants and slaves was less of a problem than it would have been later when slaves came directly from Africa. And their shared experiences in field and quartering house must soon have adjusted their initial strangeness to each other. Today the racism of many poor and lower-class American whites is so notorious that we tend to think of it as natural. But in Brazil, as Carl Degler has shown, class and color divisions tend to be confounded. While social prestige attaches to whiteness, it also attaches to wealth: well-to-do blacks may rank above whites, and many poor blacks are themselves uncertain whether prejudice against them is the result of their color or their poverty.<sup>38</sup>

In Virginia too, before 1660, it might have been difficult to distinguish race prejudice from class prejudice. And as long as slaves formed only an insignificant minority of the labor force, the com-

<sup>36</sup> Hening, II, 266-67.

<sup>37</sup> Coventry Papers, LXXVII, 301.

<sup>38</sup> Carl Degler, *Neither Black nor White: Slavery and Race Relations in Brazil and the United States* (New York, 1971).

munity of interest between blacks and lower-class whites posed no social problem. But Virginians had always felt threatened by the danger of a servile insurrection, and their fears increased as the labor force grew larger and the proportion of blacks in it rose. Although the replacement of servants by slaves reduced the annual increment of poor freemen, the numbers already on hand were still sufficient to keep the threat of another Bacon in everyone's mind. If freemen with disappointed hopes should make common cause with slaves of desperate hope, the results might be worse than anything Bacon had done.

The answer to the problem, obvious if unspoken and only gradually recognized, was racism, to separate dangerous free whites from dangerous slave blacks by a screen of racial contempt. Bacon himself had given the first lessons in the social usefulness of racism. He had had no special bias against blacks. Once committed to rebellion, he had welcomed servants and slaves alike to his forces. Bacon's racism was directed against Indians, and lower-class Virginians needed no instruction in hating Indians. Though by 1676 they were doubtless prejudiced against blacks as well and perhaps prejudiced in a somewhat greater degree than they were against Irishmen, Spaniards, Frenchmen, and other foreigners, the Englishmen who came to Virginia, of whatever class, learned their first lessons in racial hatred by putting down the Indians.

They had begun with the murder of Wingina at Roanoke in 1586. They had continued at Jamestown in the guerrilla raids of the early years, the wars of extermination in the 1620s, and the final reduction of the Virginia Indians in the 1640s. After the invasion of the Susquehannahs in the 1670s they had been ready and eager to follow Bacon in another war of extermination. That Bacon was not more successful in exterminating Indians or in keeping the anger of Virginia's freemen directed toward race war rather than class conflict was largely owing, as we have seen, to Berkeley's refusal to cooperate.

But if Bacon failed in his instinctive attempt to subdue class conflict by racism, his was the wave of the future that would sweep Virginians into their paradoxical union of slavery and freedom in the eighteenth century. And the rebellion did make Virginians connect their most powerful racial hostilities, publicly and officially, with slavery. Although Bacon was out to kill Indians, he was also out to enslave them. The June assembly in 1676 had given him and his men, in effect, a slave hunting license by providing that any

enemy Indians they caught were to be their slaves for life;<sup>39</sup> and the first assembly after the rebellion specifically ordered that soldiers who had captured Indians should "reteyne and keepe all such Indian slaves or other Indian goods as they either have taken *or hereafter shall take*." The order was reenacted in April, 1679.<sup>40</sup> If it requires a greater degree of hatred or contempt to enslave a man rather than simply to keep him a slave, the Virginians clearly had it by 1676. They had made a deliberate public decision to enslave Indians.

Only six years earlier they had made a deliberate public decision not to enslave Indians. In 1670 the question had been raised whether Indians sold in Virginia by other Indians (who had captured them in tribal wars) should be slaves for life or for a term of years. At that time it was decided that servants who were not Christians and who were brought into the colony by land (Indians from other regions) should serve for twelve years or (if children) until thirty years of age. The same act stated that non-Christian servants brought "by shipping" (Negroes) were to be slaves for life.<sup>41</sup> Thus Africans purchased from traders were assumed to be slaves but Indians were not. In 1682 the assembly eliminated the difference, making slaves of all imported non-Christian servants.<sup>42</sup> Since only Indians and Africans fitted this description and since the assembly had already decided in 1667<sup>43</sup> that conversion to Christianity after arrival did not alter the status of a slave, the act of 1682 set the further development of slavery on a squarely racial foundation. Indians and Negroes were henceforth lumped together in Virginia legislation, and white Virginians treated black, red, and intermediate shades of brown as interchangeable. Even the offspring of a mixed Indian and white couple were defined as mulattoes.<sup>44</sup> It had been the original intention of the founders to exploit native labor. And as Virginians began to expand their slave holdings, they seem to have had Indians as much in view as Africans. If the natives of Virginia were insufficient in number, substitute natives from other regions could be brought in, whether from other parts of America or from Africa. They were both, after all, basically uncivil, unchristian, and, above all, unwhite.

<sup>39</sup> Henning, II, 346.

<sup>40</sup> *Ibid.*, 404, 440. Emphasis added. Cf. *ibid.*, IV, 10.

<sup>41</sup> *Ibid.*, II, 283.

<sup>42</sup> *Ibid.*, 490-92.

<sup>43</sup> *Ibid.*, 260.

<sup>44</sup> *Ibid.*, III, 252. But Indian blood was evidently considered less potent than that of blacks, since not only a black parent but even a black grandparent or great grandparent was enough to make a person qualify as mulatto.

Indians, whether captured within the colony or brought from without, never became available in sufficient numbers to form a significant part of Virginia's labor force. But the act of 1682 did result in the importation of many more Indian slaves than has usually been recognized. A law passed two years earlier had made slaves tithable at the age of twelve and required the owner of slave children to bring them to the county court to have their ages judged (within three months of passage of the act or three months after their arrival).<sup>45</sup> In Henrico County, as a result, in the year from April, 1683, to April, 1684, thirty-three Indian children, ranging in age from four to eighteen, were registered. In the same period no Negro children were registered. Henrico, located at the head of navigation on the James River, seems to have had more access to Indian slaves than most other counties. In Northumberland County in the two years after passage of the act, the court judged the ages of two Indians and three Negro children. In York County the figures were four Indian and twelve Negro; in Accomack four Indian and nine Negro.<sup>46</sup>

It seems clear that at the time when Virginians were beginning to buy Negro slaves in large numbers, they were also buying Indians. Indians were thus seen within the settlements more commonly than they ever had been before, and they were seen as slaves. Under these circumstances it was easy for Virginians to extend to blacks some of the bad feelings they harbored toward Indians. The new blacks were also at a disadvantage in coming for the most part directly from Africa and being therefore unable to communicate readily with English servants. The Indians too were outlanders, probably mostly from Carolina. Both were slaves and only they were slaves. It would have been natural not only for their owners but also for their fellow servants to lump them together in a lowest common denominator of racist hatred and contempt.

Obviously it was to the advantage of the men who ran Virginia to encourage such contempt in the colony's white servants and poor freemen. How clearly the advantage was perceived is impossible to say; but if Negro slavery came to Virginia without anyone having to decide upon it as a matter of public policy, the same is not true

<sup>45</sup> *Ibid.*, II, 479.

<sup>46</sup> Figures drawn from Henrico II, Northumberland III, York VI, Accomack IX. In the next century Virginians employed the friendly Tuscarora to capture slaves from enemy tribes, offering "the usual price of slaves for every woman and child delivered as captives." Oct. 24, 1711. *Executive Journals*, III, 287, 295.

of racism. By a series of acts, the assembly deliberately did what it could to foster the contempt of whites for blacks and Indians. In 1670 it forbade free Negroes and Indians, "though baptised," to own Christian servants.<sup>47</sup> In 1680 it prescribed thirty lashes on the bare back "if any negroe or other slave shall presume to lift up his hand in opposition against *any* christian."<sup>48</sup> This was a particularly effective provision in that it allowed servants to bully slaves without fear of retaliation, thus placing them psychologically on a par with masters. And in 1705, when the assembly ordered the dismemberment of unruly slaves, it specifically forbade masters to "whip a christian white servant naked, without an order from a justice of the peace."<sup>49</sup> Nakedness, after all, was appropriate only to a brutish sort of people, who had not achieved civility or Christianity.

But the term "Christian white servant" points to one of the complications Virginians had to overcome in emphasizing racial differences. There had always been in Virginia a rough congruity of Christianity, whiteness, and freedom and of heathenism, non-whiteness, and slavery. The early acts defining the servitude of Negroes and Indians had assumed that they would both normally be non-Christian. Yet neither Indians nor Negroes were immune to Christianity, and one ostensible aim of the founders of Virginia had been to convert the Indians. Although there had been little effort to carry out the aim, missionary zeal might someday effect it. And Africans, uprooted from their own environment, could be highly susceptible to the religion of their masters. By becoming Christian would they not become free?

Before the 1660s it seems to have been assumed that Christianity and slavery were incompatible. Negroes and Indians held in slavery who could prove that they had been baptized sometimes sued for their freedom and won it. Negroes who can be identified in the records as free generally had both a forename and a surname, implying baptism, instead of being designated simply as Mingo, Frank, Jack, and so on. The assembly in 1662 ordered the release of a Powhatan Indian who had been wrongly sold into servitude for life, "he speaking perfectly the English tongue and desiring baptism."<sup>50</sup>

As slavery became more profitable, the assembly moved to protect masters by building a wall between conversion and emancipation. As we have seen, it specifically provided that baptism should

<sup>47</sup> Henning, II, 280.

<sup>48</sup> *Ibid.*, 481, emphasis added.

<sup>49</sup> *Ibid.*, III, 448.

<sup>50</sup> *Ibid.*, II, 155.

not affect the bondage of either Negroes or Indians.<sup>51</sup> The avowed object was to encourage masters in Christianizing their slaves by eliminating the danger of losing a slave through his conversion. But the effect, whether intended or not, was to remove the most powerful motive for a slave to wish for baptism. And masters, perhaps from a lingering uneasiness about holding Christians in slavery, were content to be served by pagans. When the act was passed in 1667, slaves were probably still expected to attend church like everyone else, and the expectation may have continued for some years longer. But after slaves began to arrive in large numbers, it seems to have been abandoned.<sup>52</sup> Masters were reluctant to have their slaves become Christians, one minister noted, "because they say it often makes them proud, and not so good servants." Virginia slaves for the most part went unbaptized, despite hints from the mother country that they should be.<sup>53</sup> The prestige that went with being Christian instead of heathen could thus be reserved normally for the free and the white. But since the congruity could never be perfect, slaves were contrasted in the enactments not simply with Christian servants but with "Christian white servants."

The assembly's efforts to distinguish such servants from slaves went well beyond exempting them from being whipped naked. In an act that created perhaps the most invidious distinction between them, the assembly specifically protected the property of servants while confiscating what belonged to slaves. During the seventeenth century it had been common for masters to give a cow or a pig to a favored slave or to allow slaves to acquire such property by extra efforts of their own. But in 1705, in the same act that authorized the

<sup>51</sup> *Ibid.*, 260.

<sup>52</sup> The change may be reflected in the different steps taken by the assembly to make its acts about slaves known. In 1682 it provided for a twice yearly reading of the acts in church in the midst of services (after the second lesson). But in 1705 the acts were to be read after the service, at the door of the church. The change may imply that slaves were no longer allowed inside the church but might gather outside, or it may mean that masters tended to spend more time in the churchyard than in church, or it may mean that Commissary James Blair had objected to the interruption of divine service.

<sup>53</sup> *Journals of the House of Burgesses, 1695-1702*, 174; *Journal of Francis Louis Michel (1702)*, *VMHB*, XXIV (1916), 116; Jones, *Present State of Virginia*, 70; Pargellis, "Account of the Indians in Virginia," 242; M. W. Jernegan, *Laboring and Dependent Classes in Colonial America, 1607-1783* (Chicago, 1931), 24-44.

dismemberment of unruly slaves, the assembly provided that servants were to have the sole use, benefit, and propriety of any property they owned or that came into their possession by gift or any other lawful means, but that "all horses, cattle, and hogs, now belonging, or that hereafter shall belong to any slave, or of any slaves mark . . . shall be seised and sold by the church-wardens of the parish, wherein such horses, cattle, or hogs shall be, and the profit thereof applied to the use of the poor of the said parish."<sup>54</sup> Thus even the small property previously allowed to slaves who had the excess energy and industry to work for it was to be handed over to poor whites—a highly effective device for dissociating the two.

It was in the area of sexual relations that the authorities were most assiduous to separate the races. Up to and perhaps through the 1660s it is difficult to document any indisputably racist feeling about miscegenation. A famous instance, often cited, is the case of Hugh Davis in 1630, ordered to be whipped "before an assembly of Negroes and others for abusing himself to the dishonor of God and shame of Christians, by defiling his body in lying with a negro."<sup>55</sup> But this could reflect religious rather than racial feeling: that a Christian should not lie with a heathen. Or it could be a case of sodomy rather than fornication. The specific order for "an assembly of Negroes" may signify only the court's intention to impress the mores of a Christian community upon the heathen in its midst. We have seen that in 1649 a pair of interracial fornicators were required to do penance like any other couple. And court records show the usual fines or whipping for fornication, regardless of the sinners' color, up to 1662.<sup>56</sup> In that year an act to determine the status of the children of a Negro woman by an English father declared that children should be slave or free according to the condition of the mother.<sup>57</sup> Even this cannot be seen unequivocally as dictated by racism. English ideas of property rights and the prudential consideration of keeping a child with its mother and reimbursing the mother's master for its support could have been involved. The act could even have offered an incentive to miscegenation by relieving the English father of a mulatto bastard from paying for its support as he would have to do in the case of a child borne by an English woman. Probably in order to deter men from seizing this open invitation to inexpensive sin, the act included a clause imposing double penalties on

<sup>54</sup> Henning, III, 459-60.

<sup>55</sup> *Ibid.*, I, 136.

<sup>56</sup> See chap. 7, note 77.

<sup>57</sup> Henning, II, 170.

Christians for fornication with Negroes. This again could be seen as prompted by moral concern and perhaps also by religious scruples about copulation between Christian and heathen. In any case, the act said nothing about interracial marriages.

Such marriages were by no means unknown in Virginia. In Northumberland County in 1656 Elizabeth Kay, a mulatto woman whose father had been free, sued for her freedom through an attorney, William Greensted, who was apparently white. After the suit succeeded, Greensted married her.<sup>58</sup> In Northampton County Francis Payne, a free Negro, was married to a white woman named Aymey, who remarried with a white man, William Gray, after Payne's death. Aymey's second marriage was evidently less successful than the first, for she was soon complaining to the court that her new husband was beating her and wasting the estate she brought him.<sup>59</sup>

Another case of mixed marriage appears in the Norfolk County records, where a question was raised in 1671 as to whether Francis Skipper's wife was tithable. The court decided that since she was a Negro she was indeed tithable. Skipper, who appears in the records at various times, was never identified as a Negro and was almost certainly white. He was executed for murder in 1679, but Ann was still living as a widow in Norfolk in 1691.<sup>60</sup> A more remarkable case was that of Hester Tate, an English servant of James Westcomb in Westmoreland County, who was legitimately married to James Tate, a slave of Patrick Spence. In 1691 the couple had four mulatto children, three of whom were in that year apprenticed to Spence and the other to Westcomb.<sup>61</sup> In that same year the assembly took action

<sup>58</sup> Warren M. Billings, "The Cases of Fernando and Elizabeth Key: A Note on the Status of Blacks in Seventeenth-Century Virginia," *WMQ*, 3rd ser., XXX (1973), 467-74.

<sup>59</sup> Northampton X, 220-21; XII, 59, 69. Francis Payne is identified as Negro in the records. That Aymey was white is evident from the fact that she was never included in the tithe lists. That William Gray was white is evident from the fact that in 1666, when he was a servant to John Michaels, he was listed with Michaels' other white servants, Michaels' Negroes being listed separately.

<sup>60</sup> The pair were married at least as early as February 2, 1667-8, when they sold 100 acres of land. Norfolk V, 28. The court's ruling that she was tithable is in Norfolk VI, 73, other references *ibid.*, 73a, 84a, 89, 92, 112a, 115a, 122a; Norfolk IX, 231; VII, 67, 74. Evidence of Skipper's execution in 1679 is in Norfolk VII, 95, and IX, 130.

<sup>61</sup> Westmoreland VI, 40, 41.

"for prevention of that abominable mixture and spurious issue which hereafter may encrease in this dominion, as well by negroes, mulattoes, and Indians intermarrying with English, or other white women, as by their unlawfull accompanying with one another."<sup>62</sup>

The act provided extensive punishments for miscegenation in or out of wedlock. A white man or woman who married a Negro, mulatto, or Indian was to be banished from the colony. That the act ran counter to the wishes of some inhabitants is suggested by a petition to the council in 1699, by "George Ivie and others, for the Re-peale of the Act of Assembly, Against English people's Marrying with Negroes Indians or Mulattoes."<sup>63</sup> George Ivy was a resident of Norfolk, the son of a planter of the same name, from whom he had inherited a hundred acres of land in 1689.<sup>64</sup> The council referred his petition to the House of Burgesses, which ignored it. In the same session the burgesses also rejected a proposal from the justices of Surry County asking that the law in question be strengthened.<sup>65</sup> That the justices should have made the proposal argues that they thought mixed marriages were too common in Surry, which like Norfolk was a poor man's county. Though the assembly rejected the proposal, six years later it did alter the law, to provide a less drastic but more effective deterrent to racial intermarriage among ordinary people. Instead of banishment, which would deprive the colony of a potential laborer (or two), the assembly imposed six months' imprisonment and a fine of £10. At the same time it levied a fine of 10,000 pounds of tobacco on the minister who presided at the marriage.<sup>66</sup>

Both the original act of 1691 and the 1705 revision gave less attention to intermarriage than to the illicit relations of white women with black or mulatto men. A free white woman who had an illegitimate child by a black or mulatto father was to be fined £15. If she could not pay, she was to be sold for a five-year term. The child, though free because its mother was free, was to spend the first thirty years of its life in servitude for the benefit of the parish (again the white poor would profit). If the woman was a servant, she was to serve her master an extra two years, as the law provided for servants

<sup>62</sup> Hening, III, 86-87.

<sup>63</sup> H. R. Mellwaine, ed., *Legislative Journals of the Council of Colonial Virginia* (Richmond, 1918), I, 262.

<sup>64</sup> Norfolk IX, 86a; X, 94, 105, 181, 188.

<sup>65</sup> *Journals of the House of Burgesses, 1695-1702*, 148.

<sup>66</sup> Hening, III, 453-54.



having bastards, and then she was to be sold for another five years. The proceeds of this sale would be divided equally among the king, the parish, and the informer. All these provisions were repeated in the revision of 1705.

Women were still scarce in Virginia in 1691 and doubtless continued to be for another twenty or thirty years. At the turn of the century there were probably about three men for every two women.<sup>67</sup> The laws against miscegenation were aimed at confining the affections of these rare white women to white men. And there seems to have been good reason for concern. In Westmoreland from 1690 to 1698 fourteen white women were punished for having a total of nineteen illegitimate children, of which at least four were mulatto. In Norfolk in the same period thirteen women were punished for the same number of children, of whom at least three were mulatto. In Lancaster County from 1702 to 1712 twenty-six white women were punished for a total of thirty-two illegitimate children, of which nine were mulatto. It would appear that black men were competing all too successfully for white women, even in the face of the severe penalties.<sup>68</sup>

The result of such unions could be a blurring of the distinction between slave and free, black and white. The children would ultimately become free and might constitute an intermediate class, neither black nor white. By providing severe punishments for white women who gave themselves to blacks, the authorities not only discouraged the fraternization of slaves and poor whites but also assisted white freemen to find wives.

The laws said nothing about black women who had illegitimate children by white fathers, perhaps because few black women were free and the children of slave women were neither legitimate nor illegitimate, no matter who the father was. Given the power of white masters over women slaves, it is altogether likely that many black women bore mulatto children. But since the mother was a slave, the child, in spite of his intermediate color, would be a slave. Such mulattoes would therefore not constitute an intermediate class. They must be seen as black. And the assembly took pains in all its laws to identify them with blacks and to deny them any benefit from a free paternity.

<sup>67</sup> This was the ratio in Maryland in 1704. *Archives of Maryland*, XXV, 256.

<sup>68</sup> Westmoreland VI, Norfolk IX and X, Lancaster VIII.

The class of free Negroes and mulattoes already in existence could not be eliminated without more draconian measures than the assembly was willing to undertake. But the class could be prevented, or at least hindered, from growing. In 1691 the assembly forbade masters to free slaves unless they paid for the transportation of them out of the colony.<sup>69</sup> Later the assembly flatly forbade emancipation except by approval of the governor and council for some signal public service (such as revealing a slave conspiracy) and authorized the seizure and sale as a slave again of any Negro, mulatto, or Indian whose owner attempted to free him.<sup>70</sup>

Negroes, mulattoes, and Indians already free did manage to stay in the colony and to cling to their freedom. But it was made plain to them and to the white population that their color rendered freedom inappropriate for them. In spite of being free, they were denied the right to vote or hold office or to testify in court proceedings.<sup>71</sup> And their women, unlike white women, were subject to taxation, whether they worked in the fields or not. These handicaps, together with the penalties for miscegenation, successfully dissociated them from whites, however poor. Consolidated in a single pariah group, regardless of ancestry, language, religion, or native genius, they remained a small factor in Virginia's free society.

<sup>69</sup> Henning, III, 87. This provision originated in the council. *Legislative Journals of Council*, I, 149-51.

<sup>70</sup> Henning, IV, 132 (1723). The act requiring transportation of manumitted slaves was omitted from the comprehensive revision of laws in 1705. In 1713 the council, prompted by the manumission of sixteen slaves in the will of John Fulcher of Norfolk County, proposed that the assembly "provide by a law against such manumission of slaves, which may in time by their increase and correspondence with other slaves may [sic] endanger the peace of this Colony." *Executive Journals*, III, 332. But the assembly apparently did not enact the provision until 1723.

<sup>71</sup> Henning, III, 250-51, 298. Cf. Emory G. Evans, ed., "A Question of Complexion: Documents concerning the Franchise in Eighteenth-Century Virginia," *VMHB*, LXXI (1963), 411-15. John H. Russell, *The Free Negro in Virginia, 1619-1865* (Baltimore, 1913), is based on original sources and remains an excellent treatment of the subject.